PROJECT CHARTER FOR THE INSPECTORATE PILOT
PROJECT (Veterinary Profession)

PROJECT MANAGER: Ms Shikshah Dowlath-Singh (Director: Legal Affairs)

SPONSOR: The Executive Committee on behalf of the South African Veterinary Council and the Veterinary Profession

SIGNED DATE: 1 September 2011

This is a pilot project with the view to determine the feasibility of and to establish the foundation for a permanent Council Inspectorate to investigate and collect information on the contraventions of the Veterinary & Para-Veterinary Professions Act, No. 19 of 1982.

This charter serves to announce the initiation of the Inspectorate Pilot Project. We are undertaking this project:

- To ensure and/or confirm the veterinary professions’ compliance with the provisions of the Veterinary & Para-Veterinary Professions Act, No 19 of 1982, its Rules and Regulations and the Code of Conduct and Practice;
- To ensure and/or confirm the veterinary professions’ compliance with the provisions of all other legislation relating to and affecting the practicing of the veterinary and para-veterinary professions;
- To investigate the contraventions thereof by members of the veterinary and para-veterinary professions; and
- To investigate the contraventions of the Veterinary & Para-Veterinary Professions Act, No 19 of 1982, by persons not registered in terms of this Act and to liaise with relevant authorities for remedial actions.

The South African Veterinary Council’s concerns are that some of the veterinary professionals are not adhering to the requirements for the practicing of the veterinary profession in terms of the set rules or code of conduct of which leads to negative impact and image on veterinary practice or profession at large, and, there are some members of the public (i.e. non-veterinary people or people not registered with the South African Veterinary Council in terms of relevant Act) providing veterinary services which includes the selling of veterinary medicines thus putting both the animal and human health at risk in the country. The intention of the pilot project is to establish the feasibility of a permanent inspectorate which will investigate the conduct of registered and non-registered persons and to ensure that the object of the South African Veterinary Council to protect the profession, animal health, human health, ensuring is ultimately achieved including ensuring safe quality products for consumption in the country.

Ms Shikshah Dowlath-Singh (SAVC Director: Legal Affairs) has been selected to lead this project. Please provide your complete co-operation to the project and to Ms Shikshah Dowlath-Singh (Director: Legal Affairs).
Issued by the members of the Executive Committee on behalf of the South African Veterinary Council.

Dr R Moerane (SAVC President) _______________________________

Dr AP De Vos (SAVC Vice President) ____________________________

Dr CP Marwick (SAVC Executive Member) ________________________

__________________________________________________________
THE INSPECTORATE PILOT PROJECT:

STAKEHOLDER ANALYSIS

**PROJECT MANAGER:** Ms Shikshah Dowlath-Singh (Director: Legal Affairs)

<table>
<thead>
<tr>
<th>ROLE</th>
<th>STAKEHOLDER</th>
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</thead>
<tbody>
<tr>
<td><strong>FUNDING APPROVED BY:</strong></td>
<td>Sponsor – The Executive Committee on behalf of the SAVC and the profession</td>
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</tbody>
</table>
| **FUNCTIONAL & TECHNICAL REQUIREMENTS APPROVED BY:** | • Sponsor – The Executive Committee on behalf of the SAVC and the profession  
  - Dr R Moerane  
  - Dr AP de Vos  
  - Dr CP Marwick  
  • The Project Manager  
  - Ms S Dowlath-Singh  
  • The SAVC Administration  
  - Ms L Havinga  
  - Ms S Dowlath-Singh  
  - Mr S Nqawe  
  - Ms CR Block  
  • The Investigation Committee  
  • The Inquiry Body  
  • The appointed Investigating officer  
  • The full SA Veterinary Council  
  • The High Court (with regard to matters outside the SAVC’s jurisdiction)  
  • The MCC  
  • The DAFF and the Parliament |
| **DESIGN DECISIONS & SUPPLIER CONTRACTS APPROVED BY:** | Sponsor – The Executive Committee on behalf of the SAVC and the profession |
| **CHANGES TO REQUIREMENTS & CHANGES AFFECTING SCHEDULE and COST APPROVED BY:** | Sponsor – The Executive Committee on behalf of the SAVC and the profession |
| **THE PRODUCT/SERVICE PRODUCED BY THE INSPECTORATE WILL BE USED BY:** | SAVC |
| **THE ORGANISATION GOALS THAT DRIVE THE NECESSITY OF THE PROJECT ARE:** | To investigate complaints and/or to establish more facts and collect more evidence for a particular investigation in order to:  
  • Ensure the veterinary profession’s compliance with all relevant legislation; and  
  • Ensure compliance with the Veterinary & Para-Veterinary Professions Act 19 of 1982 by non-registered persons; and |
ASSIGNING PEOPLE TO THE PROJECT TEAM
DETERMINING THE HOURS PER DAY THE TEAM WORKS ON THE PROJECT, IS DONE BY:
The Project Manager in liaison with the Executive Committee and the SAVC Administration

