



Queensland

*Veterinary Surgeons Act 1936*

# **Veterinary Surgeons Regulation 2016**

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Queensland

# Veterinary Surgeons Regulation 2016

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# Veterinary Surgeons Regulation 2016

## Part 1 Preliminary

### 1 Short title

This regulation may be cited as the *Veterinary Surgeons Regulation 2016*.

### 2 Commencement

This regulation commences on 1 September 2016.

## Part 2 Acts that are not veterinary science

### 3 Particular acts are not veterinary science—Act, s 2A

- (1) For section 2A(3)(a) of the Act, the following acts done for animal husbandry or animal dentistry are not veterinary science—
- (a) castrating—
    - (i) cattle or sheep of less than 6 months; or
    - (ii) goats of less than 2 months; or
    - (iii) pigs of less than 3 weeks;
  - (b) dehorning—
    - (i) cattle of less than 6 months; or
    - (ii) goats or sheep of less than 3 months;
  - (c) spaying cattle using the Willis dropped-ovary technique;
  - (d) tailing sheep of less than 6 months;
  - (e) mulesing sheep of less than 1 year;

- (f) filing or rasping a horse's teeth;
  - (g) artificial insemination of cattle, deer, goats, pigs or sheep;
  - (h) teaching techniques about pregnancy testing of cattle by a veterinary surgeon to an owner of cattle;
  - (i) pregnancy testing of cattle using rectal palpation or transrectal ultrasound by a person accredited to use rectal palpation or transrectal ultrasound to test for pregnancy in cattle under an approved cattle procedures accreditation scheme;
  - (j) injecting an animal with lidocaine, if—
    - (i) the lidocaine comprises not more than 2% of an injectable preparation that—
      - (A) is packaged in a container designed to be resistant to being opened; and
      - (B) can only be administered through a rubber ring applicator that includes an injector; and
    - (ii) the injection is given in conjunction with an act mentioned in paragraph (a)(i) or (d);
  - (k) spraying an animal wound with lidocaine, if—
    - (i) the lidocaine comprises not more than 4.5% of an aqueous gel preparation designed to be sprayed on animal wounds; and
    - (ii) the wound is caused by an act mentioned in paragraph (a)(i), (b)(i) or (d).
- (2) In this section—
- approved cattle procedures accreditation scheme*** see the *Animal Care and Protection Act 2001*, section 93A.
- prescribed instrument***, for the Willis dropped-ovary technique, means an instrument made of stainless steel that has—
- (a) a handle in the shape of the letter 'T'; and



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

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

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

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

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

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

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

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

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

### **5                      Application of division**

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

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

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

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



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

## **7 Requirements for nominations**

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

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

### **8 Candidates elected without ballot**

- (1) This section applies if only 1 or 2 candidates are nominated for an election under section 7.

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

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

## **Division 4                      Procedure if more than 2 candidates nominated**

### **9                      Application of division**

- (1) This division applies if more than 2 candidates are nominated for an election under section 7.
- (2) However, if, before the appointed day for the election, 1 or more candidates withdraw their nomination so that 2 or fewer candidates remain nominated—
  - (a) this division stops applying for the election; and
  - (b) if 1 or 2 candidates remain nominated—division 3 applies for the election.

*Note—*

See also section 9 of the Act.

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## 10 Returning officer to conduct ballot

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

## 11 Notice of ballot

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

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

## 12 Preparation of electronic voting system and ballot forms

- (1) The returning officer must, as soon as practicable after publishing a notice under section 11 in relation to the ballot, ensure each of the following is prepared for the ballot—

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- (a) an electronic system by which electronic votes may be cast in the ballot;
  - (b) a ballot form with which a vote in the ballot may be cast electronically using the system;
  - (c) a ballot form with which a vote in the ballot may be cast physically.
- (2) Each ballot form must list the names of the candidates in the ballot in alphabetical order.

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

The electronic voting system for the ballot must—

- (a) be accessible, free of charge, on a website; and
- (b) be able to facilitate the casting of electronic votes in the ballot; and
- (c) be able to count and record the electronic votes cast for each candidate in the ballot using the system; and
- (d) for each eligible veterinary surgeon who casts an electronic vote in the ballot using the system—
  - (i) allow the returning officer and any other entity administering the ballot to identify the surgeon and how the surgeon voted; and
  - (ii) not allow anyone else to identify the surgeon or how the surgeon voted; and
- (e) include, in a way that is accessible to an eligible veterinary surgeon using the system—
  - (i) instructions on how to cast an electronic vote in the ballot using the system; and
  - (ii) any written statement of a candidate in the ballot that accompanied the nomination of the candidate under section 7(3).

