



Queensland

# Veterinary Surgeons Amendment Regulation 2023

## Subordinate Legislation 2023 No. 167

made under the

*Veterinary Surgeons Act 1936*

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**1 Short title**

This regulation may be cited as the *Veterinary Surgeons Amendment Regulation 2023*.

**2 Regulation amended**

This regulation amends the *Veterinary Surgeons Regulation 2016*.

**3 Amendment of s 3 (Particular acts are not veterinary science—Act, s 2A)**

(1) Section 3(1), ‘section 2A(3)’—

*omit, insert—*

section 2A(3)(a)

(2) Section 3(1)—

*insert—*

(j) injecting an animal with lidocaine, if—

(i) the lidocaine comprises not more than 2% of an injectable preparation that—

(A) is packaged in a container designed to be resistant to being opened; and

(B) can only be administered through a rubber ring applicator that includes an injector; and

(ii) the injection is given in conjunction with an act mentioned in paragraph (a)(i) or (d);

(k) spraying an animal wound with lidocaine, if—

(i) the lidocaine comprises not more than 4.5% of an aqueous gel preparation designed to be sprayed on animal wounds; and

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- (ii) the wound is caused by an act mentioned in paragraph (a)(i), (b)(i) or (d).

#### 4 Replacement of pt 3 (Procedures for elections of board members)

Part 3—

*omit, insert—*

### **Part 3                      Procedures for the election of board members**

#### **Division 1              Preliminary**

#### **4 Definitions for part**

In this part—

***appointed day***, for an election, means the day appointed by the board for the election under section 8(2) of the Act.

***ballot envelope***, for a ballot for an election, means an envelope given to an eligible veterinary surgeon for the ballot under section 14(2)(c).

***closing time***, for a ballot for an election, see section 10(3).

***election*** means an election of the elected members under section 8 of the Act.

***electronic ballot form***, for a ballot for an election, means a ballot form prepared for the ballot under section 12(1)(b).

***electronic vote***, in a ballot for an election, means a vote in the ballot using the electronic ballot form and electronic voting system for the ballot.

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***electronic voting system***, for a ballot for an election, means an electronic system prepared for the ballot under section 12(1)(a).

***nomination notice***, for an election, means a notice published under section 6(a) in relation to the election.

***paper ballot form***, for a ballot for an election, means a ballot form prepared for the ballot under section 12(1)(c).

***postal vote***, in a ballot for an election, means a vote in the ballot using a paper ballot form for the ballot.

***return envelope***, for a ballot for an election, means an envelope given to an eligible veterinary surgeon for the ballot under section 14(2)(d).

***voting services provider***, for a ballot for an election, means an entity engaged by the board to administer voting, and count and record votes, in the ballot.

## **Division 2      Notice of appointed day for election and nomination of candidates**

### **5      Application of division**

This division applies if, under section 8(2) of the Act, the board appoints a day for an election.

### **6      Notice of election and call for nominations**

The returning officer must, at least 3 months before the appointed day for the election—

- (a) publish a notice, on the board's website, stating—

- (i) the appointed day; and
  - (ii) that each eligible veterinary surgeon may nominate 1 eligible veterinary surgeon as a candidate for the election; and
  - (iii) the time, on a stated day at least 28 days after the day the notice is published, by which a nomination mentioned in subparagraph (ii) must be given to the returning officer; and
- (b) give each eligible veterinary surgeon a copy of the notice.

## **7 Requirements for nominations**

- (1) An eligible veterinary surgeon may nominate 1 eligible veterinary surgeon as a candidate for the election.
- (2) The nomination must—
  - (a) state the full name of the candidate; and
  - (b) be signed by—
    - (i) the candidate; and
    - (ii) at least 3 other eligible veterinary surgeons; and
  - (c) be given to the returning officer by the time stated in the nomination notice for the election under section 6(a)(iii).
- (3) A nomination may be accompanied by a written statement by the candidate, of not more than 200 words, introducing the candidate and describing their qualifications and experience.