OVERCOMING ORGANISATIONAL OBSTACLES WILL BE AUTHORISED ON BEHALF OF THE PROJECT MANAGER BY:
The Project Manager in liaison with the Executive Committee and the SAVC Administration

PROJECT WILL BE MANAGED (provide leadership to ensure tasks are assigned and completed timeously and cost effectively, and the schedule monitored, and issues identified and resolved) BY:
The Project Manager in liaison with the Acting Registrar

ORGANISATION POLICIES GOVERNING THIS PROJECT WILL BE REPRESENTED BY:
The Project Manager

REGULATIONS & LAWS AFFECTING THIS PROJECT WILL BE REPRESENTED BY:
- The Project Manager
- The SAVC Investigation Committee
- The SAVC Inquiry Body
- The full SA Veterinary Council
- The National Prosecuting Authority
- Department of Health / Medicine Control Council (Act 101)
- Department of Justice / Director of Public Prosecutions
- Department of Agriculture / Registrar of Act 36

THE FOLLOWING WILL HAVE THEIR WORK DISRUPTED BY THIS PROJECT:
- Sponsor – The Executive Committee
- The SAVC Administration

THE FOLLOWING WILL HAVE TO ALIGN THEIR SYSTEMS/PROCESSES BECAUSE OF THIS PROJECT:
All stakeholders

THE PROJECT WILL BE BENEFITED BY:
- The Veterinary Profession
- Society
- Animals (All production and companion animals, and wildlife)
- South Africa
- Neighbouring Countries

THE WORK ON THIS PROJECT WILL BE PERFORMED BY:
- The Project Manager
- The appointed Investigating Officer
- The SAVC Administration

PHASE GATE DECISIONS TO APPROVE PROGRESSION OF THE PROJECT TO THE NEXT PHASE WILL BE TAKEN BY:
Sponsor – The Executive Committee on behalf of the SAVC and the profession, in liaison with the Project Manager
## THE INSPECTORATE PROJECT: STAKEHOLDER ALIGNMENT QUESTIONS

<table>
<thead>
<tr>
<th>NAME: SAVC</th>
<th>TITLE: PROJECT MANAGER</th>
</tr>
</thead>
</table>
| **CONTRIBUTION TO PROJECT** | • Planning the pilot project including the schedule and the budget  
  • To manage the pilot project  
  • To identify the matters that require further investigation  
  • To instruct the Inspector  
  • To identify the circumstances when a warrant needs to be obtained  
  • Liaison with all identified stakeholders  
  • Reporting to the full Council  
  • To educate the appointed Investigating Officer with regard to certain aspects of the Veterinary & Para-Veterinary Professions Act. |

<table>
<thead>
<tr>
<th>TO WHOM DO THEY REPORT?</th>
<th>SAVC</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>AUTHORITY OVER PROJECT</strong></td>
<td>Management</td>
</tr>
<tr>
<td><strong>GOAL FOR THE PROJECT or STAKE IN THE PROJECT, and RELATION TO ORGANISATIONAL GOAL:</strong></td>
<td>Compliance with the Veterinary &amp; Para-Veterinary Professions Act, including compliance by the laypersons.</td>
</tr>
<tr>
<td><strong>DO THEY REPRESENT A SPECIFIC THREAT OR OPPORTUNITY?</strong></td>
<td>An opportunity</td>
</tr>
<tr>
<td><strong>WHAT PERCEPTION DO WE WANT THEM TO HAVE ABOUT THE PROJECT?</strong></td>
<td>The pilot project will be a success if planned and managed well.</td>
</tr>
<tr>
<td>NAME: INVESTIGATING OFFICER</td>
<td>TITLE: THE INVESTIGATING OFFICER</td>
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</tbody>
</table>
| CONTRIBUTION TO PROJECT (Investigation of contraventions by members of the Veterinary Profession) | • Inspection of veterinary facilities with a view to inspect the records kept at the facility  
• Collation of evidence with regard to any particular investigation upon instruction from the Project Manager  
• Report regularly to the project manager |
| CONTRIBUTION TO PROJECT (Investigation of contraventions by non-registered/authorised persons) | • Laying a charge with the SAPS  
• Rendering assistance to the SAPS Investigating Officer in investigating the case  
• Collecting information and affidavits in liaison with the SAPS investigating officer  
• Report regularly to the project manager  
• Attending searches of premises with SAPS investigating officer |
| PROFILE (as proposed by the SAVA 15 August 2011): | • Analytical and Strategist  
• Self-Starter (not a kick starter): Show Initiative, and a finisher of what was started  
• Not melancholic, and a choleric driver  
• Must be able to show restraint at times  
• No desire to be in a popularity contest and not a people pleaser  
• Ability to work independently, although also being a good team player  
• Meticulous in record keeping |
| PROFILE (input by the SAVC Administration) | Knowledge of:  
• The relevant and applicable legislation including the Criminal Procedure Act  
• The legal process  
• The law of evidence in general (Chain of Evidence) |
| CURRENT POWERS IN TERMS OF THE ACT and THE PROCESS CURRENTLY FOLLOWED: | • Inspections can only be done on instruction from Council, where Council institutes investigation on its own accord;  
• The Act does not make provision for an SAVC officer to investigate a matter;  
• Council may react to a complaint against a veterinary professional;  
• Reasonable notice must be given of the inspection, taking into consideration the allegations in the complaint;  
• The inspection may only relate in so far as the allegations in the complaint; |

