

SOUTH AUSTRALIA

VETERINARY SURGEONS REGULATIONS, 1987

REGULATIONS UNDER THE VETERINARY SURGEONS ACT, 1985

Veterinary Surgeons Regulations, 1987

being

No. 128 of 1987: *Gaz.* 25 June 1987, p. 1650¹

as varied by

No. 223 of 1988: *Gaz.* 27 October 1988, p. 1551²

No. 222 of 1990: *Gaz.* 1 November 1990, p. 1423³

No. 31 of 1991: *Gaz.* 21 March 1991, p. 982

No. 211 of 1991: *Gaz.* 10 October 1991, p. 1044⁴

No. 234 of 1993: *Gaz.* 27 October 1993, p. 1896⁵

No. 144 of 1997: *Gaz.* 5 June 1997, p. 2923⁶

¹ Came into operation 1 July 1987: reg. 2.

² Came into operation 1 November 1988: reg. 2.

³ Came into operation 1 November 1990: reg. 2.

⁴ Came into operation 1 November 1991: reg. 2.

⁵ Came into operation 1 November 1993: reg. 2.

⁶ Came into operation 5 June 1997: reg. 2.

N.B. The following regulation has been disallowed:

No. 22 of 1996: *Gaz.* 8 February 1996, p. 1097 see *Gaz.* 6 June 1996, p. 2875.

2.

1. These regulations may be cited as the *Veterinary Surgeons Regulations, 1987*.

2. These regulations will come into operation on 1 July, 1987.

3. In these regulations, unless the contrary intention appears—

"the Act" means the *Veterinary Surgeons Act, 1985*:

"**corresponding legislation**" means legislation corresponding to the Act and in force in—

(a) a State or Territory of Australia;

(b) New Zealand;

or

(c) the United Kingdom:

"**primary registration**" means an annual authorisation to provide veterinary treatment that has been granted under corresponding legislation subject to the payment of fees that have not been reduced by reason that the person to be so authorised holds such an authorisation in a place other than the place in which the corresponding legislation is in force.

4. For the purposes of section 24 of the Act, the following classes of treatment are excluded from the operation of that section:

(a) the deworming of an animal other than by intranasal oesophageal tube;

(b) the performance of the Mules operation on sheep;

(c) the dehorning of an animal less than 6 months of age;

(d) the castration or spaying of animals that are—

(i) less than 6 months of age;

and

(ii) being kept in the course of primary production;

(e) the tailing of lambs that are less than six months of age;

(f) the treating of an animal for ectoparasites;

(g) the treatment of an animal by a registered medical or dental practitioner, physiotherapist or chiropractor under the supervision of a registered person;

(h) the administration of an anaesthetic, drug or vaccine to an animal by any person under the direct supervision of a registered person;

3.

- (i) the artificial insemination of an animal by a person approved for the purpose under the *Stock Diseases Act, 1934*;
- (j) the vaccination of an animal in circumstances authorized by the *Stock Diseases Act, 1934*, or the *Stock Medicines Act, 1939*;
- (k) the treatment of an animal for disease by an inspector appointed under the *Stock Diseases Act, 1934*, or the *Meat Hygiene Act, 1980*, in the course of the inspector's duties;
- (l) the treatment of an animal by a person in pursuance of a licence under the *Prevention of Cruelty of Animals Act, 1985*;

and

- (m) the treatment of an animal, under the supervision of a registered person, by a person who is undertaking a course of instruction to obtain a qualification referred to in the second schedule.

5. For the purposes of section 25 of the Act—

- (a) a person may apply to the Board to be registered on the register of veterinary surgeons by completing the form set out in the first schedule in accordance with the instructions contained in that schedule;

and

- (b) the prescribed qualification are those set out in the second schedule.

6. For the purposes of section 27 of the Act—

- (a) the branches of veterinary surgery in relation to which a person may be registered on the register of specialists are as follows:

Veterinary Anaesthesiology
Veterinary Medicine
Veterinary Ophthalmology
Veterinary Pathobiology
Veterinary Radiology
Veterinary Reproduction
Veterinary Surgery;

- (b) the prescribed qualification for a branch of veterinary surgery referred to in paragraph (a) is a certificate of specialisation in that branch of veterinary surgery given by the Advisory Committee on Registration of Veterinary Specialist.

