The chairperson welcomed everyone and expressed the opinion that the business analysis was one of the most important initiatives undertaken by Council to date. The purpose of the workshop was to decide how to address matters in the future and what Council had to do to address those matters.

The business analysis was undertaken because the Finance Committee (who had to allocate funds to Council's needs) posed the question as to whether Council and its Administration were fulfilling their mandate as prescribed by the Veterinary and Para Veterinary Professions Act, Act No 19 of 1982 [the Act]. Council at times spread its wings and ventured into matters which in its opinion affected the veterinary and para-veterinary professions. In addition to the business analysis initiative, Council received a petition from Dr Trudie Prinsloo at the end of 2015, which was signed by fifty-seven members of the veterinary profession. Dr Prinsloo was given an opportunity to address the Executive Committee of Council, but she was unable to do so and it was then resolved to hold a mini congress to address matters of concern as listed in the petition and to invite members of the veterinary and para-veterinary professions to voice their concerns. Adv Dee Cranswick of IR Insights was approached by Drs Adam and Marwick to provide the SAVC with an analysis. The business analyst, Adv Lynette Myburgh from the same company was appointed to perform the task as she had previously dealt with statutory Councils. When Adv Myburgh’s business analysis report was received corrections were made by the chairpersons who had served on the panels at the mini congress. However, not all the factual errors or inaccuracies were addressed in Adv Myburgh's final report.
The meeting was reminded of the Council’s objectives as (also stated in the business analysis) and that Adv Myburgh’s report had to be read clearly with those objectives in mind. The chairperson informed the meeting that the intention was to circulate the report together with answers as to what the Council resolved to do about each of the matters, as analysed in the Business Analysis report, to the veterinary and para veterinary professions.

It was important for Council to communicate its activities in one-page, concise- and plain language communiques as the veterinary professions did not have the time to read lengthy legalistic documents. Many issues in the report were issues raised by individuals and not necessarily by representatives of the veterinary and para-veterinary professions and this fact had to be pointed out to the readers of Adv Myburgh’s business analysis report.

It was resolved to accept the report, albeit with deficiencies, and in the knowledge that the methodology of the business analysis was not based on a representative sample of the total complement of the veterinary and para-veterinary professions and, in some instances, not representative at all of three out of the four para veterinary professions. Council was not required to defend the Business Analysis report.

Items in the Business Analysis report were dealt with as follows:

a) **Evaluation:** Concerns were categorised as follows:
   - the concerns as reflected in the report could be addressed without further investigation; or
   - further information had to be obtained to understand the concerns; or
   - the concerns could merely be explained as it was a concern raised by an individual member only;

b) **Factual- and editorial corrections** were pointed out and contextualised; and

c) **Answers to the report:** Most important, the answers as to how Council would address concerns were formulated and listed.

**“Brief**

*My brief is to examine the Council, Registrar and staff to determine if it carries out its functions effectively and within the confines of the mandate of the Act. After submitting a preliminary report, I was requested to remove some parts of my report as it was perceived to go outside the mandate above. I do not believe that it does, however in the event that the reader believes that this report goes further than the mandate given to me, I believe that no part of the report can be omitted and still address all the relevant issues. The council is of course not bound by my recommendations at all. I wish to thank those councilors who had pointed out factual errors in my preliminary report, which I have corrected as far as possible. Due to the brief access that I had to members of the profession, and some emails to parties whom I regarded as important to interview going unanswered, there will be some areas in my report that have not been canvassed in as much detail as would have been ideal. “*

The report had to be read with the objectives as per the introduction and had to be kept in mind when answers were given to the Business Analysis report.

**“Introduction**

*The SAVC is a creature of statute, provided for in section 2 of the Veterinary and Para-Veterinary Professions Act, 19 of 1982, which provides for the constitution of the council, and mandates it:*

a) ‘to regulate the practising of the veterinary professions and para- veterinary professions and the registration of persons practising such professions;*
b) to determine the minimum standards of tuition and training required for degrees, diplomas and certificates entitling the holders thereof to be registered to practise the veterinary professions and para-veterinary professions;

c) to exercise effective control over the professional conduct of persons practising the veterinary professions and para-veterinary professions;

d) to determine the standards of professional conduct of persons practising the veterinary professions and para-veterinary professions;

e) to encourage and promote efficiency in and responsibility with regard to the practice of the veterinary professions and para-veterinary professions;

f) to protect the interests of the veterinary professions and para-veterinary professions and to deal with any matter relating to such interests;

g) to maintain and enhance the prestige, status and dignity of the veterinary professions and para-veterinary professions and the integrity of persons practising such professions;

h) to advise the Minister in relation to any matter affecting a veterinary profession or a para-veterinary profession."

“Constitution of the council

The membership of the council is regulated by section 5 of the Act as follows:

- Six veterinarians or veterinary specialists elected by persons registered or deemed to be registered in terms of this Act to practice veterinary professions;
- Four additional veterinarians appointed by the Minister of Agriculture;
- One veterinarian designated to represent the South African Veterinary Association;
- One representative of the Faculty of Veterinary Science, U.P. designated by the Minister of Agriculture;
- One veterinarian who is an officer of the Department of Agriculture, designated by the Minister;
- One elected Veterinary Nurse;
- One elected Veterinary Technologist;
- One elected Laboratory Animal Technologist;
- One elected Animal Health Technician;
- One non-veterinarian appointed by the Minister of Agriculture;
- One person designated by the Minister on account of his/her knowledge of law.

Council members occupy their seat on the council for a period of three years.

Provision is made for the appointment of a Registrar by the Council to carry out the functions assigned in the Act and the Registrar may appoint staff to assist in this function.

As so often happens, many professionals ignore the statutory Council until they are called to answer to a perceived transgression of the rules. At this point the professionals involved often become very attentive and ready to contribute to the administration of the rules and functioning of the Council. As a result of the requirement in the Act that no professional who had been found guilty of unprofessional conduct, and received more than a ‘reprimand or caution’ as a result, may serve on the Council, this comes too late for what could be very valuable assistance to the Council. There does not seem to be any reason why these professionals cannot be co-opted for the functions where they have an interest and it is suggested that this is considered."

1 Section 3 of the Act [sic]
A. Constitution of Council

a) **Evaluation:** The concern that, a member who was found guilty of a transgression in the past could not serve on Council, will be addressed by Council.
b) **Factual- and editorial corrections:** Currently not only members who were reprimanded and cautioned could serve on Council, but members who received a fine could also serve on Council.
c) **Answers to the report:**
   - Members previously found guilty of transgressions have in fact been co-opted to serve on Committees of Council;
   - It would require an amendment to the Act in the event of a change to the requirements for a member to serve on Council as per section 6.2 read with section 33 of the Act;
   - The Act would be reviewed;
   - Council would embark on listing and classification of offences which would disqualify a person from representing the public and the veterinary and para veterinary professions on Council; and
   - Dr John Adam and the administration would research information on the constitution and the term of office of Council members for deliberation by the Review Committee.

“Investigation

I have referred to the Act, interviewed the Registrar and senior members of staff, as well a number of council members. In addition, I have interviewed 30 professionals, both veterinary and para-veterinary, some of whom support the Council and some of whom were critical in varying degrees of the activities of Council and the manner in which it carries out its mandate. While I am aware that this is a small percentage of professionals, I believe that I received an accurate description of criticism and praise levelled, albeit not an accurate indication of the percentage of professionals who hold these opinions. I was also provided with the transcripts from each session at the Mini-Congress and have perused this, and where applicable included information obtained, as well as subsequent comments in interviews.

A letter was addressed to Council on 3 March 2016 wherein the signatories (57 veterinarians) requested a meeting with council to address a number of concerns. “

B. Investigation

a) **Evaluation:** Council had to listen to its members; and had to listen to grievances, even if unfounded.
b) **Factual and editorial corrections:** None.
c) **Answers to the report:** No similar event, such as the mini congress had been held previously by Council. A similar event, with more spaces available and with all the various fields of practice of the veterinary- and para-veterinary professions represented, would become an annual event for which the Council would budget.

“The concerns listed included:

Increasingly strict regulations applicable to rural and wildlife veterinarians “

C. Increasingly strict regulations applicable to rural and wildlife veterinarians

a) **Evaluation:** The concern regarding the regulations, where they proved to be impractical, will be addressed by Council.
b) **Factual- and editorial corrections:** The statement was placed in context as follows: -
• Regulations for rural- and wildlife veterinarians were not made increasingly strict, the regulations were always there under the Medicines and Related Substances Act, Act 101 of 1965, but were not necessarily implemented or pursued;
• Implementation of the regulations was necessitated by the real threat that control of veterinary medicines including dispensing would be taken away from the veterinary profession in SA. Veterinarians would lose their rights in terms of the use of medicines as was the case in some European countries where, for example, veterinarians were no longer permitted to dispense;
• Council could not in a roundabout way grant exemption from the requirements of Act 101 as it did not fall within its authority or jurisdiction to do so;
• Minimum standards were developed for herd health practices [production and wildlife] as the facility requirements for small animal clinics and hospitals did not apply to herd health practices and members had to in the past apply, in each case, for exemption from those minimum standards which did not apply, and which process was cumbersome. The new minimum standards for herd health practices were solicited from the professions in the relevant industries;
• Rule 10 relating to wildlife medicines, specifically, came from the veterinary profession itself; and
• The ban on green hunting came from the veterinary profession itself.

c) Answers to the report:
• A workshop would be held with the Registrar of Act 101 to address the concerns of the veterinary profession, and concerns such as the keeping of the register for highly scheduled medicines and the safe keeping of medicines in vehicles not returning to base facilities for long periods of time, would be amongst the concerns listed for discussion with the Registrar;
• Further investigation into legal aspects of transportation of medicines will be undertaken; and
• The Code of Conduct had to be drafted to explain the rules in such a way that the ordinary veterinarian could understand the basic message on how to practice within the rules.

