



Veterinary Surgeons Board of Queensland

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GUIDELINES - VETERINARY PROFESSIONAL STANDARDS AND COMPLAINTS

Background

The Veterinary Surgeons Board of Queensland (the Board) has responsibility to ensure veterinary treatment is delivered in a safe and competent way, and to investigate complaints about a registered veterinary surgeon's professional conduct.

Eligible complaints lodged with the Board are thoroughly assessed. The Board aims to ensure that everyone involved is treated fairly and understands the assessment process.

If a consumer of veterinary services is dissatisfied with a registered veterinarian's professional conduct, the consumer should, where possible, attempt to resolve the issue directly with the veterinarian or the practice's principal veterinarian. If the matter cannot be resolved, or direct resolution is not appropriate, a written complaint can be lodged with the Board. This must be lodged no later than 3 years, and ideally within 12 months, after the last day of veterinary management of your animal that is the subject of the complaint.

Please consider:

- The veterinary management of an animal for the same problem may differ between veterinarians. There are often different veterinary management options for a problem, that are suitable, and the choice of one option over another is at the veterinarian's discretion and often dependent upon their experience, knowledge and skill.
- Making a diagnosis can be difficult. Symptoms, physical examination findings, tests and response to treatment all assist in reaching a diagnosis. As various conditions and diseases progress, further symptoms can develop over time, and physical examination findings and test results can change too, which can assist in reaching a diagnosis. Therefore, a delayed, missed or incorrect diagnosis is not necessarily professional misconduct.
- Just as in human medicine, outcomes for animals cannot be guaranteed and may be upsetting for both the owner and veterinarian.

Provisions of the *Veterinary Surgeons Act 1936* (the Act) allow the Board, at its discretion or upon receiving a written complaint, to investigate a veterinarian's professional conduct.

Eligible complaints

Complaints alleging a failure in the standard of professional practice, that is, incompetent or negligent veterinary treatment given to an animal by a veterinarian, can be submitted to the Board.

Complaints must be lodged no later than 3 years after the last day of veterinary management of the animal. Ideally, complaints should be lodged within 12 months. Complaints about matters that occurred more than three years prior to the date of the complaint will be considered on a case-by-case basis.

The Board has no jurisdiction in matters relating to veterinary fees or compensation; therefore, complainants should not include issues relating to fees, fee disputes or compensation in their complaints. Please contact the Office of Fair Trading or seek legal advice in regard to these issues.

The Board is limited in its ability to conduct assessments of anonymous or verbal complaints. Also, the Board cannot investigate any complaint that falls under the control of another statutory authority or an agency given specific powers under other legislation.

Lodging a complaint

A complaint can be lodged with the Board by completing the online form available on the Board website.

Assessing complaints

The Board Registrar, or their delegate, is authorised to assess a complaint initially to determine if the complaint comes within the Board's jurisdiction. If there is uncertainty as to jurisdiction, the Board in session will complete the initial assessment of the complaint.

The Board's complaints-handling process is illustrated by the flowchart in Attachment 1. Depending on the nature of the complaint, certain components in the process may not be required. Please note that the complaints-handling process usually takes a minimum of three to four months.

When veterinarians are provided with a copy of a complaint, and asked to respond, they need to be aware that the request is only a step in the processing of a complaint.

The aim of the assessment process undertaken by the Board is to discover whether there is potential for a case of professional misconduct against the veterinarian/s named in the complaint.

In instances where the Board's assessment reveals prima facie evidence* of professional misconduct, the Board may:

- initiate misconduct proceedings against the veterinarian or
- refer the matter to the independent Queensland Civil and Administrative Tribunal (QCAT)**.

Matters are referred by the Board to QCAT in circumstances where the Board, having undertaken a formal investigation and taken legal advice, has assessed the conduct of a veterinarian to be of such a low standard that if proven would warrant, in its view, a greater penalty than that which the Board can itself impose. Only QCAT has the power to remove or suspend veterinarians from the Register of Veterinary Surgeons.

In addition, the veterinarian has the choice to have the matter heard by QCAT rather than undergo Board proceedings.

Alternatively, the assessment process may reveal no, or insufficient, grounds to support a case of professional misconduct against the veterinarian. In most such cases, no further action is warranted or taken. The Board may, in some circumstances, choose to monitor professional conduct and/or recommend that the veterinarian undertake further continuing professional development.

* Meaning of prima facie – 'at first sight, accepted as so until proved otherwise' (Oxford English Dictionary)

** QCAT is established under the QCAT Act 2009 and its purpose, jurisdiction and operations can be accessed through its website www.qcat.qld.gov.au.

