

Queensland



VETERINARY SURGEONS ACT 1936

**Reprinted as in force on 15 February 2002
(includes amendments up to Act No. 63 of 2001)**

Warning—see last endnote for uncommenced amendments

Reprint No. 2E

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Information about this reprint

This Act is reprinted as at 15 February 2002. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes.

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of earlier reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **provisions that have not commenced and are not incorporated in the reprint**
- **editorial changes made in earlier reprints.**

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VETERINARY SURGEONS ACT 1936

[reprinted as in force on 15 February 2002]

An Act relating to the qualifications and registration of veterinary surgeons and the regulation and control of the practice of veterinary science, and for other purposes

PART 1—PRELIMINARY

1 Short title

This Act may be cited as the *Veterinary Surgeons Act 1936*.

2 Definitions

The dictionary in the schedule defines particular words used in this Act.

2A Meaning of “veterinary science”

(1) “**Veterinary science**” means the science of veterinary surgery or veterinary medicine.

(2) “**Veterinary science**” includes the following—

- (a) diagnosing diseases in, and injuries to, animals, including, for example, testing animals for diagnostic purposes;
- (b) giving advice based on a diagnosis under paragraph (a);
- (c) medical or surgical treatment of animals;
- (d) performing surgical operations on animals;
- (e) administering anaesthetics to animals;
- (f) signing or issuing certificates relating to the description, health, diagnosis or treatment of animals.

(3) However, “**veterinary science**” does not include an act done for animal husbandry or animal dentistry prescribed under a regulation not to be veterinary science.

3 Mutual recognition legislation not affected

This Act does not affect the *Mutual Recognition (Queensland) Act 1992* or the *Trans-Tasman Mutual Recognition (Queensland) Act 1999*.

PART 2—VETERINARY SURGEONS BOARD OF QUEENSLAND

Division 1—Establishment and powers

4 Establishment of board

(1) The Veterinary Surgeons Board of Queensland is established.

(2) The board—

- (a) is a body corporate; and
- (b) has a common seal; and
- (c) may sue and be sued in its corporate name.

4A Board’s relationship with the State

(1) The board—

- (a) represents the State; and
- (b) is part of the department for the *Financial Administration and Audit Act 1977*.

(2) Without limiting subsection (1)(a), the board has all the privileges and immunities of the State.

4B Powers of board

For performing its functions, the board has all the powers of an individual, and may, for example, do the following—

- (a) enter into contracts;
- (b) acquire, hold and dispose of property;
- (c) appoint agents and attorneys;
- (d) engage consultants;
- (e) charge for services and facilities it supplies;
- (f) do anything else necessary or convenient to be done for, or in connection with, the performance of its functions.

Division 2—Membership**4C Membership**

(1) The board consists of the following members—

- (a) a senior officer of the department nominated by the Minister;
- (b) 2 persons elected under section 8;
- (c) 3 other persons nominated by the Minister.

(2) Each member mentioned in subsection (1)(a) or (b), and 2 of the members mentioned in subsection (1)(c), must be veterinary surgeons.

(3) Each member is to be appointed by the Governor in Council.

4D Chairperson and deputy chairperson

(1) The chairperson of the board is the member mentioned in section 4C(1)(a).

(2) The deputy chairperson of the board is the member appointed by the Minister as the deputy chairperson.

(3) The deputy chairperson must be a veterinary surgeon.

4E Qualifications for membership

A person is not qualified to be or to continue as a member if the person—

- (a) is an undischarged bankrupt or, as a debtor, takes advantage of the laws in force for the time being relating to bankrupt or insolvent debtors; or
- (b) is convicted of an indictable offence, whether on indictment or summarily; or
- (c) is convicted of an offence against this Act; or
- (d) is incapable of performing the duties of a member because of physical or mental incapacity.

4F Vacation of office

(1) The office of a member becomes vacant if the member—

- (a) dies; or
- (b) resigns office by written notice given to the Minister; or
- (c) is absent without the board's permission from 3 consecutive meetings of the board of which proper notice was given; or
- (d) ceases to be qualified to be a member.

(2) If the member is a veterinary surgeon, the member also ceases to hold office if the member ceases to be a veterinary surgeon.

4G Term of appointment

(1) A member, other than the chairperson, is to be appointed for a term of not more than 3 years.

(2) However, if at the end of the member's term of appointment a person has not been appointed to replace the member, the member's term does not end until—

- (a) the member has been reappointed; or
- (b) if the member is not reappointed—another person has been appointed to replace the member.

5 Filling vacancy in office of board member

(1) Any extraordinary vacancy which at any time occurs in the office of member by death, removal, resignation, or otherwise shall be filled as soon as may be by the appointment of another member; but a member appointed to fill any such vacancy shall be deemed to hold the office of the member's predecessor, and shall hold office only so long as the member's predecessor would have done had no such vacancy occurred.

(2) In the case of an elected member, a vacancy shall be filled by the appointment as prescribed of a person recommended by the Minister from a panel of 3 persons nominated by the Queensland division of the Australian Veterinary Association Limited.

(3) If that association fails within 14 days after a request in writing in that behalf by the Minister to submit a nomination, the Minister may without that nomination recommend to the Governor in Council a person who is in the opinion of the Minister a suitable person, as a member of the board, and the person so recommended shall be deemed to be duly nominated.

5A Excluded matter for Corporations legislation

The board is declared to be an excluded matter for the Corporations Act, section 5F,¹ in relation to the following provisions of the Corporations Act—

- (a) parts 2D.1 and 2D.6;
- (b) chapters 2K and 2L;
- (c) parts 5.7, 5.7B, 5.9 and 5B.2.²

6 Chairperson is executive officer of board

(1) The chairperson is the executive officer of the board.

1 Corporations Act, section 5F (Corporations legislation does not apply to matters declared by State or Territory law to be an excluded matter)

2 Corporations Act, parts 2D.1 (Duties and powers), 2D.6 (Disqualification from managing corporations), chapter 2K (Charges), chapter 2L (Debentures), part 5.7 (Winding up bodies other than companies), part 5.7B (Recovering property or compensation for the benefit of creditors of insolvent company), 5.9 (Miscellaneous) and part 5B.2 (Registrable bodies)

(2) Every appointment, and every order, notice, certificate, or other document of the board relating to the execution of this Act is sufficiently authenticated if signed by the chairperson or any 2 members of the board.

Division 3—Election of members

8 Board to hold triennial election

(1) There shall be a triennial election of the elected members of the board.

(1A) The first such election shall be held on such day in February, 1938, as the board by resolution appoints, and thereafter such election shall be held on such day in February in every third year as the board by resolution appoints.

(2) The registrar shall be the returning officer at any election held under this Act, and each registered veterinary surgeon shall be entitled to vote and shall have 1 vote only.

(3) Notice of every election, the form of ballot paper and method of voting thereat, and the time and manner of nomination of every candidate for elective membership shall be as prescribed.

9 Power of Governor in Council on failure to elect

If at the time prescribed or appointed for holding an election—

- (a) no election is held; or
- (b) no candidates are nominated; or
- (c) the number of candidates nominated is less than the number of candidates to be elected;

the Governor in Council may appoint a qualified person or a sufficient number of such persons to be a member or members of the board, as the case may require, to fill the vacancies which ought to be filled at such election, and the person or persons so appointed shall be deemed to have been duly elected at such election.

Division 4—Board business**10 Conduct of business**

Subject to this Act, the board may conduct its business, including its meetings, in the way it considers appropriate.

11 Quorum

A quorum for a meeting of the board is 3 members.

12 Presiding at meetings

(1) The chairperson is to preside at all meetings of the board at which the chairperson is present.

(2) If the chairperson is absent from a board meeting, but the deputy chairperson is present, the deputy chairperson is to preside.

(3) If the chairperson and deputy chairperson are both absent from a board meeting or the offices are vacant, a member chosen by the members present is to preside.

12A Conduct of meetings

(1) A question at a board meeting is decided by a majority of the votes of the members present.

(2) Each member present has a vote on each question to be decided and, if the votes are equal, the member presiding also has a casting vote.

(3) A member present at the meeting may abstain from voting.

(4) The board may hold meetings, or allow members to take part in its meetings, by using any technology allowing reasonably contemporaneous and continuous communication between members taking part in the meeting.

Example of ‘technology allowing reasonably contemporaneous and continuous communication’—

Teleconferencing.

(5) A member who takes part in a board meeting under subsection (4) is taken to be present at the meeting.

(6) A resolution is validly made by the board, even if it is not passed at a board meeting, if—

- (a) a majority of the board members gives written agreement to the resolution; and
- (b) notice of the resolution is given under procedures approved by the board.

12B Minutes

(1) The board must keep—

- (a) minutes of its meetings; and
- (b) a record of any resolutions made under section 12A(6).

(2) Subsection (3) applies if a resolution is passed at a board meeting by a majority of the members present.

(3) If asked by a member who voted against the passing of the resolution, the board must ensure the minutes of the meeting record the member voted against the resolution.

12C Disclosure of interests

(1) This section applies to a board member if—

- (a) the member has an interest in a matter being considered, or about to be considered, by the board; and
- (b) the interest could conflict with the proper performance of the member's duties about the consideration of the matter.

(2) As soon as practicable after the relevant facts come to the member's knowledge, the member must disclose the nature of the interest to a meeting of the board.

Maximum penalty—40 penalty units.

(3) Unless the board otherwise directs, the member must not—

- (a) be present when the board considers the matter; or
- (b) take part in a decision of the board about the matter.

Maximum penalty—40 penalty units.

(4) The member must not be present when the board is considering whether to give a direction under subsection (3).

Maximum penalty—40 penalty units.

(5) If there is another member who must, under subsection (2), also disclose an interest in the matter, the other person must not—

- (a) be present when the board is considering whether to give a direction under subsection (3); or
- (b) take part in making the decision about giving the direction.

Maximum penalty—40 penalty units.

(6) If—

- (a) because of this section, a board member is not present at a board meeting for considering or deciding a matter, or for considering or deciding whether to give a direction under subsection (3); and
- (b) there would be a quorum if the member were present;

the remaining members present are a quorum of the board for considering or deciding the matter, or for considering or deciding whether to give the direction, at the meeting.

(7) A disclosure under subsection (2) must be recorded in the board's minutes.

(8) If the member is a veterinary surgeon, the member does not have a direct or indirect interest in a matter if the interest arises merely because the member is a veterinary surgeon.

Division 5—Other provisions about the board

13 Appointment of deputy member

(1) If a member is likely from any cause to be absent from meetings of the board for more than 4 months, the Governor in Council may appoint a deputy to act for such member during the member's absence.

(1A) In appointing a deputy to act during the absence of an elected member, the Governor in Council may have regard to the nomination of the Queensland division of the Australian Veterinary Association Limited.

(2) A deputy shall have the same powers, rights, and duties as the member in whose place the deputy is appointed.

14 Officers

- (1) There is to be a registrar of the board.
- (2) The registrar is employed under the *Public Service Act 1996*.
- (3) The board may appoint such other officers as the board thinks necessary to give effect to this Act.
- (4) Subject to any applicable award of an industrial court, tribunal or authority or any industrial agreement, persons appointed pursuant to subsection (2) shall be paid such remuneration and shall be employed under such conditions as are fixed by the board.

15 Funds of board

- (1) All moneys received by the board or the registrar, including fees and penalties, shall be paid into the funds of the board.
- (2) The remuneration of the registrar and other officers appointed under this Act, the costs of the tribunal and all other expenses of and incidental to the administration of this Act, shall be paid by the board out of its funds.
 - (2A) However, where such funds are insufficient for the purpose of the administration of this Act there may be made from the consolidated fund such payments to the funds of the board as the Governor in Council may deem necessary for such purpose, which payments are hereby appropriated for the purpose.
- (3) Any surplus moneys of the board which are not required for the purposes of subsection (2) may be expended by the board for the purposes of the advancement of veterinary science in such manner as it may determine.

