

Queensland



Veterinary Act 1936

VETERINARY SURGEONS REGULATION 1991

**Reprinted as in force on 14 December 2000
(includes amendments up to SL No. 324 of 2000)**

Reprint No. 1C

This reprint is prepared by
the Office of the Queensland Parliamentary Counsel
Warning—This reprint is not an authorised copy

Information about this reprint

This regulation is reprinted as at 14 December 2000. 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**
- **editorial changes made in earlier reprints.**

Queensland



VETERINARY SURGEONS REGULATION 1991

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VETERINARY SURGEONS REGULATION 1991

[as amended by all amendments that commenced on or before 14 December 2000]

Short title

1. This regulation may be cited as the *Veterinary Surgeons Regulation 1991*.

Fees

5.(1) The fees payable under the Act are in schedule 1.

(2) A veterinary surgeon who is an officer of the public service within the meaning of the *Public Service Management and Employment Act 1988*¹ is exempt from payment of registration fees and the annual roll fee.

Primary and secondary registration

5A.(1) A person entitled to be registered as a veterinary surgeon under section 18 of the Act may apply for—

- (a) primary registration as a veterinary surgeon—if the majority of the person's practice is carried on in Queensland; or
- (b) secondary registration as a veterinary surgeon—if the majority of the person's practice is carried on in another State or a Territory.

(2) A veterinary surgeon entitled to be registered as a veterinary specialist under section 19C of the Act may apply for—

- (a) primary registration as a veterinary specialist—if the majority of the veterinary surgeon's practice is carried on in Queensland; or
- (b) secondary registration as a veterinary specialist—if the majority of the veterinary surgeon's practice is carried on in another State or a Territory.

¹ Now see *Public Service Act 1996*, section 138 (References to *Public Service Management and Employment Act 1988*).

Elections

6.(1) The registrar must give each veterinary surgeon at least 3 months notice of the day appointed by the board for the holding of triennial elections of the elective members of the board.

(2) The registrar must—

- (a) fix a date by which nominations for the election of veterinary surgeons to the board must be received; and
- (b) cause notice to be given—
 - (i) inviting veterinary surgeons to nominate candidates for election to the board; and
 - (ii) of the time and date by which nominations must be received by the returning officer.

(3) A notice under subsection (2)(b) must be published not less than 28 days before the date by which nominations must be received in 2 newspapers circulating generally throughout the State.

Nominations

7.(1) A nomination must—

- (a) nominate 1 person only; and
- (b) state the nominee's full name; and
- (c) be signed by—
 - (i) the nominee; and
 - (ii) at least 3 other veterinary surgeons; and
- (d) be received by the returning officer by noon on the day on which nominations close.

(2) A nomination may be accompanied by a candidate's statement of up to 200 words.

Conduct of elections

8.(1) The returning officer must, as soon as is practicable after nominations close, conduct a ballot of veterinary surgeons by sending to

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each veterinary surgeon a ballot paper, an envelope for the ballot paper and an envelope addressed to the returning officer.

(2) A ballot paper must—

- (a) contain the full names of all candidates, arranged in alphabetical order; and
- (b) specify the time and date by which completed ballot papers must be received by the returning officer; and
- (c) be initialled by the returning officer; and
- (d) be accompanied by statements (if any) furnished by the candidates.

(3) A veterinary surgeon may vote on a ballot by—

- (a) marking the ballot paper with a cross opposite the names of not more than 3 candidates; and
- (b) placing the marked ballot paper in the envelope for the ballot paper and sealing that envelope; and
- (c) placing the sealed envelope in the envelope addressed to the returning officer, signing that envelope and forwarding it to the returning officer so as to be received by the time specified on the ballot paper.

Count

9.(1) At the close of the ballot, the returning officer must—

- (a) open each envelope received by the returning officer; and
- (b) accept as formal ballot papers which are marked as required by section 8(3)(a); and
- (c) reject as informal ballot papers which are not marked as required by section 8(3)(a); and
- (d) count and record the number of formal votes for each candidate.