7. For the purposes of section 32 of the Act the return to be lodged by a veterinary surgeon that is a company must be in the form set out in the third schedule and must be completed in accordance with the instructions contained in that schedule.

8. For the purposes of section 38 of the Act, the prescribed fee is \$150.00.

4.

9. (1) For the purpose of section 39 of the Act, the prescribed fee is \$5.00.

(2) The Board may fix fees for the provision of a copy of the register or a part of the register and for the recording of additional qualifications in the register.

10. For the purposes of section 40 of the Act—

(a) the prescribed registration fee is—

(i) in the case of a natural person—\$40.00;

(ii) in the case of a company—\$300.00;

(b) the prescribed reinstatement fee is \$40.00;

(c) subject to paragraph (d), the prescribed annual practice fee is—

(i) in the case of a person who is already registered—\$150.00;

(ii) in the case of a person applying for registration or reinstatement—

(A) where the time for payment of the fee occurs not more than three months after the date fixed by the Board for payment of the annual practice fee—\$150.00;

(B) where the time for payment of the fee occurs more than three months but not more than six months after that date—\$125.00;

(C) where the time for payment of the fee occurs more than six months but not more than nine months after that date—\$105.00;

(D) where the fee is payable more than nine months after that date—\$80.00;

(d) the prescribed annual practice fee in relation to a person—

(i) who has, in the year preceding the date fixed by the Board for the payment of that fee, undertaken the majority of their veterinary practice in another State or Territory of the Commonwealth; and

(ii) who holds, for the calendar year following the date fixed by the Board for the payment of that fee, primary registration in another State or Territory of the Commonwealth of Australia,

is

(iii) in the case of a person who is already registered—\$80.00; and

5.

- (iv) in the case of a person applying for registration or reinstatement—
 - (A) where the time for payment of the fee occurs not more than three months after the date fixed by the Board for payment of the annual practice fee—\$80.00;
 - (B) where the time for payment of the fee occurs more than three months but not more than six months after that date—\$65.00;
 - (C) where the time for payment of the fee occurs more than six months but not more than nine months after that date—\$55.00;
 - (D) where the fee is payable more than nine months after that date—\$40.00.

11. For the purposes of section 56 of the Act, the prescribed information is as follows:

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

12. A registered person shall not contravene, or fail to comply with, a provision of the rules of conduct contained in the fourth schedule.

Penalty: \$2 000.

FIRST SCHEDULE

Veterinary Surgeons Act, 1985

APPLICATION FOR REGISTRATION

PART 1—APPLICATION

1. Full name:
 Address:
 Person to be contacted for further information:
 Telephone:
 2. I apply/I apply on behalf of the above company to be registered on the register of veterinary surgeons under the *Veterinary Surgeons Act, 1985*.
- Date Signed

INFORMATION

This form must be signed by the applicant, or, if the applicant is a company, by a director or secretary authorized to sign on its behalf.

The application should be lodged, together with the appropriate fees, with: The Registrar, Veterinary Surgeons Board.

PART 2—PARTICULARS

- A. Particulars in relation to a natural person
 - Full name:
 - Residential address:
 - Postcode: Telephone:
 - Business address:
 - Postcode: Telephone:
1. If currently registered, under corresponding legislation name the State, Territory or country of registration
2. If not currently registered, attach 2 references attesting to the applicant's character and suitability for registration. At least one reference must be from a veterinary surgeon, registered under the Act or any corresponding legislation.
3. Have you every been found guilty of an offence against the Act, or any corresponding legislation? If yes, please provide details of nature of offence, date of conviction or finding of guilt and penalty.

4. Attach the following:

- (a) A photograph of the applicant. (The photograph must be of no less than passport size.)
- (b) Degree certificate by which the applicant claims eligibility for registration. (A copy of the degree certificate is acceptable but must be certified by a legal practitioner, official of an Australian Embassy or High Commission, a notary public or a justice of the peace. Certifying officer must include the officer’s name, business address and business telephone number in the certification.)
- (c) Documentary evidence of a legal name change if surname of applicant differs from that shown on degree certificate. (A copy of any such document to be certified, as in (b) above, as being a copy of the original document.)
- (d) Veterinary Surgeons Board questionnaire completed by the applicant.

