



SOUTH AFRICAN VETERINARY COUNCIL

AUTHORISATION: SECTION 23 (1) (c)

THIS POLICY GUIDELINE HAS BEEN REVIEWED BY AN AD HOC COMMITTEE OF COUNCIL AND THE POLICY AS AMMENDED AND APPROVED BY COUNCIL ON 01 SEPTEMBER 2016

AUTHORISATION IN TERMS OF SECTION 23(1)(c) OF THE VETERINARY AND PARA-VETERINARY PROFESSIONS ACT

Section 23 of the Veterinary and Para-Veterinary Professions Act, Act 19 of 1982, (the Act) prohibits unregistered persons from practising any of the professions referred to in the Act or performing any of the procedures referred to in the Act. Whereas the Council would prefer all services rendered and/or procedures performed in terms of the Act to be rendered/performed by registered individuals, it recognises the need for such services to be rendered/procedures to be performed by other individuals under specific circumstances from time to time.

SECTION 23(1)(c) permits the Veterinary Council to authorise a non-registered person in writing to render FOR GAIN a service deemed to pertain specially to a veterinary or para-veterinary profession. Gain is indirect within the scope of employment with any employer, including the State, and includes professional experience gained as a result of such employment. The authority granted is subject to such conditions as the Council may determine.

Whereas the main objective of Council is to have all persons performing these activities registered as veterinary or para-veterinary professionals, authorisation is aimed at promoting good standards of practice.

It must be noted that the practising of a veterinary or para-veterinary profession means the rendering of any service deemed by the rules to relate specially to the veterinary or relevant para-veterinary profession or the prescribing and supplying or of any veterinary medicine, as regulated by the Act, as well as the Medicines and Related Substances Control Act, Act 101 of 1965. Specific attention is particularly given to the performing of any act aimed at the diagnosing, treating or preventing of any pathological or physiological condition in any animal or which constitutes a surgical procedure on any animal.

The following information serves as a guideline for those who wish to make application to the Veterinary Council for authorisation in terms of Section 23 of the Veterinary and Para-Veterinary Professions Act (Act 19 of 1982) to render for gain a service deemed to pertain specially to a veterinary or para-veterinary profession.



All applicants should take note of the Council document relating to work permits.

GENERAL GUIDELINES TO MAKE APPLICATION FOR AUTHORISATION UNDER SECTION 23(1)(c)

Authorisation in terms of SECTION 23(1)(c) of the Act will be considered for persons in temporary or full-time employment of academic institutions, research institutions, industrial institutions, service organisations, animal welfare organisations and/or private employers upon receipt of the following from the relevant employer:

1. A standard application form together with a full curriculum vitae of the person to be authorised;
2. Details of the employer, the registered person under whose supervision the person to be authorised will work and the functions, procedures and tasks to be performed by that person and the signed agreement between employer, supervisor (if applicable) and person to be authorised (Job profile);
3. Letter of Intent from the employer and the supervisor;
4. Proof of the qualifications, competency, capabilities and training of the person to be authorised;
5. Proof of the merit, need and/or importance to employ the person to be authorised.
6. Proof of the placement and a copy of the advertisement for the services of a registered veterinary or para-veterinary professional placed in either the SAVC newsletter, the SAVC website, the relevant publication which target the relevant veterinary or para-veterinary profession, not dated more than six months before the date of the application;
7. Such advertisement must be placed prior to the person to be authorised commencing employment in the capacity for which authorisation is sought;
8. The full reason (s) why a locally registered individual could not be appointed, must be provided together with the list of all persons whom applied for the position, proof of interviews held and the reasons why each candidate interviewed are not employable; and
9. Payment of the appropriate non-refundable application fee.

No person may commence any activity or employment referred to above prior to approval of the application by the South African Veterinary Council, the issuing of the signed certificate of authorisation and payment of the authorisation fee. No application will be considered if not all requirements were received.

