

Veterinary Surgeons Board  
of  
South Australia

Annual Report  
2002-03



# **VETERINARY SURGEONS BOARD OF SOUTH AUSTRALIA**

To the Hon Paul Holloway MLC  
Minister for Agriculture, Food and Fisheries  
Minister for Mineral Resources Development

In accordance with the Public Sector Management Act 1995, Section 66, and the Veterinary Surgeons Act 1985, Section 20, I present the Annual Report of the Veterinary Surgeons Board of South Australia for the 2002-03 financial year.

**Paul Douglas Leadbeter LLM**  
**Presiding Officer**  
**Veterinary Surgeons Board of SA**

September 2003

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## ORGANISATION OF THE AGENCY

### AS AT 30 JUNE 2003 THE BOARD CONSISTED OF THE FOLLOWING MEMBERS:

	Attended/out of	Term of office expires:
<b>Chairperson:</b> LEADBETER, Paul Douglas, LLM	9/9	02/09/05
<b>Deputy:</b> JASINSKI, Helena Alide, LLB		02/09/05
<b>Members:</b> MASON Bernard John, BVSc	10/11	17/08/03
WESTON, Jennifer Anne, BSc, BVMS	8/11	30/08/04
RADOSLOVICH, Helen, BSc	10/11	02/09/05
VANDEGRAAFF, Robin, BVSc, MVS, MACVSc	0/4	06/03/06
McBRYDE, Ian David Balfour, BSc, BVMS	11/11	02/09/05
<b>Deputy Members:</b> CLARKE, Rex James, BVSc		17/08/03
MUNCHENBERG, Christopher John, BSc, BVMS		30/08/04
ROSS, Cheryl Anne		02/09/05
BAKER, Robert Marshall, BVSc		06/03/06
NICHOLLS, Julia Mary, BVMS, PhD, MACVSc		02/09/05

The spread of Board membership is such that the Chairperson is a solicitor, Dr McBryde is the Australian Veterinary Association nominee, Dr Vandegraaff is the Chief Veterinary Officer (Department of Primary Industries), Dr Mason a large animal/rural veterinarian, Dr Weston a small animal/metropolitan veterinarian, and Ms Radoslovich is the layperson on the Board. Due to his commitments, Dr Baker usually attends in place of Dr Vandegraaff.

## LEGISLATION, FUNCTIONS & OBJECTIVES OF THE BOARD

The Board is set up to administer the Veterinary Surgeons Act 1985, and its Regulations. In accordance with this Act, it maintains a register of persons qualified to practise veterinary surgery, of persons entitled to be registered as Veterinary Specialists, and of incorporated companies registered as veterinary surgeons.

Its function is to regulate the practice of veterinary surgery in South Australia, and to consider complaints. Its object is to protect consumers by maintaining a high standard of veterinary practice within the state. The consumer market is wide ranging, covering owners and breeders of domestic pets, animals in sport and recreation, import/export markets, public health and research.

## OPERATIONS

The Board met **11** times during the year for monthly meetings, and **3** additional times as a Tribunal to hear formal proceedings.

### THE REGISTER

At 30 June 2003 the role consisted of **592** registrants.

This was made up of:

<b>441</b>	Primary Registrations
<b>91</b>	Secondary Registrations (the primary place of practice is in another Australian state or territory)
<b>22</b>	Limited registrations
<b>38</b>	Non-practising veterinarians
<b>18</b>	of the above registrants are Specialists.

There are also **26** companies registered making a total of **618** on the Register.

### NEW REGISTRATIONS

During the 2002-03 financial year, **128** applicants were granted registration by the Board. Of the **83** new registrations, applicants had obtained their veterinary qualifications from universities in the following countries:

Australia	<b>53</b>	United Kingdom	<b>12</b>
New Zealand	<b>3</b>	South Africa	<b>11</b>
Zimbabwe (+RCVS)	<b>1</b>	Netherlands	<b>1</b>
Namibia (+RCVS)	<b>2</b>		

The **53** applicants who obtained their veterinary degrees in Australia studied at the following universities:

University of Sydney	<b>11</b>	University of Queensland	<b>11</b>
University of Melbourne	<b>14</b>	Murdoch University	<b>15</b>
NVE	<b>2</b>		

The remainder consisted of **7** specialists, **22** reinstatements, **15** limited registrations and **1** company.

