

Veterinary Surgeons Board
of
South Australia

Annual Report

2003-04



VETERINARY SURGEONS BOARD OF SOUTH AUSTRALIA

To the Hon Rory McEwen MP
Minister for Agriculture, Food and Fisheries

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 2003-04 financial year.

Paul Douglas Leadbeter LLM
Presiding Officer
Veterinary Surgeons Board of SA

30 September 2004

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REGISTRAR'S REPORT

The new act has at last been passed, but still awaits the final drafting of the Regulations. It is of significance that the purpose of the new Act is:

'An Act to protect animal health, safety and welfare and the public interest by providing for the registration of veterinary surgeons; to regulate the provision of veterinary treatment for the purposes of maintaining high standards of competence and conduct by veterinary surgeons.....'

This places more emphasis on the Board's role to serve the public, and to take into account the welfare of animals.

Already the type of work done by this office varies enormously. To give some idea of the broad range of activities carried out by the Veterinary Surgeons Board office *other than its normal regulatory duties*, some specific examples of work done by this office includes:

- Dealing with referrals from other agencies (largely RSPCA & Consumer Affairs);
- Sorting out misunderstandings when clients have not been able to achieve a resolution by themselves;
- Dealing with grief and anger brought about by the loss of an animal: dealing with people looking for help with animal behaviour problems;
- Acting as a point of contact for basic pet advice, or to locate a vet in an emergency;
- Handling fees enquiries, particularly for people on pensions who can't afford treatment for their sick animals – helping them with strategies;
- Dealing with complaints against pet shops; dog sanctuaries selling sick puppies; pet crematorium not returning ashes; public enquiries that come out of television animal shows or newspaper articles;
- Individual cases such as: an allegation of a vet staff member using drugs; or an elderly Russian lady with little english referred to us by her local politician because she didn't understand why her dog died at the surgery;
- School student enquiries.

Whilst much of this work is not directly related to the provision of the regulatory activities it does meet Parliamentary requirements (*to protect animal health, safety and welfare and the public interest*). It plays a valuable public role and in most instances there is nowhere else that members of the public can readily turn.

This office is also a resource for the profession, and attempts to mediate when complaints appear to be misunderstandings. The Diversion Policy is working well as an alternative to formal proceedings when things go wrong. Our website has grown and now includes articles of interest as well as news and policy announcements. We welcome your feedback.

Staff issues: This year we welcomed Alison into the office. She is a valuable asset fielding phone calls, processing registrations, including hospital accreditation and ongoing inspections, updating the website and hopefully will be involved in producing a bi-annual newsletter for the profession.

As a statutory authority WorkCover has categorised the Board as 'Crown Exempt'. This means the Board is expected to cover its own liabilities, an impossibility in the face of a large claim. The Office for the Commissioner for Public Employment is pursuing this matter on behalf of all small agencies.

Our thanks go to Dr John Hamilton for his diligent work as inspector of hospitals.

Helen Ward
REGISTRAR



ORGANISATION OF THE AGENCY

AS AT 30 JUNE 2004 THE BOARD CONSISTED OF THE FOLLOWING MEMBERS:

| | | Attended/out of | Term of office expires: |
|------------------------|--|-----------------|-------------------------|
| Chairperson: | LEADBETER, Paul Douglas, LLM | 10/10 | 02/09/05 |
| Deputy: | JASINSKI, Helena Alide, LLB | 0/0 | 02/09/05 |
| Members: | DOUBE, Andrew John, BVSc | 04/06 | 30/09/06 |
| | WESTON, Jennifer Anne, BSc, BVMS | 7/10 | 30/08/04 |
| | RADOSLOVICH, Helen, BSc (Ma)(Hons) | 10/10 | 02/09/05 |
| | VANDEGRAAFF, Robin, BVSc, MVS, MACVSc | 2/10 | 06/03/06 |
| | McBRYDE, Ian David Balfour, BSc, BVMS | 8/10 | 02/09/05 |
| Deputy Members: | MASON Bernard John, BVSc | 04/04 | 30/09/06 |
| | MUNCHENBERG, Christopher John, BSc, BVMS | 03/03 | 30/08/04 |
| | ROSS, Cheryl Anne | 0/0 | 02/09/05 |
| | BAKER, Robert Marshall, BVSc, MSc, MAgSc | 08/08 | 06/03/06 |
| | NICHOLLS, Julia Mary, BVMS, PhD, MACVSc | 01/02 | 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 Doube 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 purpose of the Veterinary Practice Act 2003 is '**to protect animal health, safety and welfare and the public interest** by providing for the registration of veterinary surgeons; to regulate the provision of veterinary treatment for the purposes of maintaining high standards of competence and conduct by veterinary surgeons.....'