• “Increased regulatory requirements for laboratories”

D. Increased regulatory requirements for laboratories

a) Evaluation: The concern was acknowledged but had to be placed in context as it appeared that the main concern related to requirements pertaining to staffing of laboratories i.e. employment of registered persons as opposed to professionals not registered with the SAVC.

b) Factual- and editorial corrections: The regulatory requirements were placed in context-
• The veterinary profession was invited on several occasions to make input to the rules;
• The requirements of SA National Accreditation System [SANAS] and of the Department of Agriculture, Forestry and Fisheries [DAFF] for laboratories should not be duplicated by the SAVC;
• Minimum standards for laboratories were developed as it was a requirement that all veterinary services had to be rendered from registered facilities;
• Unregistered persons could not be allowed to run veterinary laboratories;
• Neither SANAS nor DAFF monitored animal welfare aspects in laboratories;
• Veterinary laboratories handled animal samples and worked with animal diseases [sometimes notifiable and controlled diseases];
• DAFF was concerned with biosecurity;
• Some laboratories used medicines, however in the absence of registration with the SAVC no medicines may be procured and used;
• Currently some laboratories were managed by lay persons; this constituted a risk in terms of the spread of dangerous diseases;
• Both veterinarians and para-veterinarians could run laboratories [that is take responsibility for the minimum standards including biosecurity] and laboratories could be owned by persons other than veterinary and para veterinary professionals; and
c) **Answers to the report:**
   - All facilities from which veterinary services were rendered had to be registered with Council;
   - A tier system would be looked into with regard to staffing of laboratories;
   - A list of requirements not included in SANAS or DAFF requirements would be researched in order not to duplicate requirements and the requirements would accompany the explanation to be drafted as per the immediate bullet below; and
   - Dr Mphane Molefe would draft a full explanation on the reasons as to why laboratories had to register with the SAVC and the list of requirements in (see above) would be included in the explanation.

   - “Strict protection of para-veterinary profession (Veterinary Technologists) accompanied by prosecution by council”

E. **Strict protection of para-veterinary profession (Veterinary Technologists) accompanied by prosecution by council**

a) **Evaluation:** Only a few veterinarians felt that veterinary technologists were strictly protected other than what was the case for all professions regulated by the SAVC.

b) **Factual and editorial corrections:** The statement was placed in context as follows:
   - Over and above the approximately 5300 members registered with Council 600 persons were authorised to render services of either veterinarians or para veterinarians. Note: *To date 180 persons received Competence Specific Registration [CSR] in the field of veterinary technology and 73 had been authorised to render the services of a veterinary technologist.*
   - The statement was a contradiction in terms of taking the role of the SAVC into account;
   - The Act mandates the protection of a veterinary- or a para veterinary profession as a whole;
   - Guidelines for authorisation in terms of Section 23 (1) (c) of the Act was provided for each veterinary para-profession and for the veterinary profession;
   - The roles of veterinary technologists and that of scientists had to be distinguished as there was a place for both professions in serving veterinary laboratories;
   - **Table 9** of the regulations pertaining to minimum standards for training of the veterinary technologists were prescriptive and code specific and **had to be amended** to enable other institutions to comply with the minimum standards should they wish to offer similar qualifications;
   - Veterinary technologists and other para-veterinary professions had to receive the same respect as any other professionals due to their training and experience.

c) **Answers to the report:**
   - The SAVC as regulatory and statutory body was mandated to protect-
     - the public [society];
     - animals;
     - the image of each profession; and
     - each profession as a whole.

   - “Failure by council to support veterinarians”

F. **Failure by Council to support veterinarians**

a) **Evaluation:** The statement may be a misunderstanding of the role of the SAVC.

b) **Factual and editorial corrections:**
   - Council was mandated to support the veterinary professions as a whole;
   - The image of the veterinary professions as a whole was at stake;
Requests for support of an individual in the media could be open to many pitfalls from both the Council’s and the individual’s perspective.

Although not all is clear as to what the professions expect of Council, it was noted that there may have been an expectation that Council had to intervene in criminal and/or civil cases where unfair or perceived unfair charges or possibly damages claims are brought against veterinarians. Council is however, not in a position to interfere in those legal processes, and should not interfere in those processes, as it may simultaneously or at a later stage be required to deal with a complaint or complaints of unprofessional conduct originating from the facts giving rise to the charges or claim for damages. Council’s lawful objectives in terms of section 3 of the Veterinary and Para-Veterinary Professions Act are not to advance individual agendas for individual practitioners, but to look after the interest of all the veterinary professions as a whole.

In addition, expectations may arise in relation to other SA legislation and the perceived ability of Council to intervene without having to approach the courts. It seems that the profession labours under the impression that Council only needs to speak, and all other role players will fall in with what Council wants. The perception seems to exist that Council is omnipotent. There seems to be little appreciation for the fact that Council functions not only within the parameters of the Veterinary and Para-Veterinary Professions Act, but also concurrent legislation, such as the Competition Act and Act 101/1965, to name but a few. A lot is done behind the scenes to broker dispensations on behalf of the professions, however negotiations may often be protracted by the nature of the solutions sought and the political will of the powers that be to accommodate the Council's requests. One such case has been protracted for eight years now and all avenues to broker an out-of-a court settlement have been exhausted, therefore it was recently resolved to follow the legal route.

a) **Answers to the report:** Council would only provide support where it was relevant to the protection of the image of the relevant profession as a whole.

**“Communication from administration “**

**G. Communication from Administration**

a) **Evaluation:** There had been communication problems as confirmed by the Registrar.

b) **Factual and editorial corrections:** The statement was placed in context as follows:

   b) Communication problems had been encountered, but they had been essentially resolved; and

   c) Human errors were inevitable.

c) **Answers to the report:** The Registrar constantly strove to minimize errors and to improve communication by the administration.

**“Council’s unwillingness to deal with difficult issues (e.g. vet shops selling medicines)”**

**H. Council’s unwillingness to deal with the difficult issues (e.g. vetshops selling medicines)**

a) **Evaluation:** The statement was incorrect.

b) **Factual and editorial corrections:** The statement was placed in context as follows:

   - Council had no control over wholesalers and shops selling veterinary products or animal feeds or food;
   - There were no restrictions on the sale of food even if the food was recommended by veterinarians;
   - Council successfully dealt with many difficult issues for example:

     o Recently, a long standing dispute was resolved. The dispute related to the retention of the control of veterinary medicines for the veterinary professions; the court case by the Wildlife Ranching South Africa [WRSA] against the SAVC was withdrawn as a result of Council’s determination to retain control of veterinary medicines with the veterinary profession and to align the rules for the veterinary profession accordingly;
The proposed inspectorate was a long standing drive of the Council and would be implemented soon. Particular concerns of the veterinary professions would be addressed by the investigations conducted by inspectors;

- The example of the sale of medicines by "vetshops" as mentioned was clarified in that-
  - the "complainant" as per the petition did receive a response from the administration informing him that he had to at least provide some form of evidence in support of his allegations made against a "vetshop" [which incidentally, was not a "vetshop," but a wholesaler and pharmacy] as all his allegations were purely based on hearsay;
  - There was no indication that the Council was unwilling to pursue matters where illegal activities took place in "vetshops"; wholesalers and pharmacies.

c) **Answers to the report:**

- Council was willing to deal with difficult issues, and examples were: retaining the control of veterinary medicines for the veterinary profession [WRSA case withdrawn]; and the implementation of the inspectorate where illegal activities of concern to the veterinary professions would be investigated.

- **"Excessively harsh penalties imposed by council "**

I. **Excessively harsh penalties imposed by Council**

a) **Evaluation:** The statement was based on an incorrect perception and perhaps a misunderstanding of the facts as was explained by Dr Anne De Vos at the mini congress.

b) **Factual and editorial corrections:** The statement above was placed in context as follows:

- One penalty was excessive [an effective suspension of two years was given to a veterinarian who dispensed scheduled medicines in large quantities to a friend] by a panel of three peers and one Councillor, who acted as legal advisor as he was the person on Council with knowledge of law and who guided the process;
- The penalty was reduced by Council to a six months’ suspension;

c) **Answers to the report:**

- The full facts as explained by Dr Anne de Vos at the mini congress are available on this [link](#);
- The veterinary professions are informed that:
  - Members could appeal the decision of an Inquiry Body; and
  - An Appeals Committee, completely independent of Council, would be appointed to consider the appeal application.