The increase is again attributed to a greater movement in the profession (many local practices attract locums from interstate or overseas for short periods, to help address the severe shortage here). There has been a large increase in the number of vets coming from South Africa. A shortage remains, despite the figures appearing to support an increase in the number of practising veterinarians in South Australia.

### VETERINARY SPECIALISTS

**18** Veterinary Surgeons were registered as Specialists as at 30 June 2003 in the following branches:

Veterinary Medicine - Dairy Cattle	<b>1</b>	
Veterinary Ophthalmology	<b>1</b>	
Veterinary Pathobiology		<b>4</b>
Veterinary Pathobiology - General and Anatomic Pathology	<b>3</b>	
Veterinary Pathobiology - Microbiology		<b>1</b>
Veterinary Pathology - General/Anatomical & Clinical Pathology	<b>1</b>	
Veterinary Pathobiology - Clinical Pathology	<b>1</b>	
Veterinary Pathobiology - Anatomical Pathology	<b>1</b>	
Veterinary Radiology	<b>2</b>	
Veterinary Surgery - Equine	<b>1</b>	
Veterinary Surgery - Small Animal	<b>1</b>	
Veterinary Surgery - Small Animal – Orthopaedics	<b>1</b>	

### PRACTICE OF VETERINARY SURGERY BY COMPANIES

During the 2002-03 financial year, **1** new Company was registered, and **2** ceased to exist, making a total of **26** Registered Companies.

### NEW HOSPITALS & PRACTICE NAMES

Pursuant to the Veterinary Surgeons Act, Regulations, Fourth Schedule, Rules of Conduct, Clause 5(1), the Board must approve names of Practices. The Board approved **11** new practice names, or changes to existing names, during 2002-03.

As at 30 June 2003 there were **20** Approved Veterinary Hospitals. Hospitals carrying current accreditation with the *Australian Small Animal Veterinary Association (ASAVA)* are automatically approved by the Board. Others must be inspected once every four years, and/or six months after a change of ownership. There are currently **5** hospitals in this state with ASAVA accreditation.

### **PUBLICATIONS**

The Board produces a *Handbook for Veterinary Surgeons*, (current edition **Handbook 2003**) which contains general information, guidelines and policies of the Board. Copies of the *Register of Veterinary Surgeons*, and *List of Veterinary Practices* are available for a fee.

## COMPLAINTS

The Board has a statutory responsibility to investigate complaints. It plays a major role in consumer protection and community service, protecting both the profession and the public by maintaining high standards of competence and conduct.

The Registrar takes enquiries and complaints from the public. Where possible, consumers are directed back to the veterinarian for further explanation, or mediation may take place. If these options fail, consumers may put their complaint in writing. The Complaints Committee (made up of 4 members of the Board and the Registrar) then investigates and reports to the Board. Matters that allege professional misconduct are referred directly to the Crown Solicitor's Office for investigation.

The Australian Veterinary Association Ltd Code of Professional Conduct is used as the benchmark in all matters of conduct.

The fundamental principals of the Code of Conduct are:

The primary concern of the profession is for the welfare of the animals.

All work performed by veterinarians is to a standard of competence acceptable to their peers.

Veterinarians, individually, act to promote cohesion within the profession and the trust of the profession by the general public.

No personal advantage is sought to the detriment of a professional colleague.

### Professional Indemnity Insurance

Every practising veterinarian must be insured against civil liabilities that might be incurred in the cause of that practice, and is required to declare annually, details of that insurance.

### Civil Actions

When a civil claim is made against a registered person for alleged negligence in the course of veterinary practice, and there is a court order to pay compensation *or an agreement in settlement of the claim*, the registered person is required to furnish the Board with the details of the claim within 30 days. (**Penalty for non-disclosure: \$2000**).