EXPLANATORY NOTES FOR AUTHORISATION IN TERMS OF SECTION 23(1)(c)

1. In all instances, authorisation will only be considered if the applicant has a firm offer of employment from a specific institution/organisation or private employer or is placed in an accredited academic/training/research programme;
2. Authorisation will only be considered if the need for the service to be provided/procedure (s) to be performed is clearly motivated, proof is provided of the placement of a suitable advertisement for the post in the relevant media, and no suitable locally registered applicant could be appointed (details to be provided);
3. Authorisation will be valid for a maximum period of 2 years in respect of category A3 [service rendering] during which period full registration must be obtained by passing the Council examination. In all other instances, renewal of authorisation may be considered at Council's discretion;
4. The possibility of long-term authorisation as a result of fixed employment with the specific employer in categories A1 and B2 [Industry], A2 and B3 [Research], B1 [Service rendering] and A4 [Training] may be considered at Council's discretion;
5. The scope of procedures to be performed should include a list of activities and/or procedures which



the individual would be expected to perform with proven evidence of competency as may be required;
6. Persons so authorised will be subject to the code of conduct, ethical rules and disciplinary powers of the Council;

7. The person to be authorized must irrevocably subject him/herself to the disciplinary authority vested in the SAVC, should authorisation be granted;

8. The SAVC shall specify to which level of supervision as set out below, the authorized person will be subject

- Direction means that the designated person gives the authorised person directions but is not necessarily present when the procedures are carried out;
- Supervision means that the designated person is present and in a position to assist, yet is not necessarily at the authorised person's side or in the same room; and
- Direct and continuous supervision means that the designated person is present and giving the authorised person and the animal (where applicable) his/her undivided attention;

9. Persons appointed in Key-point positions will only be authorised on condition that they sit and pass the Veterinary Jurisprudence and Ethics examination;

10. Authorisation for persons in key-point positions will not be renewed unless these persons have sat and passed the Veterinary Jurisprudence and Ethics examination; and

11. The responsibility for ensuring adherence to the conditions of authorisation rests with the employer, failing which, authorisation may be withdrawn.

12. Applications for renewal of authorisation must be submitted at least four months prior to the expiry date of the authorisation.

Key-point – means a position which is of vital importance to the community or society as a whole e.g. export and import trade, disease surveillance.

A. CATEGORIES OF ACTIVITIES IN WHICH PERSONS WITH VETERINARY QUALIFICATIONS NOT RECOGNISED BY COUNCIL WILL BE CONSIDERED FOR AUTHORISATION

1. Industry
2. Research
3. Service-rendering (animal welfare, embryo transfer, state veterinary service, etc.)
4. Training (Educational)



B. CATEGORIES OF ACTIVITIES IN WHICH PERSONS WITHOUT VETERINARY AND/OR PARA-VETERINARY QUALIFICATIONS WILL BE CONSIDERED BY COUNCIL FOR AUTHORISATION

1. Service rendering (animal welfare, embryo transfer)
2. Industry
3. Research
4. Training (Educational)

Authorisation in both categories A and B will be considered in relation/with specific reference to:

1. A specific employer or institution;
2. A specific duration;
3. The scope of procedures to be performed and the proven competency of the applicant;
4. Specific requirements/limitations which may be imposed on the applicant; and
5. A suitably registered supervising professional.

GUIDELINES FOR RESEARCH AND INDUSTRIAL INSTITUTIONS IN RESPECT OF APPLICANTS IN CATEGORY A1 [INDUSTRY] AND A2 [RESEARCH]