I, declare that the above
 (insert full name)
 particulars are true in every respect to the best of my knowledge, information and belief.

Dated the day of 19

Signature

B. Particulars in relation to a company

- 1. (a) Company’s name:
- (b) Registered office:
- (c) Business address:
- (d) Telephone number:

2. Date of incorporation:

3. State whether the company intends to practice in South Australia under its own name, or under a business name and, if so, state the business name proposed to be used:

4. (a) State the intended place of business or places of business of the company:

(b) State the intended principal place of business of the company:

5. State in relation to each director—

- (a) the director’s full name and usual residential address;
- (b) whether the director is registered under the Act;
- (c) if the director is not registered under the Act whether the director is a prescribed relative of a director who is registered and, if so, the particulars of the relationship;

8.

and

(d) whether the director is a director of any other company which is registered under the Act and, if so, full particulars of that other directorship.

6. Give particulars of the issued capital of the company specifying the number, class and nominal value of all shares on issue.

7. State in relation to each person who is a member of the company or the beneficial owner of shares in the company—

(a) the person's full name and usual residential address;

(b) whether the person is registered under the Act;

(c) whether the person is a director or employee of the company or a prescribed relative of a person who is a director or employee of the company;

and

(d) the following particulars of all shares in the company held or owned beneficially by the person—

(i) a description of the shares (including the number, nominal value and class);

(ii) particulars of the voting rights (if any) exercisable at a meeting of the members of the company attached to the shares;

and

(iii) if the person is not the holder of shares, the name and address of the holder and particulars of the nature of the beneficial ownership of the shares of the person.

I,, declare:
(insert full name and address)

(a) that the above particulars are true in every respect to the best of my knowledge, information and belief;

and

(b) that I am authorized by the company to make this application on its behalf.

Dated this day of 19

Signature

Attach copy of memorandum and articles of association of the company.

SECOND SCHEDULE

PRESCRIBED QUALIFICATIONS

A. Australia

Bachelor of Veterinary Science awarded by the University of Melbourne.
Bachelor of Veterinary Medicine and Surgery awarded by the Murdoch University.
Bachelor of Veterinary Science awarded by the University of Sydney.
Bachelor of Veterinary Science awarded by the University of Queensland.

New Zealand

Bachelor of Veterinary Science awarded by the Massey University of Manawatu.

United Kingdom

Bachelor of Veterinary Science awarded by the University of Bristol.
Bachelor of Veterinary Medicine awarded by the University of Cambridge.
Bachelor of Veterinary Science awarded by the University of Liverpool.
Bachelor of Veterinary Medicine awarded by the University of London.
Bachelor of Veterinary Medicine and Surgery awarded by the University of Edinburgh.
Bachelor of Veterinary Medicine and Surgery awarded by the University of Glasgow.

B. Certificate of membership of the Royal College of Veterinary Surgeons awarded by examination;

C. A degree in veterinary science, medicine or surgery awarded by an institution (not being an institution listed in group A) supported by a certificate issued by the National Office of Overseas Skills Recognition certifying that the applicant has satisfactorily completed the National Veterinary Examination conducted by the Australian Panel in Veterinary Science.

THIRD SCHEDULE

Veterinary Surgeons Act, 1985

ANNUAL RETURN OF A COMPANY REGISTERED AS A
VETERINARY SURGEON

1. Name and Particulars of Practice

- (a) Name of company:
- (b) Registered office:
- (c) Principal address at which the practice is conducted:
.....
.....
- (d) Full address of all other places where the practice is conducted:
.....
- (e) Business name (if any) under which the practice is carried on:
.....
- (f) Telephone number:
- (g) This return relates to the period from 19 , to 30 June, 19

2. Memorandum and Articles of Association

Have there been any amendments to either the Memorandum or Articles of Association of the company during the period to which this return relates? If so, give particulars:

3. Directors

In relation to every person who was at any time during the period to which this return relates a director of the company state:

- (a) the director's full name and last usual residential address;
- (b) whether the director was a director during the whole of such period and, if not, the date upon which the director became or ceased to be a director (as the case may be);
- (c) whether the director was registered under the Act for the whole or part of any such period and, if part only, the period during which the director was so registered;
- (d) in the case of a director permitted to hold office by virtue of section 31 of the Act not being a registered veterinary surgeon, particulars of the director's relationship to a director who is registered during the period to which the return relates;
- (e) whether the director was at any time during the period to which the return relates a director of any other company and, if so, full particulars of that other directorship.