## COMPLAINTS SUMMARY 2002-03

2 complaints were carried over from the previous year, 1 as an ongoing trial, which has yet to finish and another still under investigation.

**During 2002-03, 51 new complaints were brought before the Board.**

**4 cases were referred to the Crown Solicitor.**

1 is under investigation, 2 are proceeding as formal prosecutions; and one (concerning certification) has been settled with a written caution with other issues within the complaint (potential breaches of the Livestock Act) referred to PIRSA).

**1 veterinarian was called before the Board**

to explain treatment and receive counseling on the alleged insensitive manner in which the case was handled.

**12 veterinarians were reprimanded in writing, by the Board.**

The majority were cautions advising how the matter could have been better handled.

**6 complaints were brought against lay people**

Non-registered persons reported to the Board for carrying out acts of veterinary science are advised of the potential to breach legislation, not only the Veterinary Surgeons Act, but also the Prevention of Cruelty to Animals Act, the Controlled Substances Act and the Livestock Act. Particular instances have included: pregnancy testing of cattle, use of ultrasound at horse studs, vaccinating kittens, micro-chipping horses, offering 'consults' and treatment of wildlife.

**17 matters were settled informally.**

These are usually attributable to poor communication.

**In 9 instances, no case was found, 1 complaint was withdrawn and 1 was referred elsewhere.**

**No written complaints were brought by a member of the profession against another member of the profession.**

The majority of non-written complaints in this area involve lack of professional liaison and non-release of records.

## COMMON SOURCES OF COMPLAINTS

### Poor communication or perceived lack of caring

It is the *perception* of the manner in which the veterinarian is dealing with the animal that may lead to a complaint. Complaints regarding insensitivity, particularly surrounding euthanasia, are not uncommon.

### Consent for operations

Complaints arise because the outcome of a particular treatment is either less than satisfactory or different from the expectations of the owner. Complainants often maintain that they were not given a clear understanding of the available options, the cost, prognosis and/or potential complications. The Board recommends that, before undertaking major veterinary procedures, where possible fully discuss **all** the available options for treatment, their associated costs, prognosis and complications, allow the owner to make the decision, and get a consent form signed. (See Appendix III for sample forms).

The client should always be made aware that, even when the optimal method of treatment is used, it is both impossible and unethical to guarantee a full recovery. Where a client is either unable or unwilling to accept the optimal treatment for their animal and chooses a less satisfactory method of treatment, it is important to ensure that the client is fully aware of any possible complications and further costs that may be associated with their particular choice of treatment.

If the attendant veterinary surgeon lacks the necessary skills or equipment to provide the most optimal or preferred treatment for an animal, the owner should be given the option of a referral to another veterinarian who possesses such skills or equipment.

### **Inaccurate quoting**

Complaints arising from inaccurate quoting are common. Clients should be given an indication of costs prior to work being undertaken. This quote must include an estimate of ongoing expenses arising from the procedure. If it becomes clear during the procedure that the costs will be significantly greater due to unforeseen complications, then every attempt must be made to contact the owner to approve the additional work.

### **Payment of Accounts**

The largest source of complaints arises from payment of accounts. People often take their animals to surgeries in emergencies, and do not have the cash on them at the time to cover the expenses incurred. The way in which such situations are handled is a measure of the professionalism and communication skills of the staff of the practice. The Board does not have jurisdiction over fees and charges, but can be brought into the matter when it is not well handled. If treatment is restricted by the client's inability to pay then it becomes even more important that options are discussed with the owner at every stage, that the owner is clear about the fact that the treatment may be less than optimal, and the quotes realistic at every stage.

### **Vicarious Liability/ actions of staff**

The principals of a practice may be held responsible for the actions of their employees &/or agents (locums) and negligence by staff may lead to legal or disciplinary proceedings against the veterinarian.

