



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) 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.

(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
- (b) at its other end, a flattened spearhead with a slit that—
  - (i) is in the forward end of the spearhead; and
  - (ii) has a sharp edge at the end of the slit closest to the forward end of the spearhead; and
  - (iii) joins an oval hole at the other end of the slit.

***Willis dropped-ovary technique*** means a technique for spaying cattle that involves dropping ovaries into the abdomen by using a prescribed instrument to—

- (a) enter the abdomen by piercing the wall of the vagina with the instrument's spearhead; and
- (b) place each ovary, by rectal manipulation, in the oval hole in the instrument's spearhead; and
- (c) sever the ovaries with the sharp edge of the slit in the instrument's spearhead by retracting the instrument.

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## **Part 3**                      **Procedures for elections of board members**

### **Division 1**                **Preliminary**

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

In this part—

*ballot envelope* see section 12(b).

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

*nomination day* see section 6(2).

*nomination time* see section 6(2).

*return envelope* see section 12(c).

*returning officer* see section 8(4) of the Act.

### **Division 2**                **Notice of election and nomination procedure**

#### **5**            **Notice of election**

- (1) The returning officer must give each veterinary surgeon written notice of the election day.
- (2) The notice must be given at least 3 months before the election day.

#### **6**            **Calling for nominations**

- (1) The returning officer must publish a notice inviting veterinary surgeons to nominate a candidate for election to the board.
- (2) The notice must—

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- (a) state a day (the ***nomination day***) and time (the ***nomination time***) by which nominations must be given to the returning officer; and
- (b) be published—
  - (i) at least 28 days before the nomination day; and
  - (ii) in 2 newspapers circulating generally throughout the State.

## **7 Requirements for nominations**

- (1) A nomination of a candidate for election to the board must—
  - (a) nominate 1 candidate only; and
  - (b) state the full name of the candidate; and
  - (c) be signed by—
    - (i) the candidate; and
    - (ii) 3 or more other veterinary surgeons; and
  - (d) be given to the returning officer before the nomination time on the nomination day.
- (2) A nomination may be accompanied by the candidate's written statement.
- (3) A statement mentioned in subsection (2) must not be more than 200 words.

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

### **8 Candidates elected unopposed**

If only 1 or 2 candidates are nominated under this part—

- (a) the returning officer is not required to conduct a ballot for the election; and
- (b) the candidates are elected to the board unopposed.



*Note—*

See also section 9 (Power of Governor in Council on failure to elect) of the Act.

## **9 Returning officer to give notice to elected candidates**

- (1) The returning officer must give written notice to each candidate elected to the board under section 8 stating that the candidate is elected to the board under that section.
- (2) Also, the returning officer must, at the first reasonable opportunity, give each veterinary surgeon written notice of the persons elected to the board under section 8.

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

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

If more than 2 candidates are nominated under this part, the returning officer must conduct a ballot for the election under this division.

### **11 Voting material**

- (1) The returning officer must send the following things (the *voting material*) to each veterinary surgeon—
  - (a) a ballot paper;
  - (b) an unsealed envelope for the ballot paper;
  - (c) an unsealed envelope addressed to the returning officer.
- (2) The ballot paper must—
  - (a) state the election day; and
  - (b) list, in alphabetical order, the name of each candidate; and

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- (c) provide instructions on how a veterinary surgeon may cast a vote; and
  - (d) be initialled by the returning officer; and
  - (e) be accompanied by any statements submitted by the candidates under section 7(2).
- (3) The voting material must be sent to each veterinary surgeon at least 28 days before the election day.

## 12 How votes are cast

A veterinary surgeon may vote only by completing the following steps—

- (a) marking a ballot paper with a cross opposite the name of 1 or 2 candidates;
- (b) putting the ballot paper in the unsealed envelope for the ballot paper (the *ballot envelope*) and sealing the ballot envelope;
- (c) putting the ballot envelope in the unsealed envelope addressed to the returning officer (the *return envelope*) and sealing the return envelope;
- (d) signing and writing the veterinary surgeon's name on the return envelope;
- (e) returning the return envelope to the returning officer before the election day.

## 13 Returning officer must keep ballot box

- (1) The returning officer must keep a ballot box for the election.
- (2) On receiving a valid return envelope, the returning officer must—
  - (a) take the ballot envelope out of the return envelope; and
  - (b) place the ballot envelope in the ballot box.
- (3) The ballot box must be sealed in a way that prevents ballot envelopes from being taken from it until the votes are counted.

(4) In this section—

*valid return envelope* means a sealed return envelope that—

- (a) contains a ballot envelope; and
- (b) has the name and signature of a veterinary surgeon on the sealed return envelope.

#### **14 Candidate may appoint scrutineer**

- (1) A candidate may appoint 1 scrutineer for the election.
- (2) The candidate must give written notice of the appointment to the returning officer at least 5 days before the election day.

#### **15 Returning officer must count votes**

- (1) On the election day, the returning officer must, in the presence of any scrutineer appointed under section 14—
  - (a) open each ballot envelope in the ballot box kept for the election; and
  - (b) accept each formal ballot paper and reject each informal ballot paper; and
  - (c) count and record the number of votes for each candidate on the accepted ballot papers.
- (2) However, the returning officer may accept an informal ballot paper if, in the opinion of the returning officer, the intention of the voter is clear.
- (3) In this section—

*formal ballot paper* means a ballot paper marked as required under section 12(a).

*informal ballot paper* means a ballot paper not marked as required under section 12(a).

## **16 Candidates with highest votes elected**

- (1) The 2 candidates with the highest number of votes are elected to the board.
- (2) If 2 or more candidates receive the same number of votes so that either of the 2 candidates entitled to be elected under subsection (1) can not be decided, the returning officer must conduct a draw to decide which of the candidates with the same number of votes are elected.
- (3) The returning officer must conduct the draw by completing the following steps in the presence of an officer of the board and any scrutineer appointed under section 14—
  - (a) writing the names of the candidates with the same number of votes 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 candidate or candidates are elected.

## **17 Returning officer to give notice to candidates**

- (1) The returning officer must give each candidate for the election written notice stating which candidates were elected under section 16.
- (2) Also, the returning officer must, at the first reasonable opportunity, give each veterinary surgeon written notice of the candidates elected under section 16.

## **18 Ballot papers to be kept**

- (1) The returning officer must keep the ballot papers placed in the ballot box under section 13(2) for 3 months after the election day.

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- (2) At the end of the 3-month period, the returning officer must destroy the ballot papers in the presence of a member or officer of the board.

## **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