PART 2A—THE TRIBUNAL

15A Constitution of tribunal

There shall be constituted a tribunal to be called the Veterinary Tribunal of Queensland which shall have and may exercise and discharge the powers, authorities, duties and functions conferred and imposed on the tribunal by or under this Act.

15B Members of tribunal

(1) The tribunal shall consist of 3 members each of whom shall be appointed by the Governor in Council of whom—

- (a) 1 shall be a barrister, solicitor, stipendiary magistrate or a person who has been a stipendiary magistrate, nominated by the Minister; and
- (b) 1 shall be a veterinary surgeon nominated by the Minister; and
- (c) 1 shall be a veterinary surgeon who is a member of the Queensland division of the Australian Veterinary Association Limited and is nominated by that division.

(2) If the Queensland division of the Australian Veterinary Association Limited fails or refuses to nominate a veterinary surgeon who is a member of that division to be a member of the tribunal within 7 days after a date fixed by the Minister in that behalf the Governor in Council may appoint any veterinary surgeon who is a member of that division as a member of the tribunal and where the Governor in Council does so the veterinary surgeon so appointed shall be deemed to have been nominated by the Queensland division of the Australian Veterinary Association Limited.

(3) The person appointed pursuant to subsection (1)(a) shall be the chairperson of the tribunal.

(4) The persons appointed as members of the tribunal shall hold office at the pleasure of the Governor in Council.

15C Vacating office

(1) A member of the tribunal shall be deemed to have vacated the member's office if the member—

- (a) dies; or
- (b) becomes a patient within the meaning of the *Mental Health Act 1974*; or
- (c) becomes bankrupt or compounds with his or her creditors; or
- (d) is convicted in Queensland of an indictable offence or elsewhere than in Queensland of an offence which if committed in Queensland would be an indictable offence; or
- (e) resigns office by signed notice given to the Minister; or

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- (f) where the member was appointed pursuant to section 15B(1)(a)—ceases to be qualified for appointment in terms of that paragraph; or
- (g) where the member was appointed pursuant to section 15B(1)(b)—ceases to be a veterinary surgeon; or
- (h) where the member was appointed pursuant to section 15B(1)(c)—ceases to be a veterinary surgeon or a member of the Queensland division of the Australian Veterinary Association Limited; or
- (i) is removed from office by the Governor in Council.

(2) When a vacancy arises in the office of a member of the tribunal the Governor in Council may appoint a person qualified to hold the office vacated and, in the case of a vacancy occurring in the office of the member appointed pursuant to section 15B(1)(c), nominated by the Queensland division of the Australian Veterinary Association Limited, as a member.

(3) Where a vacancy occurs in the office of the member appointed pursuant to section 15B(1)(c) and (2) shall apply to and in respect of the filling of that vacancy.

(4) Where pursuant to this section a person is appointed to fill a vacancy in the office of a member who was the chairperson of the tribunal that person shall, by virtue of the person's appointment, be the chairperson of the tribunal.

15D Acting members of tribunal

(1) The Governor in Council may appoint a person who is not a member to act as a member of the tribunal where a member is unable or unwilling to act and whilst so acting the person shall be deemed to be a member of the tribunal and may exercise the powers and authorities and shall perform the functions and duties of the member in whose place the person is acting.

(2) A person appointed to act in the place of a member—

- (a) appointed pursuant to section 15B(1)(a) shall be a barrister, solicitor, stipendiary magistrate or a person who has been a stipendiary magistrate nominated for that purpose by the Minister;
- (b) appointed pursuant to section 15B(1)(b) shall be a veterinary surgeon nominated for that purpose by the Minister;

- (c) appointed pursuant to section 15B(1)(c) shall be a veterinary surgeon who is a member of the Queensland division of the Australian Veterinary Association Limited and is nominated by that division.

(3) If the Queensland division of the Australian Veterinary Association Limited fails or refuses to nominate a veterinary surgeon who is a member of that division to be an acting member of the tribunal within 7 days after a date fixed by the Minister in that behalf, the Minister may appoint any veterinary surgeon who is a member of that division as an acting member of the tribunal and where the Minister does so the veterinary surgeon so appointed shall be deemed to have been nominated by the Queensland division of the Australian Veterinary Association Limited.

- (4) The appointment of a person as an acting member shall terminate—
 - (a) in the case of an appointment expressed to be for the purpose of any proceeding—upon that proceeding being determined by the tribunal; or
 - (b) in the case of an appointment expressed to be for a period—upon the expiration of that period; or
 - (c) upon its being revoked by the Governor in Council.

15E Jurisdiction and decisions of tribunal

- (1) The tribunal shall have jurisdiction to hear and determine—
 - (a) any charge alleging misconduct in a professional respect brought by the board against any veterinary surgeon;
 - (b) any application made pursuant to section 22C;
 - (c) show cause proceedings brought pursuant to section 22D;
 - (d) an appeal against a decision of the board—
 - (i) to impose a condition, other than a condition mentioned in section 25G(2), on an approval given under section 25D; or
 - (ii) to refuse an application under section 25E; or
 - (iii) to amend, suspend or cancel an approval under section 25J(3).

(2) The decision of the chairperson of the tribunal on a question of law shall be taken to be the tribunal's decision.

(3) Subject to subsection (2), save where the tribunal is unanimous the decision of the majority of its members shall be taken to be the tribunal's decision.

(4) In any proceedings before it the tribunal may make such order as to the costs of the proceedings as it thinks fit.

15F Proceedings of tribunal

(1) The tribunal shall meet as often as is necessary for the purpose of exercising its jurisdiction under this Act at such times and places as it thinks fit and shall conduct its business in such manner as may be prescribed or, where or to the extent not prescribed, as it determines from time to time.

(2) Proceedings before the tribunal shall if so required by the board or the veterinary surgeon concerned take place in public otherwise such proceedings shall take place in private.

(3) In proceedings before the tribunal—

- (a) a lawyer or a member or officer of the board may appear for adducing evidence or assisting the tribunal; and
- (b) a party to the proceedings may be represented by a lawyer or other person unless the tribunal considers it appropriate in the interests of justice to direct otherwise.

(3A) In considering if it is appropriate to direct a party may not be represented by a lawyer or other person, the tribunal must have regard to—

- (a) the cost of representation and whether each party can afford to be represented; and
- (b) the potential for lengthening the proceedings if a party is not represented; and
- (c) whether the nature of the subject matter of the proceedings is practical as opposed to legal or technical.

(4) For the purpose of exercising its jurisdiction under this Act the tribunal may receive and admit in evidence the transcript of proceedings of any court having jurisdiction in the State where, in the opinion of the tribunal, the transcript is relevant to the matter before it.

(5) The tribunal may proceed to hear and determine proceedings instituted pursuant to this Act in the absence of the person in respect of whom the proceedings are brought where the tribunal is satisfied that the

person has been given notice of the time and place at which the proceedings are to be heard and, where the same have been adjourned or further adjourned, of the time and place to which they have been adjourned.

15G Registrar of tribunal

The registrar of the board shall, by virtue of office, be the registrar of the tribunal.

PART 3—THE REGISTERS

16 Keeping registers

(1) The registrar shall make and keep in the forms respectively prescribed the following registers—

- (a) the register of veterinary surgeons, Queensland;
- (b) the register of veterinary specialists, Queensland.

(1A) Unless the regulations prescribe to the contrary, the register of veterinary surgeons, Queensland existing at the date proclaimed under the *Veterinary Surgeons Act Amendment Act 1986*, section 2(2) shall be the register of veterinary surgeons, Queensland.

(2) The registrar shall enter in the register of veterinary surgeons, Queensland—

- (a) the full names and the addresses of all persons registered as veterinary surgeons under this Act; and
- (b) a description of the qualification in respect of which such registration is granted and the date on which the qualification was conferred; and
- (c) in the case of a veterinary surgeon who is also registered as a veterinary specialist—a reference to such registration; and
- (d) such other particulars as may be prescribed.

(2A) The registrar shall enter in the register of veterinary specialists, Queensland—

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- (a) the full names and the addresses of all veterinary surgeons registered as veterinary specialists under this Act; and
- (b) a description of the qualification in respect of which such registration is granted and the date on which the qualification was conferred; and
- (c) a reference to the registration of the veterinary specialist concerned as a veterinary surgeon; and
- (d) such other particulars as may be prescribed.

(3) Where a register referred to in subsection (1) is kept by making entries in a bound or loose-leaf book, that register shall be deemed to be a book of such a public nature as to be admissible in evidence on its mere production from the proper custody, and the registrar shall be the person having the proper custody thereof.

(4) A certificate by the registrar that any person is registered as a veterinary surgeon or a veterinary specialist and possesses the qualifications therein named shall be prima facie evidence that the person named in such certificate is so registered and possesses the qualifications so mentioned and no other qualifications whatsoever; and a certificate by the registrar that the person named therein is not registered as a veterinary surgeon or, as the case may be, a veterinary specialist or does not possess certain qualifications shall be prima facie evidence that the person named therein is not so registered or does not possess the qualifications mentioned, as the case may be.

(4A) Any certificate purporting to be a certificate by the registrar as aforesaid shall be admissible in all proceedings whatsoever, and every court and justice shall take judicial notice of the signature of the registrar thereto.

(5) The registrar shall in the month of January in each year transmit a copy of the register of veterinary surgeons and of the register of veterinary specialists, each certified by the registrar to be correct up to 31 December of the year next preceding, to the Minister who shall thereupon cause the same to be published in the gazette as the roll of veterinary surgeons of Queensland for the year (insert number of year) or, as the case may be, the roll of veterinary specialists of Queensland for the year (insert number of year).

(6) A copy of the gazette containing the roll of veterinary surgeons of Queensland or, as the case may be, the roll of veterinary specialists of Queensland for any year shall be prima facie evidence in all proceedings

that the persons named in such roll are registered and possess the qualifications therein mentioned; and the absence of the name of any person from such roll shall be prima facie evidence that such person is not registered; and the fact that the roll does not show that registration has been granted in respect of any particular qualification shall be prima facie evidence that the person concerned does not possess that qualification.

17 Roll fee

(1) Save where exemption from payment thereof is provided for by the regulations, every veterinary surgeon shall pay to the registrar the prescribed annual roll fee and every veterinary surgeon who is a veterinary specialist shall pay to the registrar such additional annual roll fee as is prescribed.

(1A) Such annual roll fee (including in the case of a veterinary specialist the additional annual roll fee prescribed) shall be paid to the registrar by the veterinary surgeon concerned before 31 January in each year.

(2) If a veterinary surgeon does not pay the prescribed annual roll fee before the time prescribed by subsection (1A), the board may remove the veterinary surgeon's name from the register of veterinary surgeons.

(2A) If a veterinary specialist does not pay the prescribed additional annual roll fee before the time prescribed by subsection (1A), the board may remove the veterinary specialist's name from the register of veterinary specialists.

(3) If the name of any person is removed from a register under this section, the board may restore the person's name to that register on receiving all arrears and on payment of such restoration fees as are prescribed.

PART 4—VETERINARY SURGEONS AND VETERINARY SPECIALISTS

Division 1—Registration of veterinary surgeons and veterinary specialists, and approvals to practise veterinary science

18 Registration of veterinary surgeons

(1) A person shall be entitled to be registered as a veterinary surgeon if the person applies to the board in the approved form and satisfies the board that the person is of good fame and character and that—

(a) the person is—

(i) the holder of a degree or diploma in veterinary science of a university or other body; or

(ii) a member of a college or other body of veterinary surgeons;

in either case granted after due examination and recognised by the Governor in Council by regulation—

(iii) as entitling the holder or member, as the case may be, to practise veterinary science in the country in which the degree, diploma or membership was obtained; and

(iv) as furnishing sufficient evidence that the person possesses the skill, knowledge and ability efficiently to practise veterinary science in the State; or

(b) the person is the holder of a degree or diploma in veterinary science of a university or other body or a member of a college or other body of veterinary surgeons (other than a university, college or other body specified by regulation) in either case granted after due examination and recognised by the Governor in Council by regulation—

(i) as entitling the holder or member, as the case may be, to practise veterinary science in the country in which the degree, diploma or membership was obtained; and

(ii) as not furnishing sufficient evidence that the person possesses the skill, knowledge and ability efficiently to

practise veterinary science in the State without compliance with the further requirements specified in subsection (2);

and the person has complied with those further requirements.

