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Ms Matilda Duncan

Sent by email: [foi+request-7334-0879f73f@righttoknow.org.au](mailto:foi+request-7334-0879f73f@righttoknow.org.au)

Dear Ms Duncan

### Freedom of Information application

I refer to your application to the Department of the Premier and Cabinet (DPC) under DPC Circular PC031, 'Disclosure of Cabinet documents 10 years or older', seeking access to:

Date	Departmental Docket Number	Cabinet Submission Title	Minister
13/04/1993	MAG223-90TC1	Veterinary Surgeons Board – Appointments	Mr Terry Groom

One document was identified as answering the terms of your application and I have determined to release this document in part.

A section of this document contains information relating to the personal affairs of multiple third parties. Under clause 6(1) of Schedule 1 to the *Freedom of Information Act 1991* (the Act), information is exempt if releasing it would involve the 'unreasonable disclosure of information concerning the personal affairs of any person'. I have considered that the application of clause 6(1) requires two elements, one that the information contains the personal affairs of that person; and secondly that disclosure would be unreasonable and contrary to public interest. I have determined that this information falls within the category of 'personal affairs' as listed under section 4(1) of the Act, thereby meeting the first elements of this clause. Further, I have considered whether the disclosure of this information would be unreasonable. In doing so, I have considered the relevance of this information to the public and the likelihood as to whether the person in question would consent to disclosure. I have concluded that this information was likely obtained in confidence and through measures which would otherwise make it unavailable to the public. I have considered the factors in favour of public interest and determined that these factors are outweighed by the need to maintain personal confidentiality in this instance. Therefore, I have determined that this information meets the requirements of clause 6(1) and is thereby exempt pursuant to this clause.

Items on the agenda page not relating to the document you requested have also been removed.

**Clause 6 – Documents affecting personal affairs**

- (1) *A document is an exempt document if it contains matter the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).*

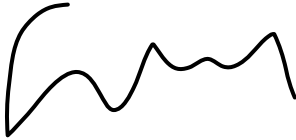
**Right to internal review**

If you are aggrieved with this determination, you have a right to apply for internal review under subsection 29(1) of the Act. Pursuant to subsection 29(2) of the Act, your application must:

- be in writing
- be addressed to the principal officer, and
- emailed to [DPCFOIUnit@sa.gov.au](mailto:DPCFOIUnit@sa.gov.au) within 30 days after the day on which you receive this letter or within such further time as the principal officer of DPC may allow.

If you have any questions in relation to this matter, please contact Denise Cranwell, Freedom of Information Officer, on telephone (08) 8429 7312 or via email at [DPCFOIUnit@sa.gov.au](mailto:DPCFOIUnit@sa.gov.au).

Yours sincerely



Eamonn Maloney  
**Accredited FOI Officer**  
Office of the Chief Executive

18 / 06 / 2021

Attachment:

- Document for release

CABINET - SUBJECTS FOR CONSIDERATION, 13 APRIL 1993

Not relevant

~~13.2~~

Appointment temporary Member and temporary Deputy Member,  
Veterinary Surgeons Board.

MA 223/1990

**APPROVED**

TO THE PREMIER FOR CABINET:

RE: APPOINTMENT OF A TEMPORARY MEMBER AND A TEMPORARY DEPUTY  
MEMBER TO THE VETERINARY SURGEONS BOARD

1. PROPOSAL

That the following persons be appointed as a temporary Member and a temporary Deputy Member of the Veterinary Surgeons Board, for the period 3 May 1993 to 31 March 1994 inclusive, pursuant to Sections 6(1)(a), 6(2)(c) and 6(5) of the Veterinary Surgeons Act 1985.

- 1.1 Ms Wendy White as a temporary Member vice Ms Sarah Harris BA, on extended leave.
- 1.2 Ms Elizabeth Margaret McKenzie BA, as a temporary Deputy Member vice Ms Wendy White appointed as a temporary Member.