3. Objects of council.—The objects of the council shall be—(c) to exercise effective control over the professional conduct of persons practising 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;

4. Powers and functions of council.—The council may, in order to achieve its objects—(c) accept, draw, endorse, issue, make, pay or
perform any other act in respect of negotiable instruments;
(d) spend and invest funds of the council;
(e) enter into contracts;
(f) exercise or perform any power or function conferred or imposed upon it by or under this Act or any other law;
(g) generally take such other steps and perform such other acts as may be necessary for or conducive to the achievement of the objects of the council.

Register of Decisions:
17.3.4 Policy

Where a public complaint is made against a registered facility, a member of Council can be requested to inspect the facility. (02.08.1993 p14)

It was resolved that Council would have inspections on short notice. (23.05.1994 p8)

POWERS AFTER THE AMENDMENT OF THE ACT:

Insertion of section 29A

29A (1) Any officer appointed in terms of this Act who is required or authorised to perform any duty on behalf of the council and any person appointed by virtue of the provisions of section 43(1)(k) to conduct any inspection, may enter any veterinary facility at any time reasonable for the proper performance of such duty or conduct such inspection."

Insertion of section 31A

31A (1) The registrar may with the approval of council, where necessary in order to establish more facts, appoint an officer of the council as investigating officer for a particular investigation.

(5) If the registrar deems it necessary for the achievement of the objects of this Act, he or she may institute or cause to be instituted an investigation with the approval of council —
(a) into an alleged contravention of, or failure to comply with, any provision of this Act;
(b) in order to determine if any provision of this Act applies to or has been contravened by a registered person; and
(c) into a charge, complaint or allegation of unprofessional conduct by a registered person.

(6) The registrar may, with the approval of the president of council, instruct an investigating officer to obtain a warrant issued by a magistrate or judge with jurisdiction to enter upon and search any premises and carry out such an investigation and make such enquiries as the investigating officer may

• Currently inspections mainly relate to the minimum standards of veterinary facilities, and to compliance with veterinary related legislation (in so far as the Council’s limited jurisdiction);
• Inspection of the records (electronic or hardcopy) kept by the veterinary profession, in accordance with law, is limited to:
  • Clinical
  • Medicine registers
  • Medicine purchases (rule 26)
• Financial records falls outside the jurisdiction of the Council. Therefore, suspicion of any financially related crime, should be reported to the relevant authority;
• In order that the interests of the veterinary and para-veterinary profession be protected, Council can institute investigation into the conduct of a non-registered person with the view of laying a criminal charge.
deem it necessary provided that:
(a) prima facie evidence of a contravention of this Act or rules referred to in section 30 exists;
(b) a person whose conduct is being investigated into has or reasonable grounds exist to believe that such a person has in his or her possession records or electronic data or both relating to the matter which is being inquired into and such records or electronic data or both are or were present on the premises, or in the possession or custody of such person;
(c) such records or electronic data or both are to be recorded by the registrar and presented to the president prior to the application for the warrant; and
(d) there is real and well founded apprehension that the evidence may be hidden, destroyed or tampered with.

(7) An investigating officer who carries out an investigation in terms of this section may—
(a) at any time reasonable for the proper performance of his or her duty, with a warrant, and without prior notice enter upon and search any premises, and carry out such an investigation and make such enquiries as he or she may deem necessary:
(b) while he or she is on the premises or at any other time request the person whose conduct is being investigated to immediately or at a time and place determined by the registrar or investigating officer—
(i) produce to him or her such records or electronic data or both relating to, or which he or she on reasonable grounds believes to relate to, the matter which he or she is investigating, and such records or electronic data or both are or were present on the premises, or in the possession or custody or under the control of that person or his or her employee or agent; and
(ii) furnish such explanations to him or her as he or she may require in respect of any such records or electronic data or both; and

| TO WHOM DO THEY REPORT?                  | • Project Manager  |
|                                         | • The Acting Registrar |
|                                         | • The SAVC President |