(1A) The board may deem a person to be the holder of a qualification referred to in subsection (1)(a)(i) or (ii) or (b)(i) or (ii) if the person satisfies the board that he or she is entitled to that qualification and that the same will be conferred upon the person in due course according to the practice of the university, college or other body in question.

(2) The further requirements referred to in subsection (1)(b) are—

- (a) that the person has been resident in the Commonwealth for the prescribed period;
- (b) that the person has undergone and passed prescribed examinations conducted in the English language.

(3) The board may refuse the application for registration as a veterinary surgeon of a person who is a patient within the meaning of that term in the *Mental Health Act 1974*.

18A Performance of certain acts by approved persons

(1) The board may upon application grant approval to a person who possesses the qualifications specified in section 18(1)(b), but who has not complied with the further requirements specified in section 18(2), to do or perform any act, procedure, matter or thing the doing or performance of which forms part of the practice of veterinary science, in the course of the person's employment with and under the direction of a veterinary surgeon.

(2) An application under this section—

- (a) shall be in the approved form;
- (b) shall contain the prescribed particulars;
- (c) shall be accompanied by the prescribed fee;
- (d) shall be supported by such evidence as the board requires.

(3) The board shall consider each application made under this section and may grant or refuse it, and where the board grants an application it shall issue an approval.

(4) An approval granted and issued under this section—

- (a) shall be in the approved form;

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- (b) shall be subject to such terms, conditions or restrictions as are prescribed, and specified therein;
- (c) shall remain in force—
 - (i) until the person to whom it was granted is registered under this Act as a veterinary surgeon; or
 - (ii) until the expiration of the period of 5 years commencing on the date on which the approval was granted;

whichever first occurs, and thereupon shall cease to be of any force or effect.

(5) Where a person in respect of whom an approval is in force under this section—

- (a) is convicted in the State of an indictable offence, or elsewhere of an offence which, if committed in the State, would be an indictable offence;
- (b) is convicted of an offence against this Act;
- (c) is adjudged by the board after an inquiry to be guilty of misconduct which, if the person had been a veterinary surgeon, would be misconduct in a professional respect;
- (d) contravenes or fails to comply with any term, condition or restriction subject to which the approval was granted;

the board may cancel the approval or suspend the approval for such period as the board determines.

(6) Where an approval is suspended under subsection (5) that approval shall be of no force or effect during the period of suspension and shall remain in force only for the period during which it would have remained in force but for the suspension.

19 Application for registration

(1) Application to the board for registration as a veterinary surgeon or as a veterinary specialist shall—

- (a) be made as prescribed; and
- (b) be supported by such evidence as the board may require; and
- (c) be accompanied by the prescribed fee, save where exemption from the payment thereof is provided for in the regulations.

(3) Every registered veterinary surgeon on changing his or her place of business shall forthwith give notice of the fact by post to the registrar.

(4) Every district registrar of deaths in Queensland on registering the death of any veterinary surgeon shall forthwith transmit notice thereof to the registrar.

19A Provisional registration

(1) Where a person has applied to the board in the approved form to be registered as a veterinary surgeon and has paid the prescribed fee for registration, the chairperson or in the absence of the chairperson a member of the board authorised generally in that behalf by the board, upon being satisfied that such person is entitled to be registered as a veterinary surgeon, may grant to the person a certificate in the approved form of provisional registration as a veterinary surgeon.

(2) A person to whom a certificate of provisional registration as a veterinary surgeon has been granted shall be deemed to be registered under this Act as a veterinary surgeon and this Act shall apply to and with respect to that person accordingly—

- (a) until the date stated in the certificate; or
- (b) until such later date as is fixed by the board.

(3) The date stated or the later date fixed by the board pursuant to subsection (2) shall not in any case be more than 3 months from the date on which the certificate was granted.

(4) Notwithstanding subsections (1) and (2), the board may at any time before the date stated or fixed, as the case may be, cancel a certificate granted and thereupon the person to whom it was granted shall cease to be deemed to be registered as a veterinary surgeon under this Act, and the cancellation shall, for the purposes of this Act, be deemed to be a refusal by the board of the application of that person to be registered as a veterinary surgeon.

(5) If a person to whom a certificate of provisional registration has been granted becomes registered as a veterinary surgeon while that certificate is still in force, the person's registration shall, unless otherwise determined by the board, date from the granting of that certificate.

19B Registration for limited period

(1) A person may apply to the board to be registered as a veterinary surgeon for a period not exceeding 30 days.

(2) The application must be—

- (a) in the approved form; and
- (b) accompanied by the fee prescribed under a regulation.

(3) The chairperson or an authorised member of the board may direct the registrar to register the person as a veterinary surgeon for not more than 30 days if satisfied the person is registered as a veterinary surgeon under a law of another State or New Zealand.

(4) The registrar must comply with the direction.

(5) If the person's registration as a veterinary surgeon under a law of another State or New Zealand is suspended or cancelled—

- (a) the person's registration under subsection (3) ceases to have effect on the day the registration is suspended or cancelled; and
- (b) the board must remove the person's name from the register of veterinary surgeons.

19C Registration of veterinary specialists

(1) A veterinary surgeon shall be entitled to be registered as a veterinary specialist if the veterinary surgeon applies to the board in the approved form, pays the prescribed fee and satisfies the board that—

- (a) he or she has gained special skill in the veterinary specialty with respect to which he or she applies to be registered; and
- (b) the special skill was gained in practising veterinary science for a period of at least 5 years; and
- (c) he or she is the holder of a degree, diploma or other qualification recognised by regulation that relates to that veterinary specialty.

(2) The board may refer an application made under subsection (1) to the body known as the advisory committee on registration of veterinary specialists for the purpose of obtaining its advice in respect of the application.

19D Veterinary specialties

The Governor in Council may, by regulation prescribe the branches of veterinary science which are to be veterinary specialties in respect of which a veterinary surgeon may be registered as a veterinary specialist.

19E Special registration

(1) A person is entitled to special registration as a veterinary surgeon if, upon an application made to it, the board is satisfied that the person—

- (a) is entitled under a law in force in a place outside Australia to practise veterinary science in that place; and
- (b) is visiting, or is proposing to visit, the State for the purpose of engaging in research or teaching in veterinary science.

(2) An application shall—

- (a) be in writing in a form approved by the board; and
- (b) be made on behalf of the person in whose name registration is sought by—
 - (i) the university, college or other educational institution; or
 - (ii) the professional association, being an association whose objects relate to the practice or theory of veterinary science;

at or in connection with which the person proposes to engage in research or teaching; and

- (c) be accompanied by the prescribed fee.

(3) Special registration granted under this section—

- (a) remains in force for such period, not exceeding 6 months, as the board specifies; and
- (b) may, from time to time, on payment of the prescribed fee, be renewed for such further period, not exceeding 3 months, as the board specifies in respect of any such renewal; and
- (c) shall be granted subject to such terms, conditions or restrictions as are prescribed or so far as are not prescribed as the board determines.

(4) The board may remove from the register of veterinary surgeons the name of a person to whom special registration has been granted or suspend for such period as it thinks fit the special registration of a person where—

- (a) the board is of the opinion that the person has been guilty of misconduct in a professional respect; or
- (b) the person is convicted in the State of an indictable offence, or elsewhere of an offence which, if committed in the State, would be an indictable offence; or
- (c) the person contravenes or fails to comply with a term, condition or restriction subject to which the registration was granted.

20 Certificates of registration

The board may issue certificates of registration as prescribed.

21 Removal from register and suspension

(1) The board may remove from the register of veterinary surgeons the name of any person—

- (a) who becomes incapable of performing the duties of a veterinary surgeon because of physical or mental incapacity; or
- (b) whose name has been ordered to be so removed by the tribunal; or
- (c) who has had his or her qualification for registration as a veterinary surgeon withdrawn or cancelled by the university, college or other body by which it was awarded; or
- (d) who has requested the board in writing so to do; or
- (e) who is deceased.

(2) Where the name of a veterinary surgeon who is also a veterinary specialist is removed from the register of veterinary surgeons pursuant to subsection (1) the board shall also remove the name from the register of veterinary specialists.

(3) The board may remove from the register of veterinary specialists the name of any person who has had his or her qualification for registration as a veterinary specialist withdrawn or cancelled by the university, college or other body by which it was awarded.

(4) A suspension of the registration of a veterinary surgeon pursuant to this Act shall—

- (a) while the suspension continues in force, have the same effect as a removal of the name of the suspended person from the register of veterinary surgeons under this Act;
- (b) where the person is also a veterinary specialist and while the suspension continues in force, have the same effect as a removal of the name of the suspended person from the register of veterinary specialists under this Act.

Division 2—Matters about conduct of veterinary surgeons

22 Investigation by board

(1) The board may of its own motion or upon the complaint of a person aggrieved cause an investigation to be made of the conduct of a veterinary surgeon.

(2) A person aggrieved by the conduct of a veterinary surgeon who desires to complain of such conduct shall furnish to the board the person's complaint in writing.

(2A) The board may require that the writing be in the form of a statutory declaration made pursuant to the *Oaths Act 1867*.

(3) Where the board is of the opinion that there is sufficient evidence available with which to establish a prima facie case of misconduct in a professional respect against a veterinary surgeon it may proceed pursuant to section 22A or cause a charge to be drawn against the veterinary surgeon and refer such charge to the tribunal for hearing and determination.

(4) Every such charge shall contain or be accompanied by sufficient particulars to inform the tribunal and the veterinary surgeon against whom it is made of the matter alleged in the charge.

22A Board may punish

(1) Subject to section 22B, where the board is of the opinion that a veterinary surgeon has been guilty of misconduct in a professional respect and considers that the misconduct is not of such a nature as to warrant its charging the veterinary surgeon therewith it may, in lieu of so charging the veterinary surgeon—

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- (a) order the veterinary surgeon to pay to the board by way of penalty a specified sum of money in no case exceeding 10 penalty units; or
- (b) admonish or reprimand the veterinary surgeon; or
- (c) adjourn the matter of dealing with the veterinary surgeon pursuant to paragraph (a) or (b) for a period not exceeding 12 months.

(2) An order made pursuant to subsection (1)(a) may contain a direction that the registration of the veterinary surgeon concerned be suspended for a specified period if the veterinary surgeon fails to pay the sum of money to the board within a specified time and, if the money is not paid within that time, his or her registration as a veterinary surgeon shall be suspended accordingly.

(2A) Suspension pursuant to subsection (2) shall be in addition to and not in lieu of payment of the sum of money.

(3) Where the board adjourns a matter for a period pursuant to subsection (1)(c) it shall reconsider the matter at the end of that period and, taking into consideration the conduct, demeanour and behaviour of the veterinary surgeon concerned during that period, proceed pursuant to subsection (1)(a) or (b) or take no further action.

(4) Where the board deals with a veterinary surgeon pursuant to subsection (1) it may order the veterinary surgeon to pay to the board such costs as it thinks fit.

22B Board to give notice of its intention to proceed pursuant to s 22A

(1) Before dealing with a veterinary surgeon pursuant to section 22A(1) the board shall give to the veterinary surgeon written notice of its intention so to do and shall state in the notice—

- (a) the misconduct in a professional respect of which, in the opinion of the board, the veterinary surgeon is guilty;
- (b) that within the time specified in the notice, which time shall not be earlier than 14 days after the date of the notice, the veterinary surgeon may—
 - (i) make written representations to the board concerning the alleged misconduct; or

- (ii) request the board to hear him or her in relation to the alleged misconduct; or
- (iii) require the board to charge him or her with being guilty of the alleged misconduct.