2. BACKGROUND

- 2.1 The Veterinary Surgeons Act 1985, came into operation on 1 July 1987.
- 2.2 The purpose of the Veterinary Surgeons Board established under this Act is to provide for the registration of veterinary surgeons and to regulate practise of veterinary surgery for the purpose of maintaining high standards of competence and conduct by veterinary surgeons in South Australia.
- 2.3 The Veterinary Surgeons Board consists of six members, five of whom are appointed by the Governor on the nomination of the Minister of Primary Industries and the other (who shall be a veterinary surgeon) is appointed by the Governor on the nomination of the Australian Veterinary Association, South Australian Division.
- 2.4 Pursuant to Section 6(3) of the Act, Members of the Board are normally appointed for a period of three years and are, on the expiration of a term of appointment, eligible for reappointment. (A table indicating the terms of office of all members is attached - see Appendix 1.)
- 2.5 Deputy Members may be appointed by the Governor under the provisions of Section 6(5) of the Act.

3. DISCUSSION

- 3.1 The Veterinary Surgeons Board has granted Ms Sarah Catherine Harris BA, leave of absence from 3 May 1993 to 31 March 1994 to travel overseas.
- 3.2 Ms Harris is the only "lay" member of the Board. That is a person who is neither a veterinary surgeon nor a legal practitioner.

3.3 It is considered essential to have both the representation of a "lay" Member and Deputy Member on the Board at all times, and in particular in the event of formal inquiries, pursuant to either Section 44 or Section 47 of the Veterinary Surgeons Act 1985 (see Appendix 2). If, as happens occasionally due to circumstances beyond its control, the substantive Board becomes acquainted with the facts of a matter prior to a formal inquiry, it then becomes ineligible to hear the matter. When this occurs it becomes necessary to convene a Board consisting of the Deputy Members to conduct any such hearing. The contribution of a "lay" person in these proceedings is particularly important.

3.4 Appointment Of Wendy White As A Temporary Member

3.4.1 Ms White has been a Deputy to Ms Harris since 9 July 1991.

3.4.2 She is a public relations assistant, employed by the RSPCA, and accordingly works in the same area as Ms Harris, who is employed as a publicity officer for that organisation.

3.4.3 She has been approached and expressed her willingness to be appointed as a temporary Member.

3.5 Appointment Of Ms Elizabeth Margaret McKenzie BA, As A Temporary Deputy Member

3.5.1 Ms McKenzie is a senior public relations assistant employed by the RSPCA, and accordingly works in the same area as both Ms Harris and Ms White. She has been employed in this capacity since August 1988.

3.5.2 She has been approached and has expressed her willingness to be temporarily appointed to the Board as Deputy to Ms White.

3.5.3 Ms White has indicated that she will be happy to have Ms McKenzie as her Deputy.

3.6 Cost

There will be no increase in costs due to the proposed appointment of a temporary Member and a temporary Deputy Member.

Staffing

The appointments will have no effect on Public Service staffing levels.

Balance of Interests

With the above appointments to the Board the balance of professional interests will remain as:

- 1 legal practitioner (Chairman)
- 2 small animal veterinary practitioners
- 1 large animal veterinary practitioner
- 1 Government veterinary officer
- 1 "lay" person (i.e. neither a veterinary surgeon nor a legal practitioner).

This balance will be maintained by the appointment of the temporary Member and temporary Deputy Member recommended herein.

The male/female ratio of the six Members (and of the six Deputy Members) will remain as four males and two females.

4. RECOMMENDATIONS

- 4.1 That the Governor in Executive Council temporarily appoint the following persons to the Veterinary Surgeons Board for the period 3 May 1993 to 31 March 1994 inclusive, pursuant to the provisions of the Veterinary Surgeons Act 1985.
- 4.2 Wendy White as a temporary Member.
- 4.3 Elizabeth Margaret McKenzie BA as a temporary Deputy to Ms White.



