



CONCERNS REGARDING VETERINARY ADVICE TO CERTIFY LIVESTOCK AS BEING FIT TO TRANSPORT

The Livestock Compliance Unit (LCU) of the Department of Agriculture and Food WA monitors compliance with the Animal Welfare Act 2002 (the Act) within the livestock industry.

Staff of the LCU attend intensive livestock establishments, points of aggregation and investigate alleged breaches of the Act to ensure that appropriate animal welfare outcomes are achieved. Examples of alleged breaches of the Act include animals that are suffering from conditions which would cause them, or are likely to cause them unnecessary harm, if they were transported. Harm is defined in the Act as including an "injury, pain and distress evidenced by severe, abnormal physiological or behavioural reactions".

The LCU has worked hard over the past several years to educate saleyard, abattoir and knackery staff about their obligations under the Act in identifying and dealing with compromised animals. Positive improvements have been effected at most facilities, evidenced by the facilities' prompt response in dealing with animal welfare issues and making timely reports to the LCU when breaches of the Act are suspected. The LCU has prosecuted cases where animals suffered or were likely to suffer unnecessary harm during transport.

Consequently, livestock owners are increasingly seeking veterinary advice prior to transporting their livestock to these facilities if they are unsure if an animal is fit to be transported. It has been noted by the LCU that some veterinarians advise clients that animals can be transported when it is clear to the inspector that the animals are suffering harm. This is particularly problematic where legal action may result against the person

that transported the animal and further, contradictory veterinary advice is obtained.

Of course there are circumstances where it is appropriate for a veterinarian to certify a compromised animal as fit for transport, where it is in the best interest of the welfare of the animal. However, this requires careful consideration with the animal's welfare paramount and the conditions of transport clearly specified. The Act makes no exemption for transporting compromised animals for convenience or commercial reasons. The fact that an animal is being transported directly for slaughter does not, in itself, justify the transport if a reasonable and more humane alternative is available. An animal sent for slaughter to a knackery is subject to the same welfare standards as animals destined for slaughter for human consumption.

While the LCU encourages livestock owners to seek veterinary advice in relation to animal welfare matters, including transport, it has come to the LCU's attention that there can be problems with the veterinary advice that is being given such that animal welfare is not being adequately protected. In some cases the advice given is contrary to accepted standards.

Veterinarians who provide advice to livestock owners should be familiar with and adhere to animal welfare legislation, welfare guidelines and industry standards, such as relevant Codes of Practice, Australian Animal Welfare Standards and Guidelines – Land Transport of Livestock (soon to be implemented in WA) and other industry guides such as the "Is It Fit to Load" guide. These documents set the minimum benchmark for animal welfare and are available on the Department's website at:

www.agric.wa.gov.au/animal-welfare

It is advisable for veterinarians to keep comprehensive clinical notes and evidence of examinations and advice provided to clients if asked to advise on whether an animal is fit to transport. The veterinarian may be called as a witness in court should a matter be prosecuted.

Without a carefully considered approach to this issue, there is a high risk of tensions developing within the livestock industry, poor animal welfare outcomes and a loss of public confidence in livestock industries and the veterinary profession.

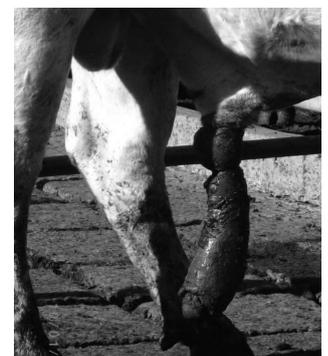
If veterinarians have any questions in relation to these matters they are encouraged to contact Dr Maike Turnbull (Veterinary Officer - Animal Welfare Regulation) 9363 4054, Mark Stuart (Senior Policy Officer) 9363 4051 or by email

animal.welfare@agric.wa.gov.au.

The below pictures show cases where two different WA veterinary surgeons signed certificates stating that the animal was fit to transport.



Bull with injured leg



Bull with penis injury



TIPS FOR VETERINARY SURGEONS RESPONDING TO A BOARD INVESTIGATION OF A COMPLAINT

Under the provisions of the Veterinary Surgeons Act 1960, the Board must investigate complaints received regarding the professional conduct of a person who is or was, at the time the conduct took place, a registered veterinary surgeon. It should be noted that an investigation of a complaint by the Board is in itself not an allegation of unprofessional conduct. However if the Board investigation receives sufficient evidence of unprofessional conduct by a veterinary surgeon, the Board is obliged to refer a complaint to the State Administrative Tribunal (SAT).

The Board receives between 30 and 40 formal written complaints against veterinary surgeons a year. In considering these complaints the Board has identified a number of areas where respondent veterinary surgeons may not always respond appropriately or adequately. This document provides some tips for veterinary surgeons to assist them in responding to an enquiry from the Board.