## **Division 3 Procedure if only 1 or 2 candidates nominated**

## 8 Candidates elected without ballot

- (1) This section applies if only 1 or 2 candidates are nominated for an election under section 7.
- (2) The candidates are elected to the board without a ballot being conducted for the election.
- (3) The returning officer must, as soon as reasonably practicable after the nomination day for the election—
  - (a) publish a notice, on the board’s website, stating the following for each candidate—
    - (i) the candidate’s name;
    - (ii) that the candidate has been elected as an elected member; and
  - (b) give each candidate a copy of the notice.
- (4) In this section—

***nomination day***, for an election, means the day stated in the nomination notice for the election under section 6(a)(iii).

## Division 4 Procedure if more than 2 candidates nominated

### 9 Application of division

- (1) This division applies if more than 2 candidates are nominated for an election under section 7.
- (2) However, if, before the appointed day for the election, 1 or more candidates withdraw their nomination so that 2 or fewer candidates remain nominated—
  - (a) this division stops applying for the election; and

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- (b) if 1 or 2 candidates remain nominated—division 3 applies for the election.

*Note—*

See also section 9 of the Act.

## **10 Returning officer to conduct ballot**

- (1) The returning officer must conduct a ballot for the election under this division.
- (2) The returning officer must decide the time, on the appointed day for the election, by which all votes must be cast in the ballot under this division.
- (3) The time decided by the returning officer under subsection (2) is the *closing time* for the ballot.

## **11 Notice of ballot**

The returning officer must, at least 35 days before the appointed day for the election, publish a notice, on the board's website, stating the following—

- (a) the appointed day;
- (b) the closing time for the ballot;
- (c) whether the returning officer or a voting services provider for the ballot will administer voting in the ballot;
- (d) the name and contact details of the entity administering voting in the ballot;
- (e) that the ballot will be decided on a first-past-the-post basis;
- (f) that each eligible veterinary surgeon is entitled to 1 vote in the ballot;
- (g) instructions on how an eligible veterinary surgeon may cast a vote in the ballot under section 15.



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## **12 Preparation of electronic voting system and ballot forms**

- (1) The returning officer must, as soon as practicable after publishing a notice under section 11 in relation to the ballot, ensure each of the following is prepared for the ballot—
  - (a) an electronic system by which electronic votes may be cast in the ballot;
  - (b) a ballot form with which a vote in the ballot may be cast electronically using the system;
  - (c) a ballot form with which a vote in the ballot may be cast physically.
- (2) Each ballot form must list the names of the candidates in the ballot in alphabetical order.

## **13 Requirements for electronic voting system**

The electronic voting system for the ballot must—

- (a) be accessible, free of charge, on a website; and
- (b) be able to facilitate the casting of electronic votes in the ballot; and
- (c) be able to count and record the electronic votes cast for each candidate in the ballot using the system; and
- (d) for each eligible veterinary surgeon who casts an electronic vote in the ballot using the system—
  - (i) allow the returning officer and any other entity administering the ballot to identify the surgeon and how the surgeon voted; and
  - (ii) not allow anyone else to identify the surgeon or how the surgeon voted; and

- (e) include, in a way that is accessible to an eligible veterinary surgeon using the system—
  - (i) instructions on how to cast an electronic vote in the ballot using the system; and
  - (ii) any written statement of a candidate in the ballot that accompanied the nomination of the candidate under section 7(3).

#### **14 Paper ballot form and other material to be provided on request**

- (1) An eligible veterinary surgeon may, at least 28 days before the appointed day for the election, ask the entity administering voting in the ballot for a copy of the paper ballot form for the ballot.
- (2) The entity administering the voting must give the eligible veterinary surgeon each of the following for the ballot at least 14 days before the appointed day—
  - (a) a copy of the paper ballot form;
  - (b) instructions on how to cast a postal vote in the ballot under section 15;
  - (c) an unsealed envelope marked ‘ballot envelope’;
  - (d) another unsealed envelope addressed to the entity.