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

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

## **15 Voting**

- (1) An eligible veterinary surgeon may vote in the ballot using an electronic ballot form or paper ballot form for the ballot.
- (2) The vote must be cast—
  - (a) by marking the ballot form opposite the name of 1 candidate in the ballot; and
  - (b) before the closing time for the ballot.
- (3) To cast the vote using the electronic ballot form, the eligible veterinary surgeon must use the form and the electronic voting system for the ballot in accordance with the instructions included in the system under section 13(e)(i).
- (4) To cast the vote using the paper ballot form, the eligible veterinary surgeon must, after marking the form as required under subsection (2)(a)—
  - (a) put the form in a ballot envelope for the ballot and seal the envelope; and
  - (b) put the ballot envelope in the return envelope for the ballot and seal the return envelope; and

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- (c) write the surgeon's name, registration number and signature on the return envelope; and
  - (d) post or deliver the return envelope to the entity administering voting in the ballot so that the entity receives the envelope before the closing time for the ballot.
- (5) In this section—
- registration number*, of an eligible veterinary surgeon, means the number assigned by the board to the surgeon's name on the register of veterinary surgeons.

## **16 Electronic vote and ballot box security**

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

- (c) place the ballot envelope in the ballot box kept for the ballot.

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

- (1) After the closing time for the ballot, the entity administering voting in the ballot must—
  - (a) identify each eligible veterinary surgeon who cast an electronic vote in the ballot; and
  - (b) do the following in the presence of at least 2 witnesses—
    - (i) open each ballot envelope for the ballot that is in the ballot box for the ballot;
    - (ii) remove the paper ballot form for the ballot from the envelope;
    - (iii) if the ballot form is marked as required under section 15(2)(a) by an eligible veterinary surgeon who has not cast an electronic vote in the ballot—accept the form;
    - (iv) if the ballot form does not comply with subparagraph (iii)—reject the form;
    - (v) count and record the number of votes on the accepted ballot forms for each candidate in the ballot.
- (2) Despite subsection (1)(b)(iv), the entity counting the votes may accept a ballot form marked other than as required under section 15(2)(a) if the entity considers the voter’s intention is clear.

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

- (1) This section applies if a voting services provider is administering voting in the ballot.

- (2) The voting services provider must give the returning officer written notice of the result of the counting of all votes cast in the ballot as soon as practicable after the votes have been counted.

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

- (1) The 2 candidates in the ballot with the highest number of counted votes are elected as elected members on the appointed day for the election.
- (2) However, if on the appointed day, the election of 2 candidates in the ballot can not be decided under subsection (1) because 2 or more candidates (the *tied candidates*) receive the same number of votes in the ballot, the returning officer must conduct a draw to decide which of the tied candidates are elected.
- (3) The returning officer must, on the appointed day, conduct the draw by doing the following in the presence of an officer of the board—
  - (a) writing the names of the tied candidates on separate pieces of paper that are the same kind, shape, size and colour;
  - (b) folding the pieces of paper in the same way to be the same size and thickness;
  - (c) putting the pieces of paper in a container and shuffling them;
  - (d) drawing out the number of pieces of paper required to decide which of the tied candidates are elected.

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

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

- (a) publish a notice, on the board's website, stating the name of each candidate elected in the election; and



- 
- (b) give each eligible veterinary surgeon a copy of the notice.

## **Part 4**                      **Matters about veterinary surgeons**

### **20**      **Veterinary qualifications and prescribed examinations—Act, s 18**

- (1) Each of the following qualifications is recognised for section 18(1)(a) of the Act—
  - (a) a degree or diploma accredited by a body mentioned in schedule 1, part 1;
  - (b) membership of a body mentioned in schedule 1, part 2 if the membership is obtained by examination by the body.
- (2) A degree or diploma mentioned in schedule 1, part 3 is recognised for section 18(1)(b) of the Act.
- (3) For section 18(2)(a) of the Act, the prescribed period is 3 months.
- (4) For section 18(2)(b) of the Act, the prescribed examinations are—
  - (a) each of the following examinations conducted by the Australasian Veterinary Boards Council Incorporated—
    - (i) an occupational English test with particular reference to veterinary science;
    - (ii) a written multiple choice examination in veterinary science about—
      - (A) companion animals; and
      - (B) agricultural animals; and
      - (C) public health and pathology;
    - (iii) a clinical examination in veterinary science; or

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- (b) the examinations conducted by the Veterinary Council of New Zealand that are recognised by the Australasian Veterinary Boards Council Incorporated as similar or equivalent to the examinations mentioned in paragraph (a).