### **Transfer/release of records**

There is an expectation that practices will cooperate and liaise professionally. To do any less is not in the best interests of the animals and brings the profession into disrepute. Practice protocol should allow for transmission relevant information.

### **Privacy Implications For Practices**

The transmission of information from one practice to the other does not, in general, raise any concerns about compliance with the new Commonwealth Privacy Act 1988. Small businesses (those with an annual turnover of \$3,000,000 or less) are exempt from the national privacy principles. Added to which, privacy is only protected when the information is about a human subject. (Health professionals that offer health services to human patients are bound by the act, irrespective of size). Similarly, transmission of x-rays from one practice to another would not violate any provisions. However, in the spirit of the new laws and to make clients feel comfortable, it is worth considering requiring clients to sign a consent form, even though it is not strictly necessary.



## **NEW POLICIES AND MATTERS ARISING OUT OF BOARD MEETINGS**

### **Continuing Professional Development**

One of the primary responsibilities of the Veterinary Surgeons Board is to protect the public by maintaining high standards of competence within the profession. The public has a right to expect that professional people keep up to date with current developments, particularly in the area relevant to their professional activity and the Board has an obligation to regulate and maintain high standards of practice.

A commitment to continuing education is considered essential to maintain and enhance professional skills and knowledge and it is expected that all practising veterinary surgeons will partake of some form of continuing professional development (CPD) every year. The Veterinary Surgeons Board is trialling a scheme of self-regulated recording of CPD.

We are now into the second year. The large majority of vets are finding that the requirement is easily achievable, and are complying and completing the record cards.

### **Changes to Hospital Standards**

Current Hospital Standards have been reviewed and upgraded. Copies are available from the office or can be downloaded from the website. A new hospital inspector, Dr John Hamilton, has been appointed to carry out inspections.

### **New Handbook**

The Handbook was considerably reviewed and updated this year, and sent to all South Australian veterinarians. It contains a complete list of policy decisions. Copies can be downloaded from the website or are available from the office for a small fee.

### **Privacy Policy**

- ✦ The Veterinary Surgeons Board is committed to the responsible handling of personal information and to protecting an individual's right to privacy.
- ✦ The Board will only collect personal information that is necessary to fulfil its functions under the Act. This information will be collected by lawful and fair means, with your consent and be used for a lawful purpose.
- ✦ The Board will only collect personal information from you with your prior knowledge and consent. No attempt will be made to identify users or their browsing activities from any statistics generated by the Website.
- ✦ The types of organisations to which the Board may disclose personal information include: other veterinary registration authorities in Australia and overseas; other federal and/or state government regulatory authorities; registered medical practitioners; complainants and the Board's solicitors; drug wholesalers.
- ✦ The Board will only use personal information for the purpose it has been collected or, where you would reasonably expect this to occur and/or you have consented.
- ✦ The Board's goal is to ensure that your personal information is accurate, complete and up to date. To assist us with this please keep us informed of any changes to your details.
- ✦ The Registrar is designated as the Privacy Officer.
- ✦ No member or officer of the Board can disclose personal information except in performing their duties or in specific situations to assist a law enforcement agency.
- ✦ The Board will take all reasonable precautions to ensure that personal information it holds is kept secure. Reasonable steps will be taken to de-identify any personal information no longer required.
- ✦ The Board uses a reliable and secure computer system. However, you should be aware that, although we strive to protect information transmitted via our Website, there may be inherent risks associated with the transmission of data via the Internet.

### **STATUS OF THE REVIEW OF THE VETERINARY SURGEONS ACT**

The new Veterinary Practice Act 2002 has passed the Upper House is expected to come into force in 2004. (For further update on this, contact the Registrar). Areas within the current act that may alter include:

- The composition of the Board
- Ownership of veterinary practices
- Reference to hospitals
- Recognition of registration requirements
- Recognition of specialisation categories
- Changes to the disciplinary process and investigatory powers.

Before it can be enacted, the Regulations will need to be re-written. As stakeholders, all veterinarians are encouraged to have input into these.

