

Veterinarians

Applying to SACAT for disciplinary matters in relation to Veterinarians

Applications for disciplinary action – Veterinarians

SACAT hears disciplinary matters about veterinarians under the *Veterinary Services Act 2023*. This can include where a person has acted:

- unlawfully
- improperly
- negligently
- unfairly
- in some other way outlined by the Act

Who can bring a disciplinary application against veterinarians?

Disciplinary action is brought in the public interest to maintain the standards of the veterinary profession, to deter inappropriate conduct and to protect the public.

Only the Veterinary Services Regulatory Board of South Australia (the Board) or the relevant Minister may initiate formal disciplinary proceedings concerning a veterinarian. The Board **may** refer a matter to SACAT for hearing and determination if the board reasonably believes that the veterinarian has behaved in a way that constitutes professional misconduct.

A member of the public may not directly bring proceedings before SACAT with respect to discipline of a veterinarian under the Act.

However, any person may make a notification to the Board about the conduct and competence of a veterinarian and their compliance with the code of conduct.

What action may be taken by the Board?

The Board may in some circumstances take immediate action to protect animals and safeguard the public interest whilst a matter is being investigated or assessed. This may include

suspension of registration or the imposition of conditions on practice. In such cases, the veterinarian is entitled to seek a review by SACAT of the suspension or conditions imposed.

What is involved in a disciplinary matter?

Applications for disciplinary action require the participation of both the Board (the applicant) and the veterinarian (the respondent) to put forward their version of the facts and applicable law before the Tribunal. The parties may need to call witnesses (including expert witnesses) and provide documents to prove or defend the allegations.

The Board has an obligation to prove the allegations against the veterinarian. This is known as the “onus of proof”. The allegations must be proved by the Board on the balance of probabilities.

Do I need to be legally represented?

Parties do not need to be legally represented in SACAT. However, in disciplinary matters against veterinarians, the Board is legally represented. The proceedings can be complex and the potential consequences for the veterinarian may be significant. It can be helpful to seek legal advice before defending disciplinary proceedings. Find out more about legal representation at SACAT on our webpage, [Preparing for a hearing](#).

Can costs be awarded against a party?

Yes, because the proceedings are adversarial and one or the other party may be legally represented. At the end of the proceedings, depending on the outcome, the Tribunal may order one party to pay the other party’s legal and other costs related to the proceedings.

Process for disciplinary matters

When a matter is referred to SACAT by the Board, the Board will file a document, known as the

“complaint”, which sets out matters that are alleged to constitute grounds for disciplinary action. SACAT will provide a copy of this document, and any documents provided in support, to the veterinarian.

Within 21 days of receiving a copy of the complaint, the veterinarian must provide a response to the allegations. This is a document that sets out what is admitted and what is in dispute. If the veterinarian intends to seek legal advice or to be represented in the proceedings, it may be helpful that that such advice is sought at an early stage before the response is filed.

SACAT will schedule a directions hearing shortly after the referral is received. The first directions hearing will usually be held four to six weeks after the referral is filed.

At or after the first directions hearing, the Tribunal may decide that a further directions hearing is needed, refer the matter to a conference, or may decide that the matter is ready to go to a full hearing, where the matter will be heard and determined.

What SACAT can do in disciplinary matters

After hearing a matter, the Tribunal may find that the allegations have not been proved. Alternatively, the Tribunal may be satisfied that there is a proper cause for taking disciplinary action against the veterinarian.

As a result, SACAT may impose **one or more** of the following disciplinary sanctions:

- a reprimand
- a fine of not more than \$10,000
- conditions on the veterinarian’s registration
- suspend the veterinarian’s general or specialist registration
- cancel the veterinarian’s general or specialist registration

- disqualify the veterinarian from general or specialist registration (either permanently or for a specified period)

Where the Tribunal imposes a condition on a veterinarian’s registration, a party to the proceedings may apply to vary or revoke the condition no earlier than one month after the condition was imposed. If an application to vary or revoke a condition has already been made, another application cannot be made for the following 12 months unless the Tribunal allows a shorter period.

Any fines imposed by the Tribunal are payable to the Board. If the veterinarian fails to comply with a fine imposed by SACAT, then the Board may remove the veterinarian from the relevant registers.

Veterinarians should be aware that the Tribunal has the power to suspend their registration pending the outcome of disciplinary proceedings. This power is exercised only where the Tribunal considers it necessary due to a serious risk to public health and safety or to the health and welfare of animals.

What SACAT cannot do in disciplinary matters

As a result of disciplinary action taken at the Tribunal, SACAT **cannot**:

- investigate a complaint made against a person
- resolve a private dispute
- make orders to compensate a consumer for reimbursement of any monies under the terms of a contract or agreement
- take any immediate action about a person’s conduct

Persons seeking compensation from a veterinarian should seek their own legal advice.

Contact the Tribunal

If you would like to speak to a staff member about the disciplinary jurisdiction of the Tribunal, please telephone SACAT on 1800 723 767 (select option 4 and then option 7).

This information sheet does not constitute legal advice and does not relate to the circumstances of any individual matter. If you wish to have legal advice you should seek that independently.