

South Australia

Veterinary Practice Regulations 2017

under the *Veterinary Practice Act 2003*

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Schedule 1—Revocation of *Veterinary Practice Regulations 2005*

Legislative history

1—Short title

These regulations may be cited as the *Veterinary Practice Regulations 2017*.

2—Commencement

These regulations will come into operation 4 months after the day on which they are made (see *Subordinate Legislation Act 1978* section 10AA).

3—Interpretation

In these regulations, unless the contrary intention appears—

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.

4—Corresponding laws and recognition of registration under corresponding laws

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

- (a) *Veterinary Surgeons Act 2015* 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:

| Corresponding law | Form of authorisation |
|---|--|
| (a) <i>Veterinary Surgeons Act 2015</i> of the Australian Capital Territory | registration as a veterinary surgeon 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.

5—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:
- (a) laparoscopic artificial insemination;
 - (b) 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:
- (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 cattle or sheep if the animal is less than 6 months of age;

- (d) the castration of cattle, sheep or pigs if the animal is less than 3 months of age;
- (e) the tailing of lambs that are less than 3 months of age;
- (f) the treatment of an animal for ectoparasites;
- (g) the treatment of footrot in sheep or goats by foot-paring or foot-bathing;
- (h) 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.

6—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 *Animal Welfare 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.

7—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).

8—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).

9—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.

10—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.

Schedule 1—Revocation of *Veterinary Practice Regulations 2005*

The *Veterinary Practice Regulations 2005* are revoked.

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.

Principal regulations

| Year | No | Reference | Commencement |
|------|-----|--------------------------------|----------------|
| 2017 | 280 | <i>Gazette 19.9.2017 p4139</i> | 19.1.2018: r 2 |