- **"Council’s failure to protect veterinarians criticised in the media"**

J. **Council’s failure to protect veterinarians criticised in the media**

a) **Evaluation:** The statement was perhaps raised by an individual.

b) **Factual and editorial corrections:** The statement was placed in context as follows:

- The approach should not be *"Do not do this"* but preferably an explanation should be given as to *how to do things*;
- Public relations had to extend to young graduates and Compulsory Community Veterinary Service [CCS] veterinarians to address the fear of Council;
- Position statements were perhaps the role of the South African Veterinary Association [SAVA], but when position statements related to regulatory matters Council had to develop and issue. statements; and
- Council had to provide a communication channel and had to listen to media reports;
c) **Answers to the report:**
   - Council may be compromising or pre-judging a case without having the correct facts by pre-empting or by commenting on activities of veterinarians which were published in the media or public domain; and
   - The same answer applied as in item “F” above.
   - “*Failure to make use of technology* “

K. **Failure to make use of technology**

a) **Evaluation:** The statement was perhaps outdated as the SAVC had embarked on an IT upgrade process.

b) **Factual and editorial corrections:**
   As in a) above and the information relating to the IT Upgrade was published in several Newsletters.

c) **Answers to the report:** The concern had already been addressed by the Council.

   - “*Misinterpretation / Incorrect application of legal principles in dealing with complaints against veterinarians*”

L. **Misinterpretation / incorrect application of legal principles in dealing with complaints against veterinarians**

a) **Evaluation:** The Registrar confirmed that there was one matter in which a review application for review of the Inquiry Body decision was referred directly to Council without giving the veterinarian an opportunity to submit his own reasons or motivation.

b) **Factual and editorial corrections:**
   As per the evaluation.

c) **Answers to the report:** The Council needed more specifics to be able to deal with the concern appropriately.

“SAVC scheduled a mini-congress in response where the above issues, and some additional concerns were discussed by attending professionals and members of council and administration. This congress took place on 21 June 2016 at the premises of SAVC. “

While it is impossible to address each and every complaint and issue raised at the congress and at the various interviews conducted, a number of general trends were observed and are specifically addressed in this report. “

**“General observations**

There are a number of professions qualifying for membership of and registration with the SAVC. Apart from veterinarians and specialist veterinarians, there are four para-veterinary professions. The veterinarians should perhaps be divided into sub-categories as well, as the various disciplines have different issues and concerns, each of which requires separate representation or in some manner on the council. I would suggest the following:

- Small- and companion animals
- Wildlife
- Equine
Most of these groups of professionals have raised their own issues, although, despite an invitation to raise concerns, no contact was made by most para-veterinary professions other than Veterinary Technologists. In the few interviews, no serious issues were raised. One of the concerning issues, is the perceived relationship between some veterinarians and members of the para-veterinary professions.

M. General Observations

a) Evaluation: The statements had to be clarified.

b) Factual and editorial corrections:
   - Council could not divide the veterinary profession into categories;
   - Veterinarians or members had to lobby their constituencies for representation on Council well in advance of the next term of the Council in order that they could be elected or selected to serve on Council;
   - Councillors, for example the DAFF representative, currently Dr Mphane Molefe had to represent state veterinarians and animal welfare as he came from that field of veterinary practice or category;
   - It was not possible to appoint a Councillor to serve on Council for each and every field of practice. This would make the Council unmanageable and ineffective;
   - There would always be new branches in veterinary science;
   - The South African Veterinary Association [SAVA] represents groups of veterinarians with a special interest and groups representing geographical areas;
   - Council took cognisance of the various interests groups and solicited inputs on that basis;
   - There was a feeling amongst veterinarians that non-veterinarians on Council played a role in the decision making in matters affecting veterinarians especially relating to review or appeal applications for review of Inquiry Body decisions;
   - The suggestion that a separate veterinary board and a board per para-veterinary profession under one “umbrella” Council, the practical implications thereof, particularly the financial implications, had to be considered;
   - The principle of the veterinary team had always been supported by the Council. The suggestion that the para-veterinary professions had to run their own independent boards would be a deviation from the principle of team collaboration.
   - The highlighted statement regarding relationships between veterinarians and para-veterinarians was clarified and it was confirmed that the relationships were generally good and that the statement as highlighted in the business analysis report was probably relevant for only a small percentage of the veterinary and para-veterinary professions.

c) Answers to the report:
   - Co-option of members onto committees within specific fields of practice took place where expertise or interests required it;
   - A Councillor, once appointed, had to be representative of all the interests and the good of the veterinary professions at large and as a whole [veterinary team]; and
   - Council would tend to fill identified gaps.
“One of the para-veterinary professions, that of Veterinary Technologists, is a creation of the South African veterinary profession and Council, and limited to South Africa. Perhaps the most important concerns raised regarding this profession is the perception that the current training/education provided by TUT is insufficient and graduating students are not able to perform the duties usually allocated to veterinary technologists. Reports from laboratories are that graduating students have to be trained, sometimes extensively, before they can contribute meaningfully to the laboratory. In addition, there is a perception of ‘job reservation’ for this profession as special permission has to be granted before the work ‘reserved’ for technologists may be performed by other scientists, alongside a perception that there are not sufficient numbers of qualified Veterinary Technologists available to satisfy the demand. This impacts both operationally and financially on laboratories and will be discussed in much greater detail below.

N. Veterinary Technologists

a) Evaluation: Concerns had to be addressed where they were substantiated.

b) Factual and editorial corrections: The concerns were placed in context as follows:

- The statement made that jobs were reserved for the profession of veterinary technologists had to be placed in context and the same comments applied for item “N” as for item “D” above;
- The questions as to why scientists could not perform the work of veterinary technologists was explained as not being the case as scientists were authorised or granted Competence Specific Registration [CSR] to perform services in veterinary laboratories;
- Examinations were required especially relating to veterinary legislation and ethics as scientists were not usually au fait with the legislation and ethics pertaining to the veterinary professions and laboratories;
- Veterinary technologists were generalists and were specifically trained for services in support of the veterinary field;
- A full visitation to assess the standard of training at the Tshwane University of Technology [TUT] was conducted in 2015 and a re-visit was scheduled for 2018;
- The date of the re-visit [2018] would be reviewed by Council after receipt of a detailed response received from the TUT and scheduled to be discussed by the Education Committee of Council in January 2017;
- Curriculum changes were proposed to address concerns relating to market needs and those would be reported on during the re-visit. Day One competencies had to be looked into and be aligned with market needs;
- There was a perceived shortage of veterinary technologists on the one hand, however on the other hand, veterinary technologists could demand higher remuneration packages due to their training; and laboratories were not always eager to fund scarce skill positions which could be filled by lower remunerated persons and/or by persons who had received advanced training who could render both the services of a veterinary technologist and a scientist;
- Tiers in terms of staffing of laboratories were proposed for the employment of relevant skills in laboratories and the veterinary technology profession would look into those proposals;
- The South African Association of Veterinary Technologists [SAAVT] representing the veterinary technologists had already approached the regulator of medical technologists to obtain information on their training as other qualifications were being considered by the SAAVT for registration and/or recognition purposes and for recommendation to Council;

c) Answers to the report:

- Scientists may render the services of veterinary technologists in veterinary laboratories provided that they were registered or authorised to do so; and
In the human health field requirements were the same in that certain requirements had to be met to allow legal service rendering to humans.

“It is important to note that the council falls within the ambit of the definition of a ‘state organ’ in section 239 of the Constitution:
‘organ of state’ means-
any department of state or administration in the national, provincial or local sphere of government; or

(a) any other functionary or institution-

(i) exercising a power or performing a function in terms of the Constitution or a provincial constitution;
or

(ii) exercising a public power or performing a public function in terms of any legislation, but does not include a court or a judicial officer;

As a result, all action of the Council is regulated by Administrative law and this is subject to section 33 of the Constitution which provides that everyone is entitled to administrative action which is reasonable and fair, and that everyone is entitled to written reasons for any decision that affects them adversely.

Section 33:

(1) Everyone has the right to administrative action that is lawful, reasonable and procedurally fair.

(2) Everyone whose rights have been adversely affected by administrative action has the right to be given written reasons.

(3) National legislation must be enacted to give effect to these rights, and must-

(a) Provide for the review of administrative action by a court or, where appropriate, an independent and impartial tribunal;

(b) impose a duty on the state to give effect to the rights in subsections (1) and (2); and

(c) promote an efficient administration.

Finally, every decision and rule that emanates from the Council can and should be tested against the Constitution and must be fair and free of discrimination.

O. Council is an organ of state and must be fair and free of discrimination

a) Evaluation: Council fully supported the statements in the above paragraphs.
b) Factual and editorial corrections: None.
c) Answers to the report: The Council totally agreed with the statements.