(2) A ballot paper is not informal merely because of an informality in the way it has been dealt with if, in the opinion of the returning officer, the intention of the voter is clear.

Scrutiny

10. Each candidate may appoint 1 scrutineer to be present when the returning officer conducts the count and must notify the returning officer of that appointment, in writing, not less than 5 days before the close of the ballot.

Declaration

11.(1) If there are more than 3 candidates, the returning officer must declare elected from those candidates the 3 candidates who receive the highest number of votes.

(2) If 3 candidates can not be declared elected because 2 or more of them have received an equal number of votes and the number of those candidates, together with the number of candidates entitled to be declared elected exceeds 3, the returning officer must draw lots to determine which of those candidates whose votes are equal is to be declared elected.

(3) A draw conducted under subsection (2) must be conducted in the presence of the deputy registrar and the scrutineers (if any).

(4) All ballot papers used in an election must be retained by the returning officer for 3 months, and after that time must be destroyed, at a convenient time, in the presence of a member or officer of the board.

Veterinary qualifications—Act, s 18

11A.(1) The qualifications recognised under section 18(1)(a)(i) of the Act are in schedule 2, part 1.

(2) The qualifications recognised under section 18(1)(a)(ii) of the Act are in schedule 2, part 2.

(3) The qualifications recognised under section 18(1)(b) of the Act are in schedule 2, part 3.

Specialist veterinary qualifications—Act, s 19C

11B. The qualifications recognised under the Act, section 19C are in schedule 3.

Veterinary specialties—Act, s 19D

11C. The following branches of veterinary surgery are veterinary specialties under the Act, section 19D—

- (a) anaesthesiology;
- (b) medicine;
- (c) ophthalmology;
- (d) pathobiology;
- (e) radiology;
- (f) reproduction;
- (g) surgery.

Veterinary surgery—Act, s 25

11D. Veterinary surgery under the Act, section 25, does not include the following acts done for animal husbandry—

- (a) castrating of cattle, pigs, sheep and goats;
- (b) spaying of cattle;
- (c) dehorning of cattle, sheep and goats;
- (d) tailing of lambs;
- (e) mulesing of sheep;
- (f) deworming of cattle, pigs, sheep, goats, deer and poultry;
- (g) deworming of horses, except by use of stomach tube;
- (h) inoculating of horses, cattle, pigs, sheep, goats, deer and poultry with vaccines;
- (i) sampling for residue disease, when performed under the *Stock Regulation 1988*;
- (j) artificial insemination of cattle, pigs, sheep, goats, and deer;
- (k) teaching of techniques about pregnancy diagnoses of cattle by a registered veterinary surgeon to an owner of cattle.

Restriction on advertising

12. A veterinary surgeon must not—

- (a) advertise or cause or permit to be advertised, directly or indirectly, a practice of veterinary surgery; or
- (b) display or cause or permit to be displayed, directly or indirectly, a nameplate, notice or sign in relation to a practice of veterinary surgery; or
- (c) advertise or promote or cause or permit to be advertised or promoted, directly or indirectly, the sale or supply of any veterinary product; or
- (d) be associated, directly or indirectly, in or with any business advertising or promoting, or causing or permitting to be advertised or promoted the sale or supply of any veterinary product;

otherwise than as permitted by these sections.

Maximum penalty—10 penalty units.

Advertising

13.(1) A veterinary surgeon must not publish or broadcast an advertisement that—

- (a) is false, misleading or deceptive; or
- (b) is likely to mislead or deceive; or
- (c) is likely to bring the practice of veterinary surgery into disrepute.

Maximum penalty—10 penalty units.

(2) A veterinary surgeon must not publish or broadcast an advertisement that includes—

- (a) a claim about the superiority of the veterinary surgeon over another veterinary surgeon; or
- (b) a testimonial about the veterinary surgeon; or
- (c) a claim the veterinary surgeon uses superior apparatus, methods, materials or products in the practice of veterinary surgery; or

- (d) a false claim that the veterinary surgeon is a specialist in a branch of veterinary surgery; or
- (e) a statement or reference to the fees charged for veterinary services.

