

South Australia

Veterinary Surgeons Regulations 2002

under the *Veterinary Surgeons Act 1985*

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Legislative history

1—Short title

These regulations may be cited as the *Veterinary Surgeons Regulations 2002*.

2—Commencement

These regulations will come into operation on 1 September 2002.

3—Revocation

The *Veterinary Surgeons Regulations 1987* (see *Gazette 25.6.1987 p1650*), as varied, are revoked.

4—Interpretation

In these regulations, unless the contrary intention appears—

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; or
- (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.

5—Classes of treatment excluded from operation of section 24 of Act

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 6 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;
- (i) the artificial insemination of an animal by a person registered to carry out an artificial breeding procedure under the *Livestock Act 1997*;
- (j) the vaccination of an animal in circumstances authorised by the *Livestock Act 1997* or the *Stock Medicines Act 1939*;
- (k) the treatment of an animal for disease by an inspector appointed under the *Livestock Act 1997* in the course of the inspector's duties;
- (l) the treatment of an animal for disease by a meat hygiene officer appointed under the *Meat Hygiene Act 1994* in the course of the officer's duties;
- (m) the treatment of an animal by a person in pursuance of a licence under the *Prevention of Cruelty to Animals Act 1985*;
- (n) 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 Schedule 2.

6—Prescribed requirements for registration of veterinary surgeons (section 25 of Act)

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 Schedule 1 in accordance with the instructions contained in that Schedule; and
- (b) the prescribed qualifications are those set out in Schedule 2.

7—Prescribed requirements for registration of specialists (section 27 of Act)

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 Dermatology
 - Veterinary Medicine
 - Veterinary Ophthalmology
 - Veterinary Parasitology
 - Veterinary Pathobiology
 - Veterinary Pathobiology—Microbiology
 - Veterinary Pathobiology—General & Anatomic Pathobiology
 - Veterinary Radiology
 - Veterinary Reproduction
 - Veterinary Surgery
 - Veterinary Surgery—Equine
 - Veterinary Surgery—Small Animal
 - Veterinary Surgery—Small Animal—Orthopaedics
- (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 Specialists.

8—Prescribed form of returns by companies (section 32 of Act)

For the purposes of section 32 of the Act, the prescribed form for the return to be lodged by a veterinary surgeon that is a company is the form set out in Schedule 3.

9—Prescribed fee for permit (section 38 of Act)

For the purposes of section 38 of the Act, the prescribed fee is \$200.00.

10—Fees for inspection etc of register (section 39 of Act)

- (1) For the purposes 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.

11—Prescribed registration, reinstatement, annual practice fees (section 40 of Act)

- (1) For the purposes of section 40 of the Act—
- (a) the prescribed registration fee is—
 - (i) in the case of a natural person—\$85.00;
 - (ii) in the case of a company—\$350.00;
 - (b) the prescribed reinstatement fee is \$50.00;
 - (c) the prescribed annual practice fee, in respect of a calendar year, for a person other than an interstate person is—
 - (i) in the case of a person who is registered—\$200.00;
 - (ii) in the case of a person applying for registration or reinstatement—
 - (A) if the fee is payable on or before 31 March of the calendar year to which it relates—\$200.00;
 - (B) if the fee is payable after the end of March but on or before 30 June—\$170.00;
 - (C) if the fee is payable after the end of June but on or before 30 September—\$150.00;
 - (D) if the fee is payable after the end of September but on or before 31 December—\$120.00;
 - (d) the prescribed annual practice fee, in respect of a calendar year, for an interstate person is—
 - (i) in the case of a person who is registered—\$120.00;
 - (ii) in the case of a person applying for registration or reinstatement—
 - (A) if the fee is payable on or before 31 March of the calendar year to which it relates—\$120.00;
 - (B) if the fee is payable after the end of March but on or before 30 June—\$100.00;
 - (C) if the fee is payable after the end of June but on or before 30 September—\$90.00;
 - (D) if the fee is payable after the end of September but on or before 31 December—\$70.00.
- (2) In this regulation—
- interstate person*** means a person—
- (a) who holds primary registration in another State or a Territory of the Commonwealth for the duration of a calendar year in relation to which an annual practice fee is payable by the person; and

- (b) who, in the year preceding the calendar year in relation to which the annual practice fee is payable by the person, carried on most of his or her veterinary practice in that other State or Territory.

12—Prescribed information relating to claim against registered person (section 56 of Act)

For the purposes of section 56 of the Act, the prescribed information relating to a claim for alleged negligence 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;
- (g) details of the injury or loss suffered by the claimant as a result of the alleged negligence.

13—Offence to contravene rules of conduct

A registered person must not contravene or fail to comply with the rules of conduct contained in Schedule 4.

Penalty: \$2 000.