“Administration

The administrative arm of the council is headed up by the Registrar and consists of a number of divisions: Legal, Education, Finance, Registration, Systems, Marketing and Authorisation.

Finance: The burden of preparing a budget is shared by the Finance Director and the Registrar. The Finance Director looks after income and the Registrar after expenditure. The Finance division, and Administration in general, cited poor communication tools as its biggest challenge. I was informed that the IT system for Administration has just been upgraded. Prior to this there were issues with invoices going out and incoming emails being unattended due to the poor system that was in place. The projection is for the new system to be fully functional in the near future (if not by the time this report is completed) at which time this should no longer be an issue.
SAVC has approximately 5000 members and the queries raised by Finance were if the membership fees or exam fees were perhaps too high. I am not in a position to comment on this, other than to note that no member who was interviewed felt that this was the case. It would appear that the budget is sufficient to ensure the mandate of the Council is complied with. The impression left was that the Registrar is perhaps overly burdened with the operations of the finance division, rather than overseeing this function. This must inevitably take up a disproportionate amount of her time which can be better used in other functions.

Education: This portfolio is responsible for a number of statutory functions which include the monitoring of education of professionals, board and entrance exams and the monitoring of, and visitation to, educational institutions responsible for training professionals. It also keeps track of CPD (Continued Professional Development) which is a requirement for professionals registered with SAVC. The impression here is that the administration simply carries out the mandate from the Council and administers the policy decided on by Council. This is entirely appropriate, and with the exception of some issues around CPD, where hours were not credited to practitioners, some of which was once again attributed to poor communication in the old IT system – it functions efficiently and correctly.

The biggest challenge for this division is that the policy generally changes with each newly elected council i.e. every three years. This then has to be communicated to members and applied in practice. There is often a delay in decisions from council (usually the sub-committee dealing with educational matters) as councilors are not full time employees and generally have their own practices to see to. While the committees often meet more than three times per annum as is required of the Council in the Act, this still results in a delay in some decisions, and complaints from members waiting on this.

It is proposed that practitioners are more actively involved on a regular basis as this will not only ensure proper consultation, but also a better background knowledge for incoming Council members.

Legal: The legal division is responsible for a number of functions. These include investigating complaints against members, setting up and conducting hearings where necessary, drafting rules for the professions and attending to litigation.

The first observation is that the profession, and the Council by necessity, is a very litigious one. There are reports of ongoing and past litigation, which is costly for the Council and may have been avoided if the Council adopted a policy of Alternative Dispute Resolution (ADR). As an organ of the state, the decisions of the Council are regarded as administrative action. In modern Administrative Law, there are a number of controls over administrative action, one of which is Judicial Review. The model of ADR is encouraged as a means of control over administrative action as this is generally a more cost effective and much speedier manner of resolving disputes, with the added advantage that the presiding officers (arbitrators / mediators) are usually more familiar with the profession and in a better position to resolve the dispute, and the outcome of such a process would be final, open to review only in the event of procedural irregularities. Statistically approximately 90% of disputes referred to mediation are resolved. Should the Council adopt a policy of ADR, this would require the Council to refer disputes with members for mediation and arbitration rather than the formal litigation process in court which currently seems the prevailing practice, albeit often initiated against the council.

Complaints are raised with the council where members are alleged to have acted in an unprofessional manner. These complaints originate from members of the public and sometimes other professionals. For the period February 2016 – June 2016, 17 complaints were received and investigated. 11 of the complaints were dismissed, 3 have been referred for inquiries (hearing) and the remaining 3 have been referred for mediation.
The biggest challenge for the investigations division, is once again the time delays reported. These delays seem to be the result of many factors, both from professionals under investigation as they / their legal representatives respond to queries very reluctantly and slowly and on the side of the council as the number of people involved often result in a delay to find a suitable date to meet. This has been managed when urgent matters have come up and 2 professionals have been suspended in a speedy process. The disciplinary process in general has been criticised widely by members and recommendations for amendments in this process follow below.

The council is charged with imposing rules of conduct on the various professionals registered with the council. The most recent set of rules that had been amended was for the Veterinary Technologists. This has been the subject of much criticism and complaint from the professionals and laboratories, albeit not all formally lodged, and the apparent cause for the above was lack of consultation. It was explained that draft rules were sent out to professionals for comment, and very few professionals bothered to read this or respond. There were a number of workshops which were attended, but the laboratories claimed that they were not consulted. As most of the employment for Veterinary Technologists are provided by laboratories, this remains a lacuna that should be corrected. The legal division has indicated that some of the rules will be revised and amended as a result of submissions received after the rules were promulgated and which have practical implications for the rules. It is strongly recommended that all the rules are revised after further comments are invited and received, including from the laboratories. Some of the areas that were pointed out as problematic, deal with the ownership of laboratories and the authorisation of current staff members, which is not provided for in the rules, as it is a policy matter dealt with by the Registrations division. The policy itself originates from Council.

This is conceivably the division that attracts most criticism, which is to be expected as it deals with rules, regulations and discipline. These are matters that directly affect practitioners and will therefore elicit vigorous opposition from those practitioners affected. The issues of ownership and generating income were specifically raised in interviews with representatives from private laboratories, now responding to amended rules affecting their business.

It is recommended that disciplinary hearings are delegated by the council to an objective panel which may be outsourced in the manner prescribed by section 32 of the Act. The Act does not specifically require the Presiding Officer at an inquiry to be a member of the Council, and in the light of possible perceived bias, it may be prudent to ensure that the panel conducting an inquiry is seen to be truly impartial and objective, even if this will have a cost implication for the Council.

Registrations: The Registrations division is currently without a director, yet seems to be fully functional. It has a number of challenging areas to deal with, as professionals failing to pay membership fees may eventually be de-registered resulting in them not being able to practice. There was no evidence, or even allegation, that the Registrar or any of her staff have acted in an unfair manner in this regard.

There was, however, at least one incident where the previous director made a decision regarding the authorisation of a laboratory employee that was not in line with the council policy and which was then reversed. This gave rise to great dissatisfaction and should perhaps be revisited as it is currently the subject of litigation. It is possible that the doctrine of Estoppel may apply here and a system of checks and balances may avoid any issue around erroneous communication, which could result in the Council being held to such erroneous communication.

The challenge in this division revolves around the absence of a director to manage the division, poor communication which was addressed when the new IT system was acquired and general resistance to the policy of the Council by laboratories which will be addressed in more detail below.

General observations:
There is no Human Resources division in Administration. As there are less than 20 employees this can be outsourced. It is essential that there is a regular and easily accessible HR function available to the Administration staff. Currently People Beyond is the Service Provider for this, however the opinion seems to be that this is a very expensive service and not accessible to all members of staff. I have taken note of the assertion from People Beyond that it is available to all staff, and engages with staff regularly, however this was not reflected by comments from members of staff when interviewed privately.

The Legal Division currently deals with in-house HR issues ad investigations where required, however this is not ideal as HR and discipline are part of ‘people’ issues and should not be regarded as legal. The concerns and well-being of employees dictates the success of any entity and requires constant attention. People Beyond does not appear to be available to fulfil this function on a consistent and easily accessible basis and it is strongly recommended that a regular HR service is outsourced and maintained. The indication from members of staff is that there is a definite need for HR to be available to address relationships and personal concerns / staff well-being on a regular basis. I have been informed that there is a formal disciplinary and grievance policy in place and available to all employees. In the event that a grievance is be resolved it would then be appropriate to outsource the resolution thereof. All members of staff should be informed of and trained in any new policies that are introduced.

Administration exists solely to support the Council and assist in the performance of its mandate. General observations from members of the Administrative staff as well as some councilors, were that there are a few council members who perform the bulk of the work. Some councilors may see the meetings as an obligation which they would rather not have and do not contribute much. There was a further concern raised that there are a few councilors driving their own agendas. As I regard this as an internal issue, I did not explore this comment further, but merely include it in this report to alert the Council thereof.

The election / appointment of a new council is an ideal opportunity to address this issue. Section 5 of the Act provides for the appointment of a selection panel in consultation with the outgoing council who will recommend 12 possible new council members, 5 of whom to be appointed by the Minister. In addition to this, the Minister appoints an officer from the Department of Agriculture and 3 of the elected veterinarians. It is strongly recommended that the list of candidates presented to the Minister for such appointment is carefully considered by the selection panel and strong recommendations are made to Minister for optimal appointments, with motivations for these recommendations or exclusion of persons unlikely to contribute to the optimal functioning of the Council.

**Governance**

There was no allegation of financial mismanagement and a perusal of budgets and financial statement did not suggest such.

The function of the Council as defined in the Act is to act as a watchdog for the profession and ensure excellence and professional service delivery. It is not the role of the Council to protect its members where these members’ conduct compromises either the reputation of veterinary services in South Africa or the standards required of this profession. In the event that a member is unfairly maligned or victimised, there would be an expectation of protection.

As with all statutory councils, not every member of the council takes an equally active role. The purpose of the appointed members are often to ensure checks and balances, rather than taking an active part in the day to day functions of the council.