Maximum penalty—10 penalty units.

Telephone directories, etc.

14.(1) A veterinary surgeon must not—

- (a) make more than—
 - (i) 1 entry in the alphabetical listing of telephone subscribers in a telephone directory; or
 - (ii) 1 entry in the alphabetical listing of veterinary surgeons in a classified telephone directory; or
 - (iii) 1 entry in the locality guide to veterinary surgeons in a classified telephone directory;for each telephone district in which the veterinary surgeon practises veterinary surgery; or
- (b) make more than 1 entry in a business directory for the area in which the veterinary surgeon practises veterinary surgery;

for each place at which the veterinary surgeon practises veterinary surgery, under the veterinary surgeon's own name and the name of the association, firm or approved corporation for whom the veterinary surgeon practises veterinary surgery.

(2) An entry made in accordance with subsection (1) may, if the veterinary surgeon is a veterinary specialist, state that fact and the name of the veterinary speciality.

Maximum penalty—10 penalty units.

Advertising by associations, firms, corporations

15. An advertisement published by an association, firm or an approved corporation must include—

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- (a) in the case of an association or firm, the name of each member of the association or firm who is a veterinary surgeon; or
- (b) in the case of an approved corporation, the name of each director of the corporation who is a veterinary surgeon.

Maximum penalty—10 penalty units.

Signs

16.(1) A veterinary surgeon must display at each place at which the veterinary surgeon practises veterinary surgery a sign bearing—

- (a) the veterinary surgeon's name; and
- (b) the veterinary surgeon's qualifications as recorded in—
 - (i) the Register of Veterinary Surgeons; or
 - (ii) the Register of Veterinary Specialists;as the case may be;

and stating that the person is a veterinary surgeon or, as the case may be, a veterinary specialist.

Maximum penalty—10 penalty units.

- (2)** A veterinary surgeon who—
- (a) is employed in a temporary capacity; or
 - (b) is engaged to act in locum tenens;

for a period of not more than 30 days is not required to comply with subsection (1).

(3) A sign displayed at veterinary premises may be illuminated by a light of constant intensity and must not contain any moving parts.

Maximum penalty—10 penalty units.

(4) A veterinary surgeon must not display a sign relating to the veterinary surgeon's practice at a place other than the veterinary surgeon's veterinary premises without the approval of the board.

Maximum penalty—10 penalty units.

- (5)** A veterinary surgeon whose veterinary premises are in a shopping

complex or other place where a directory of tenants is provided may display on that directory a sign indicating that the veterinary surgeon carries on practice in that place.

Records

17.(1) A veterinary surgeon must keep a record of veterinary examinations and procedures performed by the veterinary surgeon.

Maximum penalty—10 penalty units.

(2) The record must include—

- (a) identification of each animal treated; and
- (b) a clinical assessment of each animal's condition; and
- (c) details of tests performed; and
- (d) a provisional or definitive diagnosis; and
- (e) details of treatment administered; and
- (f) a chronological account of the management of each case.

Maximum penalty—10 penalty units.

(3) The record must be kept for at least 3 years from the date of last examination or procedure.

Maximum penalty—10 penalty units.

Seal

18.(1) The seal of the board must bear the words “The Veterinary Surgeons Board of Queensland” and the coat of arms of the State.

(2) The seal must be affixed by the registrar only to such documents as may be authorised—

- (a) by the president, in writing; or
- (b) by resolution of the board.

Examinations

19.(1) For the purposes of section 18(2)(a) of the Act, the prescribed period is 3 months.

(2) For the purposes of section 18(2)(b) of the Act, the prescribed examinations are—

- (a) an occupational English test with particular reference to veterinary surgery; and
- (b) an examination in veterinary surgery in relation to—
 - (i) companion animals; and
 - (ii) agricultural animals; and
 - (iii) public health and pathology; and
- (c) a clinical examination;

conducted by the Australasian Veterinary Boards Council Incorporated.

