

Veterinary Surgeons Amendment Regulation 2023

Human Rights Certificate

Prepared in accordance with Part 3 of the *Human Rights Act 2019*

In accordance with section 41 of the *Human Rights Act 2019*, I, Mark Furner MP, Minister for Agricultural Industry Development and Fisheries and Minister for Rural Communities, provide this human rights certificate with respect to the *Veterinary Surgeons Amendment Regulation 2023* (the Amendment Regulation) made under the *Veterinary Surgeons Act 1936*.

In my opinion, the Amendment Regulation, as tabled in the Legislative Assembly, is compatible with the human rights protected by the *Human Rights Act 2019*. I base my opinion on the reasons outlined in this statement.

Overview of the Subordinate Legislation

Administration of pain relief by non-veterinarians

The Therapeutic Goods Administration (TGA) amended Schedule 5 of the Poisons Standard to allow specific formulations of lidocaine to be administered to livestock undergoing painful husbandry procedures.

However, despite products being available for purchase in Queensland, they are unable to be administered in Queensland by non-veterinarians for fee or reward such as contractors who are performing husbandry procedures on behalf of livestock owners. This is because under the *Veterinary Surgeons Act 1936*, anaesthetics can only be administered to animals by veterinary surgeons because it is an act of veterinary science.

Painful husbandry procedures such as castration and tail docking are considered to be routine practices and are carried out by livestock owners and contractor over a number of days. It is impractical for veterinary surgeons to be readily available to administer pain relief when and where needed, particularly with a significant shortage of veterinarians practising in remote areas.

The Amendment Regulation will exclude the use of lidocaine (a local anaesthetic agent) as prescribed in Schedule 5 of the Poisons Standard as an act of veterinary science. It will allow a person to administer lidocaine in particular formulations as a pain relief when carrying out husbandry procedures such as castration, dehorning, and tail docking of young cattle and sheep in prescribed circumstances.

Elections of Veterinary Surgeons Board members

The current provisions for holding elections in the *Veterinary Surgeon Regulation 2016* only provides for paper-based votes mainly postal votes and the publication of election notices in two newspapers circulating generally through Queensland. The process is expensive and ineffectual

being labour and time intensive requiring the printing and posting of ballot papers and information about candidates, and the receipt and manual counting of ballot papers.

The Amendment Regulation will allow for electronic polling and election notices while retaining the paper-based system of voting for those who prefer to vote in that manner. It will omit the requirement for the publication of election notices in newspapers and replace it with a requirement for a notice on the Department of Agriculture and Fisheries' website.

Human Rights Issues

Human rights relevant to the subordinate legislation (Part 2, Division 2 and 3 *Human Rights Act 2019*)

The Amendment Regulation engages the right to take part in public life which is protected by section 23 of the Human Rights Act.

This right is engaged because the Amendment Regulation is changing how veterinary surgeons can cast their votes during an election of Veterinary Surgeon Board elected members.

The amendments will make voting more accessible because it provides veterinary surgeons a choice on their voting method as they may still use the current paper-based system. The amendments therefore promote the right to take part in public life without discrimination.

Consideration of reasonable limitations on human rights (section 13 *Human Rights Act 2019*)

As the Amendment Regulation does not limit human rights, it is not necessary to consider section 13 of the Human Rights Act.

Conclusion

I consider that the Amendment Declaration is compatible with the *Human Rights Act 2019* because it does not limit human rights.

THE HONOURABLE MARK FURNER MP
MINISTER FOR AGRICULTURAL INDUSTRY DEVELOPMENT AND FISHERIES
AND MINISTER FOR RURAL COMMUNITIES