4. Shareholders

In relation to each person who was at any time during the period to which this return relates a member of the company or the beneficial owner of shares in the company state:

- (a) the person's full name and last usual residential address;
- (b) in the case of a member whether he or she was a member during the whole of such period and, if not, the date upon which he or she became or ceased to be a member;
- (c) whether the person was registered under the Act and whether such registration was for the whole or part of such period and, if part only, the period during which such registration applied;
- (d) in the case of a person being a prescribed relative of a registered person who is a director or employee of the company, particulars of the person's relationship to such director or employee;
- (e) the following particulars of all shares owned beneficially by such person at any time during such period:
 - (i) a description of the shares (including the number, nominal value and class);
 - (ii) particulars of the voting rights (if any) exercisable at a meeting of the members of the company attached to the shares;
 - (iii) if the person was not the holder of the shares, the name and address of the holder and particulars of the nature of the beneficial ownership of the shares of such person;
 - (iv) if such person became the beneficial owner of the shares at any time during such period, particulars of the date on which and circumstances in which such person became the beneficial owner of the shares;

and

 - (v) if such person ceased to become the beneficial owner of the shares at any time during such period, particulars of the date on which and circumstances in which such person ceased to be the beneficial owner of the shares.

5. Practice in Partnership

Has the company at any time during the period to which this return relates practised as a veterinary surgeon in partnership with any other person? If so, give particulars:

.....

I HEREBY DECLARE that the above statements are true in every particular to the best of my knowledge, information and belief.

Dated this day of 19

Signature of Director

FOURTH SCHEDULE

RULES OF CONDUCT

1. Subject to these rules, a registered person must not—
 - (a) publish or display, or cause to be published or displayed, an advertisement relating to that person's practice of veterinary surgery;or
 - (b) solicit custom for the person's practice of veterinary surgery.
2.
 - (1) Subject to these rules, a registered person must not assume a name or description that would be taken by a reasonable person as meaning that the registered person holds a qualification, or has experience in, veterinary science, surgery or medicine unless the registered person actually holds that qualification or has that experience.
 - (2) This rule does not prevent a registered person who is not the holder of a doctorate from assuming the title "Doctor".
3. (1) A registered person who—
 - (a) gives a public speech;or
 - (b) publishes, by newspaper, radio or television, a report or notice,relating to the practice of veterinary surgery must ensure that the speech, report or notice—
 - (c) is not false or misleading;
 - (d) does not compare the competence of any registered person with that of any other;
 - (e) is not vulgar or sensational;
 - (f) would not tend to bring the practice of veterinary surgery into disrepute;
 - (g) does not imply that the registered person has particular experience in the practice of veterinary surgery;
 - (h) does not contain any information concerning the practice of veterinary surgery by the registered person other than—
 - (i) the person's name and qualifications;
 - (ii) a photograph of the person;and
 - (iii) the locality of the person's practice.
- (2) In this rule "newspaper" includes magazine, journal or any other written publication.

4. A registered person must not use, or permit the use of, the person's name for the purpose of advertising any product.
 5.
 - (1) A registered person must not display or cause to be displayed on any vehicle, other than a vehicle used solely for the purposes of the practice of veterinary surgery, a sign relating to the practice by that person of veterinary surgery.
 - (2) This rule does not prevent a registered person from displaying on such a vehicle a sign bearing the words "veterinary surgeon" in lettering not exceeding 6 centimetres in height.
 6. (1) A registered person may—
 - (a) issue a business card to any person on being requested to do so;
 - (b) in the course of the person's practice of veterinary surgery, issue an appointment card, letterhead, statement or account specifying the prescribed information;
 - (c) give a client information necessary for the health of any animal owned by the client;
 - (d) give notice that the person is prepared to provide treatment required under the *Stock Diseases Act, 1934*;
 - (e) publish in any edition of any newspaper or journal one notice specifying the prescribed information;
 - (f) publish in the telephone directory a notice specifying the prescribed information, but—
 - (i) the notice may appear once only in each of the following—
 - (A) the alphabetical list of subscribers;
 - (B) the list of veterinary surgeons in the classified directory;
 and
 - (C) the locality guide to veterinary surgeons in the classified directory;
 - (ii) the notice in the alphabetical list of subscribers must not include information other than the person's name, address, telephone number or numbers, consulting hours, and the fact that the person is a veterinary surgeon;
 - (iii) the notice must be printed in ordinary type, except the notice in the alphabetical list of subscribers, which may be in block letters;
- and
- (g) exhibit, at each place from which the person practices veterinary surgery, one or more of the following signs:
 - (i) a plate, not exceeding 1 000 square centimetres in area, bearing the person's name, qualifications and stating that the person is a veterinary surgeon and, if the person is a specialist, that fact;
 - (ii) a sign (not being an illuminated sign), not exceeding 3 000 square centimetres in area, specifying prescribed information;