### **CONSULTATION WITH OTHER VETERINARY BOARDS**

The Australasian Veterinary Boards' Council Incorporated ([www.avbc.asn.au](http://www.avbc.asn.au)) provides a forum where representatives of Australian and New Zealand Veterinary regulatory bodies and education providers discuss legislative matters, standards of practice, accreditation and other related issues. The Council is funded by the individual Boards. The AVBC administers the National Veterinary Examination and assesses overseas qualifications for the purpose of migration. The body provides a mechanism to regulate the Australasian veterinary profession, to foster standardisation and quality assurance of the delivery of veterinary sciences and enables Australia to liaise effectively with other countries from a central point.

The last national conference was held in Melbourne in May 2003. Dr Julia Nicholls represented the Board as our delegate. Matters discussed included:

- **Advisory Committee on Registration of Specialists**  
In principle approval of the specialist training programme rather than the individual.
- **Continuing Veterinary Education**  
The basic model of CPD requirements as adopted by SA and Victoria was approved as the AVBC model.
- **National Veterinary Examination**  
More support for overseas graduates required.  
All NVE graduates will be interviewed by their registrar and advised of local legislation, ethical requirements and the AVA Code of Conduct before registering.
- **Veterinary Schools Accreditation Advisory Committee**  
Report on accreditation of veterinary schools. Global accreditation issues discussed.
- **Rural Veterinary Review (Frawley Report)**  
Recommendations 9 and 14 directly concern AVBC.
- **Mutual recognition/TTMRA**
- **Code of Conduct**  
A working party set up to develop a national, standardised Code of Conduct
- **National Registration**  
Secondary registration as an interim step now exists in SA, WA, Qld and Vic.

The Registrar can be contacted for more detail on items currently under discussion at AVBC level.

The Registrars of Australian Boards and including New Zealand met formally the day prior to the AVBC Conference. It is through these meetings that the Boards work towards harmonization of processes.

## FREEDOM OF INFORMATION

The Registrar is designated as the Freedom of Information Officer for the Board. She is obliged to provide access to personal files and to provide copies of information contained in these files to the individual concerned on receipt of application for access. The Board is not obliged to provide access or copies of information relating to the investigation of complaints on normal request. However, it may be prepared to provide access under certain circumstances, and will treat each request on its merits. No applications were received in 2002-03.

## OTHER MATTERS REQUIRED TO BE REPORTED ON UNDER THE PUBLIC SECTOR MANAGEMENT ACT 1995

### à Executive and staff employment & human resource matters including Workforce Diversity

The Board engages one person, the Registrar, in a part time contractual position, reviewed annually. During the year an assistant was contracted for part time work.

### à Equal Opportunity

The gender balance of membership of the Board is taken into consideration when members are appointed. Within the 2002-03 period, the Board was made up of 4 male and 2 female members.

### à Remuneration

Members of the Board are paid sitting fees in accordance with the directives of the Commissioner for Public Employment, namely:

Chairperson:	\$40.00 per hour	(\$160 for 4 hour sitting)
Members:	\$35.00	(\$140 for 4 hour sitting)

The last increase was on 1 May 2000.

### Fraud

No instances of fraud were detected in this financial year.

### Financial Performance

Financial affairs of the Board are audited by the Auditor-General's Department, pursuant to the Veterinary Surgeons Act, and the statements are included within this Annual Report.

### Occupational Health, Safety & Welfare

There were no notifiable incidents within the period. 1 workers' compensation claim was made during the year and is being assessed.

### Use of Consultants

From time to time the Board seeks opinion from members of the profession with a particular expertise or special interest. Unless it forms part of formal proceedings, there is usually no fee for provision of this advice.

***The Board wishes to formally thank those members of the profession who have generously shared their knowledge and experience.***

### Overseas Travel

There was no overseas travel by employees.

### Disability Action Plans

The services of this agency are accessible by all people. In a case where a complainant is not able to make a written complaint a verbal statement is taken.

### CONTACT DETAILS:

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