SCHEDULE 1**FEES**

	section 5
	\$
1. Registration as—	
(a) a veterinary surgeon—	
(i) primary registration	34.00
(ii) secondary registration	17.00
(b) a veterinary specialist—	
(i) primary registration	68.00
(ii) secondary registration	34.00
(c) a veterinary surgeon for a limited period	10.00
2. Restoration of name, under section 17(3) of the Act, to—	
(a) the register of veterinary surgeons	61.00
(b) the register of veterinary specialists	67.00
3. Duplicate certificate of registration	20.00
4. Approval—	
(a) under section 18A of the Act—for each 12 month period	74.00
(b) under section 25A of the Act—	
(i) if premises are proposed to be used as a veterinary clinic	90.00
(ii) if premises are proposed to be used as a veterinary hospital or veterinary centre	180.00
5. Special registration as a veterinary surgeon under section 19E of the Act—	
(a) initial period	100.00
(b) each renewal	50.00
6.(1) Annual roll fees—	
(a) for a veterinary surgeon who—	
(i) is 55 years or older; and	

SCHEDULE 1 (continued)

(ii) is not engaged in the practice of veterinary surgery; and	
(iii) is resident in the Commonwealth	25.50
(b) for all other veterinary surgeons—	
(i) primary registration	78.60
(ii) secondary registration	39.30
(2) Additional annual roll fee for a veterinary specialist—	
(a) primary registration	78.60
(b) secondary registration	39.30

SCHEDULE 2**VETERINARY QUALIFICATIONS**

section 11A

**PART 1—QUALIFICATIONS RECOGNISED UNDER
THE ACT, SECTION 18(1)(a)(i)**

1. A degree or diploma in veterinary surgery accredited by—
 - (a) the Australasian Veterinary Boards Council Incorporated; or
 - (b) the Royal College of Veterinary Surgeons, United Kingdom.
2. A degree or diploma in veterinary surgery accredited by the American Veterinary Medical Association and a pass in the North American Veterinary Licensing Examination conducted by the National Board Examination Committee.

**PART 2—QUALIFICATIONS RECOGNISED UNDER
THE ACT, SECTION 18(1)(a)(ii)**

Membership of the Royal College of Veterinary Surgeons, United Kingdom gained through successful completion of membership examinations conducted by the College.

SCHEDULE 2 (continued)

**PART 3—QUALIFICATIONS RECOGNISED UNDER
THE ACT, SECTION 18(1)(b)**

A degree or diploma awarded after at least 4 years study at a veterinary school listed in either the World Directory of Veterinary Schools or the World List of Universities,² other than a degree or diploma mentioned in part 1.

² The World Directory of Veterinary Schools is published by the World Health Organisation and the World List of Universities is published by the International Universities Bureau.

SCHEDULE 3**SPECIALIST QUALIFICATIONS UNDER THE ACT,
SECTION 19C**

section 11B

1. Fellowship by examination of the Australian College of Veterinary Scientists.
2. Diploma, American College of Veterinary Internal Medicine.
3. Diploma, American College of Veterinary Surgeons.
4. Diploma, American College of Veterinary Theriogenology.
5. Diploma, American College of Veterinary Radiologists.
6. Diploma, American College of Veterinary Anaesthesiologists.
7. Diploma, American College of Veterinary Ophthalmology.
8. Diploma, American College of Veterinary Pathology.
9. Diploma, Royal College of Veterinary Surgeons.
10. A postgraduate degree or diploma from a tertiary institution that includes as a part of the curriculum an equivalent of 2 years full time supervised training across the discipline followed by written, clinical, practical and oral examinations.