(2) Where a veterinary surgeon requests the board to hear him or her in relation to the alleged misconduct the board shall advise the veterinary surgeon of a time and place at which the veterinary surgeon may appear before the board and the veterinary surgeon may at that time and place appear before the board and himself or herself make representations to it concerning the alleged misconduct.

(3) In dealing with a veterinary surgeon pursuant to section 22A(1), the board shall give due consideration and weight to any representations made by the veterinary surgeon concerned in relation to the alleged misconduct.

(4) Where pursuant to a notice under subsection (1) a veterinary surgeon requires the board to charge him or her with being guilty of the alleged misconduct it is not competent to the board to proceed to deal with the veterinary surgeon pursuant to section 22A(1).

22C Board may apply to tribunal for an order to remove the name of a veterinary surgeon from the register

(1) Where a veterinary surgeon is convicted in Queensland or elsewhere of an offence, whether indictable or not, which in the opinion of the board renders the veterinary surgeon unfit to practise veterinary science the board may apply to the tribunal for an order that the name of the veterinary surgeon be removed from the register of veterinary surgeons.

(2) An application made pursuant to this section shall contain or be accompanied by sufficient particulars to inform the tribunal and the veterinary surgeon concerned of the matter alleged in the application.

(3) Where the tribunal is satisfied that the veterinary surgeon has been convicted of an offence, whether in Queensland or elsewhere and whether indictable or not, of such a nature that it renders the veterinary surgeon unfit to practise veterinary science the tribunal may order that the veterinary surgeon's name be removed from the register of veterinary surgeons.

(4) In proceedings brought pursuant to this section the tribunal shall have regard to the facts and circumstances surrounding the commission of the offence of which it is alleged that the veterinary surgeon concerned has been convicted and which are adduced in evidence before it.

22D Where veterinary surgeon medically unfit

(1) If it comes to the notice of the board, whether by reason of an investigation conducted by it or otherwise, that a veterinary surgeon may be medically unfit to practise veterinary science it may appoint a committee consisting of persons who are registered as medical practitioners under the *Medical Act 1939* (the “**committee**”) to determine whether or not the veterinary surgeon is medically fit to practise veterinary science.

(2) The board may, by written notice given to the veterinary surgeon, require the veterinary surgeon to appear before the committee and on being so required the veterinary surgeon shall report to the committee at a time and place specified in the notice and shall submit himself or herself to examination by the committee and to such tests and other examinations as the committee may require.

(3) Upon completing its examination of the veterinary surgeon and considering the results of the tests and other examinations the committee shall report to the board on the veterinary surgeon’s medical fitness to practise veterinary science.

(4) Where the veterinary surgeon fails to report to the committee or fails to submit himself or herself when and as required pursuant to subsection (2), the committee shall report the veterinary surgeon’s failure to the board.

(5) Where the committee’s report states that the veterinary surgeon is medically unfit to practise veterinary science or failed to report to it or failed to submit himself or herself to a test or examination when and as required pursuant to subsection (2), the board may by notice in writing given to the veterinary surgeon call upon the veterinary surgeon to show cause before the tribunal at a time and place specified in the notice as to why the veterinary surgeon’s name should not be removed from the register of veterinary surgeons.

(6) If at the time and place specified in the notice given under subsection (5) or at the time and place to which the proceedings to show cause are adjourned, the veterinary surgeon to whom the notice was given fails to appear or, having appeared, fails to show to the satisfaction of the tribunal that the veterinary surgeon is medically fit to practise veterinary science, the tribunal may order that the veterinary surgeon’s name be removed from the register of veterinary surgeons.

22E Orders of tribunal on charge of misconduct in a professional respect

(1) Where the tribunal finds a veterinary surgeon guilty of a charge of misconduct in a professional respect brought pursuant to this Act it may—

- (a) order that the veterinary surgeon's name be removed from the register of veterinary surgeons; or
- (b) order that the veterinary surgeon's registration as a veterinary surgeon be suspended for a specified period; or
- (c) order that the veterinary surgeon pay to the board by way of penalty a specified sum of money in no case exceeding 40 penalty units; or
- (d) admonish or reprimand the veterinary surgeon.

(2) An order made pursuant to subsection (1)(c) may contain a direction that the registration of the veterinary surgeon concerned be suspended for a specified period if the veterinary surgeon fails to pay the sum of money to the board within a specified time and, if the money is not paid within that time, the veterinary surgeon's registration as a veterinary surgeon shall be suspended accordingly.

(3) Suspension pursuant to subsection (2) shall be in addition to and not in lieu of payment of the sum of money.

22F Misconduct in a professional respect

Without limiting the meaning of the term "**misconduct in a professional respect**" a veterinary surgeon shall be guilty of such misconduct who—

- (a) is habitually drunk or is addicted to any deleterious drug; or
- (b) conducts any veterinary premises or other place for the practice of veterinary science where the veterinary surgeon himself or herself is not in full-time attendance thereat, unless a veterinary surgeon employed by him or her is in full-time attendance thereat for the purpose of practice and supervision during the hours at which such premises are open for the practice of veterinary science, and the name of such veterinary surgeon employed by him or her is conspicuously posted up or indicated on the premises by means of a name plate or other device in letters of equal dimensions to those of the veterinary surgeon's name; or

- (c) signs or gives in his or her professional capacity a certificate, notice, report or like document that is incomplete or is false or misleading in a material respect; or
- (d) contravenes or fails to comply with, or counsels, procures, aids or abets another person to contravene or fail to comply with, or does or omits to do any act for the purpose of enabling another person to contravene or fail to comply with, any Act or other law with respect to dangerous drugs whether or not the contravention or failure to comply is the subject of court proceedings; or
- (e) practises fraud or deception in the practice of his or her profession; or
- (f) is negligent or incompetent in the practice of his or her profession; or
- (g) is convicted of an offence involving cruelty to an animal; or
- (h) fails to keep the premises on which the veterinary surgeon practises his or her profession and all equipment contained therein in a clean and sanitary condition; or
- (i) fails to keep such records as are prescribed or so far as are not prescribed as the board directs; or
- (j) assaults, resists, obstructs or hinders or threatens or intimidates a member or deputy member of the board or any officer of the board, in the exercise of his or her powers under this Act; or
- (k) directs or allows a person who is not a veterinary surgeon to practise veterinary science in relation to an animal under the veterinary surgeon's care; or
- (l) holds out that a person who is not a veterinary surgeon may practise veterinary science; or
- (m) conducts a veterinary practice at premises other than veterinary premises; or
- (n) does not comply with a condition of an approval given under part 4A.

22G Initiation of proceedings

(1) A charge alleging misconduct in a professional respect referred to the tribunal for hearing and determination shall be lodged with the registrar of the tribunal.

(2) An application under section 22C shall be lodged with the registrar of the tribunal.

(3) A copy of the notice under section 22D(5) calling upon a veterinary surgeon to show cause as to why the veterinary surgeon's name should not be removed from the register of veterinary surgeons shall be lodged with the registrar of the tribunal.

(4) At least 30 days prior to the date fixed for the hearing of a charge referred to in subsection (1) or of an application referred to in subsection (2), the registrar of the tribunal shall give notice in writing to the person against whom the charge is made or to whom the application relates informing the person of the charge or, as the case may be, the application, particulars thereof and the time and place for hearing.

Division 3—Miscellaneous

22H Appeals

(1) A person aggrieved by—

- (a) a refusal by the board, on any ground other than that the person does not possess the necessary academic qualifications, of the person's application to be registered as a veterinary surgeon; or
- (b) an order or determination of the tribunal made in respect of the person under section 22C(3), 22D(6) or 22E(1);

may appeal therefrom to a judge of the District Court at Brisbane who shall have jurisdiction to hear and determine the appeal and whose decision thereon shall be final and be given effect to by the board.

(2) An appeal shall be by way of rehearing and shall be instituted within 30 days after notification of the refusal or order or determination to the person aggrieved and no later, by filing a notice of appeal in the registry of the District Court at Brisbane setting out the grounds of appeal.

(3) The procedure for an appeal to the District Court is to be in accordance with—

- (a) the rules of court applicable to the appeal; or
- (b) in the absence of relevant rules—directions of the court.

(4) Where upon an appeal the judge orders a penalty to be paid by an appellant the judge shall order the penalty to be paid to the board and, for

the purposes of its enforcement, the order shall be deemed to be an order made by the tribunal.

(5) The judge may make such order as to costs (including the costs of the proceedings in which the order or determination appealed against was made) to be paid by either party to the appeal as the judge thinks fit.

(6) An order for costs made pursuant to subsection (5) may be enforced in the same manner as a judgment of the District Court.

23 Surrender of certificate

(1) A person whose name has been removed from a register or whose registration as a veterinary surgeon has been suspended shall, within 14 days from the date of receipt by that person of the notification of removal or suspension, surrender to the board every certificate of registration issued to the person under this Act.

(2) The board may dispense with the requirement contained in this section upon evidence satisfactory to the board being given that the certificate has been lost or destroyed.

24 Restoration of name

(1) Where the board removes the name of any person from a register kept pursuant to this Act, the name of that person shall not be again entered on the register except by direction of the board or by order of a judge of the District Court at Brisbane.

(2) The board may if it thinks fit in any case restore to a register kept pursuant to this Act any name removed therefrom by order of a judge of the District Court or of the tribunal without payment of fee or on payment of such fee, not exceeding the registration fee, as the board may direct.

24A Use of title ‘doctor’

(1) This section applies to a person who is a veterinary surgeon using the title of doctor.

(2) The person does not commit an offence against the *Higher Education (General Provisions) Act 1993*, section 8(3),³ so far as that subsection applies to the higher education award of the title of doctor, if the person uses the title followed by—

- (a) the person’s name; and
- (b) words, or an abbreviation of words, intended to indicate, and could be reasonably understood to indicate, that the person is a veterinary surgeon.

(3) In this section—

“**title**” includes description and status.

PART 4A—APPROVALS TO USE PREMISES AS VETERINARY PREMISES

Division 1—Preliminary

25 Definitions for pt 4A

In this part—

“**disqualifying offence**” means any of the following offences, for which the rehabilitation period under the *Criminal Law (Rehabilitation of Offenders) Act 1986* has not expired or been revived—

- (a) an indictable offence, whether dealt with on indictment or summarily;
- (b) an offence against this Act;
- (c) an offence against the *Animals Protection Act 1925* relating to the care or protection of animals;

³ *Higher Education (General Provisions) Act 1993*, section 8 (Limitation on conferring or using certain awards)

- (d) an offence against a law of the Commonwealth or another State if the act or omission that constitutes the offence would, if it happens in Queensland, be an offence mentioned in paragraph (c);
- (e) an offence relating to obtaining, administering, dispensing, prescribing or selling a drug or poison as prescribed under a regulation.

“information notice”, for a decision of the board, means a written notice stating—

- (a) the decision and the reasons for it; and
- (b) that the applicant may appeal against the decision to the tribunal; and
- (c) how to appeal.

Division 2—Obtaining approvals

25A Applying for approval

(1) A person may apply to the board for approval to use premises as veterinary premises.

(2) The application must be—

- (a) in the approved form; and
- (b) supported by enough information to enable the board to decide the application; and
- (c) accompanied by the fee prescribed under a regulation.

25B Additional information for application

The board may, by written notice given to the applicant, require the applicant to—

- (a) give the board a stated document or information relevant to the application; or
- (b) allow a member or officer of the board to inspect the premises, including, for example, fittings and equipment at the premises.

25C Deciding application

The board must consider the application and either grant or refuse it within 28 days after the last of the following events to happen—

- (a) the board receives the application;
- (b) the board receives all necessary information to decide the application;
- (c) if, under section 25B(a), the board requires a document or information—the board receives the document or information;
- (d) if, under section 25B(b), the board requires premises to be inspected—the premises are inspected under that section.