While it is understandable that veterinary surgeons are concerned and upset upon receipt of a complaint, the importance of a measured, professional, honest, and complete response cannot be emphasised enough. In particular:

- you are required to cooperate fully with any and all inquiries from the Board. Make sure you do so promptly, with respect, and in a professional manner;
- responses to complaints should be simple and be in direct response to the complaint. Unnecessary details should be avoided;
- responses should avoid speculation as to the motives of the complainant, accusations, and inflammatory remarks;
- the clinical records for the animal which is the subject of the complaint are always required in the response. Do NOT make any attempts to change, embellish or alter the clinical records;

- review all practice procedures and protocols on a regular basis, and particularly after you receive a complaint. Even if a complaint is dismissed, a review of practice protocols is recommended in order to identify how future complaints can be avoided; and
- your registration as a veterinary surgeon is a privilege – not a right.

Although it is not required, you may prefer to retain a legal advisor to assist you. It is important that before engaging anyone to assist you with legal advice, you check that they are registered with the Legal Practice Board of Western Australia (LPBWA) and have a current practising certificate. There is a searchable database of registered legal practitioners on the LPBWA website

<https://www.lpbwa.org.au/Home.aspx>

A legal practitioner can provide an unbiased opinion of a complaint. They may also assist you with correspondence to the Board, including providing a response to a complaint.

If the complaint is referred to the SAT you are strongly encouraged to have legal representation. In general, all matters referred to the SAT are referred to mediation or compulsory conferences and the Board always has legal representatives at these meetings.

Remember, registration as a veterinary surgeon is a precious commodity. It is your livelihood. Complaints submitted to the Board should be taken seriously and responded to promptly and respectfully.

FREQUENTLY ASKED QUESTIONS ABOUT WRITING PRESCRIPTIONS

The Board has received a number of queries about prescriptions from veterinary surgeons and the public. These are some of the most common questions and the answers to them:

How do I write a prescription for a client?

Regulation 37 (S4 drugs) and regulation 51 (S8 drugs) of the Poisons Regulations 1965 describe the requirements for writing prescriptions. In summary the following must be included in a prescription:

- the name and address of the prescribing veterinary surgeon;
 - the name and address of the person caring for the animal and the animal's name, if any;
 - the name and quantity of the substance;
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Q&A





- directions for use (if necessary);
- the date on which it is issued;
- the maximum number of times it may be repeated, if any, and (where applicable) the intervals at which it may be repeated; NOTE: veterinary surgeons are not permitted to specify repeats in prescriptions for S8 drugs;
- the words "For veterinary use only" or "For animal treatment only" must be included;
- if a prescription contains an unusual dose the prescriber shall indicate that such a dose is intended by underlining that part of the prescription and initialling the same in the margin; and
- the signature of the prescribing veterinary surgeon

If a client requests that I provide them with a prescription for a scheduled drug that I have prescribed for their animal must I provide one?

There is no requirement for a veterinary surgeon to provide a prescription to a client on request.

Can I charge for writing a prescription?

There is nothing to prevent a veterinary surgeon from charging a reasonable amount for writing a prescription.

Do I need a special prescription pad?

No. Veterinary surgeons are not issued with prescription pads. The prescription may be written on any suitable paper or letterhead.

Am I allowed to write a prescription for a client to fill with an online pharmacy?

When you write a prescription you are not able to specify where it should be filled. There is no issue with a client filling a prescription with an online Australian pharmacy. However, caution should be used when a client expresses an intention to use an overseas online pharmacy. All veterinary medicines used in Australia must be registered with the Australian Veterinary Pesticides and Medicines Authority and there are penalties for importing unregistered veterinary medicines. For further information see <http://apvma.gov.au/node/18511>.

Am I permitted to fill a prescription written by another veterinary surgeon without examining the animal?

No. In WA only a registered pharmacist can fill a prescription on behalf of a veterinary surgeon. If you provide scheduled drugs to an owner without examining the animal first you may be in breach of the Veterinary Surgeons Act 1960.

Congratulations!

SPECIALIST REGISTRATION

Congratulations to Dr Claire Sharp who has recently been granted specialist registration in Veterinary Emergency Medicine and Critical Care.



VETERINARY SURGEONS' BOARD OF WA

MEMBERS OF THE BOARD

- Chair: Dr Peter Punch – AVA nominee
- Dr Graham Harradine – Elected member
- Dr Michael Paton – Dept of Agriculture and Food nominee
- Ms Catherine Carroll – Ministerial appointee

HOW TO CONTACT US

- Registrar: Dr Sue Godkin
- Postal Address: PO Box 1721 Melville South WA 6156
- Office: Suite 1, First Floor, Melville Professional Centre, 275 Marmion Street, Melville WA 6156
- Telephone: (08) 9317 2353 Facsimile: (08) 9317 2363
- Email: admin@vsbwa.org.au Web: www.vsbwa.org.au