| AUTHORITY OVER PROJECT                  | Obtaining and collecting evidence as instructed |
| GOAL FOR THE PROJECT or STAKE IN THE PROJECT, and RELATION TO ORGANISATIONAL GOAL: | To determine the success of the pilot project and the feasibility of a permanent inspectorate. |
| DO THEY REPRESENT A SPECIFIC THREAT OR OPPORTUNITY? | Both, an opportunity and A threat if no support is received from this stakeholder, and if this stakeholder is prevented from performing the investigation. |
| PRO’s:                                  | • The appointment of the inspector in terms of the amended Act will make the inspector an SAVC official, with a certificate of appointment (section 29A) |
|                                         | • The investigating officer may be an employed |
SAVC officer or person appointed on a contractual basis;
- The appointed investigating officer will investigate any of the following matters:
  - Alleged contravention or failure to comply with the Act;
  - Application and or compliance with the Act by a registered person; and
  - Charge, complaint or allegation of unprofessional conduct by a professional person.
- Therefore the investigation includes non-registered persons.
- The investigation includes investigation of records and data relating to the alleged matter being investigated.
- A warrant may be obtained to enter and search premises for records and data.
- Confidentiality is paramount and is provide for by the proposed amendment;
- The investigating officer is also to collect witness statements.

**CONS:**
- The warrant obtained may only be executed with regard to premises of registered persons;
- The matter would have to be reported to the SAPS for their investigation into the contraventions by non-registered persons;