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 14 December 2000. Future amendments of the Veterinary Surgeons Regulation 1991 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

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

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 SL No. 371 of 1998	31 March 1999
1A	to SL No. 83 of 2000	14 June 2000
1B	to SL No. 169 of 2000	11 July 2000

5 List of legislation

Veterinary Surgeons Regulation 1991

made by the Governor in Council on 21 March 1991
pubd gaz 23 March 1991 pp 1637–54
commenced on date of notification
exp 1 September 2001 (see SIA s 54)

as amended by—

Veterinary Surgeons Amendment Regulation 1991 SL No. 145

pubd gaz 30 November 1991 pp 1659–62
commenced 1 January 1992 (see s 2)

Veterinary Surgeons Amendment Regulation (No. 1) 1994 SL No. 413

notfd gaz 2 December 1994 pp 1435–7
ss 1–2 commenced on date of notification
remaining provisions commenced 1 January 1995 (see s 2)

Veterinary Surgeons Amendment Regulation (No. 1) 1996 SL No. 191

notfd gaz 12 July 1996 pp 1365–6
commenced on date of notification

Veterinary Surgeons Amendment Regulation (No. 1) 1997 SL No. 112

notfd gaz 9 May 1997 pp 162–3
commenced on date of notification

Veterinary Surgeons Amendment Regulation (No. 1) 1998 SL No. 371

notfd gaz 18 December 1998 pp 1551–7
ss 1–2 commenced on date of notification
remaining provisions commenced 1 January 1999 (see s 2)

Veterinary Surgeons Amendment Regulation (No. 1) 2000 SL No. 83

notfd gaz 5 May 2000 pp 65–66
commenced on date of notification

Primary Industries Legislation Amendment Regulation (No. 1) 2000 SL No. 169
pts 1, 6

notfd gaz 30 June 2000 pp 736–48

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2000 (see s 2)

Veterinary Surgeons Amendment Regulation (No. 2) 2000 SL No. 324

notfd gaz 8 December 2000 pp 1374–7

commenced on date of notification

6 List of annotations**Short title**

s 1 sub 1991 SL No. 145 s 5

Repeal

s 2 om R1 (RA s 40)

Interpretation

s 3 amd 1991 SL No. 145 s 4

om 1996 SL No. 191 s 3

Forms

s 4 om 1996 SL No. 191 s 3

Fees

s 5 amd 1996 SL No. 191 s 4

Primary and secondary registration

s 5A ins 1991 SL No. 145 s 6

Elections

s 6 amd 1991 SL No. 145 s 4

Count

s 9 amd 1991 SL No. 145 s 4

Declaration

s 11 amd 1991 SL No. 145 s 4

Veterinary qualifications—Act, s 18

s 11A ins 1996 SL No. 191 s 5

sub 2000 SL No. 324 s 3

Specialist veterinary qualifications—Act, s 19C

s 11B ins 1996 SL No. 191 s 5

Veterinary specialities—Act, s 19D

s 11C ins 1996 SL No. 191 s 5

Veterinary surgery—Act, s 25

s 11D ins 1996 SL No. 191 s 5

Restriction on advertising

s 12 amd 1991 SL No. 145 s 4; 1996 SL No. 191 s 6

Advertising

s 13 sub 1996 SL No. 191 s 7

Telephone directories, etc.

s 14 amd 1991 SL No. 145 s 4; 1996 SL No. 191 s 8

Advertising by associations, firms, corporations

s 15 amd 1996 SL No. 191 s 9

Signs

s 16 amd 1991 SL No. 145 s 4; 1996 SL No. 191 s 10

Records

s 17 amd 1996 SL No. 191 s 11

Examinations

s 19 amd 1991 SL No. 145 s 4; 2000 SL No. 324 s 4

Repeal

s 20 amd 1991 SL No. 145 s 4
sub 1996 SL No. 191 s 12
om R1 (RA s 40)

SCHEDULE 1—FEES

sub 1996 SL No. 191 s 13; 1997 SL No. 112 s 3; 1998 SL No. 371 s 4;
2000 SL No. 83 s 3; 2000 SL No. 169 s 12

SCHEDULE 2—VETERINARY QUALIFICATIONS

sub 1991 SL No. 145 s 7; 1994 SL No. 413 s 4; 1996 SL No. 191 s 13;
2000 SL No. 324 s 5

**SCHEDULE 3—SPECIALIST QUALIFICATIONS UNDER THE ACT,
SECTION 19C**

ins 1996 SL No. 191 s 13