These checks and balances are evident in the representation on the council and status and participation of appointed members as opposed to those of elected members. An improvement of overall function can be achieved by providing more guidance to the Minister responsible for selecting the appointed members.
One of the main challenges is the turnover of council members as a new council is elected / appointed every three years. Whenever a new council is appointed there is a period of time where the new Council members have to familiarise themselves with their duties and come to terms with what is expected of them. This is both normal and reasonable. One way of shortening this transition period will be to re-elect key members of council who are already familiar with the operations of the Council and the expectations by both government and members. In addition, it is recommended that incoming Council members receive an ‘Induction Pack’, consisting of all current policies, Minutes of meetings for the previous 12 months as well as resolutions minuted and budgets for the previous term (36 months). In addition, a personal review from each outgoing member of council on successes, failures and priorities will greatly reduce the transition period for the incoming Council.

In addition, the committee system often leads to inevitable delays in many of the administrative processes. This is easily addressed by making use of technology to speed up the various processes or making use of the service of retired professionals who are available more often and may be co-opted for certain functions.

The link between the Council and the Administrative staff is the Registrar. It is essential that this link is used in communication with administrative staff. There is a perception that some members of Council are not clear on the distinctions between operation and governance and workshop is recommended to explain this distinction to incoming members in order to ensure good governance. A more effective system of delegation with very clear guidelines and policies in place will most likely result in quicker decisions / action in general.

A comment noted from Council members was that often correspondence from Administration is not professional / poorly written / inaccurate and this is when individual Council members step into the arena of operations. “

P. Administration

a) **Evaluation:** Not all statements were updated and/or agreed with. Most concerns could be addressed.

b) **Factual and editorial corrections:** Statements were placed in context as follows:

- **Correction:** The administrative arm of the Council was headed by the Registrar and consisted of a number of divisions as follows: Legal, Education, Finance, Registration and Authorisation, Systems and Marketing;
- The Registrar as CEO of the Council must be involved in the financials of Council and must at all times have first-hand knowledge of the financials in particular the expenses;
- There were problems with applications for Continued Professional Development [CPD] activities, however those have long been resolved and the accreditation of CPD activities ran smoothly;
- The statement that policies [Education section] changed continually and that it was a challenge was a given and would be expected in a dynamic world;
- Transparency of the Council meetings was a need and had to be addressed;
- HR matters had to be left with the Executive Committee to discuss;
- The statement that “There was no allegation of financial mismanagement and a perusal of budgets and financial statement did not suggest such.” had to be validated in the light thereof that such statement could only be made by auditors or accountants;
- The wording “…guidance to the Minister…” should be replaced with the wording “…advise the Minister…”
- Financial policies were adhered to and a monthly audit trail was scrutinized by the Finance Committee;
- The “Induction Pack” included all the proposed documents as most if not all documents were included in the pack and only the review from each outgoing member on successes, failures and priorities had to be considered in addition to what had been included in the past; and
Committee recommendations should be referred to Council for electronic consideration to expedite decisions on registrations [persons and facilities].

c) **Answers to the report:**

- Transparency: Council would make **ten [10] seats available** to members of the veterinary professions to attend Council meetings. The first ten members who indicated that they wished to attend would be accommodated. These members would attend as observers, would not participate in the meetings, would have access to some of the documentation however, sensitive agenda items relating to applications or sub judice matters would not be made available;
- The selection panel would be alerted to the advice given in Adv Myburgh's report as per page 15 in terms of the advises given to the Minister regarding representation of the veterinary and para-veterinary professions on Council;
- A short informative meeting would be held on governance during the second day of the Council’s October 2016 meetings to apprise members on the King IV report and other reports;
- Registration and Authorisation- and Inspection Committee recommendations would be submitted to the Council electronically for submission of decisions within nine days; Should no response be received it would be recorded as approval of the recommendations; and
- Complaints or grievances relating to the veterinary professions could be addressed at the proposed annual mini congresses.

"Concerns raised around the function / manner of implementation of Council decisions by members

The concerns were first raised in a ‘petition’ and addressed at the mini-congress held on 21 June 2016. This congress was divided into sessions and I will address each of these separately.

**Prosecution Approach**

Investigations and ‘prosecutions’ are the mandate of the council in terms of section 3(c) of the Act:

to exercise effective control over the professional conduct of persons practising the veterinary professions and para-veterinary professions;

There is a duty on the council to ensure that all professionals conduct themselves in a manner which is regarded as professional by the Council and which complies with the rules imposed by council. The stated objective of council in this regard is: ‘Council strives to maintain the high standard of education, compassion, professionalism and service delivery. [sic]’ Some statistics were provided. 41 new complaints were received in the last financial year, 11 of which were referred to a formal inquiry. An additional 7 complaints were referred to SAPS for prosecution as the council did not have jurisdiction to deal with this. 20 complaints were dismissed and a further 3 complaints were mediated. Most of the complaints that were dismissed dealt with fees charged by practitioners and employment disputes – also matters where the council has no jurisdiction to discipline. A number of complaints were based on members of the public not understanding animal biology and the council always attempts to address these complaints using the standard of the ‘reasonable vet’. Further statistics referred to were that between 72% and 89% of inquiries result in a finding of guilty.

The allegation made against council is that it is ‘prosecutorial’ and fails to protect its members against spurious complaints. There were allegations that Council is very quick to prosecute and that this is often not necessary. This perception may be the result of the process implemented by council when a complaint is received, as well as the terminology used in the investigation and disciplinary process.

The current procedure is to send a ‘please explain’ letter to any professional against whom a complaint was lodged. This letter is perceived by members as an indictment on their professional conduct and many professionals refer this for legal advice immediately, rather than reply to it.

It is recommended that a simple adjustment of terminology is adopted to soften the process for members e.g. where a member receives a ‘notification of complaint’, he/she is invited to comment prior to investigation.

A suggestion was made that this communication is not sent in writing, but rather conveyed in person by a person appointed by the council such as a retired vet, who can then have an ‘off the record’ discussion with the professional,
and the perception is that this may very often result in the complaint being dismissed. It is recommended that such an approach is adopted as the benefit of such an approach would firstly be to avoid delays in the investigation. Whilst an explanatory letter / affidavit such as is currently called for, may very well be used in evidence at a later inquiry, an ‘off the record’ discussion may not be so used.

Administration reported that the delays in investigations are often the result of having to wait months for an explanatory response drafted by legal advisors rather than by the professional concerned. If the professional understands the purpose of an ‘off the record’ discussion properly, these delays can be eliminated.

On this point, a number of professionals are members of an association known as VDA (Veterinary Defence Association). It is of some concern that a need for such an association arose and that this association currently holds membership of some 800 veterinarians. This high incidence of membership is a strong indication that veterinarians are apprehensive of investigations and prosecutions as well as civil claims against them. In an interview with an official of VDA the following allegations were recorded:

- Pet owners are not likely to receive answers from SAVC
- VDA actively tries to keep pet owners away from SAVC
- SAVC administration and council members do not conduct any investigation or inquiry in an objective manner – there is always a perception of bias as the council is responsible for both investigation and prosecution
- There is no perceptible separation of functions
- There is an ‘old boys’ club, resulting in some vets never being investigated
- Complaints are not ‘screened’ and veterinarians are required to explain in every case where a complaint is received. It is often possible to dismiss a complaint without having to do this.

There is obviously some animosity between VDA and SAVC Administrative staff and even members of council, with VDA alleging that SAVC Administrative staff are incompetent, prejudiced and make themselves guilty of favouritism. A further allegation was that the members of council are not able to evaluate evidence which renders the disciplinary process unfair. This is perhaps to be expected in a situation where VDA is called upon to represent its members whenever there are allegations of professional misconduct and there is very little positive interaction. On the other hand the allegations from Administration were that VDA is obstructive and does not cooperate to resolve disputes.

There is a very clear perception that the council’s discipline is too vigorous and aimed at demonising members rather than protecting them. This perception can, and has damaged the relationship between Council and its members. A measure to alleviate this perception would be to delegate all inquiries to an independent legal expert, sitting with professional assessors which will better reflect the rules of natural justice which calls for an independent presiding officer. In addition the language used in the investigation of complaints and in conducting inquiries are reminiscent of criminal trials, further enhancing the perception of prosecution. The South African courts have indicated that terms developed for and used in criminal trials should not be transferred to administrative action. In administrative processes such as inquiries conducted by the council terminology such as ‘allegations’ instead of ‘charges’, and ‘penalty’ or ‘sanction’ instead of ‘sentence’ are to be preferred. The language should not be accusatory in nature in order to ensure an understanding that the process is not a criminal one. It is further recommended that the entire investigative process is reviewed and amended to a less accusatorial process which will not be perceived as threatening and will allow a fact finding exercise instead. It is projected that this may reduce formal inquiries to a much lower percentage than is currently necessary. In addition, more extensive use could be made of mediation rather than formal inquiries.