**WHAT PERCEPTION DO WE WANT THEM TO HAVE ABOUT THE PROJECT?**

That the role of the appointed inspector in the project is instrumental in achieving success of the project, namely to determine whether the inspector should be appointed for future investigations.
<table>
<thead>
<tr>
<th>NAME: INVESTIGATION COMMITTEE</th>
<th>TITLE: PRELIMINARY INVESTIGATING BODY</th>
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<tbody>
<tr>
<td>CONTRIBUTION TO PROJECT</td>
<td>• Preliminary Investigation</td>
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<td>• Evaluating complaints to determine</td>
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<td>whether further investigation is</td>
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<td>needed by the inspector and/or</td>
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<td>investigating officer</td>
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<td>TO WHOM DO THEY REPORT?</td>
<td>SAVC</td>
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<tr>
<td>AUTHORITY OVER PROJECT</td>
<td>Discernment with regard to complaints</td>
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<td>received</td>
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<td>GOAL FOR THE PROJECT or STAKE</td>
<td>In order to make informed decisions,</td>
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<td>IN THE PROJECT, and</td>
<td>to instruct that more information</td>
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<td>RELATION TO ORGANISATIONAL GO</td>
<td>with regard to any particular</td>
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<td>AL:</td>
<td>complaint be obtained through the</td>
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<td>inspector.</td>
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<td>DO THEY REPRESENT A SPECIFIC</td>
<td>Both, an opportunity and</td>
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<tr>
<td>THREAT OR OPPORTUNITY?</td>
<td>A threat if the investigation</td>
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<td></td>
<td>Committee is weak in its evaluation</td>
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<td></td>
<td>of complaints.</td>
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<tr>
<td>WHAT PERCEPTION DO WE WANT</td>
<td>This stakeholder must believe that:</td>
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<td>THEM TO HAVE ABOUT THE</td>
<td>- this project has a common goal</td>
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<td>PROJECT?</td>
<td>with them, viz compliance</td>
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<td>- by working together, the project</td>
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<td>can assist them in further both</td>
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<td>parties’ goals</td>
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<tr>
<td>NAME: INQUIRY BODY</td>
<td>TITLE: INQUIRY INTO PROFESSIONAL CONDUCT</td>
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<tr>
<td>CONTRIBUTION TO PROJECT</td>
<td>• To conduct an inquiry into the professional conduct of a veterinary professional as instructed by the Investigation Committee</td>
</tr>
<tr>
<td>TO WHOM DO THEY REPORT?</td>
<td>SAVC</td>
</tr>
<tr>
<td>AUTHORITY OVER PROJECT</td>
<td>• Conducting an inquiry with the view of obtaining a fair verdict; and • Imposing a fair penalty/fine relevant and balanced against the verdict. • Limited to members of the veterinary profession</td>
</tr>
<tr>
<td>GOAL FOR THE PROJECT or STAKE IN THE PROJECT, and RELATION TO ORGANISATIONAL GOAL:</td>
<td>• Compliance with the Veterinary &amp; Para-Veterinary Professions Act • To prove whether the allegation is true or not.</td>
</tr>
<tr>
<td>DO THEY REPRESENT A SPECIFIC THREAT OR OPPORTUNITY?</td>
<td>Both, an opportunity and A threat if the penalties and sentences imposed by the Inquiry Body are not measured against the severity of the contravention.</td>
</tr>
<tr>
<td>WHAT PERCEPTION DO WE WANT THEM TO HAVE ABOUT THE PROJECT?</td>
<td>This stakeholder must believe that: - this project has a common goal with them: compliance - by working together, the project can assist them in achieving the same goals This will be a means by which more information and/or evidence can be obtained to ensure fairness in judgment.</td>
</tr>
<tr>
<td>NAME: SAVC (Full Council)</td>
<td>TITLE: REGULATORY BODY</td>
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<tr>
<td>CONTRIBUTION TO PROJECT</td>
<td>• Ratification of the Executive Committee decisions with regard to pilot project</td>
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<td></td>
<td>• Review of IB and/or IC decisions</td>
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<tr>
<td>TO WHOM DO THEY REPORT?</td>
<td>Parliament</td>
</tr>
<tr>
<td>AUTHORITY OVER PROJECT</td>
<td>Review of IB and/or IC decisions</td>
</tr>
<tr>
<td>GOAL FOR THE PROJECT or STAKE IN THE PROJECT, and RELATION TO ORGANISATIONAL GOAL:</td>
<td>• Compliance with the Veterinary &amp; Para-Veterinary Professions Act and Code of Conduct &amp; Practice</td>
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<td></td>
<td>• A successful pilot project</td>
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<td></td>
<td>• The end goal being the establishment of a successful inspectorate in order to render a more credible service to the veterinary profession and to protect the profession.</td>
</tr>
<tr>
<td>DO THEY REPRESENT A SPECIFIC THREAT OR OPPORTUNITY?</td>
<td>Both, an opportunity and A threat if no support is received from this stakeholder.</td>
</tr>
<tr>
<td>WHAT PERCEPTION DO WE WANT THEM TO HAVE ABOUT THE PROJECT?</td>
<td>This stakeholder must believe that:</td>
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<tr>
<td></td>
<td>- this project has a common goal with them: compliance</td>
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<td>- by working together, the project can assist them in further both parties’ goals</td>
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<table>
<thead>
<tr>
<th>NAME: MCC</th>
<th>TITLE: REGULATORY BODY</th>
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<tbody>
<tr>
<td>CONTRIBUTION TO PROJECT</td>
<td>• Further investigation of matters relating to medicines with involvement of laypersons</td>
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<td></td>
<td>• Joint investigation of complaints relating to contraventions by the profession with regard to medicines</td>
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<td></td>
<td>• To provide affidavits confirming whether a person is a licence/permit holder</td>
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<td></td>
<td>• Reasonable access to information</td>
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<td></td>
<td>• To provide affidavits confirming contravention of Act 101</td>
</tr>
<tr>
<td>TO WHOM DO THEY REPORT?</td>
<td>Department of Health (soon to be established as a statutory body)</td>
</tr>
<tr>
<td>AUTHORITY OVER PROJECT</td>
<td>Information with regard to medicines</td>
</tr>
<tr>
<td>GOAL FOR THE PROJECT or STAKE IN THE PROJECT, and RELATION TO ORGANISATIONAL GOAL:</td>
<td>Compliance with the Medicine and Related Substances Control Act 101 of 1965, including compliance by the veterinary profession or any new regulation pertaining to the veterinary Act or profession.</td>
</tr>
<tr>
<td>DO THEY REPRESENT A SPECIFIC THREAT OR OPPORTUNITY?</td>
<td>Both, an opportunity and A threat if no support is received from this stakeholder.</td>
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<td></td>
<td>- this project has a common goal with them:</td>
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</tbody>
</table>
compliance
- by working together, the project can assist
them in further both parties’ goals

---------STAKEHOLDER ALIGNMENT QUESTIONS continued

<table>
<thead>
<tr>
<th>NAME: NATIONAL PROSECUTING AUTHORITY</th>
<th>TITLE: NPA</th>
</tr>
</thead>
<tbody>
<tr>
<td>CONTRIBUTION TO PROJECT</td>
<td>Criminal prosecution of layperson contravening the Veterinary and Para-Veterinary Professions Act 19 of 1982</td>
</tr>
<tr>
<td>TO WHOM DO THEY REPORT?</td>
<td>NDPP</td>
</tr>
<tr>
<td>AUTHORITY OVER PROJECT</td>
<td>Assistance with regard to the successful prosecution of complaints and investigations by this Project</td>
</tr>
<tr>
<td>GOAL FOR THE PROJECT or STAKE IN THE PROJECT, and RELATION TO ORGANISATIONAL GOAL:</td>
<td>To ensure that matters of substance and with a possibility of success are prosecuted</td>
</tr>
<tr>
<td>DO THEY REPRESENT A SPECIFIC THREAT OR OPPORTUNITY?</td>
<td>An opportunity to ensure that matters investigated by the Project are of merit and present a possibility of success. A threat to successful prosecution with a guilty verdict should the stakeholder not support this Project by: • Refusing to prosecute any particular matter • Perception of importance or of public interest • Lack of knowledge of transgressions of the Act, for example with regard to training • Differing opinions by expert witnesses (veterinary profession)</td>
</tr>
<tr>
<td>WHAT PERCEPTION DO WE WANT THEM TO HAVE ABOUT THE PROJECT?</td>
<td>This stakeholder must believe that the intention of the Sponsor and the Project is to co-operate with the NPA and the court system, and to waste the time of their prosecutors.</td>
</tr>
</tbody>
</table>
# THE INSPECTORATE PROJECT (Veterinary Professions)

