The South African Veterinary Council [SAVC] has since 2008 been in negotiations with the National Department of Environmental Affairs [DEA] to ensure that veterinarians need not comply with the requirements of a permit to render veterinary services to Threatened and Protected Species [TOPS]. The SAVC eagerly awaits the outcome of the Ministerial consultative process relating to the exemption of the veterinary profession from the requirement of a permit.

As part of its efforts to deal with the situation representatives of the SAVC attended DEA provincial and national workshops and the SAVC has recently, on 3 June 2013 submitted its comments on the NEMB Bill and TOPS regulations to the DEA.

The SAVC remains concerned that veterinarians registered with the SAVC are required to obtain permits to render veterinary services to TOPS.

Permit requirements to render veterinary services do not serve the objects of the National Environmental Management: Biodiversity Act [NEMBA], Act No 10 of 2004. The SAVC is of the opinion that the permit requirements to obtain a permit could be to the detriment of the welfare of the TOPS.

It is inconceivable that an application for a permit to treat TOPS i.e. to render veterinary services will ever be refused. Furthermore, as veterinary treatment supports the survival of TOPS and are rendered in the interest of TOPS refusal will be contrary to the objects of the NEMBA.

In addition veterinarians have a duty to treat animals in emergency situations. The Code of Conduct and Practice for veterinarians defines emergency and inter alia states that:

“1.3.2 “Emergency treatment” is interpreted as the alleviation of immediate pain and suffering. “

“4.4   EMERGENCY SERVICES

See Rule 4(1)(e)

4.4.1 The spirit of this clause is to provide a humanitarian service to the animal e.g. to alleviate immediate pain and suffering, saving of a life - and not an attempt at self-advancement (to obtain another client).
“It is submitted that in cases of emergency a veterinarian should be obliged to render assistance to an injured animal which has not previously been a patient on the basis that veterinarians are exercising a public calling. In any event it is likely that, in the absence of any threat of harm to the veterinarian, the courts would find that the legal convictions of the community would be so outraged by a failure to treat in emergency situations that a legal duty to act is likely to be imposed. In situations where an animal has previously been a patient of the veterinarian it is submitted that a special relationship arises and that the veterinarian cannot simply refuse to treat the animal without having some very good veterinary reason for doing so. It is submitted that in such cases the courts should take an approach similar to that suggested for doctors, and that the question of the reasonableness should be determined by taking account the:

a) veterinary’s actual knowledge of the animal’s condition;

b) seriousness of the animal’s condition;

c) professional ability of the veterinarian to treat the animal;

d) physical state of the veterinarian;

e) availability of other veterinarians or para-veterinarians;

f) interests of other animal patients of the veterinarian; and

g) considerations of professional ethics.”

4.4.2 A veterinarian shall provide immediate alleviation of pain and suffering within his/her capabilities on presentation of an animal. “

In the interim whilst the SAVC has submitted its input to the Department of Environmental Affairs [DEA] and whilst registered veterinarians are subjected to the requirements of permits it is the SAVC’s concern that the application requirements and the processes for application are not applied uniformly and that the delays in these processes negatively impact on the survival of the very TOPS which the NEM.BA aims to protect.

Furthermore the SAVC has taken note of the additional conditions placed on veterinarians in the issuing of permits. These conditions prescribe to veterinarians what treatment protocols they have to follow. Veterinarians are trained to make diagnoses and to treat animals and each case is evaluated in terms of the condition of the animal as it presents. Not even the SAVC prescribes treatment for particular animals as each case needs to be evaluated on the condition presented.

The SAVC advises veterinarians to in the interim and whilst the outcome of negotiations is awaited solicit the services of the authorities under the Animals Protection Act to accompany them where emergency treatment of TOPS is required.