

LAY SPAYER

ACCREDITATION SCHEME RULES



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ACCREDITATION SCHEME GUIDE

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THE SCHEME RULES

1/ OBJECTS

To provide for the accreditation of non-veterinarians (lay spayers) who perform spaying of cattle using the Willis Dropped Ovary Technique or DOT method in Queensland, under an approved regulated procedures accreditation scheme as defined in the Act.

- 1) To provide for the accreditation of non-veterinarians (lay spayers) who perform spaying of cattle using the Willis Dropped Ovary Technique or DOT method. Under the Australian Animal Welfare Standards and Guidelines for Cattle, spaying is described by the following clause:
 - i. S6.7 A person spaying a cow must be a veterinarian or if permitted in the jurisdiction,
 - ii. be accredited or be under the direct supervision of a veterinarian or a person who is accredited.
 - iii. Where state or territory legislation permits accredited lay spayers, an accreditation scheme is necessary to give effect to the approval of lay spayers to operate.
- 2) To provide consistency in accreditation of lay spayers by establishing a scheme which ensures a required level of competency and ongoing standard of performance.
- 3) To contribute to the welfare of cattle spayed by ensuring that cattle spaying by non-veterinarians is performed by trained, assessed and accredited spayers
- 4) To provide lay spayers with a process for recognition and evidence that they have met a national standard for spaying operators and are accredited by the industry to conduct spaying of cattle.

5) **Management of the scheme:**

It is to be managed under the oversight of the Scheme Oversight Committee which will be chaired by the Scheme Owner. This Committee may use the administrative and corporate services of industry bodies to support the functioning of the scheme.

6) **Scheme ownership:**

- a) The scheme serves the cattle industry by providing the necessary elements for accreditation as required by various legislation or codes of practice. And can be adapted where possible to individual state requirements.
- b) The scheme aims to be self-funded and any surplus will remain within the scheme for assisting the scheme aims and purposes including as a sinking fund for future changes, upgrades and expansions.
- c) The scheme to be owned by AgForce Queensland Farmers Limited on behalf of the industry. AgForce will convene, chair and support an Oversight Committee drawn from stakeholders to include representatives of any state government authority who have agreed to use the scheme. AgForce may be reimbursed reasonable costs for this provided funds are available.
- d) The Oversight Committee will respond to complaints, appeals against scheme administration decisions, changes to these rules, changes to fees and monitor performance of the scheme generally. It may appoint a scheme Manager/s to coordinate all aspects of the scheme.

2/ PRESUMPTIONS OF INTERPRETATION

- 1) For the purpose of these Rules, all powers to be exercised by the Scheme Owner can be exercised by the Scheme Manager (or delegate) unless these Rules provide otherwise.
- 2) All discretions or decisions by the Scheme Manager must be exercised or made in good faith. A person alleging that the Scheme Manager has not acted in good faith bears the onus of proving that allegation.
- 3) A reference to a person includes the person's successors and permitted assigns. A reference to a person who holds an office includes (as the case requires) the person who holds:
 - i. that office from time to time;
 - i. a corresponding office in another jurisdiction; or
 - i. an office that replaces the nominated office from time to time.
- 4) A word which denotes: the singular denotes the plural and vice versa
- 5) Any gender denotes the other gender; and
- 6) A person includes an individual, a body corporate and a government.
- 7) A reference to a paragraph or annexure is a reference to a paragraph of, or annexure to these Rules.
- 8) A reference to any other agreement or instrument where amended or replaced means that agreement or instrument as amended or replaced.

3/ DEFINITIONS

Queensland Animal Care and Protection Amendment Bill 2022 definitions.

- **Approved regulated procedures accreditation scheme** means a regulated procedure accreditation scheme approved by the chief executive under division 2.
- **Owner**, of a regulated procedures accreditation scheme, means a person who has the right to manage and administer the scheme.
- **Regulated procedure** means a regulated procedure under chapter 3, part 4, divisions 1 or 2.

Accreditation – means accreditation or provisional accreditation under these rules and ongoing compliance with the requirements of these rules.

