

Queensland



Subordinate Legislation 2002 No. 234

Veterinary Surgeons Act 1936

VETERINARY SURGEONS REGULATION 2002

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PART 1—PRELIMINARY

1 Short title

This regulation may be cited as the *Veterinary Surgeons Regulation 2002*.

2 Commencement

This regulation commences on 1 September 2002.

PART 2—ACTS THAT ARE NOT VETERINARY SCIENCE

3 Acts not veterinary science—Act, s 2A

(1) For section 2A(3)¹ 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 6 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;

¹ Section 2A (Meaning of “veterinary science”) of the Act

- (h) teaching techniques about pregnancy testing of cattle by a veterinary surgeon to an owner of cattle.

(2) In this section—

“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.

PART 3—PROCEDURES FOR ELECTIONS OF BOARD MEMBERS

Division 1—Preliminary

4 Definitions for pt 3

In this part—

“ballot envelope” see section 12(b).

“**election day**” means the day appointed by the board by resolution, under section 8(1A)² of the Act, for the holding of a triennial election of the elected members of the board.

“**nomination day and time**” means the day and time stated in a notice published under section 6.

“**return envelope**” see section 12(c).

Division 2—Notice of election and nomination procedure

5 Notice of election

(1) The registrar 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 Notice calling for nominations

(1) The registrar must cause a notice to be published inviting veterinary surgeons to nominate a candidate for election to the board.

(2) The notice must—

(a) state the day and time by which a nomination of a candidate for election to the board must be received by the returning officer; and

(b) be published—

(i) at least 28 days before the day by which nominations must be received by the returning officer; 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

2 Section 8 (Board to hold triennial election) of the Act

- (c) be signed by—
 - (i) the candidate; and
 - (ii) 3 or more other veterinary surgeons; and
- (d) be received by the returning officer before the nomination day and time.

(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 by the nomination day and time—

- (a) the returning officer is not required to conduct a ballot for the election; and
- (b) the candidates are elected to the board unopposed.³

9 Returning officer to give notice to elected candidates

(1) The returning officer must give written notice to the candidates elected to the board under section 8.

(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.

³ See also section 9 (Power of Governor in Council on failure to elect) of the Act

Division 4—Procedure if more than 2 candidates nominated

10 Returning officer to conduct ballot

If more than 2 candidates are nominated by the nomination day and time, 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
- (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.

(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—

- (a) marking a ballot paper with a cross opposite the name of 1 or 2 candidates; and
- (b) putting the ballot paper in the unsealed envelope for the ballot paper (the “**ballot envelope**”) and sealing the ballot envelope; and

- (c) putting the ballot envelope in the unsealed envelope addressed to the returning officer (the “**return envelope**”) and sealing the return envelope; and
- (d) signing and writing the veterinary surgeon’s name on the return envelope; and
- (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 it.

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 written notice of the candidates 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 from the election day.

(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

19 Form of registers—Act, s 16

The register of veterinary surgeons and the register of veterinary specialists must be kept in an electronic form.

20 Primary and secondary registration

(1) This section applies to each of the following persons—

- (a) a person entitled to be registered as a veterinary surgeon under section 18⁴ of the Act;
- (b) a veterinary surgeon entitled to be registered as a veterinary specialist under section 19C⁵ of the Act.

(2) The person may apply for—

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

4 Section 18 (Registration of veterinary surgeons) of the Act

5 Section 19C (Registration of veterinary specialists) of the Act

21 Veterinary qualifications and other matters—Act, s 18

(1) The following qualifications are 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 each of the following examinations conducted by the Australasian Veterinary Boards Council Incorporated—

- (a) an occupational English test with particular reference to veterinary science;
- (b) a written multiple choice examination in veterinary science about—
 - (i) companion animals; and
 - (ii) agricultural animals; and
 - (iii) public health and pathology;
- (c) a clinical examination in veterinary science.

22 Specialist veterinary qualifications—Act, s 19C

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

23 Veterinary specialties—Act, s 19D

For section 19D⁶ of the Act, the following branches of veterinary science are veterinary specialties—

- (a) anaesthesiology;

6 Section 19D (Veterinary specialties) of the Act

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

PART 5—MISCELLANEOUS PROVISIONS

24 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.

25 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.

26 Record of continuing education

(1) A veterinary surgeon must keep a record of continuing education undertaken 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 undertaken.

27 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 authority of—

- (a) the chairperson in writing; or
- (b) a resolution of the board.

28 Prescribed drugs and poisons—Act, s 25

Each controlled or restricted drug, or poison, under the *Health (Drugs and Poisons) Regulation 1996* is prescribed for section 25,⁷ definition “disqualifying offence”, paragraph (e), of the Act.

29 Fees

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

(2) However, a public service officer is exempt from payment of a fee stated in schedule 3, item 1, 6 or 7.

⁷ Section 25 (Definitions for pt 4A) of the Act

SCHEDULE 1

VETERINARY QUALIFICATIONS

sections 21(1)(a) and (b) and (2)

PART 1—ACCREDITING BODIES FOR DEGREES OR DIPLOMAS RECOGNISED FOR THE ACT, SECTION 18(1)(a)

1. The Australasian Veterinary Boards Council Incorporated.
2. The Royal College of Veterinary Surgeons, United Kingdom.
3. The American Veterinary Medical Association, if a pass in the North American Veterinary Licensing Examination conducted by the National Board Examination Committee is also obtained.

PART 2—MEMBERSHIPS RECOGNISED FOR THE ACT, SECTION 18(1)(a)

1. Royal College of Veterinary Surgeons, United Kingdom.

**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 or the World List of Universities,¹ other than a degree or diploma accredited by a body mentioned in part 1.

1 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 2

SPECIALIST VETERINARY QUALIFICATIONS

section 22

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 Veterinary Theriogenology;
 - (d) the American College of Veterinary Radiologists;
 - (e) the American College of Veterinary Anaesthesiologists;
 - (f) the American College of Veterinary Ophthalmology;
 - (g) the American College of Veterinary Pathology;
 - (h) the Royal College of Veterinary Surgeons.
2. Fellowship of the Australian 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 Registration of Veterinary Specialists.

SCHEDULE 3

FEES

section 29

	\$
1. Registration as—	
(a) a veterinary surgeon—	
(i) primary registration	50.00
(ii) secondary registration	25.00
(b) a veterinary specialist—	
(i) primary registration	100.00
(ii) secondary registration	50.00
(c) a veterinary surgeon for a limited period under section 19B of the Act	20.00
2. Restoration of name, under section 17(3) of the Act, to—	
(a) the register of veterinary surgeons	90.00
(b) the register of veterinary specialists	90.00
3. Duplicate certificate of registration	30.00
4. Approval under section 18A of the Act for each 12 month period	110.00
5. Special registration as a veterinary surgeon under section 19E of the Act—	
(a) initial period	150.00
(b) each renewal	75.00
6. Annual roll fee—	
(a) 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	36.00
(b) for another veterinary surgeon—	
(i) primary registration	110.00
(ii) secondary registration	55.00

	\$
7. Additional annual roll fee for a veterinary specialist—	
(a) primary registration	110.00
(b) secondary registration	55.00
8. Approval under section 25A of the Act to use premises as veterinary premises—	
(a) for the application	100.00
(b) if the board requires the premises to be inspected under section 25B(b)—for the inspection	200.00

ENDNOTES

1. Made by the Governor in Council on 29 August 2002.
2. Notified in the gazette on 30 August 2002.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Department of Primary Industries.