

South Australia

# Veterinary Practice Regulations 2005

under the *Veterinary Practice Act 2003*

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## Legislative history

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### 1—Short title

These regulations may be cited as the *Veterinary Practice Regulations 2005*.

### 3—Interpretation

In these regulations—

*Act* means the *Veterinary Practice Act 2003*;

*livestock* has the same meaning as in the *Livestock Act 1997*;

*registered health professional* means a person registered under the law of this State as a medical practitioner, dental practitioner, physiotherapist or chiropractor;

*restricted equine dentistry* means equine dentistry involving the administration of an anaesthetic, sedative or analgesic.

### 3A—Corresponding laws and recognition of registration under corresponding laws

(1) Each of the following is recognised as a law corresponding under the Act:

- (a) *Health Professions Act 2004* of the Australian Capital Territory;
- (b) *Veterinary Practice Act 2003* of New South Wales;
- (c) *Veterinarians Act* of the Northern Territory;
- (d) *Veterinary Surgeons Act 1936* of Queensland;
- (e) *Veterinary Surgeons Act 1987* of Tasmania;
- (f) *Veterinary Practice Act 1997* of Victoria;

- (g) *Veterinary Surgeons Act 1960* of Western Australia.
- (2) The following forms of authorisation under corresponding laws are recognised as corresponding to registration on the specialist register under the Act:

<b>Corresponding law</b>	<b>Form of authorisation</b>
(a) <i>Health Professions Act 2004</i> of the Australian Capital Territory	registration as a health professional in a specialist area of veterinary surgery
(b) <i>Veterinary Practice Act 2003</i> of New South Wales	specialist registration in a branch of veterinary science
(c) <i>Veterinarians Act</i> of the Northern Territory	registration as a veterinary specialist in a branch of veterinary surgery or medicine, including interim registration
(d) <i>Veterinary Surgeons Act 1936</i> of Queensland	registration as a veterinary specialist with respect to a veterinary specialty
(e) <i>Veterinary Surgeons Act 1987</i> of Tasmania	registration as a veterinary specialist
(f) <i>Veterinary Practice Act 1997</i> of Victoria	endorsement as a specialist practitioner (being endorsement of general registration as a veterinary practitioner to the effect that the veterinary practitioner is qualified to practise as a veterinary specialist in a branch of veterinary surgery or medicine)
(g) <i>Veterinary Surgeons Act 1960</i> of Western Australia	registration as a specialist in a prescribed branch of veterinary surgery

- (3) In this regulation, words used in a description of a form of authorisation under a corresponding law have the meanings assigned by that law.

#### **4—Meaning of veterinary treatment**

- (1) For the purposes of paragraph (d) of the definition of **veterinary treatment** in section 3(1) of the Act, the following are prescribed artificial breeding procedures:
- laparoscopic artificial insemination;
  - laparoscopic transfer of embryos.
- (2) The following are excluded from the ambit of the definition of **veterinary treatment** in section 3(1) of the Act:
- the deworming of an animal other than by intranasal oesophageal tube;
  - the performance of the Mules operation on sheep;
  - the dehorning of cattle or sheep if the animal is less than 6 months of age;
  - the castration of cattle, sheep or pigs if the animal is less than 3 months of age;
  - the tailing of lambs that are less than 3 months of age;
  - the treatment of an animal for ectoparasites;
  - the treatment of footrot in sheep or goats by foot-paring or foot-bathing;
  - the vaccination of livestock;

**Note—**

The *Livestock Act 1997* contains provisions regulating the supply and use of vaccines.

- (i) the diagnosis of pregnancy of an animal by ultrasound or by testing of blood or milk (other than the diagnosis of pregnancy of a horse by ultrasound);
- (j) equine dentistry other than restricted equine dentistry.

**5—Exemptions for provision of veterinary treatment by unqualified persons**

Pursuant to section 39(2) of the Act, section 39(1) of the Act does not apply in relation to veterinary treatment provided by an unqualified person in the following circumstances:

- (a) the treatment of an animal for disease by an inspector appointed under the *Livestock Act 1997* in the course of the inspector's duties;
- (b) the treatment of an animal by a person pursuant to a licence under the *Prevention of Cruelty to Animals Act 1985*;
- (c) the treatment of an animal by a registered health professional in accordance with the directions of a veterinary surgeon;
- (d) the treatment of an animal, under the supervision of a veterinary surgeon, by a person who is undertaking a course of instruction to obtain a qualification approved or recognised by the Board for the purposes of registration under the Act;
- (e) restricted equine dentistry provided by a person in accordance with the directions of a veterinary surgeon;
- (f) the administration of an anaesthetic, drug or vaccine to an animal by a person in accordance with the directions of a veterinary surgeon.

**6—Prescribed information—claims against veterinary surgeon**

For the purposes of section 45 of the Act, the following information is prescribed:

- (a) the nature of the veterinary treatment that is alleged to have been carried out negligently;
- (b) full details of the alleged negligence;
- (c) details of the place at which the negligence is alleged to have occurred;
- (d) the time at which and the date on which the negligence is alleged to have occurred;
- (e) full details of the injury or loss suffered or allegedly suffered by the claimant as a result of the alleged negligence;
- (f) if an order has been made by a court to pay damages or other compensation in respect of the claim or an agreement has been entered into for payment of a sum of money in settlement of that claim, details of the order or agreement (including the amount ordered or agreed to be paid).

## **7—Prescribed information—interests in prescribed business**

- (1) For the purposes of section 47(1) of the Act, the following information is prescribed:
  - (a) the full name and residential address of the person who has the interest;
  - (b) if the person who has the interest is a prescribed relative of a veterinary surgeon—the relationship of the person to the veterinary surgeon;
  - (c) the name, address and nature of the prescribed business in which the person has the interest;
  - (d) the nature of the interest and of any benefit derived from the interest;
  - (e) if the interest consists of a shareholding in a prescribed business—the number, nominal value and class of shares held and particulars of any voting rights exercisable by the holder at a meeting of shareholders.
- (2) For the purposes of section 47(2) of the Act, the prescribed information is full details of the change in the information referred to in subregulation (1).

## **8—Prescribed information—health professional's report as to medical unfitness of veterinary surgeon**

For the purposes of section 59 of the Act, the following information is prescribed in connection with a report made by a health professional:

- (a) the diagnosis of the patient's medical condition;
- (b) the prognosis and likely duration of the patient's medical condition;
- (c) a description of treatment being received by the patient for the medical condition.

## **9—Fees**

The Board may fix—

- (a) fees or charges for the purposes of the Act; and
- (b) fees or charges for services provided by the Board in the exercise of its functions under the Act.

## Legislative history

### Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au).

### Revocation of regulations

The *Veterinary Practice Regulations 2005* were revoked by Sch 1 of the *Veterinary Practice Regulations 2017* on 19.1.2018.

### Principal regulations and variations

Year	No	Reference	Commencement
2005	202	<i>Gazette 15.9.2005 p3349</i>	15.9.2005: r 2
2014	245	<i>Gazette 25.9.2014 p5991</i>	1.1.2015: r 2

### Provisions varied

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
r 2	<i>omitted under Legislation Revision and Publication Act 2002</i>	1.1.2015
r 3A	inserted by 245/2014 r 4	1.1.2015