The Board is set up to administer the legislation. In accordance with this, 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 (which will change to *veterinary service providers* under the new act).

The function of the Board is to regulate the practice of veterinary surgery in South Australia, and to consider complaints. Its object is to protect consumers and animals 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 **10** times during the year for monthly meetings (the first Thursday of each month except January and in this year April), and additionally various members/deputy members met as part of a Tribunal to hear formal proceedings.

THE REGISTER

At 30 June 2004 the role consisted of **595** registrants.

This was made up of:

| | |
|------------|---|
| 440 | Primary Registrations |
| 98 | Secondary Registrations (the primary place of practice is in another Australian state or territory) |
| 21 | Limited registrations |
| 36 | Non-practising veterinarians |

16 of the above registrants are Specialists.

There are also **26** companies registered making a total of **621** on the Register.

NEW REGISTRATIONS

During the 2003-04 financial year, **91** applicants were granted registration by the Board. Of the **75** new registrations, applicants had obtained their veterinary qualifications from universities in the following countries:

| | | | |
|------------------|-----------|----------------|-----------|
| Australia | 42 | United Kingdom | 21 |
| New Zealand | 2 | South Africa | 6 |
| Zimbabwe (+RCVS) | 1 | Canada | 1 |
| United States | 1 | Hannover | 1 |

The **42** applicants who obtained their veterinary degrees in Australia studied at the following universities:

| | | | |
|-------------------------|-----------|--------------------------|-----------|
| University of Sydney | 9 | University of Queensland | 12 |
| University of Melbourne | 12 | Murdoch University | 9 |

The remainder consisted of **7** reinstatements and **9** limited registrations.

 VETERINARY SPECIALISTS

16 Veterinary Surgeons were registered as Specialists as at 30 June 2004 in the following branches:

| | | |
|--------------------------|---|----------|
| Veterinary Ophthalmology | | 1 |
| Veterinary Pathobiology | | 3 |
| Veterinary Pathobiology | General and Anatomic Pathology | 1 |
| Veterinary Pathobiology | Microbiology | 1 |
| Veterinary Pathology | General/Anatomical & Clinical Pathology | 1 |
| Veterinary Pathobiology | Clinical Pathology | 1 |
| Veterinary Pathobiology | Anatomical Pathology | 1 |
| Veterinary Radiology | | 2 |
| Veterinary Surgery | Equine | 1 |
| Veterinary Surgery | Small Animal | 1 |
| Veterinary Surgery | Small Animal – Orthopaedics | 1 |
| Animal Behaviour | | 1 |
| Veterinary Pathobiology | General & Anatomic Pathology | 1 |

 PRACTICE OF VETERINARY SURGERY BY COMPANIES

During the 2003-04 financial year, **no** new Company was registered (one had a change of name) 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 **no** new practice names, or changes to existing names, during 2003-04.

As at 30 June 2004 there were **21** 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.

The Board has a website, www.vsbsa.org.au, which is updated regularly. Copies of the Handbook, Annual Report, various articles, forms, information about the Board and its operations and current news can be accessed at this site.

HANDLING 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. 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.

Declaration of 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 2003-04

6 complaints were carried over from the previous year, 3 as ongoing trials, two under investigation and one still with the Office of the Ombudsman.

The Ombudsman concluded that apart from a few procedural issues he was of the opinion "*the administrative actions of the Veterinary Surgeons Board in this matter have been reasonable and acceptable*". The establishment of a Complaints Committee to act as a first line of review was seen as "*a reasonable administrative act*", with nothing sinister or improper in this approach.