25D Grant of application

If the board decides to grant the application, it must, within 14 days after making the decision, give the applicant—

- (a) the approval; and
- (b) if the board decides to impose conditions on the approval, other than a condition mentioned in section 25G(2)—an information notice.

25E Refusal of application

If the board decides to refuse the application, it must, within 14 days after making the decision, give the applicant an information notice.

25F Criteria for decision

The board may refuse to grant the application only if satisfied—

- (a) the premises are not suitable for use as veterinary premises having regard to the standards prescribed or determined under section 29A for conducting veterinary premises;⁴ or
- (b) a veterinary surgeon will not be practising veterinary science at the premises; or

⁴ A copy of the standards is available at the board's offices at 80 Ann Street, Brisbane.

- (c) if the applicant is an individual—the applicant has been convicted of a disqualifying offence; or
- (d) if the applicant is a corporation—any of the corporation's executive officers has been convicted of a disqualifying offence.

Division 3—Conditions

25G Conditions of approvals

(1) The board may impose on the approval the reasonable conditions the board decides, including, for example, conditions about the following—

- (a) the equipment used or intended to be used at the premises;
- (b) hygiene practices, or the safe storage of drugs, at the premises;
- (c) the qualifications or skills required of a person working at the premises;
- (d) the number of staff employed at the premises;
- (e) the branches of veterinary science that may be practised at the premises.

(2) Without limiting subsection (1), the approval must state that the approval holder must allow a member or officer of the board to enter the premises stated in the approval to inspect the premises, including, for example, fittings, equipment or records at the premises, for compliance with the conditions of the approval.

(3) However, the member or officer may enter the premises only when the premises are open for carrying on business or otherwise open for entry.

Division 4—Amendment, suspension or cancellation of approvals

25H Amendment—grounds

The board may amend an approval, including, for example, by adding a further condition to the approval—

- (a) with the written agreement of the approval holder; or

- (b) if the board believes the amendment is necessary or desirable to ensure the premises under the approval are suitable for use as veterinary premises and section 25J has been complied with.

25I Suspension or cancellation—grounds

The board may suspend or cancel the approval if it believes on reasonable grounds—

- (a) the approval was granted because of a materially false or misleading representation or document, made either orally or in writing; or
- (b) the premises are not suitable for use as veterinary premises having regard to the standards prescribed or determined under section 29A for conducting veterinary premises; or
- (c) a veterinary surgeon does not practise veterinary science at the premises; or
- (d) the holder of the approval has not complied with a condition of the approval; or
- (e) if—
 - (i) the holder is an individual—the holder has committed, or is committing, a disqualifying offence; or
 - (ii) the holder is a corporation—any of the corporation’s executive officers has committed, or is committing, a disqualifying offence.

25J Amendment, suspension or cancellation—procedure

(1) If the board proposes to amend, suspend or cancel an approval, the board must give the approval holder a written notice stating each of the following—

- (a) the action (the “**proposed action**”) the board proposes taking under this section;
- (b) the grounds for the proposed action;
- (c) the facts and circumstances that are the basis for the grounds;
- (d) if the proposed action is to amend the approval—the proposed amendment;

- (e) if the proposed action is suspension of the approval—the suspension period;
- (f) that the holder may make, within a stated period, written representations to show why the proposed action should not be taken.

(2) The stated period must end at least 28 days after the holder is given the notice.

(3) If, after considering all representations made within the stated period, the board still believes a ground exists to take the proposed action, the board may—

- (a) if the proposed action is to amend the approval—amend the approval; or
- (b) if the proposed action is to suspend the approval for a stated period—suspend the approval for no longer than the proposed suspension period; or
- (c) if the proposed action is to cancel the approval—cancel the approval or suspend it for a period.

(4) This section does not apply if the approval is amended under section 25H(a).

25K Notice of amendment, suspension or cancellation

(1) The board must, as soon as practicable after making a decision under section 25J(3), give the approval holder an information notice.

(2) The decision takes effect on—

- (a) the day the notice is given; or
- (b) if a later day is stated in the notice—the stated day.

PART 4B—OFFENCE PROVISIONS

25L Conducting veterinary practice

A person must not conduct a veterinary practice other than at veterinary premises.

Maximum penalty—40 penalty units.

25M Persons who must not practise veterinary science

(1) A person who is not a veterinary surgeon must not practise veterinary science.

Maximum penalty—40 penalty units.

(2) However, a person does not commit an offence against subsection (1) if—

- (a) the person practises veterinary science other than for fee or reward; or
- (b) the person—
 - (i) is undertaking a course of study, or a qualifying examination, in veterinary science approved by the board; and
 - (ii) practises veterinary science under the supervision of a veterinary surgeon.

25N Allowing or directing person who is not a veterinary surgeon to practise veterinary science

(1) A veterinary surgeon must not allow or direct another person who is not a veterinary surgeon to practise veterinary science in relation to an animal under the veterinary surgeon's care.

Maximum penalty—40 penalty units.

(2) However, a veterinary surgeon does not commit an offence against subsection (1) if—

- (a) the other person is undertaking a course of study, or a qualifying examination, in veterinary science approved by the board; and

- (b) in practising veterinary science in relation to the animal, the other person acts under the supervision of the veterinary surgeon.

25O Directing veterinary surgeon to practise veterinary science

A person in control of veterinary premises must not direct a veterinary surgeon to practise veterinary science in a way that would be a ground for a charge against the veterinary surgeon alleging misconduct in a professional respect.

Maximum penalty—40 penalty units.

25P Claims about being a veterinary surgeon

(1) A person who is not a veterinary surgeon must not—

- (a) claim, or hold himself or herself out, to be a veterinary surgeon; or
(b) allow himself or herself to be held out as a veterinary surgeon.

Maximum penalty—40 penalty units.

(2) A person must not hold out another person as a veterinary surgeon if the person knows or ought reasonably to know the other person is not a veterinary surgeon.

Maximum penalty—40 penalty units.

25Q Using titles etc.

(1) A person who is not a veterinary surgeon must not use—

- (a) a title that consists of, or includes, the words ‘veterinary surgeon’ or an abbreviation of the words; or
(b) another title, name or initials suggesting, in the context in which the title, name or initials are used, that the person is a veterinary surgeon or is practising veterinary science.

Maximum penalty—40 penalty units.

(2) A person who is not a veterinary specialist must not use—

- (a) a title that consists of, or includes, the words ‘veterinary specialist’ or an abbreviation of the words; or

- (b) another title, name or initials suggesting, in the context in which the title, name or initials are used, that the person is a veterinary specialist.

Maximum penalty—40 penalty units.

PART 5—MISCELLANEOUS

28 Person not to be a member of both the board and the tribunal

An appointment shall not be made under this Act such that a person would, at the same time, be both a member or deputy member of the board and a member or acting member of the tribunal and any such appointment shall be void and of no effect.

29 Tribunal deemed to be commission of inquiry

For the purpose of exercising its jurisdiction under this Act—

- (a) the tribunal shall be deemed to be a commission of inquiry within the meaning of the *Commissions of Inquiry Act 1950* and, subject to this Act, the provisions of that Act shall apply to proceedings of the tribunal; and
- (b) the members of the tribunal shall be deemed to be commissioners under that Act and to have all the powers, authorities, rights, privileges and protection of commissioners conferred by that Act including, in the case of the chairperson of the tribunal, those of the chairperson of a commission of inquiry; and
- (c) witnesses before the tribunal shall have the protection conferred by that Act on witnesses before a commission of inquiry.

29A Control of veterinary premises

Veterinary premises shall be equipped, controlled, managed and operated in such manner as is prescribed or so far as not prescribed as the board determines.

29B Allowances and expenses

(1) Subject to subsection (2), each member of the board and each member of the tribunal shall be paid such fees and allowances as the Governor in Council approves from time to time.

(2) A fee or an allowance shall not be paid to a member who is—

- (a) a stipendiary magistrate for attendance at any meeting held during the hours during which a Magistrates Court office is normally open for the conduct of public business;
- (b) an officer of the public service for attendance at any meeting held during the ordinary office working hours of that officer.

(3) Each member of the board and each member of the tribunal shall be paid such expenses as are necessarily incurred by the member in the discharge of his or her duties as a member and as the Minister approves.

30 Penalty for forging registration

Any person who wilfully makes or causes to be made any false entry in or falsification of the register, and any person who wilfully procures or attempts to procure himself, herself or any other person to be registered under this Act by making or producing, or causing to be made or produced, any false or fraudulent representation or declaration, either verbally or in writing, and any person aiding or assisting therein, is guilty of an offence punishable, on conviction, by a penalty of 20 penalty units.

32 Evidence

(1) In any proceeding by or on behalf of the board under this Act it shall not be necessary to prove the appointment or election of the members, chairperson, or registrar of the board.

(2) A writing certified by the registrar to be a true copy of or a true extract from any register, book, certificate, notice, list, declaration, statement, document, or writing of any nature whatsoever in the custody of the board or of any officer of the board, shall for all purposes be prima facie evidence of the original of which it purports to be a copy or extract, and shall be receivable in evidence to the same extent as the original.

(3) A certificate purporting to be that of the registrar as to—

- (a) an order or determination made by the board or the tribunal; or

- (b) an amount owing to the board pursuant to an order of the board or the tribunal;

shall upon its production be evidence and, in the absence of evidence to the contrary, conclusive evidence of the matters contained therein.

33 Board may sue

(1) The board may in its own name, by its registrar or any person thereunto authorised in writing under the hand of the chairperson, institute, carry on, prosecute, and defend any action, complaint, information, or proceeding whatsoever.

(1A) Every court of law shall take judicial notice of the signature of the chairperson to any such authorisation.

(2) Where the tribunal or the board has ordered that a sum of money or costs be paid to the board and the order is not complied with the amount of such sum or costs outstanding shall be a debt due and owing by the person against whom the order was made to the board and may be sued for and recovered in a court of competent jurisdiction.

33A Reports

(1) The tribunal shall prepare a written report, signed by the persons by whom it was constituted at the relevant time, in relation to all matters heard and determined by it under this Act.

(1A) The report shall be lodged with the registrar of the tribunal.

(2) The board shall prepare a written report in relation to all matters dealt with by it under section 22A.

(2A) The report shall be lodged with the registrar of the board.

(3) Unless otherwise authorised by the board, a report referred to in subsection (1) or (2) shall not be made available to any person other than the Minister or a person acting in aid of the Minister, a member of the tribunal, a member or officer of the board or the person to whom it relates or that person's solicitor.

(4) The board may publish the whole or any part of a report to which this section applies in such manner as it thinks fit.

33C Veterinary surgeon to produce records

(1) The board may, by notice in writing given to the veterinary surgeon, direct the veterinary surgeon to produce to it, within the time specified in the notice, such records as relate to his or her practice of veterinary science as are specified in the notice.

(2) A veterinary surgeon who fails to comply with a direction of the board under subsection (1) commits an offence.

(3) Where records are produced to the board under this section, the board may—

- (a) retain possession of those records for such period as it considers necessary for the purposes of the board; and
- (b) inspect, make copies of, or take extracts from, those records.

(4) The board shall, during the period it retains possession of any records in accordance with subsection (3), permit a person otherwise entitled to possession of those records to inspect, make copies of, and take extracts from, the records at such places and times as the board thinks appropriate.

33D Power of entry etc.

(1) A prescribed person may at any reasonable time enter upon any land and into any premises on land upon or in which the prescribed person suspects, on reasonable grounds, that an act, procedure, matter or thing that forms part of veterinary science, is being or has been done or performed in order to ascertain whether an offence against this Act is being or has been committed or whether any veterinary surgeon is guilty of misconduct in a professional respect.

(2) Before a prescribed person enters a part of any premises which part is used exclusively as a dwelling house the prescribed person shall, save where the prescribed person has the permission of the occupier of that part to his or her entry, apply to a stipendiary magistrate for, and obtain from the stipendiary magistrate, a warrant to enter.