1. Authorisation will be restricted to those duties related to the research and/or industrial activities which would normally involve the practising of a veterinary profession as defined in the Act and performed on behalf of and whilst in the employ of the research or industrial institution;
2. Authorisation will be valid for a maximum period of 2 years. Renewal of authorisation may be considered at Council's discretion. The possibility of long-term authorisation as a result of fixed employment with the specific employer may be considered at Council's discretion;
3. Renewal of authorisation will only be considered for individuals in fixed employment on receipt of a satisfactory status report submitted by the institution and person under whose supervision the candidate performs his or her duties;
4. In both instances, confirmation of adherence to international Good Practice Guidelines and/or adherence to the National Code on Animal Experimentation should be provided;
5. In the case of category A2 a recommendation from the relevant institution's Animal Ethics Committee should accompany the application;
6. The composition of the aforementioned Animal Ethics Committee should conform to the National Code on Animal Experimentation; and



7. The Animal Ethics Committee should ensure that the applicant is competent to perform the procedure/s for which authorisation is sought. Certification of competency should be signed by both the veterinarian serving on and the chairperson of the Animal Ethics Committee.

GUIDELINES FOR INSTITUTIONS AND PRIVATE EMPLOYERS IN RESPECT OF APPLICANTS IN CATEGORY A3 [SERVICE-RENDERING]

1. Authorisation will be restricted to those duties related to service-rendering activities which would normally involve the practising of a veterinary profession as defined in the Act and performed on behalf of and whilst in the employ of the institution or private employer; and

2. Authorisation will be valid for a maximum period of 2 years during which full registration must be obtained by examination.

GUIDELINES FOR UNIVERSITIES IN RESPECT OF APPLICANTS IN CATEGORY A4 [TRAINING]

1. Authorisation will be restricted to those activities relating to teaching, research, service-rendering and/or professional development which would normally involve the practising of a veterinary profession as defined in the Act and performed on behalf of and whilst in the employ of or placed in a specific academic/research programme of the academic institution;

2. Authorisation will be valid for a maximum period of 2 years. Renewal of authorisation may be considered at Council's discretion. The possibility of long-term authorisation as a result of fixed employment with the specific employer may be considered at Council's discretion; and

3. Renewal of authorisation will only be considered for individuals in fixed employment on receipt of a satisfactory status report submitted by the institution and person under whose supervision the candidate performs his or her duties except where such duties are predominantly of a service-rendering nature which involve the practising of a veterinary profession as defined in the Act. In this instance, authorisation will be valid for a maximum period of 2 years during which full registration must be obtained by examination.

GUIDELINES FOR INSTITUTIONS, ORGANISATIONS AND PRIVATE EMPLOYERS IN RESPECT OF APPLICANTS IN CATEGORY B1 [SERVICE-RENDERING]

1. Authorisation will be restricted to those procedures listed in the application which would normally

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involve the practising of a veterinary or para-veterinary profession as defined in the Act and performed on behalf of and whilst in the employ of the relevant institution, organisation or business (A positive report on the inspection of a facility wherefrom the authorised person will work is a requirement in this category);

2. Authorisation will be valid for a maximum period of 2 years. Renewal of authorisation may be considered at Council's discretion. The possibility of long-term authorisation as a result of fixed employment with the specific employer may be considered at Council's discretion; and

3. Renewal of authorisation will only be considered for individuals in fixed employment on receipt of a satisfactory status report submitted by the institution and person under whose supervision the candidate performs his or her duties.

GUIDELINES FOR INSTITUTIONS AND ORGANISATIONS IN RESPECT OF APPLICANTS IN CATEGORY B2 [INDUSTRY] AND B3 [RESEARCH]

1. Authorisation will be restricted to those duties relating to the industrial/research activities of the institution or organisation which would normally involve the practising of a veterinary or para-veterinary profession as defined in the Act and performed on behalf of and whilst in the employ of the relevant institution or organisation;

2. Authorisation will be valid for a maximum period of 2 years. Renewal of authorisation may be considered at Council's discretion. The possibility of long-term authorisation as a result of fixed employment with the specific employer may be considered at Council's discretion;

3. Renewal of authorisation will only be considered for individuals in fixed employment on receipt of a satisfactory status report submitted by the institution and person under whose supervision the candidate performs his or her duties;

