



VETERINARY PRACTITIONERS BOARD
AUSTRALIAN CAPITAL TERRITORY

Complaints Outcomes Policy

ACT Veterinary Practitioners Board Complaints Outcomes Policy		
Policy	APPROVED BY ACT Veterinary Practitioners Board	October 2023

Table of Contents

1.0	Purpose	2
2.0	Context.....	2
3.0	Existing legislative provisions.....	3
3.1	Veterinary Practice Act 2018.....	3
4.0	Definitions.....	5
5.0	Complaints outcomes	6

1.0 Purpose

This Policy is an internal Board policy.

The purpose of this policy is to provide guidance to the Board in making transparent and outcomes-based decisions in relation to complaints received, that provide for procedural fairness, promote consistency and aims to meet the objects of the *Veterinary Practice Act 2018* (the Act).

2.0 Context

A key role of the Board is to receive and consider complaints in line with the Act.

The Board does not approach complaints with a punitive mindset. The Board provides independent review and feedback to both the vet and the complainant with a focus on reducing the risk of harm to animals and the public, and meeting the objects of the Act.

The Board has a range of actions open to it in dealing with a complaint, as outlined below.

The Board follows its Complaints Policy in dealing with a complaint.

When the Board takes action against a practitioner it should use the minimum regulatory force appropriate to manage the level of risk and to meet the objects of the Act. The Board's actions should be focussed on outcomes and not be about punishing the practitioner.

Most complaints received by the Board result in no finding or action against a veterinary practitioner, or are focussed on improving a practitioner's veterinary practice.

The Objects of the Act are to regulate the provision of veterinary services to ensure:

- a) the provision of veterinary services is focussed on the welfare and protection of animals;
- b) veterinary practitioners provide veterinary services professionally and competently;
- c) premises at which veterinary services are provided are of an acceptable standard;
- d) veterinary services provided in the ACT comply with standards that—
 - i. are acceptable to the community; and
 - ii. meet national and international trade requirements;
- e) consumers of veterinary services are well informed about the competencies required of veterinary practitioners; and
- f) public health is protected.

3.0 Existing legislative provisions

The Act sets out how the Board must deal with a complaint and options available to the Board in relation to a complaint, including dismissing a complaint or taking further action where unsatisfactory professional conduct or professional misconduct is found.

The Act provides a definition of professional misconduct and unsatisfactory professional conduct, with reference to the Veterinary Practitioner Code of Conduct (Code of Conduct).

The Code of Conduct is a legislative instrument under the Act and must be complied with.

3.1 Veterinary Practice Act 2018

Note: The Act is the true source of information that must be used and relied upon. The below information is provided for reference only.

Reference	Description
Part 5	Part 5 of the Act deals with complaints and disciplinary proceedings.
Section 40	<p>Meaning of professional misconduct</p> <p><i>For this Act, professional misconduct means—</i></p> <p><i>(a) unsatisfactory professional conduct, or a pattern of unsatisfactory professional conduct, of a sufficiently serious nature to justify the suspension or cancellation of a veterinary practitioner’s registration; or</i></p> <p><i>(b) any other conduct prescribed by regulation.</i></p>
Section 41	<p>Meaning of unsatisfactory professional conduct</p> <p><i>For this Act, unsatisfactory professional conduct, in relation to a veterinary practitioner means any of the following:</i></p> <p><i>a) engaging in conduct in the veterinary practitioner’s professional capacity that, if repeated or continued, is likely to do any of the following:</i></p> <ul style="list-style-type: none"> <i>(i) cause unnecessary suffering to an animal;</i> <i>(ii) cause the inappropriate death of an animal;</i> <i>(iii) adversely affect the safety or health of any person;</i> <i>(iv) damage the international reputation of Australia in relation to animal exports, animal welfare, animal produce or sporting events;</i> <p><i>b) contravening a condition of the veterinary practitioner’s registration;</i></p> <p><i>c) failing to comply with the veterinary practitioners code of professional conduct;</i></p> <p><i>d) providing information relating to the veterinary practitioner’s qualifications for registration knowing the information to be false or misleading in a material particular;</i></p> <p><i>e) failing to supervise a person adequately in doing an act if supervision by a veterinary practitioner is required by law and the veterinary practitioner agreed to provide that supervision;</i></p> <p><i>f) failing to comply with this Act;</i></p> <p><i>g) engaging in conduct that demonstrates the veterinary practitioner—</i></p> <ul style="list-style-type: none"> <i>(i) is incompetent to practise veterinary science; or</i> <i>(ii) lacks adequate knowledge, skill, judgement or care to practise veterinary science; or</i> <i>(iii) is not fit to practise veterinary science because the veterinary practitioner suffers from an impairment;</i> <p><i>h) engaging in improper or unethical conduct in the course of practising veterinary science;</i></p> <p><i>i) engaging in any other prescribed conduct.</i></p>
Section 43	<p>Who may complain</p> <p><i>(1) Any person may make a complaint about a veterinary practitioner on any 1 or more of the following grounds:</i></p> <p><i>a) the veterinary practitioner has, or may have, engaged in unsatisfactory professional conduct;</i></p>