(2A) An application to a stipendiary magistrate for the issue of a warrant—

- (a) may be heard at any place and, subject to this section, in such manner as the magistrate thinks fit; and
- (b) may be made—
 - (i) in person; or

- (ii) where it appears to the prescribed person that, because of distance, urgency or other circumstances, it is impracticable for the person to apply in person—by means of telephone, radio, telex or other facility for distance communication.

(3) A stipendiary magistrate who is satisfied upon the application of a prescribed person that there is reasonable cause to suspect that an act, procedure, matter or thing that forms part of veterinary science is being or has been done or performed in any premises may issue a warrant directed to the prescribed person to enter the premises at such hours of the day or night as the warrant specifies or, if the warrant so specifies, at any time.

(4) In issuing a warrant, a stipendiary magistrate shall—

- (a) specify in the warrant the powers that may be exercised by the prescribed person; and
- (b) record on the warrant the matters of fact on which the magistrate has relied to justify the issue of the warrant.

(4A) A warrant remains in force for a period of 21 days from the date of issue and is lawful authority for the prescribed person to whom it is directed and all persons acting in aid of that person—

- (a) to enter the premises specified in the warrant; and
- (b) subject to the terms of the warrant, to exercise the powers conferred upon a prescribed person under this Act.

(4B) Where an application for a warrant is made in person, in determining whether to issue the warrant, the stipendiary magistrate shall not rely on any statement of facts unless it is provided by means of an oral or written statement made under oath or affirmation or under other sanction authorised by law.

(4C) Where an application for a warrant is made in a manner referred to in subsection (2A)(b)(ii), the stipendiary magistrate shall not issue the warrant unless the magistrate—

- (a) informs the applicant of the matters of fact on which the magistrate relies to justify the issue of the warrant; and
- (b) obtains from the applicant an undertaking that the applicant will furnish to the stipendiary magistrate, as directed by the magistrate, as soon as is practicable a written statement made on oath or affirmation or under other sanction authorised by law verifying those matters of fact.

(4D) Where, pursuant to an application for a warrant made in a manner referred to in subsection (2A)(b)(ii), the stipendiary magistrate issues the warrant—

- (a) the magistrate shall—
 - (i) inform the applicant that the magistrate has done so and of the terms of the warrant; and
 - (ii) within 7 days of the issue of the warrant, send the warrant to the Minister; and
- (b) as soon as practicable, and, in any event, within 7 days, after the issue of the warrant, the applicant shall furnish to the magistrate a written statement in compliance with the undertaking given by the applicant under subsection (4C)(b); and
- (c) a form of warrant completed by the applicant substantially in the terms of the warrant issued by the magistrate and stating—
 - (i) the date on which and the place at which the warrant was issued; and
 - (ii) the name of the stipendiary magistrate who issued the warrant;

is for all purposes to be taken to be the warrant issued and to have force and effect accordingly.

(4E) If a person to whom subsection (4D)(b) applies fails to comply with that subsection, the warrant issued under this section is to be taken to be cancelled upon the expiration of the period of 7 days specified in that subsection.

(4F) The failure of a stipendiary magistrate to send a warrant to the Minister in accordance with subsection (4D)(a)(ii) does not affect the validity, force or effect of the warrant.

(5) A prescribed person who enters upon any land or into any premises pursuant to this section or to a warrant issued pursuant to this section may, subject, in the case of entry pursuant to a warrant, to the terms of the warrant—

- (a) search the land or premises and examine anything found thereon or therein;
- (b) interview any person found thereon or therein;
- (c) collect and take away samples and specimens of anything found thereon or therein;

- (d) photograph the land or premises or any part thereof and anything found thereon or therein;
- (e) seize and take away records which, in the prescribed person's opinion formed on reasonable grounds, may contain evidence in respect of an offence against this Act or of misconduct in a professional respect.

(6) In this section premises that are used as a dwelling house do not include the curtilage of those premises.

(7) Any person, other than a veterinary surgeon, who assaults, resists, obstructs or hinders, threatens or intimidates a prescribed person in the exercise of his or her powers under this section commits an offence against this Act.

Maximum penalty—20 penalty units.

(8) In this section—

“prescribed person” means a member or deputy member of the board or any officer of the board.

33E Authorisation of stock inspectors to carry out certain tests

(1) Where the board—

- (a) considers that it is uneconomical or inappropriate for the tuberculosis testing of animals to be carried out by a veterinary surgeon; and
- (b) recommends to the Minister that an authorisation be given for the purposes of this section;

the Minister may, by instrument, authorise a stock inspector to carry out tuberculosis testing of animals during a specified period at a specified place or specified places.

(2) The power of a stock inspector to carry out tuberculosis testing of animals pursuant to this section does not derogate from, but is in addition to, any power the inspector may have under the *Stock Act 1915* to carry out that testing.

34 Savings

(1) Nothing in this Act or the *Agricultural Standards Act 1952* shall prejudice or affect or be deemed to prejudice or affect the *Health Act 1937*.

(1A) Nothing in this Act shall prevent or be deemed to prevent any pharmacist or any registered veterinary surgeon or other person from supplying any veterinary medicine registered in accordance with the provisions of the *Agricultural Standards Act 1952*.

(1B) However, the provisions of the *Health Act 1937* shall apply and extend to any such pharmacist, surgeon, or other person; and this Act and the *Agricultural Standards Act 1952* shall be read and construed with the *Health Act 1937* accordingly.

(2) In subsection (1)—

“**pharmacist**” means a person registered under the *Pharmacists Registration Act 2001*.

35 Penalties

(1) All penalties and fees imposed by or pursuant to this Act may be recovered in a summary way by complaint under the *Justices Act 1886*.

(2) Every person guilty of any breach or contravention of this Act for which no other penalty is provided shall be liable to a penalty not exceeding 10 penalty units.

(3) Any proceedings under this Act may be instituted within 12 months after the offence is committed, or within 12 months after the discovery of the offence, whichever is the later period.

36 Penalties etc. to be paid into board’s funds

All penalties and fees recovered by the board under this Act shall be paid to the board and become part of its funds.

36A Approval of forms

The chief executive may approve forms for use under the Act.

37 Regulation-making power

(1) The Governor in Council may make regulations under this Act.

(2) A regulation may be made about the following matters—

- (a) the functions and powers of the registrar and officers appointed by the board;

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- (b) registers and the manner of their keeping and the titles (including titles approved by the board in specific cases on the application of a veterinary surgeon), descriptions, qualifications and particulars to be inserted therein;
- (c) the forms to be used for the purposes of this Act and the particular purposes for which those forms shall respectively be used;
- (d) proceedings of the board and of the tribunal;
- (e) fees payable under this Act, the purposes for which those fees are payable, the variation of fees for different classes of veterinary surgeons;
- (f) exemption from payment of fees and the persons to be so exempted;
- (g) fees and allowances payable to examiners and other persons under this Act;
- (h) applications to and approvals by the board;
- (i) penalties not exceeding 10 penalty units for contravention of or failure to comply with a regulation;
- (j) elections held under this Act;
- (k) proceedings in connection with complaints or charges against veterinary surgeons in respect of prohibited practices or for alleged misconduct in a professional respect;
- (l) the holding of examinations and the persons required or eligible to sit for them; fees payable by examinees;
- (m) appointment of examiners;
- (n) the continuing education of veterinary surgeons, including the nature and extent of that education;
- (o) the rules of professional conduct for veterinary surgeons;
- (p) the common seal of the board and the attesting of documents by or on behalf of the board;
- (q) inspection, operation, control and management of veterinary premises;
- (r) care of animals at veterinary premises;
- (s) equipment and staff thereof;

- (t) methods of hygiene and standards of cleanliness therein;
- (u) maintenance of records in connection therewith;
- (v) qualifications and courses of training for animal nurses and animal attendants, their functions and duties and regulation and control thereof;
- (w) the universities, colleges or like bodies and the degrees, diplomas or certificates granted by them that the Governor in Council may recognise in connection with applications for registration of persons as veterinary surgeons, and for approvals pursuant to section 18A;
- (x) the issue of certificates with respect to animals on which veterinary science has been done or performed;
- (y) the circumstances in which and the purposes for which those certificates may be issued;
- (z) the persons who may sign them.

PART 6—TRANSITIONAL PROVISIONS FOR PRIMARY INDUSTRIES LEGISLATION AMENDMENT ACT 2001

38 Continuation of board membership

(1) This section applies to a person who, immediately before the commencement of the section, is a member.

(2) The member—

- (a) continues in office; and
- (b) is taken to be appointed as a member under section 4C; and
- (c) holds office on the conditions not provided for by this Act that are decided by the Minister.

(3) Also, the member who, immediately before the commencement of this section, is the president of the board is taken to be the chairperson.

39 Continuing effect of approvals

(1) This section applies to an approval—

- (a) given under former section 25A; and
- (b) in force immediately before the commencement of this section.

(2) From the commencement—

- (a) the approval and any conditions of the approval have effect as if it were an approval given under part 4A; and
- (b) the approval is taken to be subject to a condition that the approval holder must allow a member or officer of the board to enter the premises stated in the approval to inspect the premises, including, for example, fittings, equipment or records at the premises, for compliance with the conditions of the approval.

(3) In this section—

“former section 25A” means section 25A as in force from time to time before its repeal by the *Primary Industries Legislation Amendment Act 2001*.

SCHEDULE

DICTIONARY

section 2

“animal” means an animal, bird, fish or reptile, of any species.

“animal attendant” means a person other than a veterinary surgeon who, under the supervision of a veterinary surgeon, engages in the care and handling of animals.

“animal nurse” means a person who has successfully completed a course of training approved by the board and who performs in relation to veterinary science such duties as are prescribed.

“approved form” means a form approved under section 36A.

“board” means the Veterinary Surgeons Board of Queensland established under this Act.

“chairperson” means the chairperson of the board.

“convicted” means a finding of guilt, or the acceptance of a plea of guilt, by a court, whether or not a conviction is recorded.

“elected member” means a member of the board elected under section 8.

“member” means a member of the board.

“register of veterinary specialists” means the register of veterinary specialists, Queensland.

“register of veterinary surgeons” means the register of veterinary surgeons, Queensland.

“registrar” means the registrar of the board.

“stock inspector” means a person who is an inspector within the meaning of the *Stock Act 1915*.

“tribunal” means the Veterinary Tribunal of Queensland constituted under this Act.

“veterinary premises” means premises approved for use as veterinary premises under part 4A.

SCHEDULE (continued)

“veterinary specialist” means a veterinary surgeon registered under this Act as a veterinary specialist with respect to a veterinary specialty and whose name remains upon the register of veterinary specialists with respect to such veterinary specialty.

“veterinary specialty” means a branch of veterinary science prescribed under this Act to be a veterinary specialty.

“veterinary surgeon” means a person registered as a veterinary surgeon under this Act and whose name remains upon the register of veterinary surgeons.

ENDNOTES

1 Index to endnotes

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 15 February 2002. Future amendments of the Veterinary Surgeons Act 1936 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	prev	= previous
amd	= amended	(prev)	= previously
amdt	= amendment	proc	= proclamation
ch	= chapter	prov	= provision
def	= definition	pt	= part
div	= division	pubd	= published
exp	= expires/expired	R[X]	= Reprint No.[X]
gaz	= gazette	RA	= Reprints Act 1992
hdg	= heading	reloc	= relocated
ins	= inserted	renum	= renumbered
lap	= lapsed	rep	= repealed
notfd	= notified	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 1992
para	= paragraph	SL	= subordinate legislation

Key	Explanation	Key	Explanation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered

4 Table of earlier reprints

TABLE OF EARLIER REPRINTS

[If a reprint number includes a roman letter, the reprint was released in unauthorised, electronic form only.]

