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Submission to the review of the Veterinary Surgeons Act 1936

About Vegan Australia

Vegan Australia is a national organisation that advocates for the rights of our fellow animals and for veganism. We envision a world in which all animals live free from human use and ownership.

We welcome the opportunity to comment on the review of Queensland's *Veterinary Surgeons Act 1936*. We are particularly concerned with the treatment of acts currently excluded from the definition of veterinary science when they are undertaken for what the legislation describes as "animal husbandry" purposes.

Summary

The *Veterinary Surgeons Regulation 2016* provides that a number of invasive procedures carried out for what it describes as "animal husbandry" are excluded from the legal definition of veterinary science. These include, subject to specified age limits, castration, dehorning, tailing, mulesing and spaying cows using the Willis dropped-ovary technique. These procedures are described below. Other exclusions include artificial insemination of several species, filing or rasping horses' teeth and certain forms of pregnancy testing.

The practical effect of these exclusions is that these procedures, which would otherwise fall within veterinary practice, may be carried out by people who are not veterinary surgeons and do not have veterinary qualifications, registration or professional accountability.

Vegan Australia submits that the review should not respond to this situation simply by requiring these procedures to be performed by veterinarians. That would leave the more fundamental issue untouched: whether invasive procedures performed to facilitate the use of animals in agriculture should be permitted in the first place.

Our concern is therefore not that these procedures are being performed by the wrong people. It is that animals are subjected to procedures involving the cutting, removal or alteration of parts of their bodies because those bodies are being managed for human purposes.

Animals have an interest in maintaining their bodily integrity and a right to their own bodies. We recommend that the Queensland Government move towards prohibiting such

procedures where they are carried out to facilitate animal production rather than in the medical interests of the individual animal.

What these procedures involve

The terminology used in legislation and animal agriculture can make invasive procedures sound routine or clinical. In practical terms, the procedures currently excluded from veterinary science include:

- castration: removing or disabling a male animal's testicles
- dehorning: removing horns, or preventing their development by destroying horn-producing tissue
- tailing: cutting off part of a sheep's tail
- mulesing: cutting and removing skin from around a sheep's buttocks and tail area
- spaying using the Willis dropped-ovary technique: piercing the vaginal wall, entering the abdominal cavity and severing the ovaries.

These are substantial interventions in animals' bodies. Describing them as routine practices of animal agriculture should not obscure what is actually being done to individual animals, or the fact that each animal has an interest in bodily integrity and a right not to have their body altered simply to facilitate their use by humans.

Agricultural use should not determine how an invasive procedure is regarded

The current Regulation draws an important distinction based not simply on what is physically done to an animal, but on the context in which it is done.

Section 3 provides that specified acts "done for animal husbandry or animal dentistry" are excluded from the legal definition of veterinary science.

This approach reflects a broader problem in the way animals used in agriculture are treated. Procedures that involve cutting, removing or permanently altering parts of an animal's body become normalised when they are treated as routine practices of animal agriculture.

The nature of the intervention, however, does not change because the animal is being used commercially. Nor does agricultural use diminish the animal's interest in bodily integrity or their right to their own body.

The review provides an opportunity to reconsider the assumption that animals' bodies may be routinely altered to facilitate their use in agriculture. Veterinary and animal protection law should begin with recognition that animals are individuals with rights and interests of their own, rather than with the purposes for which humans breed, keep and use them.

The Willis dropped-ovary technique illustrates the problem particularly clearly

The Regulation defines the Willis dropped-ovary technique as involving inserting an instrument into a cow's vagina, using it to pierce the vaginal wall and enter the abdomen, manipulating each ovary into an opening in the instrument and severing the ovaries.

Yet when this is done as part of animal production, the Regulation excludes it from the legal definition of veterinary science, allowing it to be performed by people without veterinary qualifications.