The issue of accessibility of information was discussed. Some members of council proposed that all discipline should be public and accessible to all members. There was a general objection to inquiries being conducted in camera. This is a procedural issue which can be addressed by council, keeping in mind the Promotion of Access to Information Act, 2000 (PAIA), which entitles persons to access to information pertaining to them. The question of Public Hearings is less clear, as council needs to balance the need to protect the privacy of individuals to the right of the profession to have access to Council’s disciplinary action. It is suggested that, whatever Council’s policy on this issue is, this should be communicated to members.
The last perception which needs to be addressed is that only members of SAVC are subject to ‘prosecution’. This is true to the extent that SAVC can only discipline its own members. Any non-members who contravene any part of the Act or related legislation can only be reported to SAPS, or any other relevant professional body for investigation / prosecution. This perception is perhaps the result of professionals being unfamiliar with the nature of the process involved, having been reinforced by the criminal law language currently in use. It would be helpful if this aspect is clearly explained to members.

Recommendations:

1. It is strongly recommended that a distinction is made between discipline for unprofessional conduct and de-registration for failure to pay membership fees.

2. The language used should be less reminiscent of criminal conduct and more appropriate for administrative action. Words like charges, conviction and sentence should be avoided and can be replaced with allegations, findings and sanction / penalty.

3. Hearings should be chaired by persons not associated with SAVC who are well versed in inquiries of this nature, assisted by a panel of expert assessors where necessary. The tribunal will then be able to recommend a sanction in the event of misconduct which can be confirmed by the committee dealing with discipline for the Council.

4. A strict timeline should be set for investigations in order to prevent delays by either administration or legal representatives.

5. A clear policy, which is strictly communicated and enforced, on the process will assist in eliminating some of the resistance currently presented by VDA.

6. A clear explanation of the investigation process should be available to all professionals. The recommendation is for the investigative process to be amended to an inquisitorial rather than accusatorial process.

7. The general aim of discipline should tend towards remedial and educational action rather than punitive in all but the most serious cases.

8. Any action taken after a complaint should be aimed at training and education of the professional concerned and only when it becomes clear that the professional refuses to cooperate in this process should a formal hearing, which may be followed by a sanction or penalty, be conducted.

9. Assessors sitting on the Disciplinary Committees conducting formal hearings should be fellow-professionals who are randomly drawn from the list of members in that profession, so that peers are actively involved in the process and become familiar with it. I was informed that this is already the practice, with the exception in the manner in which the panelists are selected / appointed. As professionals who have acted as panelists previously have mentioned that they do this reluctantly, it is essential that a policy is adopted to address this. Making use of the same panelists too often may strengthen the perception that this is an ‘old boys’ club while rotating this duty will display general fairness.

10. As it is possible to expunge a criminal record after 10 years, it is recommended that the Council considers expunging any discipline after 5 – 10 years, on application by the member. Council will have to adopt a formal policy on this. This could motivate professionals to maintain professional standards in general.

Q. Concerns raised around the function / manner of implementation of Council decisions by members; Prosecution Approach

a) Evaluation: The concerns were addressed in item I c) above.

b) Factual Correction and editorial corrections:
   - Adv Myburgh ignored some of the factual corrections made by the chairpersons;
Explanations on the so-called prosecution approach of the Council as per item I c) was given to the veterinary and para-veterinary professions during the mini congress;

The “please explain letter” and other correspondence relating to the disciplinary process were amended to amend the wording [language used] and to make it less prosecutorial, however not everything could be changed due to the legal implications;

Council activities were not effectively promoted, as a result incorrect perceptions prevailed;

The procedure at inquiries was well documented and the chairperson of the Investigation Committee and the Director Legal Affairs would amend the document where necessary for discussion at a workshop;

The respondents who were involved in the process including the VDA, VetProtect; Dr T Prinsloo, the Investigation Committee- and Inquiry Body members would be invited to attend the workshop;

There was a difference of opinion as to whether the chairmanship of Inquiry Bodies could be outsourced or not;

The panel, apart from the chairperson, consisted of peers, relevant to the field of practice;

Costs when hearings were to be outsourced would increase markedly; and

Any loopholes regarding the process would be explored;

c) **Answers to the report:**

- A workshop would be held to discuss all the concerns relating the SAVC’s disciplinary process and the rules pertaining to the process;
- The document “Procedure at inquiries” would be used as the basis for discussion at the workshop;
- Members who were involved in the disciplinary procedure during the past three years and their legal advisors would be invited to attend the workshop with a limit of forty available places.

**“Compulsory Veterinary Community Service”**

This is a relatively new development in Veterinary Science and has not been traversed in the same detail as other issues discussed at the Mini Congress. The comments were generally relevant and Council will most likely take a few years to address all the relevant aspects of this topic. The only burning issue that was raised, was an economic one. The argument was that graduating students who enter CCS are remunerated by the Department of Agriculture at an unrealistic rate which creates expectations that cannot be met by private practices on completion of the CCS programme. There is an expectation that this will impact economically on the profession as a whole.

This is not an issue that can be addressed by council. The reasons for the higher pay rate during CCS were explained and seemed reasonable. It is expected that this issue will resolve as the programme develops. “

R. **Compulsory Veterinary Community Service [CCS]**

a) **Evaluation:** There were several issues regarding implementation of CCS, but the report only referred to one aspect of the concerns voiced by the profession.

b) **Factual Correction and editorial corrections:**

- It was explained that CCS veterinarians were fully qualified veterinarians and were placed at a post level 11 which meant that they received higher remuneration in the state services than what was offered in private practice.

c) **Answers to the report:** The stakeholders had to work through the CCS Forum.

**“Animal Health Technician profession and Primary Animal Health Care”**

The discussion on this topic centred on the perceived oversupply of professionals in this field. There is an expectation that these professionals will be employed in the Public Sector, but as a result of what appears to be an over-supply, there has been a request for PAHC and AHT professionals to practice for their own account in the private sector. A number of concerns were raised, including the question of supervision by a veterinarian, and the economic viability of this proposal. It would appear that there is a reluctance in the private sector to pay for the services generally provided by the public sector professionals.
There is a perception that the council is biased in favour of veterinarians and not looking after the interests of other professionals. One of the perceived reasons for this was that AHT professionals are not allowed to diagnose or prescribe certain medicines in terms of the relevant legislation. The council was asked to reconsider this approach, but care should be taken as all the professions may be affected by this. There is a duty on the council to ensure professional standards and excellent service delivery. A change in policy to allow AHT professionals to diagnose may compromise the standards set by the council. Having said that, it is probably unconstitutional to consider the economic viability of veterinary practices when making this decision.

This issue was apparently not burning enough for any of the professionals affected to raise it with me, and the information I have on this issue is based on the discussion at the mini congress and remarks from other interviewees.”

S. Animal Health Technician profession and Primary Animal Health Care [PAHC]

a) Evaluation:
   - It appeared that AHTs were not consulted;
   - Further information on the statements under this heading was required as representatives of three of the four para-veterinary professions were not interviewed at all;

b) Factual Correction and editorial corrections:
   - Training had to be relevant to scope of practice and vice versa and the status quo remained; and
   - The Act and the guidelines of the World Animal Health Organisation [OIE] gave direction as to how veterinary services had to be rendered; and could not be ignored in terms of the statement that the Council was biased in favour of veterinarians and did not allow other professions such as AHTs to diagnose or prescribe medicines.

c) Answers to the report:
   - Market needs had to be explored by training institutions; and
   - Council accepted that PAHC was a concern which had to be addressed and Council would seek solutions.

“Laboratories (research) veterinary technologists

This was perhaps one of the most heated discussions at the congress, and the topic of most interviews that took place at the request of the interviewee. While most of the issues were raised by Veterinary laboratories, some veterinarians outside of this industry also complained. The rules of the council provide that only VT’s can perform certain functions in veterinary laboratories. The general consensus among the management of various private laboratories interviewed was that there are not enough trained VT’s available to supply the demand by the various laboratories. The rules make provision for scientists, other than VT’s, to be authorised to perform these functions on application. This seems to be the greatest bone of contention for various reasons. There is a difference in opinion on whether VT’s are actually trained to perform all the required functions, with some of the laboratory managers claiming that the training provided to VT’s is insufficient to prepare them for some of the more specialised laboratory functions. The laboratory managers then elect to employ specialists who are not VT’s and apply for authorisation for these employees to perform the required functions.

Some of these specialists have been authorised, however there are a number that have not been so authorised and, as a result the veterinarians responsible for these laboratories are being disciplined by the Council, and in one case has led to litigation. The issues raised by the practitioners in this regard include:

1. There is no need to restrict employment in laboratories to VT’s as everywhere else in the world scientists perform these functions. The VT profession is unique to South Africa.

2. There are not enough VT professionals available in the market.

3. The VT’s who are available are not always able to perform the tasks required as their training is insufficient.
4. It is unfair and unconstitutional to ‘reserve’ a category of jobs for VT’s

5. The manner in which Council authorises other scientists to perform these tasks is biased and unfair.

6. The requirement that Veterinarians supervise VT’s is illogical as veterinarians are often less familiar with the scientific processes than the VT’s they are required to supervise.