Reprint No.	Amendments included	Reprint date
1	to Act No. 15 of 1994	24 November 1994
2	to Act No. 58 of 1995	22 December 1995
2A	to Act No. 25 of 1996	20 August 1996
2B	to Act No. 37 of 1996	7 January 1996
2C	to Act No. 45 of 2001	27 July 2001
2D	to Act No. 63 of 2001	11 January 2002

5 Tables in earlier reprints

TABLES IN EARLIER REPRINTS

Name of table	Reprint No.
Changed citations and remade laws	1
Changed names and titles	1
Obsolete and redundant provisions	1
Renumbered provisions	1

6 List of legislation

Veterinary Surgeons Act 1936 1 Edw 8 No. 17

date of assent 26 November 1936

commenced 11 March 1937 (proc pubd gaz 11 March 1937 p 975)

amending legislation—

Veterinary Surgeons Act 1946 10 Geo 6 No. 52

date of assent 9 December 1946

commenced on date of assent

Veterinary Surgeons Acts Amendment Act 1964 No. 64

date of assent 23 December 1964

commenced on date of assent

Veterinary Surgeons Act Amendment Act 1973 No. 86

date of assent 20 December 1973
 commenced on date of assent
 order published gazette—
 13 April 1974 p 1454
 commenced on date of publication

Veterinary Surgeons Act Amendment Act 1986 No. 6

date of assent 6 March 1986
 ss 1–2 commenced on date of assent
 remaining provisions commenced 24 March 1986 (proc pubd gaz 22 March 1986
 p 1178)

Veterinary Surgeons Act Amendment Act 1990 No. 65

date of assent 18 September 1990
 ss 1–2 commenced on date of assent
 remaining provisions commenced 10 November 1990 (proc pubd gaz
 10 November 1990 p 1230)

Statute Law (Miscellaneous Provisions) Act 1994 No. 15 ss 1–3 sch 1

date of assent 10 May 1994
 commenced on date of assent

Statute Law Revision Act (No. 2) 1995 No. 58 ss 1–2, 4 sch 1

date of assent 28 November 1995
 commenced on date of assent

Tobacco Industry (Restructuring) Act 1996 No. 25 ss 1, 28 sch 1

date of assent 15 August 1996
 commenced on date of assent

Public Service Act 1996 No. 37 ss 1–2, 147 sch 2

date of assent 22 October 1996
 ss 1–2 commenced on date of assent
 remaining provisions commenced 1 December 1996 (1996 SL No. 361)

Mental Health Act 2000 No. 16 ss 1–2, 590 sch 1 pt 2

date of assent 8 June 2000
 ss 1–2 commenced on date of assent
 remaining provisions not yet proclaimed into force (automatic commencement
 under AIA s 15DA(2) deferred to 8 June 2002 (2001 SL No. 46 s 2))

Medical Practitioners Registration Act 2001 No. 7 ss 1–2, 302 sch 2

date of assent 11 May 2001
 ss 1–2 commenced on date of assent
 remaining provisions not yet proclaimed into force

Pharmacists Registration Act 2001 No. 12 ss 1–2, 245 sch 2

date of assent 11 May 2001
 ss 1–2 commenced on date of assent
 remaining provisions commenced 1 February 2002 (2001 SL No. 261)

Corporations (Ancillary Provisions) Act 2001 No. 45 ss 1–2, 29 sch 3

date of assent 28 June 2001
 ss 1–2 commenced on date of assent

sch 3 commenced 15 July 2001 (see s 2(2) of Act 2001 No. 45 (Qld) and Corporations Act 2001 No. 50 (Cwlth) and proc pubd Cwlth of Australia gaz 13 July 2001, No. S285)

remaining provision commenced immediately before 15 July 2001 (see s 2(1) of Act 2001 No. 45 (Qld) and Corporations Act 2001 No. 50 (Cwlth) and proc pubd Cwlth of Australia gaz 13 July 2001, No. S285)

Primary Industries Legislation Amendment Act 2001 No. 63 s 1, pt 9, s 58 sch

date of assent 25 October 2001

ss 1–2 commenced on date of assent

remaining provisions commenced 21 December 2001 (2001 SL No. 287)

7 List of annotations

Title sub 1973 No. 86 s 2
amd 2001 No. 63 s 35

Short title

s 1 sub 1995 No. 58 s 4 sch 1

Parts of Act

s 2 amd 1986 No. 6 s 4
om R1 (see RA s 36)

Definitions

Note—prev s 3 contained definitions for this Act. Definitions are now located in the schedule—Dictionary. Annotations for definitions contained in prev s 3 are located in annotations for the schedule.

s 2 (prev) s 3 amd 2001 No. 63 s 36
renum 2001 No. 63 s 36(7)

Meaning of veterinary science

s 2A ins 2001 No. 63 s 37

Mutual recognition legislation not affected

s 3 ins 2001 No. 63 s 37

Constitution and composition of board, appointment and tenure of office of members

s 4 amd 1946 10 Geo 6 No. 52 s 2; 1964 No. 64 s 2
sub 1973 No. 86 s 4
amd 1986 No. 6 s 6; 1994 No. 15 s 3 sch 1

PART 2—VETERINARY SURGEONS BOARD OF QUEENSLAND

pt hdg ins 2001 No. 63 s 38

Division 1—Establishment and powers

div hdg ins 2001 No. 63 s 38

Establishment of board

s 4 sub 2001 No. 63 s 38

Board's relationship with the State

s 4A ins 2001 No. 63 s 38

Powers of board

s 4B ins 2001 No. 63 s 38

Division 2—Membership

div hdg ins 2001 No. 63 s 38

Membership

s 4C ins 2001 No. 63 s 38

Chairperson and deputy chairperson

s 4D ins 2001 No. 63 s 38

Qualifications for membership

s 4E ins 2001 No. 63 s 38

Vacation of office

s 4F ins 2001 No. 63 s 38

Term of appointment

s 4G ins 2001 No. 63 s 38

Filling vacancy in office of board member

prov hdg amd 2001 No. 63 s 39(1)

s 5 amd 1973 No. 86 s 5; 1986 No. 6 s 7; 2001 No. 63 s 39(2)–(3)

Excluded matter for Corporations legislation

s 5A ins 2001 No. 45 s 29 sch 3

Chairperson is executive officer of board

prov hdg amd 2001 No. 63 s 58 sch

s 6 amd 2001 No. 63 s 58 sch

Division 3—Election of members

div hdg ins 2001 No. 63 s 40

Disqualifications from membership of board

s 7 amd 1973 No. 86 s 6; 1986 No. 6 s 8; 2000 No. 16 s 590 sch 1 pt 2
om 2001 No. 63 s 41

Board to hold triennial election

s 8 amd 2001 No. 63 s 58 sch

Division 4—Board business

div hdg ins 2001 No. 63 s 42

Conduct of business

s 10 sub 1973 No. 86 s 7; 2001 No. 63 s 42

Quorum

s 11 amd 1990 No. 65 s 5

om 1994 No. 15 s 3 sch 1

ins 2001 No. 63 s 42

Presiding at meetings

s 12 sub 2001 No. 63 s 42

Conduct of meetings

s 12A ins 2001 No. 63 s 42

Minutes

s 12B ins 2001 No. 63 s 42

Disclosure of interests

s 12C ins 2001 No. 63 s 42

Division 5—Other provisions about the board

div hdg ins 2001 No. 63 s 43

Appointment of deputy member

s 13 amd 1973 No. 86 s 8; 1986 No. 6 s 9

Officers

s 14 sub 1986 No. 6 s 10
amd 1996 No. 37 s 147 sch 2; 2001 No. 63 s 44

Funds of board

s 15 amd 1986 No. 6 s 11

PART 2A—THE TRIBUNAL

pt hdg ins 1986 No. 6 s 12

Constitution of tribunal

s 15A ins 1986 No. 6 s 12

Members of tribunal

s 15B ins 1986 No. 6 s 12
amd 1994 No. 15 s 3 sch 1; 1996 No. 37 s 147 sch 2

Vacating office

s 15C ins 1986 No. 6 s 13
amd 1994 No. 15 s 3 sch 1; 2001 No. 16 s 590 sch 1 pt 2

Acting members of tribunal

s 15D ins 1986 No. 6 s 13
amd 1990 No. 65 s 6; 1994 No. 15 s 3 sch 1

Jurisdiction and decisions of tribunal

s 15E ins 1986 No. 6 s 14
amd 2001 No. 63 s 45

Proceedings of tribunal

s 15F ins 1986 No. 6 s 14
amd 1990 No. 65 s 7; 2001 No. 63 s 46

Registrar of tribunal

s 15G ins 1986 No. 6 s 14

PART 3—THE REGISTERS

pt hdg amd 1986 No. 6 s 15

Keeping registers

s 16 amd 1973 No. 86 s 9; 1986 No. 6 s 16

Roll fee

s 17 amd 1973 No. 86 s 10; 1986 No. 6 s 17

PART 4—VETERINARY SURGEONS AND VETERINARY SPECIALISTS**pt hdg** amd 1986 No. 6 s 18**Division 1—Registration of veterinary surgeons and veterinary specialists, and approvals to practice veterinary science****div hdg** ins 2001 No. 63 s 47**Registration of veterinary surgeons****prov hdg** sub 1986 No. 6 s 19(a)**s 18** sub 1973 No. 86 s 11amd 1986 No. 6 s 19(b)–(e); 1990 No. 65 s 8; 1994 No. 15 s 3 sch 1; 1995 No. 58 s 4 sch 1; 2000 No. 16 s 590 sch 1 pt 2; 2001 No. 63 s 58 sch**Performance of certain acts by approved persons****s 18A** ins 1973 No. 86 s 12

amd 1986 No. 6 s 20; 1990 No. 65 s 9; 1995 No. 58 s 4 sch 1; 2001 No. 63 s 58 sch

Approval of corporations**s 18B** ins 1990 No. 65 s 10

om 2001 No. 63 s 48

Application for registration**s 19** amd 1973 No. 86 s 13; 1986 No. 6 s 21**Provisional registration****s 19A** ins 1973 No. 86 s 14

amd 1995 No. 58 s 4 sch 1; 2001 No. 63 s 58 sch

Registration for limited period**s 19B** ins 1986 No. 6 s 22

amd 1995 No. 58 s 4 sch 1; 2001 No. 63 s 49

Registration of veterinary specialists**s 19C** ins 1986 No. 6 s 22

amd 1994 No. 15 s 3 sch 1; 1995 No. 58 s 4 sch 1; 2001 No. 63 s 58 sch

Veterinary specialties**s 19D** ins 1986 No. 6 s 22

amd 1994 No. 15 s 3 sch 1; 2001 No. 63 s 58 sch

Special registration**s 19E** ins 1990 No. 65 s 11

amd 2001 No. 63 s 58 sch

Removal from register and suspension**s 21** prev s 21 om 1973 No. 86 s 15

pres s 21 ins 1986 No. 6 s 23

amd 1996 No. 25 s 28 sch 1

Division 2—Matters about conduct of veterinary surgeons**div hdg** ins 2001 No. 63 s 50**Investigation by board****s 22** amd 1973 No. 86 s 16

sub 1986 No. 6 s 24

Board may punish

- s 22A ins 1973 No. 86 s 17
sub 1986 No. 6 s 24
amd 1990 No. 65 s 23

Board to give notice of its intention to proceed pursuant to s 22A

- s 22B ins 1973 No. 86 s 17
sub 1986 No. 6 s 24

Board may apply to tribunal for an order to remove the name of a veterinary surgeon from the register

- s 22C ins 1986 No. 6 s 25
amd 2001 No. 63 s 58 sch

Where veterinary surgeon medically unfit

- s 22D ins 1986 No. 6 s 25
amd 2001 No. 7 s 302 sch 2; 2001 No. 63 s 58 sch

Orders of tribunal on charge of misconduct in a professional respect

- s 22E ins 1986 No. 6 s 26
amd 1990 No. 65 s 23

Misconduct in a professional respect

- s 22F ins 1986 No. 6 s 26
amd 1990 No. 65 s 12; 2001 No. 63 ss 51, 58 sch

Initiation of proceedings

- s 22G ins 1986 No. 6 s 27

Division 3—Miscellaneous

- div hdg ins 2001 No. 63 s 52

Appeals

- s 22H ins 1986 No. 6 s 27
amd 2001 No. 63 s 53

Surrender of certificate

- s 23 sub 1973 No. 86 s 18
amd 1986 No. 6 s 28

Restoration of name

- s 24 amd 1973 No. 86 s 19; 1986 No. 6 s 29

Use of title ‘doctor’