Schedule 1—Application for registration

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 authorised 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 ever 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 at least passport size) of the applicant;
 - (b) evidence of eligibility for registration in the form of—
 - (i) the applicant's degree certificate (a copy of the degree certificate is acceptable if it is certified by a legal practitioner, an official of an Australian Embassy or High Commission, a notary public or a justice of the peace and includes the officer's name, business address and business telephone number); or
 - (ii) if the applicant is currently registered under corresponding legislation in another place, the applicant's degree certificate (as specified above) or a letter of professional standing in respect of the applicant from the professional body responsible for registration in that other place;
 - (c) documentary evidence of a legal name change if the surname of the applicant differs from that shown on the degree certificate or letter of standing (a copy of such a document is acceptable if it is certified, as in (b)(i) above, as being a copy of the original document);
 - (d) a Veterinary Surgeons Board questionnaire completed by the applicant.

I, declare that the above particulars are true in every
(insert full name)

respect to the best of my knowledge, information and belief.

Dated the day of 20.....

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 practise 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 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; and
 - (b) whether the director is registered under the Act; and
 - (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; 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; and
 - (b) whether the person is registered under the Act; and
 - (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;
 - (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 that—
(insert full name and address)

- (a) the above particulars are true in every respect to the best of my knowledge, information and belief; and
- (b) I am authorised by the company to make this application on its behalf.

Dated this day of 20.....

Signature

Attach copy of Memorandum and Articles of Association of the company.

Schedule 2—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.

South Africa

Bachelor of Veterinary Science awarded by the University of Pretoria (Onderstepoort).

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 Australian Veterinary Boards Council certifying that the applicant has satisfactorily completed the National Veterinary Examination conducted by the Australian Panel in Veterinary Science.
- D A degree in veterinary science, medicine or surgery awarded by an institution (not being an institution listed in group A) accredited by the American Veterinary Medical Association together with satisfactory completion of the North American Veterinary Licensing Examination (known as the "NAVLE").

Schedule 3—Annual return of company registered as veterinary surgeon

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 20....., to
30 June 20

- 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; and
 - (b) whether the director was a director during the whole of the period and, if not, the date upon which the director became or ceased to be a director (as the case may be); and
 - (c) whether the director was registered under the Act for the whole or part of the period and, if part only, the period during which the director was registered; and
 - (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 the director who is registered during the period; and
 - (e) whether the director was at any time during the period 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; and
- (b) in the case of a member—whether he or she was a member during the whole of the period and, if not, the date upon which he or she became or ceased to be a member; and
- (c) whether the person was registered under the Act and whether that registration was for the whole or part of the period and, if part only, the period during which such registration applied; and
- (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 the director or employee; and
- (e) the following particulars of all shares owned beneficially by the person at any time during the 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 his or her shares;
 - (iv) if the person became the beneficial owner of the shares at any time during the period, particulars of the date on which and circumstances in which the person became the beneficial owner of the shares;
 - (v) if the person ceased to become the beneficial owner of the shares at any time during the period, particulars of the date on which and circumstances in which the 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 declare that the above statements are true in every particular to the best of my knowledge, information and belief.

Dated this day of 20....

Signature of Director

Schedule 4—Rules of conduct

- 1 (1) 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) Subrule (1) does not prevent a registered person who is not the holder of a doctorate from assuming the title "Doctor".
- 2 (1) A registered person who gives a public speech relating to the practice of veterinary surgery or 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—
- (a) is not false or misleading;
 - (b) does not compare the competence of any registered person with that of any other;
 - (c) is not vulgar or sensational;
 - (d) would not tend to bring the practice of veterinary surgery into disrepute.
- (2) In this rule—
- newspaper* includes magazine, journal or any other written publication.
- 3 A registered person must not use, or permit the use of, the person's name for the purpose of advertising any product.
- 4 A registered person must ensure that, at all times during which premises from which the person provides veterinary treatment are unattended—
- (a) telephone enquiries directed to the premises are redirected in such a manner that they may be taken by a registered person or 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.
- 5 (1) 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) Despite subrule (1), if a registered person was a practising veterinary surgeon at the time of his or her death, the practice may be carried on in the name of the deceased person by another registered person for a period not exceeding 12 months from the date of death.
- 6 (1) A registered person must not practise veterinary surgery from premises that are used for any other commercial purpose.
- (2) Subrule (1) does not prevent a registered person from selling or offering for sale, products for the treatment and care of animals in the course of the person's practice as a veterinary surgeon.
- 7 A registered person must not practise veterinary surgery in a manner that would be likely to bring the practice of veterinary surgery into disrepute.

Legislative history

Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes.

Revocation of regulations

These regulations became obsolete on the repeal of the *Veterinary Surgeons Act 1985* on 15.9.2005

Principal regulations and variations

Year	No	Reference	Commencement
2002	176	<i>Gazette 29.8.2002 p3283</i>	1.9.2002: r 2
2002	201	<i>Gazette 31.10.2002 p4001</i>	1.1.2003: r 2

Provisions varied

Provision	How varied	Commencement
r 9	varied by 201/2002 r 3	1.1.2003
r 11		
r 11(1)	varied by 201/2002 r 4	1.1.2003