Accreditation – Provisional accreditation -the scheme manager may at its discretion and within these rules decide to issue an applicant with provisional accreditation:

- 1) as a first time applicant or
- 2) on the bases of spaying activity levels or
- 3) as a result of a complaint or performance issue
- 4) for the purposes of training and assessment
- 5) based on advice from the Scheme Owner

Accreditation Criteria- the criteria approved by the owner and applied to each application for initial and continuing accreditation as a spayer

Accreditation -Expired no spaying - a previously accredited spayer who does not renew accreditation before the expiry date will be ineligible to conduct spaying operations after the expiry date.

Accreditation- renewal - an accredited person may renew their accreditation by paying any renewal fee and submitting the renewal form at least 1 month prior to the expiration of the current accreditation. (see Accreditation period)

Accreditation- Renewal requirements- renewal application form and any reports of spaying activities required by the Scheme Manager are to be provided along with the renewal fee.

Accreditation period means the term of accreditation which is at least 12 months as determined by the Scheme Owner. Accreditation expires on the same date each year as advised by the scheme manager.

Accreditation renewal alert- spayers will be sent an alert by email 2 months prior to expiry.

Applications- for Renewal will not be accepted 3 months past the expiration date. A new application will be required. No time frames for processing of expired accreditation will be provided by these rules or the scheme manager. The scheme manager may decline to renew an expired accreditation.

Applicant- an individual who has applied for accreditation in accordance with these rules

Application- an application completed in accordance with the requirements of these rules which includes a fully completed, legible and intact scheme application form, accompanied by the required fee and all required evidence and documentation.

Application Fee – means the current fee payable by the applicant for accreditation or renewal of accreditation which is advised in the application documents and or on any website approved to provide scheme information. No application is processed until fees are received.

Application Form and Application Guide- the current Lay Spayer Accreditation Scheme application form and guide made available by the Scheme Owner, the Scheme Manager and others and which form part of these rules.

CCA- Cattle Council of Australia now known as Cattle Australia

Competency of a spayer – means the standards described in the unit: AHCLSK338 - Conduct dropped ovary technique procedures for spaying cattle (or its successor)

Complaints- The persons described by these rules as eligible complainants, may make a complaint about certain aspects of a spaying operation which must have occurred during the complaint period. Complaints are made to the Scheme Manager who will record the matter and advise the Scheme Owner.

Eligible complainant – a person who is eligible to make complaints about a spayer to the scheme manager under Rule 15.

Complaint period -Complaints under this scheme can be made about spaying and spaying related actions which occurred from the day of spaying to 15 days after spaying. Complaints about any matter which occurred outside this time frame do not have to be considered.

Expired operator – an operator who continues to conduct spaying with an expired accreditation may breach state regulations and these rules and may prevent that spayer from obtaining further accreditation.

Industry approved Registered Training Organisation (RTO)- An RTO which is currently registered by the Australian Skills Quality Authority and is either shown on a list of industry approved RTOs by the Scheme Owner or the Scheme Manager or has received such approval.

ISC – Integrity Systems Company. A wholly owned subsidiary of Meat & Livestock Australia (MLA), the Integrity Systems Company - formally NLIS Ltd - delivers the Livestock Production Assurance (LPA) program, National Vendor Declarations (NVDs) and the National Livestock Identification System (NLIS).

LPA- The Livestock Production Assurance (LPA) program is the Australian livestock industry's on-farm assurance program covering food safety, animal welfare and biosecurity. It provides evidence of livestock history and on-farm practices when transferring livestock through the value chain

MLA- Meat and Livestock Australia Limited

NLIS means the National Livestock Identification System for the identification and traceability of livestock managed by Integrity Systems Company

PIC means a property which has been allocated a unique Property Identification Code by the relevant authority.

RTO means **Registered Training Organisation**- currently registered by Australian Skills Quality Authority and having the unit **AHCLSK338 - Conduct dropped ovary technique procedures for spaying cattle** on its scope of registration.

RTO – Approved Means an RTO approved by the scheme owner to train and assess spayers for **AHCLSK338 or the current version of the unit**.