<table>
<thead>
<tr>
<th>NAME OF PHASE</th>
<th>DELIVERABLES</th>
<th>STAKEHOLDER RESPONSIBLE</th>
<th>MILESTONE COMPLETE DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Signing of Charter by all Stakeholders</td>
<td>Meeting with all stakeholders</td>
<td>Project Manager</td>
<td>end 2011</td>
</tr>
<tr>
<td>2. Planning of Project</td>
<td></td>
<td>Project Manager</td>
<td>15 September 2011</td>
</tr>
<tr>
<td>3. Passing of Amendment Bill in Parliament</td>
<td>Constant report from the DAFF representative</td>
<td>DAFF</td>
<td>end 2011</td>
</tr>
<tr>
<td>4. Appointment of Inspectors</td>
<td>Finalise profile</td>
<td>SAVC</td>
<td>Beginning 2012</td>
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<td>Obtain quotations for service contractor</td>
<td></td>
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<tr>
<td>5. Identify cases</td>
<td></td>
<td>Project Manager</td>
<td>Completed</td>
</tr>
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<td></td>
<td></td>
<td>16 August 2011</td>
</tr>
<tr>
<td>6. Collection of Evidence</td>
<td>Inspector (Contracted Service Provider)</td>
<td></td>
<td>31 January 2012</td>
</tr>
<tr>
<td>7. Issuing of Warrant if needed</td>
<td>SAVC</td>
<td></td>
<td>10 February 2012</td>
</tr>
<tr>
<td>8. Submission to IC</td>
<td></td>
<td>Project Manager</td>
<td>60 days after Investigation by Inspector completed</td>
</tr>
<tr>
<td>9. Inquiry</td>
<td></td>
<td></td>
<td>Within 3 months after IC decision</td>
</tr>
<tr>
<td>10. PUBLICATION OF GUILTY VERDICT</td>
<td>SAVC NL Government Gazette</td>
<td></td>
<td>1 June 2012</td>
</tr>
</tbody>
</table>
# THE INSPECTORATE PROJECT (Non-Registered Persons)

<table>
<thead>
<tr>
<th>NAME OF PHASE</th>
<th>DELIVERABLES</th>
<th>STAKEHOLDER RESPONSIBLE</th>
<th>MILESTONE</th>
<th>MILESTONE COMPLETE DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Signing of Charter by all Stakeholders</td>
<td>Meeting with all stakeholders</td>
<td>Project Manager</td>
<td></td>
<td>end 2011</td>
</tr>
<tr>
<td>2. Planning of Project</td>
<td></td>
<td>Project Manager</td>
<td></td>
<td>end 2011</td>
</tr>
<tr>
<td>3. Passing of Amendment Bill in Parliament</td>
<td>Constant report from the DAFF representative</td>
<td>DAFF</td>
<td></td>
<td>Beginning 2012</td>
</tr>
<tr>
<td>4. Appointment of Inspectors</td>
<td>Finalise profile. Obtain quotations for service contractor</td>
<td>SAVC</td>
<td></td>
<td>15 September 2011</td>
</tr>
<tr>
<td>5. Identify cases</td>
<td></td>
<td>Project Manager</td>
<td>Completed</td>
<td>16 August 2011</td>
</tr>
<tr>
<td>6. Collection of Evidence</td>
<td></td>
<td>Inspector (Contracted Service Provider)</td>
<td></td>
<td>31 January 2012</td>
</tr>
<tr>
<td>7. Laying a formal Charge with SAPS and submission of case details to NPA</td>
<td></td>
<td>SAVC</td>
<td></td>
<td>10 February 2012</td>
</tr>
<tr>
<td>8. NPA decision to prosecute</td>
<td></td>
<td>NPA</td>
<td></td>
<td>To be advised</td>
</tr>
<tr>
<td>9. Criminal Court</td>
<td></td>
<td></td>
<td></td>
<td>To be advised</td>
</tr>
<tr>
<td>10. PUBLICATION OF GUILTY VERDICT</td>
<td>SAVC NL Press</td>
<td>SAVC</td>
<td></td>
<td>To be advised</td>
</tr>
</tbody>
</table>

*(In the case where, the transgression by a non-registered person becomes evident after investigation in the pilot project of a matter involving a registered person)*
THE INSPECTORATE PILOT PROJECT : STATEMENT OF WORK

PROJECT MANAGER:  Ms Shikshah Dowlath-Singh (Director: Legal Affairs)

SPONSOR:  South African Veterinary Council (SAVC)

PURPOSE:
To identify 3 already submitted complaints (high, medium and low profiles) arising from different geographical areas in South Africa and relating to different matters for investigation by a contracted service provider

Veterinary Profession:
- To appoint a contracted service provider as Investigating officer with the instruction to investigate the complaints and to gather evidence in order that the Investigation Committee be able to make an informed decision; and
- To have sufficient evidence to institute a disciplinary inquiry into unprofessional conduct.