4. In both instances, confirmation of adherence to international Good Practice Guidelines and/or adherence to the National Code on Animal Experimentation should be provided;

5. In the case of category B3 a recommendation from the relevant institution's Animal Ethics Committee should accompany the application;

6. The composition of the aforementioned Animal Ethics Committee should conform to the National Code on Animal Experimentation; and

7. The Animal Ethics Committee should ensure that the applicant is competent to perform the procedure/s for which authorisation is sought. Certification of competency should be signed by both the veterinarian serving on and the chairperson of the Animal Ethics Committee.



GUIDELINES FOR UNIVERSITIES IN RESPECT OF APPLICANTS IN CATEGORY B4 [TRAINING]

1. Authorisation will be restricted to those activities relating to teaching, research, service-rendering and/or professional development which would normally involve the practising of a veterinary or para-veterinary profession as defined in the Act and performed on behalf of and whilst in the employ of or placed in a specific academic/research programme of the academic institution;
2. Authorisation will be valid for a maximum period of 2 years. Renewal of authorisation may be considered at Council's discretion. The possibility of long-term authorisation as a result of fixed employment with the specific employer may be considered at Council's discretion; and
3. Renewal of authorisation will only be considered for individuals in fixed employment on receipt of a satisfactory status report submitted by the institution and person under whose supervision the candidate performs his or her duties.

WORKING PERMITS

The overriding consideration in dealing with applications for work permits is whether the employment or task to be undertaken cannot be performed by a South African citizen or an approved immigrant already residing in South Africa. It therefore follows that work permits are only granted in instances where South African citizens or other legal permanent residents are not available for appointment or cannot be trained for the position.

Employment opportunities are as a result of the prevailing economic climate in South Africa extremely limited and there is at present no special drive or project to attract foreign workers to South Africa. Even as far as the so-called scarce employment categories are concerned the position has worsened to the extent where professionally and technically qualified persons are being laid off and are finding it extremely difficult to secure alternative employment. It is for this reason currently a prerequisite that foreigners wishing to take up employment in South Africa, must be in possession of firm and acceptable offers of employment commensurate with their training, qualifications and experience before an application for a work permit can be considered.



Employers wishing to introduce foreign workers to South Africa must obtain the permission of the Department of Home Affairs and be able to satisfy the department that they were unable to obtain the required personnel locally. Aspects which are in this regard taken into account are, inter alia, the following:

- Date on which the position (s) became available or vacant.
- Whether the vacancies were advertised and if so, in which papers or other suitable media and the number of insertions.
- Reasons why applicants from the South African labour market who may have responded to the advertisements could not be appointed.
- Whether the Department of Manpower, private employment bureaus or agencies or the relevant trade union or industrial council had been approached with regard to filling the vacancies.
- Whether a local unit can be trained to fill a specific position, even if a foreign specialist has to undertake the training for a limited period on contract.
- Whether the applicant appointed or to be appointed is in possession of any special qualifications, training and experience not obtainable in South Africa.
- In the case of senior positions, whether the proper filling of the vacancy or position by the promotion of existing personnel has received due consideration.

Section 26(2)(a) of the said act provides that an application for a work permit may only be made while the appointment is outside the Republic and such applicant shall not be allowed to enter the Republic until a valid permit has been issued to him or her. Applications must be submitted to the South African foreign office in or the nearest such office to the country of which the applicant is a valid passport holder or the country in which he normally resides and await the outcome prior to making arrangements for departure to South Africa.

Applications are subject to the payment of a non-refundable fee which is presently fixed at USD132 or the equivalent thereof in the monetary unit of the country where the application is submitted. Permits are valid for twelve (12) months and renewals thereof may be applied for in South Africa at a cost of R 520. (as at 01/6/02)

The department is also not averse to granting permits to key personnel seconded by corporate businesses to take up temporary employment in their local branches and to this end all South African foreign offices have been authorized to approve such applicants without referral to Head Office.