## **21 Specialist veterinary qualifications—Act, s 19C**

The qualifications mentioned in schedule 2 are recognised for section 19C(1)(c) of the Act.

## **22 Veterinary specialties—Act, s 19D**

- (1) This section prescribes branches of veterinary science to be veterinary specialties for section 19D of the Act.
- (2) Any branch of veterinary science recognised by the Australasian Veterinary Boards Council Incorporated as a specialty providing a person qualified in the specialty with eligibility for registration as a specialist veterinary surgeon in Australia and New Zealand is prescribed.

*Editor's note—*

For veterinary specialties recognised under subsection (2), see the board's website at [www.vsb.qld.gov.au](http://www.vsb.qld.gov.au).

# **Part 5 Miscellaneous provisions**

## **23 Veterinary surgeon to display sign**

- (1) A veterinary surgeon must display a sign including the following information at veterinary premises where the veterinary surgeon practises veterinary science—
  - (a) the veterinary surgeon's name;
  - (b) whether the veterinary surgeon is a veterinary surgeon or veterinary specialist;
  - (c) the veterinary surgeon's qualifications as recorded in—

- (i) the register of veterinary surgeons; or
- (ii) if the veterinary surgeon is a veterinary specialist—the register of veterinary specialists.

Maximum penalty—10 penalty units.

- (2) However, a veterinary surgeon is not required to comply with subsection (1) for premises where the veterinary surgeon practices veterinary science in a temporary capacity, or in locum tenens, for not more than 30 days.

## **24 Record of treatment of animals**

- (1) A veterinary surgeon must, for each animal treated by the veterinary surgeon, keep a record including—
  - (a) the animal’s identifying details; and
  - (b) the following information for each consultation about the animal—
    - (i) details of any condition or injury of the animal;
    - (ii) any provisional or definitive diagnosis;
    - (iii) full details, including the date, of any examination, procedure or test performed;
    - (iv) full details of any treatment given, including details of any drugs administered or dispensed;
    - (v) results of any treatment given;
    - (vi) details of any instructions given when the animal is discharged.

Maximum penalty—10 penalty units.

- (2) The veterinary surgeon must keep the record for 3 years from the day the last information about the animal is included in the record.

Maximum penalty—10 penalty units.

## **25 Record of continuing education**

- (1) A veterinary surgeon must keep a record of continuing education carried out by the veterinary surgeon.
- (2) The record must be kept—
  - (a) in the approved form; and
  - (b) for 3 years from the day the continuing education is carried out.

## **26 Common seal of the board**

- (1) The common seal of the board must include—
  - (a) the board's name; and
  - (b) the State's coat of arms.
- (2) The common seal may be attached to documents only under the written authority of the chairperson or a resolution of the board.

## **27 Prescribed drugs and poisons—Act, s 25**

For section 25 of the Act, definition *disqualifying offence*, paragraph (e), the following drugs and poisons are prescribed—

- (a) a substance that is a medicine, poison or prohibited substance under the *Medicines and Poisons Act 2019*; or
- (b) a substance that was a controlled drug, restricted drug or poison under the repealed *Health (Drugs and Poisons) Regulation 1996*.

## **28 Fees**

The fees payable under the Act are stated in schedule 3.

## **Part 6**                      **Transitional provisions**

### **29**            **Continuation of record of treatment**

- (1) This section applies to a record kept immediately before the commencement under the *Veterinary Surgeons Regulation 2002*, section 25.
- (2) On the commencement, the record is taken to be a record for section 24.

### **30**            **Continuation of record of continuing education**

- (1) This section applies to a record kept immediately before the commencement under the *Veterinary Surgeons Regulation 2002*, section 26.
- (2) On the commencement, the record is taken to be a record for section 25.