The procedural matters on which the Ombudsman commented included:

- Changing the wording in the Annual Reports regarding the purpose of the Complaints Committee (this sub-committee was abolished during this year).
- Giving more advice to Complainants
- Consistency in the wording of advice in line with definitions in the Act.

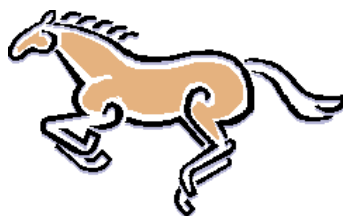
The Board found the review, although lengthy and time-consuming, had been ultimately useful in confirming the approach used was effective, and in 'tidying up' some of its published statements of practices and policies.

The same individual took his complaint to the Privacy Committee alleging that the Board breached Privacy Principles by allowing a 'third party', the Complaints Committee, to see his complaint details, the Privacy Committee found "*there was no infringement of the Information Privacy Principles Instruction.*"

NEW COMPLAINTS

During 2003-04, 49 new (written) complaints were brought before the Board. Of those:

- **2 cases were referred to the Crown Solicitor**
1 is under investigation and 1 is proceeding as formal prosecution.
- **2 veterinarians were called before the Board**
to explain treatment and receive counseling on the manner in which the case was handled.
- **2 matters went to Diversion**
Diversion is an informal process that provides an alternative to the Board holding an enquiry in relation to an allegation of unprofessional conduct. It is offered where there appears to be substance to a complaint but it is appropriate to offer the veterinarian the opportunity to accept responsibility for, and agree to reparation of, their actions. It is an efficient, cost effective means of reaching an acceptable solution with the least stress to all parties.
- **13 were written reprimands for complaints against 8 different veterinarians**
8 veterinarians were cautioned (1 in 3 separate matters) and advised how the matter could have been better handled. Another veterinarian was reprimanded over 3 separate matters through the year for poor practice. Note that when a pattern is established, and the veterinarian has been cautioned, if the poor practice continues, then it becomes a matter considered for formal prosecution.
- **5 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: chiropractic treatment of animals without reference to a veterinarian, horse dentist advertising misleading qualifications, tail docking puppies, alternative therapy treatment.
- **12 matters were settled informally**
These are usually attributable to misunderstandings and poor communication.
- **In 11 instances, no case was found and 1 complaint was withdrawn**
- **1 complaint was made in writing by a member of the profession against another member of the profession**
This was a query of registration status and activities. The majority in this category are verbal complaints and involve lack of professional liaison and non-release of records.



NEW POLICIES AND MATTERS ARISING OUT OF BOARD MEETINGS

Record keeping

Registrants are always requested to supply relevant records when responding to a complaint. Lack of records will be considered proof of poor practice and hence unprofessional conduct.

Dealing with repeat complaints

If a pattern of low-level poor conduct had been identified, and the registrant informed, then a prosecution could proceed following any further breaches.

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. We currently have a scheme of self-regulated recording of CPD and the large majority of vets are finding that the requirement is easily achievable. *Under the new act, annual CPD returns become mandatory.*

This year has also seen a scheme set up by the Australian Veterinary Association available to members only, with the ability to register points on-line. Registrants who can supply an AVA CPD printout will get automatic acceptance, without the need for individual Board monitoring of CPD.

Disseminating key issues to the profession

The Board website is now our major form of communication as mail outs are costly and inefficient. Registrants are encouraged to check the website www.vsbbsa.org.au regularly.

New Handbook

The Handbook has once again been reviewed and updated, specifically in light of the new Veterinary Practice Act 2003. This will be sent to all South Australian veterinarians once the Act is proclaimed. Additional copies will be available for download free from the website or available from the office for a small fee.

Emergency Disease Outbreak

There is now a formal agreement between PIRSA and VSBSA to provide fast-tracked temporary registrations of vets in emergencies such as the outbreak of an exotic disease.

Use of Controlled Substances

The Department of Health now has a registered veterinarian on staff, Dr Carolyn Lewis. This has been beneficial in increasing liaison between the Board and the Department. Also a new sub-committee has been formed to discuss issues regarding use of Controlled substances by lay people. Dr Baker and Dr Nicholls are members of this committee and relevant issues are discussed and reported to the Board.