#### **15 Voting**

- (1) An eligible veterinary surgeon may vote in the ballot using an electronic ballot form or paper ballot form for the ballot.
- (2) The vote must be cast—

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- (a) by marking the ballot form opposite the name of 1 candidate in the ballot; and
    - (b) before the closing time for the ballot.
  - (3) To cast the vote using the electronic ballot form, the eligible veterinary surgeon must use the form and the electronic voting system for the ballot in accordance with the instructions included in the system under section 13(e)(i).
  - (4) To cast the vote using the paper ballot form, the eligible veterinary surgeon must, after marking the form as required under subsection (2)(a)—
    - (a) put the form in a ballot envelope for the ballot and seal the envelope; and
    - (b) put the ballot envelope in the return envelope for the ballot and seal the return envelope; and
    - (c) write the surgeon's name, registration number and signature on the return envelope; and
    - (d) post or deliver the return envelope to the entity administering voting in the ballot so that the entity receives the envelope before the closing time for the ballot.
  - (5) In this section—

*registration number*, of an eligible veterinary surgeon, means the number assigned by the board to the surgeon's name on the register of veterinary surgeons.

## 16 Electronic vote and ballot box security

- (1) The returning officer must ensure that—
  - (a) appropriate measures are in place to keep the electronic voting system for the ballot secure from interference at all times; and

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- (b) a ballot box is kept as required under subsection (2).
- (2) The ballot box must be—
  - (a) kept in a safe place; and
  - (b) sealed in a way that—
    - (i) allows ballot envelopes for the ballot to be put in the box until the closing time for the ballot; and
    - (ii) prevents the ballot envelopes from being taken out of the box until votes for the ballot are to be counted.
- (3) On receiving a return envelope for the ballot on which an eligible veterinary surgeon's name, registration number and signature are written, the entity administering voting in the ballot must—
  - (a) open the return envelope; and
  - (b) take the ballot envelope for the ballot out of the return envelope; and
  - (c) place the ballot envelope in the ballot box kept for the ballot.

## **17 Accepting, rejecting and counting postal votes**

- (1) After the closing time for the ballot, the entity administering voting in the ballot must—
  - (a) identify each eligible veterinary surgeon who cast an electronic vote in the ballot; and
  - (b) do the following in the presence of at least 2 witnesses—
    - (i) open each ballot envelope for the ballot that is in the ballot box for the ballot;
    - (ii) remove the paper ballot form for the ballot from the envelope;

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- (iii) if the ballot form is marked as required under section 15(2)(a) by an eligible veterinary surgeon who has not cast an electronic vote in the ballot—accept the form;
  - (iv) if the ballot form does not comply with subparagraph (iii)—reject the form;
  - (v) count and record the number of votes on the accepted ballot forms for each candidate in the ballot.
- (2) Despite subsection (1)(b)(iv), the entity counting the votes may accept a ballot form marked other than as required under section 15(2)(a) if the entity considers the voter’s intention is clear.

## **18 Voting services provider to give notice to returning officer**

- (1) This section applies if a voting services provider is administering voting in the ballot.
- (2) The voting services provider must give the returning officer written notice of the result of the counting of all votes cast in the ballot as soon as practicable after the votes have been counted.

## **19 Candidates with highest votes elected**

- (1) The 2 candidates in the ballot with the highest number of counted votes are elected as elected members on the appointed day for the election.
- (2) However, if on the appointed day, the election of 2 candidates in the ballot can not be decided under subsection (1) because 2 or more candidates (the *tied candidates*) receive the same number of votes in the ballot, the returning officer must conduct a draw to decide which of the tied candidates are elected.
- (3) The returning officer must, on the appointed day,

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conduct the draw by doing the following in the presence of an officer of the board—

- (a) writing the names of the tied candidates on separate pieces of paper that are the same kind, shape, size and colour;
- (b) folding the pieces of paper in the same way to be the same size and thickness;
- (c) putting the pieces of paper in a container and shuffling them;
- (d) drawing out the number of pieces of paper required to decide which of the tied candidates are elected.

### **19A Returning officer to give notice to eligible veterinary surgeons**

As soon as reasonably practicable after the election, the returning officer must—

- (a) publish a notice, on the board's website, stating the name of each candidate elected in the election; and
- (b) give each eligible veterinary surgeon a copy of the notice.

ENDNOTES

- 1 Made by the Governor in Council on 16 November 2023.
- 2 Notified on the Queensland legislation website on 17 November 2023.
- 3 The administering agency is the Department of Agriculture and Fisheries.

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