Non-Registered persons:
- To appoint a contracted service provider as Inspector with the instruction to investigate the complaints and to gather evidence with the view of laying a complaint with the SAPS for successful prosecution by the NPA;
- To assist the SAPS investigating officer with the investigation of a contravention by a non-registered person; and
- To assist the SAPS and/or the NPA in the pursuit of a fair verdict in these complaints.

SCOPE:
1. Major Project Activities
   a. Investigation of complaints (including anonymous complaints) by members of the veterinary profession with regard to contravention of the Act and Code of Conduct & Practice
   b. Investigation of complaints by the veterinary profession concerning the rendering of veterinary services by non-registered persons
   c. Investigation of the profession’s compliance with minimum standards and requirements for practice.
2. **Out of Scope Project Activities**

- Obtaining of a warrant for search of premises of registered persons from magistrate
- Prosecution by the NPA
- The supply of information by the Department of Health

**DELIVERABLES / OUTCOMES:**

The appointed investigator is to investigate the identified complaints and to gather evidence (including affidavits and substantive evidence) regarding these complaints to facilitate the further investigation (by the Investigation Committee where a member of the veterinary profession is involved) and prosecution of the complaint by the National Prosecuting Authority.

To assist the Investigation Committee in making an informed decision and the National Prosecuting Authority in the achieving a successful criminal prosecution with a sound judgment.

**COST ESTIMATES:**

Labour hours: 8/80 hours

External Costs: Service Provider - Contract labour (including own tools of the trade and excluding administrative support)

**SCHEDULE OVERVIEW**

Estimated Project Completion Date: 31 June 2012

Major Milestones:

External Milestones:

1. Court Processes

**Impact of Late Delivery:**

1. The passing of the Amendment Bill
OBJECTIVES:

To collate evidence with the aim of achieving a successful prosecution with a sound judgment in a court of law;

To ensure the professions’ compliance with all relevant legislation including Act 101; and

To ensure the public’s compliance with Veterinary & Para-Veterinary Professions Act

STAKEHOLDER ANALYSIS:

1. **Customer & Sponsor:** The Executive Committee on behalf of The South African Veterinary Council and the Veterinary Profession

   **Major Responsibility or Contribution:**
   - Funding
   - Contract
   - Sponsor
   - Supply of Project Management
   - Administrative Support

2. **Management:** Shikshah Dowlath-Singh

   **Major Responsibility or Contribution:**
   - Facilitate the investigations
   - Facilitate support to the Investigator
   - Discussion of cases with relevant stakeholders

3. **Team:** The South African Veterinary Council Administration

   **Major Responsibility or Contribution:**
   - To give administrative support to the Inspector
   - To give assistance in the collation of evidence on instruction
**CHAIN OF COMMAND:**

- **South African Veterinary Council & the Veterinary Profession**
- **Project Manager**
  - (Shikshah Dowlath-Singh)
- **Administration**
- **Inspector**
- **Liaison with Stakeholders**

**ASSUMPTIONS or RISKS:**

- Collation or gathering of sufficient information to support the identified stakeholder in achieving the objective of the project may present a challenge especially when it is envisaged that complaints would be submitted by the profession (anonymously) with little evidence that could be admissible in court;

- The co-operation of certain stakeholders when the complaint and/or investigation is handed over to such stakeholders to take the matter further;

- Non-collaboration of stakeholders:
  - Obstruction to investigation;
  - Access to or disclosure of information held by the Department of Health of licence holders to access, posses and use scheduled medicines; and
  - Decision by the National Prosecuting Authority not to prosecute in any matter;

- Non-cooperation of members of the veterinary professional that possess information that will further any investigation. Overcoming the following perceptions held by such veterinary professionals would prove a challenge:
  - Possibility of victimisation by other veterinary professionals;
o The potential loss of clientele and therefore, the loss of income;

o The stigma of being an informant; and

o The information held by any particular veterinary professional would be of little value to the investigation;

- Lack of co-operation of non-registered persons that possess information that will further any investigation being conducted. Overcoming the following perceptions held by such non-registered persons would prove a challenge:

  o Not wanting to cause the person being investigated any inconvenience;

  o The investigated person’s intention was only to help and not break any laws;

  o The conduct of the investigated person was good;

  o The services performed by the investigated person was professional; and

  o The Council is incorrect to investigate the particular person.