Microchipping

Microchipping is considered an act of veterinary science, primarily because of the need for tattooing for identification and the certification that follows. In the case of horses, although tattooing is not used, the procedure should not be carried out by lay persons until such time as an accredited training course has been recognised in this state.



REVIEW OF THE VETERINARY SURGEONS ACT

The new **Veterinary Practice Act 2003** will be proclaimed when the Regulations are also passed, which we hope will happen in the current financial year. (For further update on this, contact the Registrar).

Areas within the current act that 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.

The new Regulations may include:

- treatment by a physiotherapist or chiropractor to be under the *direct* supervision of a veterinarian;
- some deregulation of pregnancy testing (by *external* ultrasound or blood and/or milk testing only);
- laparoscopic artificial insemination or transfer of embryos to be performed by a registered veterinarian or under supervision of;
- equine dentistry requiring use of restricted drugs to be carried out by a veterinarian or under supervision;
- Boarding Establishment and Hospital standards brought into legislation by endorsement, and
- a new Code of Conduct endorsed.

CONSULTATION WITH OTHER VETERINARY BOARDS

The **Australasian Veterinary Boards' Council Incorporated** (AVBC) (www.avbc.asn.au) provides a forum where representatives of Australian and New Zealand Veterinary regulatory bodies and education providers discuss issues of national concern relating to maintaining the standards of veterinary practice. It provides a mechanism to foster standardisation and quality assurance of the delivery of veterinary sciences and enables Australia to liaise effectively with other countries. 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 last national conference was held in Canberra in May 2004. Dr Julia Nicholls represented the Board as our delegate. Each sub-committee gave its annual report. There is emphasis on committees being able to fund their work at least partially on a user pays basis. The meeting agreed that there was a need to educate the profession about the role of the AVBC.

Items discussed included:

- **Veterinary Schools Accreditation Advisory Committee (VSAAC)**
Ongoing assessment of Australian and overseas veterinary qualifications to ensure high academic standards are maintained and the professional competence of their graduates. This involves visitations to schools, along with Royal College of Veterinary Surgeons (UK) and American Veterinary Medical Association representatives. It includes recognition of the **European Association of Establishments for Veterinary Education (EAVE)** evaluations, including the **Educational Commission for Foreign Veterinary Graduates (ECFVG)** exam, and may ultimately include a global accreditation scheme;
A new policy on "Reasonable assurance and Short Term Accreditation" was put forward which will allow interim assurance for the 2 proposed new Australian veterinary schools.
- **Advisory Committee on Registration of Veterinary Specialist (ACVRS)**
makes recommendations on the recognition of specialist qualifications. The specialist-training programme has to be approved prior to the individual application.

- **National Veterinary Examination (NVE) Panel & Board of Examiners**
The NVE is for overseas graduates with non-recognised qualifications wishing to gain full registration in Australia. All NVE graduates are now interviewed by the registrar prior to registering.
- **Continuing Veterinary Education**
All states are using a similar model of CPD requirements. The Australian Veterinary Association announced a further system and boards agreed to recognise the reporting of same.
- **Rural Veterinary Review (Frawley Report)**
Some Recommendations of this report directly concern Australasian Veterinary Boards Council Inc. and funding has been made available to review veterinary education.
- **National Registration**
Secondary registration as an interim step now exists in SA, WA, Qld and Vic.

The Registrar can be contacted for more details on items currently under discussion at AVBC level or copies of minutes.

The Registrars of Australian Boards and including New Zealand meet the day prior to each 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 2003-04.



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

- Executive and staff employment & human resource matters including Workforce Diversity**
The Board employs two part-time people, the Registrar and an assistant.
- Equal Opportunity**
The gender balance of membership of the Board is taken into consideration when members are appointed. Within the 2003-04 period, the Board was made up of 4 male and 2 female members.
- 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. There was 1 workers' compensation claim made during the last financial year that was carried over. This was contested by the Board and was withdrawn by the applicant prior to being heard within this year.
- 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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