These transfers should, however, be kept to the minimum required for the effective and smooth running of the business.

The Sub-directorate Temporary Residence of the Department deals with applications for work permits and may be contacted at telephone number (01... or facsimile numbers (012) 321 9890 should further information be required.

The department regularly liaises with the Department of Labour, the relevant trade unions, industrial councils, employers' and employees' organisations and various professional bodies regarding the availability of suitably qualified personnel on the local labour market, in order to fulfill a controlling function in the above regard.

SOME INTERPRETATIONS AND QUALIFICATIONS

The following interpretations and qualifications have been developed in conjunction with the Department of Home Affairs and must be read in conjunction with the part titled Work Permits. Often times the rules/regulations are not adequately interpreted by Statutory Councils, resulting in poor and erroneous application of the Law.

NOTE: The interpretations and qualifications captured hereunder are not all inclusive and therefore, it becomes necessary to develop them further and, in the event that Council is unclear on any matter the Department of Home Affairs must be contacted for clarity and/or for a final decision.

1. No individual will be allowed to change or apply for a change in his/her visa status whilst in the country for a specific purpose and in terms of the initial visa/permit that has been issued by the Department of Home Affairs. This constitutes a change of purpose and therefore, it is the duty of the Veterinary Council to check on permits at the time of authorisation.
2. A foreign veterinary graduate in any category of veterinary science that is desirous of registering with the South African Veterinary Council and is required to appear for an examination, will only be issued a temporary permit of the purposes of the examination and will be required to leave the country immediately after the examination, the said individual is required to make an application via the South African Mission in his/her country and has to fulfill all criteria as set out by the Department of Home Affairs, before a work permit can be issued. Home Affairs will and must be advised by the South African Veterinary Council before a work permit can be issued.
3. A reciprocal arrangement between statutory regulatory veterinary institutions and Councils only recognise veterinary qualifications for the purposes of practice, but does not automatically allow the said individual to work in South Africa.



An applicant must approach the South African Mission in his/her country, in order to obtain the necessary work permit. Again, it is the responsibility of the South African Veterinary Council to guide and inform the Department of Home Affairs if there has been any change of purpose on entering the Republic, and irrespective of a reciprocal arrangement, why the said expertise is required.

4. No foreign individual will be allowed to make an application to Home Affairs if he is already in the Republic for the issue of a work permit.

5. If a foreign veterinary student is issued a study permit, the permit is valid only for the purposes of study in South Africa, the period of study within a said veterinary faculty, subject to the conditions of the Department of Home Affairs. Immediately after his/her studies the said individual is required to leave South Africa and the period of study will not be considered for purposes of issuing either a work permit or permanent residence status.

6. It is the responsibility of the South African Veterinary Council to keep the Human Sciences Research Council (H.S.R.C.) abreast with developments in all matters concerning evaluation. That an evaluation conducted by the H.S.R.C. in no way takes precedence over the Statutory Regulatory Body.

7. The manpower situation in respect of veterinary professions must be constantly provided to the Department of Manpower, solely on the basis that the Department of Home Affairs in almost all cases approaches the Manpower Department when evaluating an application for entry into South African for work purposes.

8. In exceptional cases particularly in a rare field of specialisation or in the case of unique skills, the South African Veterinary Council may approach the Department of Home Affairs to issue a work permit for a particular period. Generally applicants at the under-graduate level will not be considered.

9. If an applicant is granted a work permit on the basis of a contract tenure offered to him/her by the employer in a specialised field as stated in (8) above, such person must leave the country after the contract period. In the event that the contract is renewed, the period of work in the Republic will not be considered for purposes of citizenship and/or permanent residence.

10. No veterinary professional who is a foreigner/expatriate may write the South African Veterinary Council examination unless he/she is in possession of a valid study, work or other visitor's permit issued by the Department of Interior or is legally in the country.