Records and reports- Spayers are required to lodge copies of records or summaries of spaying activity for ongoing compliance and for renewal of accreditation as advised by the Scheme Manager. This includes ensuring that any records to be completed by the cattle owner are collected and kept.

Renewal Fee means the fee paid to renew a continuing accreditation

Show Cause Notice means a notice issued in accordance with Rule 19

Statement of Attainment- is the Statement of Attainment issued by an Industry Approved Registered Training Organisation (RTO) for a unit or units of competence successfully completed by the person named on the statement.

Statement of provisional acceptance (by RTO) means a statement from an approved RTO that the applicant's application for Recognition of Prior Learning has been accepted as meeting initial benchmarks and an RPL or recognition process has commenced.

Initial benchmarks are:

Demonstrated industry experience in spaying cattle annually and for a period of at least 3 years evidenced by invoices or other documents stating dates, sites, cattle owners, and cattle numbers. The applicant has 6 months to conclude the processing by demonstrating spaying skills either face to face or using the RPL Video Evidence checklist.

Training and assessment- all applicants must submit a certified copy of a Statement of Attainment (SOA) for the unit: **AHCLSK338 - Conduct dropped ovary technique procedures for spaying cattle**. This SOA can only be obtained from an **industry approved** registered training organisation (RTO). These RTOs are listed on the AUS-MEAT / Lay spayer website. A certified copy of the SOA must be attached to the application. Experienced spayers are able to apply to the RTO for **recognition of prior learning** – a process which recognises current skills and experience. Initial applications may be offered Provisional Accreditation if sufficient evidence is available.

Training- Industry approved training organisations are required to use industry endorsed training and assessment materials and have ongoing endorsement from the Scheme Owner for its training and assessment practices.

Terms and conditions of accreditation- include all matters listed in these Rules and any matters specified in the scheme application form and reporting templates. By applying for accreditation an applicant agrees to the terms and conditions.

4/ AN APPLICATION FOR FULL ACCREDITATION MUST BE:

- 1) On the current accreditation scheme application form signed by the applicant and witnessed as specified
- 2) Fully completed including ABN, legible and intact
- 3) Accompanied by payment of all fees, specified documentation and evidence
- 4) Accompanied by
 - a) certified copy of a Statement of Attainment from an industry approved Registered Training Organisation for the unit AHCLSK338 - Conduct dropped ovary technique procedures for spaying cattle (or its successor)

Provisional accreditation will be issued as part of the initial recognition process to allow spayers to be accredited temporarily until the full accreditation process is completed.

- 5) Accompanied by proof of identity- a true copy of either a driver's license, passport or birth certificate/extract.
- 6) Requirements and Criteria for Provisional Accreditation will be as shown on the relevant form

5/ REGISTER OF ACCREDITED SPAYERS

The applicant agrees to have their details placed on a register of accredited spayers. The full details of the accredited spayer will be maintained in the database which may include spay data from reports and any spay history associated with the accredited spayer as part of the accreditation and monitoring system. Only limited information will be publicly available sufficient to identify the accredited spayer and allow the public to confirm current accreditation is held. Non-identifiable spay data may be used for research and analyses as approved by the Scheme Owner.

6/ CRITERIA FOR GRANTING ACCREDITATION

Accreditation may be granted if the applicant:

- 1) Meets the requirements listed in Rule 4
- 2) Meets any other criteria approved by the Scheme Owner from time to time and advised to applicants prior to application or detailed on the application form or guide to accreditation.

7/ GRANTING

- 1) It is the responsibility of the applicant to comply with the application requirements.
- 2) The Accreditation Scheme Manager may return an application that does not meet the requirements of Rule 4.
- 3) If the Scheme Manager concludes that the application meets all the requirements of these rules, the scheme manager may approve the application.
- 4) The Scheme Manager has absolute discretion to grant or refuse any application.
- 5) The Scheme Owner may direct the Scheme Manager to refuse an application.
- 6) The applicant's details will be placed on a register of accredited spayers
- 7) Evidence of accreditation by document or card will be sent to the successful applicant specifying the commencement and expiration of the accreditation.