- s 24A ins 2001 No. 63 s 54

PART 4A—APPROVALS TO USE PREMISES AS VETERINARY PREMISES

- pt hdg sub 2001 No. 63 s 55

Division 1—Preliminary

- div hdg ins 2001 No. 63 s 55

Definitions for pt 4A

- s 25 amd 1946 10 Geo 6 No. 52 s 3
sub 1973 No. 86 s 20

amd 1986 No. 6 s 30; 1990 No. 65 ss 13, 23; 1994 No. 15 s 3 sch 1
sub 2001 No. 63 s 55

Division 2—Obtaining approvals

div hdg ins 2001 No. 63 s 55

Applying for approval

s 25A ins 1973 No. 86 s 21
amd 1990 No. 65 s 14
sub 2001 No. 63 s 55

Additional information for application

s 25B ins 2001 No. 63 s 55

Deciding application

s 25C ins 2001 No. 63 s 55

Grant of application

s 25D ins 2001 No. 63 s 55

Refusal of application

s 25E ins 2001 No. 63 s 55

Criteria for decision

s 25F ins 2001 No. 63 s 55

Division 3—Conditions

div hdg ins 2001 No. 63 s 55

Conditions of approvals

s 25G ins 2001 No. 63 s 55

Division 4—Amendment, suspension or cancellation of approvals

div hdg ins 2001 No. 63 s 55

Amendment—grounds

s 25H ins 2001 No. 63 s 55

Suspension or cancellation—grounds

s 25I ins 2001 No. 63 s 55

Amendment, suspension or cancellation—procedure

s 25J ins 2001 No. 63 s 55

Notice of amendment, suspension or cancellation

s 25K ins 2001 No. 63 s 55

PART 4B—OFFENCE PROVISIONS

pt 4B (ss 25L-25Q) ins 2001 No. 63 s 55

Veterinary surgeon may sue for fees etc.

s 26 amd 1986 No. 6 s 31; 1990 No. 65 s 15
om 2001 No. 63 s 55

Continuation of name of deceased veterinary surgeon

s 27 om 2001 No. 63 s 55

Person not to be a member of both the board and the tribunal

- s 28** amd 1973 No. 86 s 22
 sub 1986 No. 6 s 32
 amd 1990 No. 65 s 16

Tribunal deemed to be commission of inquiry

- s 29** amd 1973 No. 86 s 23
 sub 1986 No. 6 s 33

Control of veterinary premises

- prov hdg** sub 1990 No. 65 s 17(a)
s 29A ins 1973 No. 86 s 24
 amd 1990 No. 65 s 17(b); 2001 No. 63 s 58 sch

Allowances and expenses

- s 29B** ins 1986 No. 6 s 34

Penalty for forging registration

- s 30** amd 1973 No. 86 s 25
 amd 1990 No. 65 ss 18, 23

Board to publish statement of receipts and disbursements

- s 31** amd 1973 No. 86 s 26
 om 2001 No. 63 s 58 sch

Evidence

- s 32** amd 1986 No. 6 s 35; 2001 No. 63 s 58 sch

Board may sue

- s 33** amd 1986 No. 6 s 36; 2001 No. 63 s 58 sch

Reports

- s 33A** ins 1986 No. 6 s 37

Giving of notice

- s 33B** ins 1986 No. 6 s 37
 om 1994 No. 15 s 3 sch 1

Veterinary surgeon to produce records

- s 33C** ins 1986 No. 6 s 38
 amd 1990 No. 65 s 19; 2001 No. 63 s 58 sch

Power of entry etc.

- s 33D** ins 1986 No. 6 s 38
 amd 1990 No. 65 ss 20, 23; 2001 No. 63 s 58 sch

Authorisation of stock inspectors to carry out certain tests

- s 33E** ins 1990 No. 65 s 21

Savings

- s 34** amd 1973 No. 86 s 27; 1986 No. 6 s 39; 2001 No. 12 s 245 sch 2

Penalties

- prov hdg** sub 1995 No. 58 s 4 sch 1
s 35 amd 1973 No. 86 s 28; 1986 No. 6 s 40; 1990 No. 65 s 23; 1995 No. 58 s 4
 sch 1

Approval of forms

s 36A ins 1995 No. 58 s 4 sch 1

Transitional provision about forms

s 36B ins 1995 s 4 sch 1
exp 28 May 1996 (see s 36B(3))

Regulation-making power

prov hdg sub 1996 No. 25 s 28 sch 1

s 37 sub 1973 No. 86 s 29
amd 1986 No. 6 s 41; 1990 No. 65 ss 22–3; 1994 No. 15 s 3 sch 1; 2001
No. 63 ss 56, 58 sch

**PART 6—TRANSITIONAL PROVISIONS FOR PRIMARY INDUSTRIES
LEGISLATION AMENDMENT ACT 2001**

pt hdg ins 2001 No. 63 s 57

Continuation of board membership

s 38 om 1986 No. 6 s 42
prev s 38 om 1986 No. 6 s 42
pres s 38 ins 2001 No. 63 s 57

Continuing effect of approvals

s 39 ins 2001 No. 63 s 57

SCHEDULE

amd 1946 10 Geo 6 No. 52 s 4; o in c pubd gaz 13 April 1974 p 1454
om 1994 No. 15 s 3 sch 1

SCHEDULE

prev prov hdg sub 1995 No. 58 s 4 sch 1

Note—definitions for this Act were originally located in prev s 3.

sch ins 2001 No. 63 s 58 sch
def “**animal**” ins 1973 No. 86 s 3(a)
def “**animal attendant**” ins 1973 No. 86 s 3(a)
def “**animal nurse**” ins 1973 No. 86 s 3(a)
amd 2001 No. 63 s 36(4)
def “**approved corporation**” ins 1990 No. 65 s 4(a)
om 2001 No. 63 s 36(2)
def “**approved form**” ins 1995 No. 58 s 4 sch 1
sub 2001 No. 63 s 36(2)–(3)
def “**board**” amd 2001 No. 63 s 36(5)
def “**chairperson**” ins 2001 No. 63 s 36(3)
def “**convicted**” ins 2001 No. 63 s 36(3)
def “**elected member**” ins 2001 No. 63 s 36(3)
def “**Health Acts**” om 1986 No. 6 s 5(a)
def “**Minister**” sub 1973 No. 86 s 3(b)
om 1994 No. 15 s 3 sch 1
def “**person**” om 2001 No. 63 s 36(2)
def “**pharmaceutical chemist**” om 1986 No. 6 s 5(b)
def “**practice**” ins 1973 No. 86 s 3(c)
amd 1986 No. 6 s 5(c)
om 2001 No. 63 s 36(2)

- def “**prescribed**” om 1994 No. 15 s 3 sch 1
 def “**president**” om 2001 No. 63 s 36(2)
 def “**register**” om 1986 No. 6 s 5(d)
 def “**Register of Veterinary Specialists**” ins 1986 No. 6 s 5(d)
 def “**Register of Veterinary Surgeons**” ins 1986 No. 6 s 5(d)
 def “**registrar**” sub 1986 No. 6 s 5(d)
 sub 2001 No. 63 s 36(2)–(3)
 def “**regulations**” om 1994 No. 15 s 3 sch 1
 def “**stock inspector**” ins 1990 No. 65 s 4(b)
 def “**This Act**” om 1994 No. 15 s 3 sch 1
 def “**Tribunal**” ins 1986 No. 6 s 5(e)
 def “**veterinary centre**” ins 1973 No. 86 s 3(d)
 om 2001 No. 63 s 36(2)
 def “**veterinary clinic**” ins 1973 No. 86 s 3(d)
 om 2001 No. 63 s 36(2)
 def “**veterinary hospital**” ins 1973 No. 86 s 3(d)
 om 2001 No. 63 s 36(2)
 def “**veterinary medicine**” sub 1973 No. 86 s 3(e)
 om 1986 No. 6 s 5(f)
 def “**veterinary premises**” ins 1986 No. 6 s 5(f)
 amd 1990 No. 65 s 4(c)
 sub 2001 No. 63 s 36(2)–(3)
 def “**veterinary specialist**” ins 1986 No. 6 s 5(f)
 def “**veterinary specialty**” ins 1986 No. 6 s 5(f)
 amd 2001 No. 63 s 36(4)
 def “**veterinary surgeon**” amd 1986 No. 6 s 5(g)
 def “**veterinary surgery**” amd 1973 No. 86 s 3(f); 1986 No. 6 s 5(h); 1990
 No. 65 s 4(d)
 om 2001 No. 63 s 36(2)

8 List of forms

Form 1—Application for Registration as a Veterinary Surgeon

pubd gaz 27 September 1996 p 344

Form 2—Application for Registration as a Veterinary Surgeon for a Limited Period

pubd gaz 27 September 1996 p 344

Form 3—Application for Registration as a Veterinary Specialist

pubd gaz 27 September 1996 p 344

Form 4—Notification of Eligibility for Secondary Registration as a Veterinary Surgeon/Veterinary Specialist

pubd gaz 27 September 1996 p 344

Form 5—Certificate of Registration as a Veterinary Surgeon

pubd gaz 27 September 1996 p 344

Form 6—Certificate of Provisional Registration as a Veterinary Surgeon

pubd gaz 27 September 1996 p 344

- Form 7—Certificate of Registration as a Veterinary Surgeon for a Limited Period**
pubd gaz 27 September 1996 p 344
- Form 8—Certificate of Registration as a Veterinary Specialist**
pubd gaz 27 September 1996 p 344
- Form 9—Certificate of Renewal of Registration as a Registered Veterinary Surgeon**
pubd gaz 27 September 1996 p 344
- Form 10—Certificate of Renewal of Registration as a Registered Veterinary Specialist**
pubd gaz 27 September 1996 p 344
- Form 11—Application for Approval To Do or Perform Certain Acts of Veterinary Surgery under Direction**
pubd gaz 27 September 1996 p 344
- Form 12—Approval To Do or Perform Certain Acts of Veterinary Surgery under Direction**
pubd gaz 27 September 1996 p 344
- Form 13—Application for Approval for Use of Premises for Veterinary Purposes**
pubd gaz 27 September 1996 p 344
- Form 14—The Register of Veterinary Surgeons, Queensland**
pubd gaz 27 September 1996 p 344
- Form 15—The Register of Veterinary Specialists, Queensland**
pubd gaz 27 September 1996 p 344
- Form 16—Nomination Paper for Election of Members of The Veterinary Surgeons Board of Queensland**
pubd gaz 27 September 1996 p 344
- Form 17—Ballot Paper for Election of Members of The Veterinary Surgeons Board of Queensland**
pubd gaz 27 September 1996 p 344

9 Provisions that have not commenced and are not incorporated into reprint

The following provisions are not incorporated in this reprint because they had not commenced before the reprint date (see Reprints Act 1992, s 5(c)).

Mental Health Act 2000 No. 16 s 590 sch 1 pt reads as follows—

1 Section 7(a), from ‘or becomes’ to ‘1974’—

omit.

2 Section 15C(1)(b)—

omit.

3 Section 18(3)—

omit, insert—

‘(3) The board may refuse an application for registration as a veterinary surgeon if the board is satisfied the applicant is not medically fit to practise veterinary surgery.’.

Medical Practitioners Registration Act 2001 No. 7 s 302 sch 2 reads as follows—

1 Section 22D(1), ‘persons who are registered as medical practitioners under the *Medical Act 1939*’—

omit, insert—

‘medical practitioners’.