- b) the veterinary practitioner has, or may have, engaged in professional misconduct;*
- c) the veterinary practitioner has, or may have, an impairment that means the veterinary practitioner is not fit to practise a restricted act of veterinary science;*
- d) the veterinary practitioner has, or may have, contravened this Act;*
- e) the veterinary practitioner has, or may have, contravened a condition of the veterinary practitioner's registration or an undertaking given by the veterinary practitioner to the board;*
- f) the veterinary practitioner's registration was, or may have been, improperly obtained because the veterinary practitioner or someone else gave the board information or a document that was false or misleading in a material particular;*
- g) if the veterinary practitioner is the superintendent of registered veterinary premises—the veterinary practitioner has failed to maintain the premises in compliance with a veterinary premises standard.*

Examples—people who may make complaint

- *a member of the public*
- *a member of the veterinary profession*

Note A person may also make a complaint to the commission (see Human Rights Commission Act 2005, s 39).

Section 61

Decision on completion of investigation

(1) On completion of an investigation under this division—

- h) if the board is satisfied that the veterinary practitioner has engaged in professional misconduct—the board must apply to the ACAT for an occupational disciplinary finding against the veterinary practitioner; or*
- i) if the board is satisfied that the veterinary practitioner has engaged in unsatisfactory professional conduct but not professional misconduct—the board may do any of the following:*
 - (i) reprimand or caution the veterinary practitioner;*
 - (ii) impose a penalty on the veterinary practitioner not exceeding \$1,000;*
 - (iii) impose a condition on the veterinary practitioner's registration;*
 - (iv) require the veterinary practitioner to complete a course of training;*
 - (v) require the veterinary practitioner to take part in a review of the practitioner's professional practice;*
 - (vi) require the veterinary practitioner to report on the practitioner's practice at stated times, in the way stated and to a named person;*
 - (vii) require the veterinary practitioner to seek and take advice from a stated entity about the management of the practitioner's practice;*
 - (viii) require the supervision, monitoring or reporting about the effect of something the veterinary practitioner is required to do by the board;*
 - (ix) refer the complaint to the commission;*
- j) in any other case—the board must dismiss the complaint and tell the veterinary practitioner and the complainant about the dismissal.*

4.0 Definitions

- **No grounds:** there is no substantiated unsatisfactory professional conduct.
- **No further action:** the Board has determined that there is no risk to animal welfare and the public that needs to be managed and as such the Board will not take any further action.
- **Caution:** a written warning, a caution is intended to act as a deterrent so that the veterinary practitioner does not repeat the conduct or behaviour.
- **Reprimand:** a formal way of rebuking or expressing disapproval to a practitioner for something they have done.
- **Condition:** A condition aims to restrict a veterinary practitioner's practice in some way, to protect the public including the practitioner's own health. Conditions on practice are displayed on the public register.

5.0 Complaints outcomes

The below table provide guidance to the Board to encourage consistency in decision-making and outcomes, however each case must be assessed on its merits and the Board will use its discretion and assess the level of risk for each individual case in line with the Act.

In the case where the Board finds several misdemeanours that pose a moderate or significant risk each misdemeanour should be treated as a separate finding and multiple penalties applied.

Level of risk	Examples	Caution or Reprimand	Associated penalty
No risk to animal welfare/the public	One off error of judgement which did not cause significant harm that with review of practice will be addressed. May or may not be a finding of unsatisfactory professional conduct.	No further action or remedial action	Nil-\$500
Minimal risk to animal welfare/the public	One off error of judgement that with review of practice will be addressed. Examples may include: <ul style="list-style-type: none"> • Communication issues - internal or with client • Record keeping - missing information • Practicing while unregistered where non-intentional. May or may not be a finding of unsatisfactory professional conduct.	Caution (and remedial action)	\$500
Moderate risk to animal welfare/the public	Conduct which is: <ul style="list-style-type: none"> • Significantly below reasonable standards • Careless or reckless • Improper or unethical • Engaging in over servicing • Accepting or offering a benefit for referral or recommendation • Failure to declare a pecuniary interest to a client when referring or making a recommendation. • Failure to supervise a person adequately where they had agreed to be the supervising veterinary practitioner. • Record keeping where significant or erroneous omissions found. Finding of unsatisfactory professional conduct.	Reprimand (and remedial action)	\$800
Significant risk to animal welfare/the public	Conduct which is: <ul style="list-style-type: none"> • In serious contravention of the Veterinary Practice Act 2018 • In serious contravention of the Code of Conduct for Veterinary Practitioners • In contravention of a condition of registration • Demonstrates significant incompetence, lack of skill, knowledge, judgement or care • Providing false or misleading information • A pattern of repeated unsatisfactory professional conduct. Finding of unsatisfactory professional conduct and potentially professional misconduct.	Reprimand (and remedial action) and consider whether the Board needs to apply to ACAT for occupational discipline	\$1,000