8/ REFUSAL

- a) The Scheme Manager may conclude that the application should be refused on the grounds that it does not meet the requirements of the scheme rules. An application can either be remedied and re-submitted to the Scheme Manager or the decision by the Scheme Manager can be appealed to the scheme owner.

1. In refusing the application the Scheme Manager will:

- a) advise the applicant of the refusal decision in writing- the preferred method is email
- b) advise the reasons for refusal of the application under these rules
- c) advise the applicant that they may either remedy the application so that it meets the requirements or make an appeal to the scheme owner against the decision to refuse

9/ APPEALS

Appeals against refusal to issue accreditation or to renew accreditation.

An applicant may appeal a refusal to issue accreditation or renewal by

1. submitting a written appeal to the scheme manager clearly marked as "Appeal"
2. within 90 days of the date of refusal
3. addressing the grounds of refusal
4. providing any further information requested

The appeal process:

1. The appeal will be considered by the entity designated by the Scheme Owner
2. A decision should be made and notified within 60 days of receipt of the appeal including any relevant inquiries
3. Appellants must cooperate fully, or the appeal will be terminated.
4. The appeal result will be sent to the appellant directly.

10./ TERMS AND CONDITIONS

By applying for and obtaining accreditation as a lay spayer through this scheme, the accredited spayer agrees to the terms and conditions of the scheme to:

1. Comply with the scheme rules and requirements at all times
2. Comply with all obligations and requirements of legislation relating to animal welfare and cattle handling and husbandry
3. Supply and maintain a working email address
4. Keep and provide an accurate record of all spaying operations on the specified form and provide to the Scheme Manager on request or as part of annual reporting requirements.
5. Ensure that all spayed animals can be identified in future through suitable records such as NLIS, date, location, spayer, mob and similar.
6. Provide relevant post spaying details such as NLIS if collected, to the client by way of report or spreadsheet indicating which animals were spayed or not and any mortalities or issues on the day.
7. Obtain a post spaying report from each client within 4 weeks of spaying completion on the specified record. Advise clients of the scheme feedback phone number or other contact
8. Advise the scheme manager in writing if you as the accredited spayer can no longer comply with these rules
9. Respond to reasonable requests for information from Scheme Manager or Owner within 30 days
10. All timeframes for scheme owner decisions and notifications are recommendations
11. Any person accredited under these rules, indemnifies all parties to the development, operation and ownership of the scheme against all damages, losses, costs and expenses incurred by those parties including the SCHEME OWNER, CA, AUSMEAT, MLA and AgForce Qld Farmers arising out of:
 - a) any application for accreditation whether approved or refused
 - b) Any act or omission in the performance of spaying operations by an accredited spayer
 - c) any non-compliance by a person accredited under these Rules

11/ INSURANCE

It is the choice and responsibility of the accredited spayer to hold appropriate insurance coverage

12/ PRIVACY

The privacy policy of the scheme is the privacy policy of the Scheme Manager. For details of that privacy policy please refer to the spaying.com.au website.

13./ INDEMNITY

Any person accredited under these rules, indemnifies all parties to the development, operation and ownership of the scheme against all liabilities, damages, losses, costs and expenses incurred by the SCHEME OWNER, Cattle Australia, AUSMEAT, Meat and Livestock Australia and AgForce Qld Farmers arising out of:

1. any accreditation whether approved or refused
2. any act or omission in the performance of spaying operations by an accredited spayer
3. any non-compliance by a person accredited under these Rules

14/ AMENDMENT OF THESE RULES

These rules can be amended by the Scheme Owner or its delegate on advice from the Scheme Oversight Committee.

15/ COMPLAINTS ABOUT SPAYING OPERATION OR PERFORMANCE

1. A person described by these rules as an eligible complainant may make a complaint about certain aspects of a spaying operation, which must have occurred during the complaint period. Complaints are made to the Scheme Manager who will record the matter and advise the Scheme Owner.