Terry Groom  
MINISTER OF PRIMARY INDUSTRIES

31 MAR 1993

VETERINARY SURGEONS ACT, 1985

Veterinary Surgeons Board - Office held for 3 years - Section 6(3) of Act

Registrar - Donald Rodney Andrews, Department of Agriculture

Appoint. Date	Name	Address	Position	Vice	Appoint. Expires	Reference
1/7/87	MULLINS, Peter Michael LLB	6(1) Personal affairs	Chairman		30/6/93	MA 2/87, MA 223/90
1/7/87	HOLMDEN, John Henry B.V.Sc.		Member		30/6/95	MA 2/87
1/7/87	NICHOLLS, Julia Mary B.V.M.S., M.R.C.V.S.		Member		30/6/93	MA 2/87, MA 223/90
9/7/87	HARRIS, Sarah Catherine B.A.		Member		8/7/94	MA 2/87 MA 223/90
28/7/88	CLARKE, Rex James B.V.Sc.		Member	R.B. Humphris	27/7/94	MA 2/87 MA 223/90
1/7/89	HAMILTON, John Leonard B.V.Sc.		Member	F.L. Hollis	30/6/95	MA 2/87

Appoint. Date	Name	Address	Position	Vice	Appoint. Expires	Reference
2/6/88	BELL, Michael Ian LL.B.	6(1) Personal affairs	Deputy to Mullins		30/6/93	MA 2/87, MA 223/90
1/7/89	VANDEGRAAFF, Robin B.V.Sc., M.V.S.		Deputy to Holmden	M.A. Reid	30/6/95	MA 2/87
1/7/89	VON DER LINDEN, Evelyn Brigitta B.V.Sc.		Deputy to Nicholls		30/6/93	MA 2/87, MA 223/90
9/7/91	WHITE, Wendy		Deputy to Harris	J.H. Compton	8/7/94	MA 223/90
28/7/88	LEHMANN, Debra Ruth B.V.M.S.		Deputy to Clarke		27/7/94	MA 2/87 MA 223/90
12/3/92	HOLDS, Kenneth Richard B.V.Sc.		Deputy to Hamilton	K.B. Little	30/6/95	MA 223/90

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FEES:

Chairman	- \$131 per session (4 hours)	\$32.75/hour or part thereafter
(as from 1/1/92)		
Member	- \$110 per session (4 hours)	\$27.50/hour or part thereafter
Travel expenses for approved officers		\$ P.S. Rates, CD 6.
Investigation Expenses at the rate of		\$50 for each completed hour



Veterinary Surgeons Act, 1985

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40. (1) Subject to this Act, a person who has not paid the prescribed registration or reinstatement fee and the prescribed annual practice fee shall not be registered or reinstated (as the case requires) on a register. Fees

(2) Every registered person shall, in each calendar year, before the date fixed for that purpose by the Board, pay to the Board the prescribed annual practice fee and the Board may remove from the register the name of a person who fails to do so.

(3) The Governor may, by regulation, exempt a person or a class of persons from the obligation to pay a fee under this section.

41. The Registrar shall, at the request of a registered person, remove that person's name from the register. Removal from register on request.

42. A name that is removed from the register of veterinary surgeons or from the register of veterinary practitioners shall, if it is on the specialist register, be removed from that register also. Removal of name from specialist register.

43. Upon the suspension of the registration of a person under this Act, that person's name shall be removed by the Registrar from the registers in which it appears. Removal of name from register on suspension.

#### PART IV

#### PROCEEDINGS BEFORE THE BOARD

44. (1) A complaint alleging that within a period of 12 months immediately preceding the laying of the complaint a registered person has practised in a branch of veterinary surgery without having or exercising adequate or sufficient knowledge, experience or skill may be laid before the Board by— Inquiries by the Board as to competence.

(a) the Registrar;

(b) the Minister;

(c) The Australian Veterinary Association, South Australian Division;

(d) a registered person;

or

(e) the owner of an animal who is aggrieved by the standard of veterinary treatment provided to the animal by the registered person.

(2) Where a complaint has been laid under this section, the Board shall, unless it considers the complaint frivolous or vexatious, inquire into the subject matter of the complaint.

(3) If, after conducting an inquiry under this section, the Board is satisfied that the matters alleged in the complaint have been established, it may, by order, impose conditions restricting the right of the person against whom the complaint was laid to practise veterinary surgery.

