

### Complaint Investigations Summary

Complaint investigations generally require 3-4 months to complete. The following points summarise the complaint investigation process adopted by the Board and in accordance with the *Veterinary Practice Act 2003* (Act).

1. The complaint is received by the Board in compliance with the Act (s 40) and an acknowledgement is sent to the person who has lodged the complaint (complainant).
2. The Board notifies the veterinarian of the complaint and this notification includes a copy of the complaint (Act (s 41)) and request for a response within 14 days.
3. Assistance with the investigation may also be requested from other veterinarians who may have been involved in the medical or surgical management of the animal but not the subject of the complaint.
4. The complainant is provided with a copy of the veterinarian's response and given the opportunity to respond within 14 days.
5. The complainant may withdraw the complaint at any time during this process.
6. Submissions from all parties are collated and provided to the Board's Complaints Committee (see below). If required, the Complaints Committee may request additional information from any of the parties involved in the complaint.
7. If the Complaints Committee forms the opinion the veterinarian may have breached veterinary practice legislation it must notify the veterinarian of specific particulars alleging either unsatisfactory professional conduct or professional misconduct. The veterinarian is then provided with an opportunity to respond to these allegations. This response is generally required within 14 days.
8. The Complaints Committee provides a Report of Investigation to the Board with a recommendation to either dismiss the complaint against the veterinarian or find the veterinarian guilty of either unsatisfactory professional conduct or professional misconduct.
9. The Board makes the decision after investigation of the complaint in accordance with the Act (s 47).

Both the complainant and the veterinarian who is the subject of the complaint are notified of the Board's decision after investigation of the complaint and provided with a copy of the Report of Investigation.

### Complaints Committee

In accordance with the Act (s 49) the Board generally delegates the functions of investigating complaints to a committee of the Board called the Complaints Committee. The Complaints Committee consists of three current Board members; two registered veterinary practitioners and one consumer representative.

The Complaints Committee investigates the complaint and makes a recommendation to the Board regarding a decision after investigation of the complaint.

The Board (6 veterinarians and 2 consumer representatives) makes the final decision regarding a complaint.

## Legislation Summary

The *Veterinary Practice Act 2003* (Act) and the *Veterinary Practice Regulation 2013* (Regulation) provide the legislative framework for the processing of complaints against veterinarians (veterinary practitioners) registered (including deemed registration) in New South Wales. This legislation is available from the Board's website.

The following is a summary of the major sections of the Act relevant to complaint investigations:

1. Any person may make a complaint against a veterinary practitioner (including the Board) in respect of the veterinary practitioner's conduct as a veterinary practitioner (s 38)
2. The Department of Fair Trading is the appropriate authority to consider complaints regarding veterinary fees and the Board does not have the legislative authority to investigate these matters
3. A complaint may be withdrawn at any time by the complainant (s 39)
4. A complaint must be in writing, must identify the complainant, must contain particulars of the allegations on which it is founded and the Board requires the complaint to be lodged as a statutory declaration (s 40)
5. The Board is to notify the veterinary practitioner against whom the complaint is made and the Board provides a copy of the complaint to the veterinary practitioner(s) concerned. The Board may exclude some information from this notice if it believes that providing the information may adversely affect the complainant or prejudice the investigation (s 41)
6. The Board must conduct an investigation into each complaint lodged with the Registrar in compliance with the legislation. The Board may dismiss any complaint without investigation if certain particulars are not given or not verified (s 42)
7. The Board is not bound to observe rules of evidence and may inform itself of any matter and in any manner as it thinks fit (s 43)
8. The Board has the power to summon witnesses and take evidence for the purposes of determining a complaint (s 44)
9. The Board has powers to require any veterinary practitioner to provide written information by a specified date, attend the Board at a specified time and place and cooperate with the investigation (s 45)
10. The Board has the power to dismiss a complaint if it is determined to be frivolous, vexatious, trivial in nature or lacking in merit (s 46)
11. After the investigation of a complaint, the Board may dismiss a complaint, find the veterinary practitioner guilty of unsatisfactory professional conduct, or find the veterinary practitioner guilty of professional misconduct (s 47)
12. If a veterinary practitioner is found guilty of professional misconduct of a sufficiently serious nature to justify suspension or cancellation of registration, the Board must apply to the NSW Civil and Administrative Tribunal (NCAT) for a finding against the veterinary practitioner. The Board may suspend a veterinary practitioner's registration pending determination of the matter by the NCAT (s 47)
13. A veterinary practitioner may apply to the NCAT for a review of the finding of the Board and any action taken by the Board (s 48)
14. The Board is able to delegate the function of investigating a complaint to a committee (s 49) and require this committee to make recommendations to the Board in relation to a complaint. This committee must include at least one member who does not hold qualifications in veterinary science.