## **Schedule 1      Veterinary qualifications**

section 20(1)(a) and (b) and (2)

### **Part 1                      Accrediting bodies for degrees or diplomas recognised for the Act, section 18(1)(a)**

- 1 American Veterinary Medical Association, if a pass in the North American Veterinary Licensing Examination, conducted by the National Board Examination Committee, or the National Board and Clinical Competency Test Examination, is also obtained
- 2 Educational Commission for Foreign Veterinary Graduates, if a pass in the Educational Commission for Foreign Veterinary Graduates Examination conducted in Canada or the United States of America is also obtained
- 3 European Association of Establishments for Veterinary Education
- 4 Royal College of Veterinary Surgeons, United Kingdom
- 5 Australasian Veterinary Boards Council Incorporated

### **Part 2                      Memberships recognised for the Act, section 18(1)(a)**

- 1 Royal College of Veterinary Surgeons, United Kingdom

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**Part 3**                      **Degrees or diplomas  
recognised for the Act,  
section 18(1)(b)**

- 1 a degree or diploma awarded after at least 4 years study at a veterinary school listed in the World Directory of Veterinary Schools published by the World Health Organization or a veterinary school that is part of a college or university listed in the World List of Universities or the AVMA Listed Veterinary Colleges of the World, other than a degree or diploma accredited by a body mentioned in part 1

*Editor's note—*

For copies of the World Directory of Veterinary Schools, the World List of Universities and the AVMA Listed Veterinary Colleges of the World, see the board's website at [www.vsb.qld.gov.au](http://www.vsb.qld.gov.au).

## Schedule 2      Specialist veterinary qualifications

section 21

### Part 1                      Qualifications

- 1 A diploma obtained from any of the following—
  - (a) the American College of Veterinary Internal Medicine;
  - (b) the American College of Veterinary Surgeons;
  - (c) the American College of Theriogenologists;
  - (d) the American College of Veterinary Radiology;
  - (e) the American College of Veterinary Anesthesia and Analgesia;
  - (f) the American College of Veterinary Ophthalmologists;
  - (g) the American College of Veterinary Pathologists;
  - (h) the Royal College of Veterinary Surgeons.
- 2 Fellowship of the Australian and New Zealand College of Veterinary Scientists, if the fellowship is obtained by examination by the college.
- 3 A postgraduate degree or diploma recognised by the advisory committee as equivalent to a qualification mentioned in item 1 or 2.

### Part 2                      Definition

In this schedule—

*advisory committee* means the standing committee of the Australasian Veterinary Boards Council Incorporated known



as the Advisory Committee on the Registration of Veterinary Specialists.

## Schedule 3 Fees

### section 28

|  | <b>Fee units</b> |
|--|------------------|
| 1 Application for registration (Act, s 19(1)(c))—  |                  |
| (a) as a veterinary surgeon  | 131.50           |
| (b) as a veterinary specialist   | 164.35           |
| 2 Application for registration as a veterinary surgeon for a limited period (Act, s 19B(2)(b))                             | 73.65            |
| 3 Restoration of name (Act, s 17(5))—  |                  |
| (a) to the register of veterinary surgeons   | 164.35           |
| (b) to the register of veterinary specialists  | 164.35           |
| 4 Issue of a duplicate certificate of registration under section 20 of the Act (Act, s 37(2)(e))                           | 73.65            |
| 5 Application for an approval (Act, s 18A(2)(c))   | 271.60           |
| 6 Application for special registration (Act, s 19E(2)(b))—   |                  |
| (a) as a veterinary surgeon  | 131.50           |
| (b) as a veterinary specialist   | 164.35           |
| 7 Fee for each 12-month period of special registration (Act, s 19E(3)(a))—   |                  |
| (a) as a veterinary surgeon  | 271.60           |
| (b) as a veterinary specialist   | 381.20           |
| 8 Annual fee (Act, s 17(1))—   |                  |
| (a) for the first year of registration for a veterinary surgeon who—   |                  |
| (i) became a holder of a degree or diploma or member of a college or other body mentioned in section 18(1) of the Act; and |                  |

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|    |  |        |
|----|--|--------|
|    | (ii) has not previously been registered as a veterinary surgeon  | 203.75 |
|    | (b) for a veterinary surgeon who—  |        |
|    | (i) is 55 years or older; and  |        |
|    | (ii) is not engaged in the practice of veterinary science; and   |        |
|    | (iii) is resident in the Commonwealth  | 135.80 |
|    | (c) for a veterinary surgeon other than a veterinary surgeon mentioned in paragraph (a) or (b)   | 271.60 |
| 9  | Additional annual fee for a veterinary specialist (Act, s 17(1))   | 109.60 |
| 10 | Application for approval to use premises as veterinary premises (Act, s 25A(2)(c))—  |        |
|    | (a) for an application for which the board requires the applicant to allow an inspection of the premises under section 25B(b) of the Act | 741.20 |
|    | (b) for another application  | 247.00 |