The striking issue here is not simply whether a veterinarian would perform the procedure more competently. The more important question is why such an invasive procedure should be imposed on an animal for the purposes of managing her as an agricultural resource. Her body is her own, and her interest in bodily integrity does not disappear because humans have assigned her a commercial function.

Requiring a veterinarian to perform the procedure may reduce some risks associated with its performance, but it does not address that underlying rights violation.

The distinction between treatment and production should be recognised

There is an important ethical distinction between a veterinary procedure undertaken in the medical interests of an individual animal and an invasive procedure undertaken because altering the animal's body makes their commercial use easier or more profitable.

A veterinarian treating an injury, illness or other medical condition is intervening in the animal's body for that individual's benefit. By contrast, practices such as routine castration, horn removal, tail removal, mulesing and production-related sterilisation alter an animal's body to accommodate a system of human use.

Respect for an animal's right to bodily integrity means that their body should not be cut, modified or have parts removed simply because doing so serves human production objectives.

The appropriate response should therefore not automatically be to make these activities "veterinary procedures". Doing so risks professionalising practices whose underlying justification should instead be rejected.

A rights-based approach

Animals are sentient individuals with rights and interests of their own. Among these are an interest in bodily integrity and a right to their own bodies: their bodies matter to them and should not be treated as resources that humans are entitled to modify for our purposes.

A right to one's own body is fundamental to any meaningful recognition of an individual as more than a resource. Yet many of the practices covered by these exemptions involve precisely the opposite assumption. Parts of animals' bodies may be cut off, destroyed or surgically altered because doing so facilitates their breeding, management or commercial use.

The present exclusions are examples of a wider legal and cultural tendency to treat acts differently when they are performed on animals designated for agricultural use. Language such as "animal husbandry" can make invasive interventions appear routine and unremarkable even where they substantially interfere with an individual's body.

Vegan Australia submits that the law should instead recognise animals as individuals whose bodies are their own, rather than as agricultural resources whose bodies may be routinely modified to suit systems of human use.

Recommendations

Vegan Australia recommends that the Queensland Government:

1. Recognise the bodily integrity of animals, and their right to their own bodies, as a relevant principle when reviewing the regulation of invasive procedures.
2. Review the current exemptions from veterinary science from the perspective of the individual animals subjected to the procedures, rather than primarily from the perspective of agricultural practice or workforce requirements.
3. Reject the assumption that animals' bodies may routinely be cut, altered or have parts removed simply because doing so facilitates their use in animal agriculture.
4. Move towards prohibiting routine invasive procedures carried out to facilitate animal production, including mulesing, routine tail removal, horn removal and castration, rather than merely determining whether they should be carried out by veterinarians or non-veterinarians.
5. Prohibit the Willis dropped-ovary technique for production purposes, recognising that the cow subjected to the procedure has a right to bodily integrity and that her body should not be surgically altered to serve agricultural purposes.
6. Ensure that any new risk-based framework distinguishes between treatment undertaken in the medical interests of an individual animal and procedures imposed on animals to facilitate their breeding, management or commercial exploitation.
7. Avoid treating veterinary supervision, professional accreditation, training or pain relief as sufficient answers to practices that violate animals' bodily integrity for human purposes.

Conclusion

The Department states that the review is intended to modernise Queensland's veterinary regulatory framework and contribute to better outcomes for animals and the community.

Modernisation should involve more than deciding which professions are authorised to perform particular procedures.

The more fundamental question is whether sentient animals should continue to be subjected to invasive procedures because doing so facilitates their use in agriculture.

Animals have rights and interests of their own, including an interest in bodily integrity and a right to their own bodies. Those rights should not disappear when an animal is designated for agricultural use.

Where an invasive procedure is not undertaken in the medical interests of the individual animal but to make their exploitation more practicable, the direction of public policy should be to end the practice rather than regulate who may perform it. Vegan Australia submits that the law should move away from treating animals as resources whose bodies may routinely be cut, altered or have parts removed for production purposes, and instead recognise them as individuals with rights to their own bodies.

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