- The investigation of non-registered persons can only be performed by the investigator to a limited extent. Only a police officer in terms of the Criminal Procedure Act may search the premises of a non-registered person with a search warrant. The SAVC investigator lacks jurisdiction to act with regard to non-registered person. Therefore, the investigator would need to investigate and collect evidence (including witness statements) to the extent of his powers and lay a formal charge with the SAPS against the non-registered person for the SAPS’ further investigation. The SAVC investigator may work closely with the SAPS investigating officer in the investigation but may not be permitted to be present at a search unless the Registrar promotes such a presence (by virtue of the SAVC investigator’s expertise with regard to the reason for the search) via affidavit when a warrant is issued.

- The process of criminal investigation (whether is be a registered or non-registered person) would be the same as the current process involved, with the difference being that the SAVC investigator would be to an extent involved in the SAPS investigation to champion the investigation towards prosecution. When the matter reaches the prosecution stage, the Registrar would have to meet with the prosecutor to guide that prosecutor with regard to implications on the Act and the basis for contravention of the Act. This would place the prosecutor in an informed and better position to prosecute the matter.

- The non-cooperation of potential witnesses with information would have to be noted by the SAPS investigating officer, but subpoenaed to testify by the prosecutor in criminal matters.
THE INSPECTORATE PROJECT:

COMMUNICATION PLAN

**PROJECT MANAGER:** Shikshah Dowlath-Singh

The strategy for keeping the stakeholders sufficiently informed to avoid any disappointment regarding costs, schedule or quality goals.

<table>
<thead>
<tr>
<th>STAKEHOLDER</th>
<th>INFORMATION NEEDS</th>
<th>FREQUENCY</th>
<th>MEDIUM</th>
<th>RESPONSE</th>
</tr>
</thead>
<tbody>
<tr>
<td>SAVC</td>
<td>Updates on no of investigation&lt;br&gt;Reports on progress with regard to each investigation&lt;br&gt;Challenges experienced and the implications on the budget, the schedule and labour</td>
<td>Weekly</td>
<td>Email</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Weekly</td>
<td>Written</td>
<td></td>
</tr>
<tr>
<td>VETERINARY PROFESSION</td>
<td>Quarterly report on progress</td>
<td>Quarterly</td>
<td>Newsletter</td>
<td>Website</td>
</tr>
<tr>
<td>PUBLIC</td>
<td></td>
<td>Press Statement</td>
<td></td>
<td></td>
</tr>
<tr>
<td>NATIONAL PROSECUTING AUTHORITY</td>
<td>Update on progress on cases being prosecuted</td>
<td>Fortnightly</td>
<td>Email</td>
<td>Meetings</td>
</tr>
<tr>
<td>HEAD OF DEPARTMENT OF HEALTH</td>
<td>On a case-by-case basis</td>
<td></td>
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</table>
THE INSPECTORATE PILOT PROJECT:

PROJECT PROPOSAL

PROJECT MANAGER: Shikshah Dowlath-Singh
SPONSOR: The South African Veterinary Council and the Profession
PREPARED BY: The Project manager

PROJECT GOAL:
To initiate the pilot project within 2 months with the view to determining the feasibility of an inspectorate.

PROBLEM/OPPORTUNITY DEFINITION:
- Lack of admissible evidence
- Poor understanding by the legal system
- Access to information

PROPOSED SOLUTION:
To address the problem experienced by the profession with lay persons unlawfully performing the services of registered members of the veterinary profession.

To assist in curbing the abuse of scheduled medicine by non-authorised persons and members of the veterinary profession.

PROJECT SELECTION & RANKING CRITERIA:
3 complaints have been identified for investigation based on the seriousness of the alleged contravention and on the need for more substantive information.

SCOPE

MAJOR OBSTACLES & RISKS
• Collation or gathering of sufficient information to support the identified stakeholder in achieving the objective of the project may present a challenge especially when it is envisaged that complaints would be submitted by the profession (anonymously) with little evidence that could be admissible in court;

• The co-operation of certain stakeholders when the complaint and/or investigation is handed over to such stakeholders to take the matter further;

• Non-collaboration of stakeholders:
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- The non-cooperation of potential witnesses with information would have to noted by the SAPS investigating officer, but subpoenaed to testify by the prosecutor in criminal matters.
PROPOSED TERMS OF CONTRACTUAL AGREEMENT WITH INSPECTOR/INVESTIGATING OFFICER APPOINTED

1. The contract will be for the duration of successful collation of evidence (including witness statements).

2. That the contract will be based on a particular matter. One contract to be separately concluded for each case.

3. The service provider would come with his/her own tools of the trade. There will be no tools supplied by the SAVC (no telephone, no vehicle and not office).

4. The maximum expected duration of any particular contract would be 2 months.

5. No success, no payment basis.