7. The manner in which the ownership and management of laboratories is regulated is not economically viable and is unconstitutional.

8. Related to this, an allegation that Administrative staff of the council do not respond to correspondence and the delay in applications for authorizations can cripple laboratories economically.

9. Taking a closer look at the issues raised above, it is common cause that the VT profession is unique to South Africa and was originally developed at the request of veterinarians in order to fulfil a lacuna in expertise required. The qualification has been developed at the request of the Council and is overseen and managed by Council. This process is managed by the Education portfolio of the Council and administered by the support staff in the educational division. Submissions have been made to the Council to improve the training of VT’s in an attempt to accommodate this rule in laboratories. There is a definite disparity in the perceptions of the competence of VT’s between the VT professionals and laboratory management. VT representatives insist that VT’s are capable of performing all the required tasks, while other scientists are not trained in animal science and this may result in missing essential information which can impact on National Health. Laboratory managers however insist that, while this may be true of some of the routine functions performed by VT’s, in many instances it makes no difference because VT’s are simply not able to perform specialised tasks. The current rules prohibit the employment of scientists other than VT’s in veterinary laboratories and this has given rise to a number of instances of professional discipline and even litigation.

There is a perception that this rule amounts to job reservation. It is recommended that this policy is revisited by the Council in its entirety. Prohibiting employment of any other suitably qualified person could be regarded as unconstitutional. I am of the opinion that Job Reservation impacts on the right to economic freedom and in the face of an argument that this rule can potentially cripple the economic viability of a privately owned and operated laboratory, it is possible that this rule may be declared unconstitutional, should the Constitutional Court be convinced that qualified contenders are being disqualified for unfair reasons. The argument has been made that students who qualify from TUT should be entitled to employment, however this is in direct conflict with the open market employment system that applies in South Africa. The second argument from representatives of Council and the VT profession was that the employment of other scientists is not prohibited, but is merely subject to the authorisation of the Council. This argument will only be valid where there is a regular and fair system of qualifying for authorisation. In order to achieve this, it is recommended that there are at least annual competency examinations aimed at qualifying specialist scientists to qualify for authorisation.

It is recommended that Council resolves disputes around this issue by mediation / arbitration rather than the current practice of litigation in order to arrive at a speedy resolutions and save costs.

It is further recommended that the rules for VT’s, their employment and laboratories in general are revised completely, after full consultation with all the professionals involved as well as representatives of all the laboratories. One of the rules which require urgent revision is the ownership of laboratories. It is recommended that while the management and control of laboratories may be regulated, ownership may not. I have been informed that this has been revised, but have not seen the most current rule in this regard.

Previously the Council had allowed scientists other than VT’s to write competency based examinations in order to prove fitness for authorisation to perform the work usually reserved for VT’s. This was presented as an exception to the rules and these examinations were only allowed twice, a number of years ago. Laboratory managers have requested an extension of the policy and regular competency examinations and it appears that this could be a solution to this dichotomy.
There is a perception that the council member representing Veterinary Technologists (VT) has a personal interest in not authorising non VT’s to work in laboratories. I found no basis for this perception as his viewpoints are fully supported by the rules and regulations currently in place.

The only way to address these issues is to reformulate the profession as a whole, including the training provided, the exclusive employment regulations and a general (and regularly conducted) competency examination to ensure that the concerns for the National herd is fully addressed and to maintain the standard council is responsible for. This can only be done in full consultation with the various professions as well as the laboratories where most of the VT’s will find employment.

Other recommendations for revision of the current rules are:

1. Making use of a ‘tiered’ or graded system of work classification in laboratories where certain tiers will require specialist scientists (who have passed a competency examination) should or may be employed;

2. Exempting certain laboratory functions, which do not directly impact on the national herd or food safety, such as research or specialist diagnosis of small animals from the rules.

3. As laboratories outside of South Africa, and certainly in many first world countries are apparently delivering a high standard of service without making use of VT’s, there is no rational reason to exclude the same class of scientists from employment in South African laboratories. While it is true that VT’s may be specifically qualified to render a specialist service (up to a certain level of expertise), this should only enhance their marketability and not entitle them to preferential employment in the open market.

4. Until such time as the revision of this policy has been finalised, it is strongly recommended that a competency examination is scheduled as a matter of urgency."

T. Laboratories (research) veterinary technologists

Evaluation: The matter was addressed in item above.

Factual Correction and editorial corrections:

- Factual corrections were once again ignored by Adv Myburgh in her final report;
- The rules for veterinary technologists were last amended in 2012;
- The rules for para-veterinary professions were currently under review, but the status quo remained for the immediate future;
- All members of the veterinary and para-veterinary professions were invited to make input on the rules for the veterinary and para-veterinary professions thus everyone was involved but not everyone commented when they were requested to do so and/or not everyone attended the workshops when they were invited to the workshops;
- Both veterinarians and para-veterinarians could own [enter into business ventures] and run laboratories;
- Other persons could own the business side of laboratories however veterinary laboratories had to be run by veterinarians or by para-veterinarians;
- Pre-analysis steps in laboratories could be allocated to administrative staff in laboratories;
- The proposed tier systems would be looked into;
- The matters that were of concern to veterinary laboratories, in the opinion of the meeting, were animal welfare-, procedures performed on animals; and the use of medicines;
- According to the National Health Research Ethics Council [NHREC] responsible auditing was part of the criteria for auditing;

Answers to the report: Consideration would be given to concerns as follows:

- Other qualifications were already considered for staffing purposes of laboratories and the tier system would be taken into consideration; and
- The re-introduction of the Competence Specific Registration [CSR] in a workable format will be investigated and could be offered together with the annual full council registration examinations which examinations are already available annually.
“Wildlife veterinarians

While there was no formal discussion of this subsection of professionals, a number of concerns relating to this group of practitioners were raised.

The statement was made that this part of the industry contributes roughly 80% of the revenue in the industry. Despite this there are approximately 80 practicing wildlife veterinarians in South Africa. It seems that such an important subdivision of the profession should attract more attention than it currently does. Issues raised by representatives of this field included the administration of scheduled drugs and transportation of drugs and animals. While some other state departments play a role in these issues, it cannot be ignored and the recommendation is that Council takes a more aggressive role in finding agreements with other state departments. The administration of drugs to animals falls within the jurisdiction of the council and requires urgent attention in order to enable wildlife veterinarians to perform to the standards set by the Council.

There was a request that Council authorizes ‘Green Hunting’. The perception is that council rejected this proposal without proper consideration and that the reasons for the decision have not been made available. This is one area that should perhaps be re-visited and published after full deliberation. When there are no representatives of a specific sub-speciality on the Council, it is recommended that specialists are co-opted for the discussion and deliberation relating to that sub-speciality.

A final concern raised by professionals in this category is the media attention that is often attracted by their treatment of animals. There was a request that Council considers a formal policy on media involvement and statements to assist professionals and prevent interference by the media in essential and emergency medicine for wild animals. “

U. Wildlife veterinarians

a) Evaluation: Concerns were addressed under item C; F; H; and J above.

b) Factual Correction and editorial corrections:

- Statements were commented on as follows:
  - “The statement was made that this part of the industry contributes roughly 80% of the revenue in the Industry” was obtained from other sources and copied verbatim which was regarded as plagiarism;
  - “Issues raised by representatives of this field included the administration of scheduled drugs and transportation of drugs and animals.” made no sense;
- As per items C above the rules for the profession were submitted by the profession for the profession;
- Statements made in this section of the report were regarded as incoherent; and

c) Answers to the report:

A response to the report in respect of this item would be drafted for approval by Dr Joseph van Heerden with clear timelines explaining how the profession was involved in the decisions on wildlife medicines and rules pertaining to the industry. Please click on this link for access to this report.

“Continued professional development (CPD)

One of the requirements of the Council to ensure up to date and professional services is that all professionals should submit CPD points. There was no suggestion that this is an unnecessary or frivolous requirement, however the manner in which this is administered solicited much criticism.

Professionals generally complained that correspondence in this regard is not answered or seems to go missing, resulting in professionals being deregistered without cause. The Administration has conceded that there had been some problems. This has now been corrected.

Professionals further requested that the requirements, records and other information relating to this are placed in a prominent place on the SAVC website and are easily accessed and user friendly.
These requests all seem reasonable and there was no resistance from Administration to do this. The general impression was that many aspects of this requirement were unclear to members and a much greater flow of information in an easily accessible format will address the outstanding issues.”

V. Continued professional development (CPD)

a) Evaluation: The concerns were addressed under item P above.
b) Factual Correction and editorial corrections: NA
c) Answers to the report: NA

“Other concerns

While there was no specific provision on the agenda for some matters, there was either some discussion in other allocated slots, or was raised in interviews.