45. Where, on the application of—

(a) the Registrar;

(b) the Minister;

Incapacity of registered persons.

- (c) The Australian Veterinary Association, South Australian Division;  
or
- (d) a registered person,

the Board is satisfied that the ability of a registered person to practise veterinary surgery is impaired by mental or physical incapacity to such an extent that it is desirable, in the public interest, that an order be made under this section, the Board may, by order, exercise one or both of the following powers:

- (e) suspend that person's registration until the Board is satisfied with that person's recovery from the incapacity or for such lesser period as the Board determines;  
or
- (f) impose conditions restricting that person's right to practise veterinary surgery.

Power to require registered person to submit to examination.

46. (1) For the purpose of inquiring into the mental or physical capacity of a registered person under this Part, the Board may (without derogation from its other powers under this Act) order the person concerned to submit to an examination by a medical practitioner appointed by the Board.

(2) The Board may suspend the registration of a person who fails to submit to an examination ordered by the Board under subsection (1) and that suspension shall remain in force until the examination is made.

Inquiries by Board as to unprofessional conduct.

47. (1) A complaint alleging unprofessional conduct—

- (a) on the part of a registered person;  
or
- (b) on the part of a person who was at the relevant time a registered person,

may be laid before the Board by—

- (c) the Registrar;
- (d) the Minister;
- (e) The Australian Veterinary Association, South Australian Division;
- (f) a registered person;  
or
- (g) a person who is aggrieved by conduct of the registered person.

(2) Where a complaint has been laid under this section, the Board shall, unless it considers the complaint frivolous or vexatious, inquire into the subject matter of the complaint.

(3) If, after conducting an inquiry under this section, the Board is satisfied that the registered person or the person who was formerly registered under this Act is guilty of the alleged unprofessional conduct—

- (a) it may, in the case of a registered person, exercise, by order, one or more of the following powers:
  - (i) administer a reprimand;
  - (ii) order payment of a fine not exceeding \$2 000;

- (iii) impose conditions restricting that person's right to practise veterinary surgery;
- (iv) suspend that person's registration, either absolutely or conditionally, by removing that person's name from one or more of the registers for a period not exceeding one year;
- (v) cancel that person's registration on any one or more of the registers;

or

(b) it may, in the case of a person formerly registered under this Act, order payment of a fine not exceeding \$2 000.

48. (1) The Board may, at any time, on application by a registered person, vary or revoke a condition imposed by the Board under this Part or under Part III or imposed by this Act, in relation to that person's registration under this Act.

Variation, etc., of conditions imposed by Board.

(2) The Registrar, the Minister and The Australian Veterinary Association, South Australian Division shall be entitled to appear and be heard on an application under this section.

49. (1) The Board shall give to all of the parties to proceedings under this Division not less than 14 days written notice of the time and place at which it intends to conduct the proceedings, and shall afford to the parties a reasonable opportunity to call and give evidence, to examine or cross-examine witnesses and to make submissions to the Board.

Provisions as to inquiries.

(2) If a party to whom notice has been given pursuant to subsection (1) does not attend at the time and place fixed by the notice, the Board may proceed to hear and determine the complaint or application in the absence of that party.

(3) In the course of proceedings, the Board may—

- (a) receive in evidence a transcript of evidence taken in proceedings before a court, tribunal or other body constituted under the law of South Australia or of any other State or Territory of the Commonwealth or of another country, and draw any conclusions of fact from the evidence that it considers proper;
- (b) adopt, as in its discretion it considers proper, any findings, decision, judgment, or reasons for judgment, of any such court, tribunal or body that may be relevant to the proceedings.

50. Where—

(a) a complaint alleging unprofessional conduct has been laid before the Board against a person who is registered under this Act and who was registered pursuant to legislation that corresponds to this Act in another State or Territory of the Commonwealth or in another country;

Suspension of registration pending determination of complaint.

and

(b) the registration of that person in that other State, Territory or country was suspended or cancelled by reason of conduct that is the subject matter of the complaint before the Board,

the Board may suspend that person's registration under this Act pending its determination of the complaint.