14.

- (iii) an illuminated sign, not exceeding 7 000 square centimetres or such greater area as the Board may approve, containing the words "Veterinarian", "Veterinary Clinic", "Veterinary Surgeon" or such other words or symbols as the Board may approve;
- (iv) where, immediately before the commencement of the Act, the registered person had exhibited an illuminated sign containing the word "Vet", he or she may continue to exhibit the sign for a period of not more than five years from the date of that commencement;
- (v) a sign (not being an illuminated sign), facing each street abutting the premises, containing the words "Veterinary Clinic", "Veterinary Surgeon", "Veterinarian" or such other words or symbols as the Board may approve, in letters not exceeding 30.5 centimetres in height and width;
- (vi) such other signs as the Board considers necessary to direct persons to the premises.

(2) In this rule—

"client", in relation to a registered person who provides information under this rule, means a person who has consulted the registered person at any time during the four years preceding the date on which the information is provided;

"illuminated sign" means a sign that is illuminated by internal means and that remains illuminated continuously during the hours of darkness;

"prescribed information" means one or more of the following:

- (a) the registered person's name, address, telephone number and qualification;
 - (b) any words or symbols approved by the Board to describe the person's practice;
 - (c) the classes of veterinary surgery undertaken by the person;
 - (d) not more than 2 species or classes of animal that the person is prepared, or refers, to treat;
 - (e) the hours during which the person's practice is open for business;
 - (f) where the person is a specialist, the person's field of specialization;
 - (g) where a language other than English is spoken by the person or a partner or employee of the person, the language so spoken;
- and
- (h) information concerning the commencement or discontinuance of practice by the person, the sale or purchase of a veterinary practice by the person, or the employment of any person in the practice conducted by the person.

7. A registered person must ensure that, at any time during which premises from which the person provides veterinary treatment are unattended—
- (a) telephone enquiries directed to the premises are—
 - (i) redirected in such a manner that they may be taken by a registered person;
 - or
 - (ii) answered by recorded message specifying a telephone number by which a registered person may be contacted;
 - and
 - (b) there is displayed at or near the entrance to the premises a sign, illuminated during hours of darkness, specifying the name of a registered person and the telephone number at which that person may be contacted.
8. (1) Subject to subregulation (2), a registered person must not practise veterinary surgery in a name other than the person's own name or a name approved by the Board.
- (2) Where a registered person was practising veterinary surgery at the time of his or her death, the practice may be conducted by another registered person for a period not exceeding 12 months from the date of death, in the name of the deceased person.
9. (1) A registered person must not practise veterinary surgery from premises that are used for any other commercial purpose.
- (2) This regulation does not prevent a registered person from selling, or offering or exposing for sale, products for the treatment and care of animals in the course of the person's practice as a veterinary surgeon.
10. A registered person must not practise veterinary surgery in a manner that would be likely to bring the practice of veterinary surgery into disrepute.

APPENDIX

LEGISLATIVE HISTORY

Regulation 3:	definition of "corresponding legislation" substituted by 234, 1993, reg. 3
Regulation 6:	definition of "primary registration" inserted by 234, 1993, reg. 3 varied by 31, 1991, reg. 2
Regulation 8:	varied by 144, 1997, reg. 3
Regulation 9(1):	varied by 144, 1997, reg. 4
Regulation 10:	varied by 223, 1988, reg. 3; 222, 1990, reg. 3; 211, 1991, reg. 3; 234, 1993, reg. 4; 144, 1997, reg. 5
Second schedule:	varied by 31, 1991, reg. 3