An **eligible complainant** includes any of the following:

- a) the owner of the cattle in question
 - b) an authorised employee of the cattle owner who participated in the care of the cattle during the complaint period
 - c) any qualified veterinarian who was present at spaying or attended the cattle post spaying
 - d) a person who was present at the spaying operation at the relevant time and who has already sought a response from the cattle owner.
2. A complaint must be made in writing on the approved form to the Scheme Manager in the first instance. The complaint must:
 - a) include full name, address, phone and if possible, email details
 - b) be in relation to the spaying of the cattle and the pre and post condition of those cattle only. The timeframe applicable for these events shall be from the day of spaying to 15 days after spaying- see definitions except where related to issues of spayed cattle later found to be in calf.
 - c) contain evidence such as detailed descriptions and preferably photos of affected animals and NLIS device numbers.
 3. The complainant accepts that:
 - a) the Scheme Owner will deal with complaints within the jurisdiction of the scheme and will not be obliged to reveal its full findings on any matter
 - b) the Scheme Owner does not guarantee to answer or investigate any particular complaint
 - c) the complaint will be dealt with in a timely manner reflecting the location and availability of relevant persons.
 4. The complainant must be available for contact and provide any information requested.
 5. The complainant agrees that their details may be passed to the Department of Agriculture and Fisheries in confidence for the purpose of monitoring the scheme.
 6. Grounds for complaint

It is the responsibility of the cattle manager to manage the cattle through the spaying process.

Complaints must relate to:

- a) the actual performance of the spayer in spaying cattle and the conduct of the spaying operation itself including: spaying actions, meeting animal welfare standards, low stress handling, safe systems of work, hygiene systems, record keeping.
- b) spaying outcomes for cattle within 15 days of spaying where post spaying care by cattle manager has met industry welfare standards and scheme requirements and there has been a concerning level of mortality or apparent adverse outcomes.
- c) previously spayed cattle who are later found to be pregnant provided that this occurrence is not insignificant or rare and is above industry acceptable levels such that it indicates a possible failure of spaying technique and skill. The 15 day post spaying limit does not apply to this issue.

16/ COMPLAINTS PROCESS

Complaints will be dealt with using the general process below:

1. Receipt, acknowledgment and logging of complaint by Scheme Manager/Owner within 30 days if possible and in a maximum of 60 days
2. Complaint is accepted as within the parameters described in these Scheme Rules. Otherwise, complainant advised of decision not to investigate.
3. Requests for information and clarification sent to complainant and respondent if required
4. Responses considered, and further action decided within 60 days
5. Oversight Committee consideration of response/decision
6. Final response to complaint decided and communicated including reasons
7. Complainant advised of option to contact the Department if not satisfied with outcome.

17/ NOTIFICATION

Notifications to the accredited spayer will be conducted using the supplied email address.

18/ SHOW CAUSE

A Show Cause process may be commenced when the Scheme Owner or its delegate forms a belief that there is reason to question the performance of the spayer. The Scheme Owner may obtain information from any source including the scheme manager, clients such as cattle owners and managers with knowledge of the Spayer's performance or other sources. Criteria for issuing a show cause notice include:

1. Failure to comply with requirements of this scheme including record keeping
2. Animal welfare issues
3. Concerns about the competency of the spayer to perform the role of a spay operator under this scheme
4. As the outcome of a complaint process
5. Breaches of Commonwealth and State regulations and national codes

19/ SHOW CAUSE PROCESS

On receipt of information including by way of complaint that could reasonably raise doubts as to the performance or behaviour of the accredited spayer in delivering spaying services, a show cause notice can be issued by the Scheme Owner or its delegate. The notice should provide for the following:

- a. details of the accredited spayer
- b. description of the matters being raised
- c. request for information, explanation or clarification about the matter
- d. timeframes for reply of 20 days

statement of possible consequences as follows:

- I. suspension until matters are resolved
- II. cancellation of accreditation
- III. ban on re-accreditation – permanent or for a fixed period
- IV. Warning or improvement notice
- V. No further action

On consideration of the response to the show cause notice and at conclusion of any further information gathering, the Scheme Owner or its delegate will:

- 1) Advise the outcome including any options above at I - V
- 2) Provide a reason for the decision
- 3) Explain how the respondent was provided with procedural fairness
- 4) Provide for a final appeal from the spayer within 20 days