Board exams and foreign specialists:

There is a requirement for any foreign practitioners wishing to practice in South Africa to write and pass the board examination before being allowed to register with SAVC and practice in South Africa. There was a request that the Council considers making exceptions to this rule for visiting foreign specialists who are not in South Africa to practice, but rather to advise, teach or look after a specific animal. There was a specific complaint that a practitioner had advised Council that a foreign specialist would be visiting his practice for a short period to assist in training. He was then advised that this would not be a problem, and subsequently disciplined for allowing an unregistered practitioner to participate in his practice. While this is a very specific incident and the intent of this report is not to address any singular complaint, it demonstrates that there is a need to address this issue as well as a possible breakdown in communication.

No issues were raised by the representatives of Veterinary nurses, however there were a few general observations that the profession is generally treated with some condescension and lack of respect. This is not something which can be controlled by the Council, or acted upon in the absence of a formal complaint, however a policy in this regard may assist nurses in general. “

W. Other concerns

Evaluation: The concern was regarded as a concern raised by an individual.

Factual Correction and editorial corrections:
- Authorisation of prospective employees/ expertise was available but apparently not used;
- Again veterinary nurses were not consulted;
- There was a perception in the research field that veterinarians were arrogant and that scientists preferred not to work with veterinarians; and
- Concerns were not factually correct.

Answers to the report:
- Authorisation was available to anyone who wished to render veterinary or para-veterinary services in South Africa; and
- Policies existed for authorisation of persons to render veterinary services and wished to only work, for example, in the equine industry for short period of time.

“General recommendations

There is a general mistrust of Council by some professionals who attended the mini congress. This is not surprising because statistically it was more likely for disgruntled professionals to attend that those who are happy and confident that Council has their back. The number of professionals who spoke out against the Council is however a source of great concern and an aspect that requires urgent attention. There was a general appreciation that Council is attempting to cross the divide, both by convening the conference as well as by commissioning this report.
One of the causes of the above is the nature of Council and its mandate. Council is required to draft rules, enforce regulations and discipline errant professionals. There is a perception by some members of Council that they lose the respect of the profession as soon as they become members of the Council. This was raised during private interviews with two councilors. This perception of both professionals and Council members creates resistance and impedes the functioning of the Council. While it is likely that this is merely a perception, it cannot be ignored as perceptions in and about the council impact on its effectiveness.

On the other hand there are many professionals who appear passionate about their vocation and the interest of the animals they look after, and they are often prepared to ignore what they regard as petty rules where they perceive these rules to interfere in the care of their animals. There is a delicate balance between regulation and passion and if the Council is going to be effective it needs to find a balance between passion and bureaucracy.

**Improved communication**

It is imperative that there should be quick and efficient communication between the Council, Administrative support and members. There is a general belief that the new IT system will address this need, but it is specifically recommended that this is monitored closely, perhaps making use of regular sample surveys to ensure that communications flow well and that all correspondence is dealt with in a quick and efficient manner.

**Complete transparency**

It is essential that Council does not deny access to any information, process or decision-making process to any member of the profession as this inevitably creates an impression that there is something to hide. Transparency has the added benefit of eliciting helpful suggestions from unexpected sources. In this regard the Council should be mindful of the PAIA which entitles access to any information concerning the person requesting it. There was no direct evidence that information has been denied, but merely allegations. It is possible, perhaps even likely that this is not an issue, nevertheless I regard this as important enough to include here.

**Formal acknowledgement that the profession is honourable**

The current perception is that members of Council do not regard the average professional as honourable, hence the perceived aggression in prosecution of breaches of rules and policies. While this is only a perception and I am persuaded that this does not reflect the reality at all, it is nevertheless important to address this. It is recommended that Council formally records its high regard of all professionals who are members of the Council, and acknowledges any exceptional work and standards. It is essential that Council is seen to protect the profession, both veterinary and para-veterinary, as a whole against unfair and unreasonable alignment, without lowering its standards of conduct. The Media is often at the forefront of untrue and sensational disparagement of the profession, and Council can make a real difference in adopting a policy of formally responding to issues which are reported in an unfair or misleading manner.

**Para-veterinary professions**

It was clear from all the discussions both at the mini congress and in private interviews, that the para-veterinary professions are essential for the success of the industry as whole. Despite this, there are both perceptions and outright allegations that veterinarians do not treat the para-veterinarian professions with respect. It is recommended that a formal policy is adopted to acknowledge and reward all the professionals in the industry, if that is not yet done.

**Council and Council members**

While I am of the opinion that Governance is sound and unbiased in all respects, the perception that this is not the case needs to be addressed.

1. **It is recommended that meeting dates are published and members of the profession are allowed to attend council meetings (as observers only) unless the nature of discussion is confidential. I have taken note that meeting dates are published, however I understand that this does not include the communication that meetings may be attended by non-members, subject the rules and policies of Council.**
2. Members could and should be co-opted where there are no specialists in the field who are members of the Council or where members show a specific interest and are able to make valuable contributions. I am advised that this is already practice.

3. The supporting role of Administration should not extend to ‘shielding’ the board. Board members should be accessible and members should be entitled and able to approach Council members directly, and perhaps invited to do so either on the website or in a newsletter in case they are not aware of this.

4. Incoming Council members to receive an ‘Induction Pack’, consisting of all current policies, Minutes of meetings for the previous 12 months as well as resolutions minuted and budgets going back 3 years. In addition, a personal review from each outgoing member of the council on successes, failures and priorities will greatly reduce the time period to the new Council becoming fully functional.

5. Conducting a training workshop on governance for incoming council members

There is an unacceptable level of litigation by and against Council. This is costly and time consuming and prevents Council from addressing and concentrating on its core functions. It is recommended that Council adopts a policy of making use of Alternative Dispute Resolution rather than formal litigation as this is faster, more efficient and infinitely more cost-effective.

Administration

While the Administration in general achieves the required support function required of it, communication has been a challenge in the past.

The IT system has been replaced and this should no longer be an issue, however it is recommended that a very close watch is kept on this to ensure that the desired improvement is actually achieved.

In addition, it is recommended that:

1. There is a general supervision to ensure professional, prompt and courteous correspondence and telephonic interaction with members and other parties.

2. HR service for Administration on an outsourced basis with regular visits to the premises.

3. Developing a grievance policy for Administration and train at least one employee to receive and facilitate grievances.

Other Recommendations:

A. Complete revision of policy and rules for para-veterinary professions;

B. Review of investigative and disciplinary process;

C. Hearings should be chaired by persons not directly associated with SAVC who are well versed in inquiries of this nature, assisted by a panel of expert assessors where necessary. The tribunal will then be able to recommend a sanction in the event of misconduct which can be confirmed by the committee dealing with discipline for the Council.

D. Assessors sitting on the Disciplinary Committees conducting formal hearings should be fellow-professionals who are randomly drawn from members so that peers are actively involved in the process and become familiar with it.
E. It is strongly recommended that a distinction is made between discipline for unprofessional conduct and de-registration for failure to pay membership fees, and that members are advised thereof;

F. The language used should be less reminiscent of criminal conduct and more appropriate for administrative action. Words like charges, conviction and sentence should be avoided and can be replaced with allegations, findings and sanction / penalty;

G. A strict timeline should be set for investigations in order to prevent delays by either administration or legal representatives.

H. A clear policy on the process published and available to all members, in the event that the current process is amended;

I. The investigative process to be amended to an inquisitorial rather than accusatorial process.

J. The general aim of discipline should tend towards remedial and educational action rather than punitive in all but the most serious cases.

K. Any action taken after a complaint should be aimed at training and education of the professional concerned and only when it becomes clear that the professional refuses to cooperate in this process should a formal hearing which may be followed by a sanction or penalty be conducted.

L. Considering and adopting a policy of expunging discipline from the record of a professional member;

M. Regular competency exams;

N. Making use of a ‘tiered’ or graded system of work classification in laboratories where certain tiers will require specialist scientists (who have passed a competency examination) should or may be employed;

O. Exempting certain laboratory functions, which do not directly impact on the national herd or food safety, such as research or specialist diagnosis of small animals from the rules;

P. Adjust VT employment policy to support open market employment;

Q. Until such time as this policy has been revised, it is strongly recommended that a competency examination is scheduled as a matter of urgency.

X. General Recommendations

a) Evaluation: Most of the concerns were addressed under items A-W above and all concerns were acknowledged in the answers under items A-W above.

b) Factual Correction and editorial corrections:
   - Council was not shielded by the Administration;
   - Litigation was never instituted by Council save for the most recent case relating to permits for treatment of Threatened or Protected Species [TOPS];
   - Council defended standards and could not have followed the Alternative Dispute Resolution [ADR] options as proposed by Adv Myburgh’s report for the mentioned cases;
   - If matters had been capable of mediation, then Council would have opted for mediation; and
   - Losing the respect of the profession when serving as a member of Council had to be clarified as it could not be conceived as a valid concern;
   - Annual events would use clicker technology to source responses;
   - Students would be invited to attend annual events;
   - Recommendations 1-3 under “Administration” were dealt with in items A-W above and all three recommendations had been in existence; and
• Other recommendations were addressed as per items A-W above.

c) Answers to the report:
• Answers were given as per the answers in items A-W above; and
• Council would work on a communication strategy.

Lynette Myburgh (Advocate)
22 July 2016