Review of Board's decision

Complainants, who are dissatisfied with the outcome of an assessment, may seek a review of the Board's decision within 28 days of the date of the written notification of the outcome, by providing to the Board previously undisclosed information that would give cause for the Board to review its decision.

Queensland Ombudsman

Complainants and veterinarians, who have concerns about the process undertaken by the Board in its investigation and assessment of a complaint, may contact the Queensland Ombudsman on 07 3005 7000 or Freecall 1800 068 908, or via email at ombudsman@ombudsman.qld.gov.au.

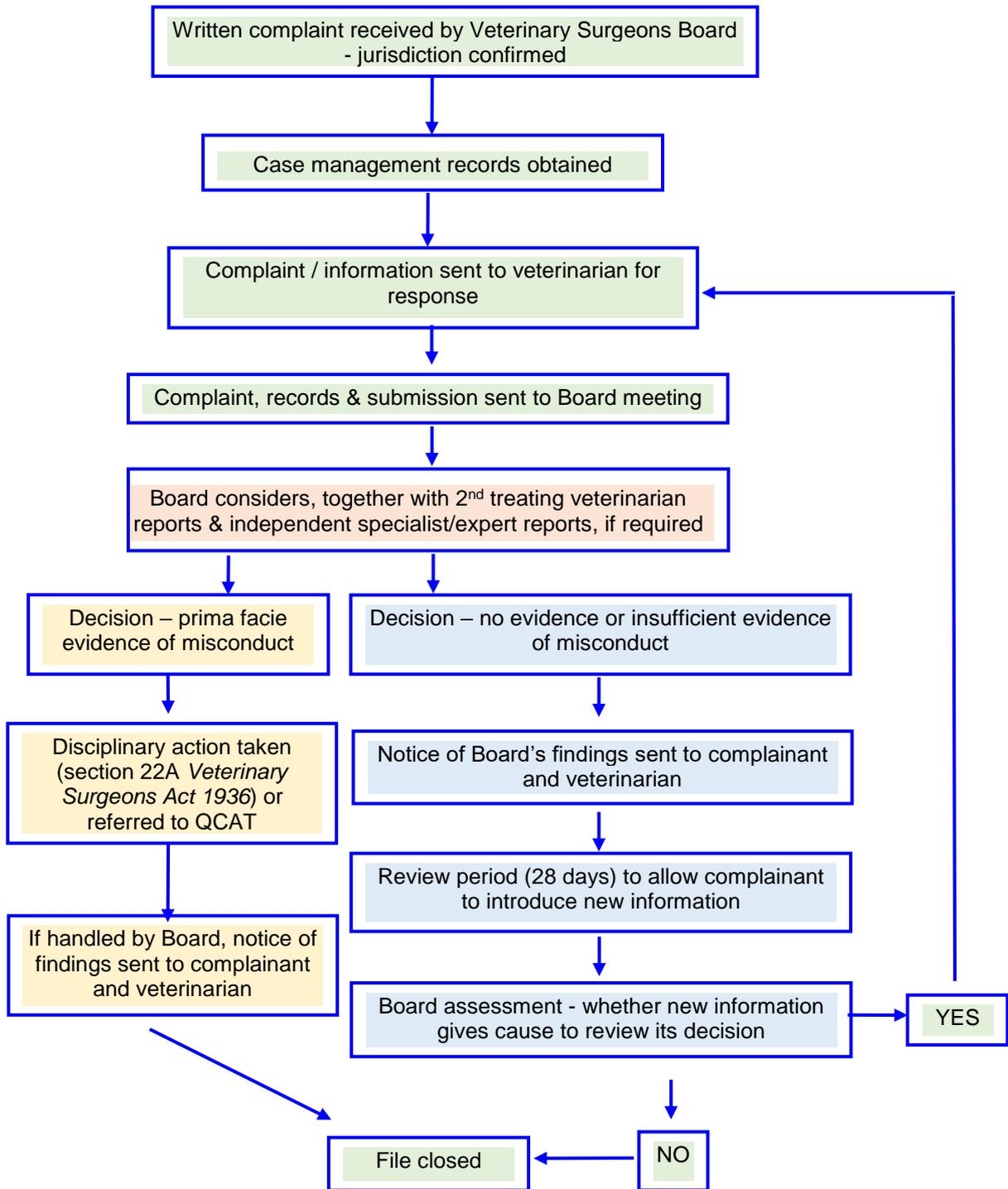
Resources

- The Australian Veterinary Association (AVA) offers a member-only service to assist in negotiations between AVA members and their clients. Contact: avaqld@ava.com.au.
- Do you need personal support to assist you with this process? Contact: Lifeline (13 11 14), Beyond Blue (1300 22 4636).

Information Privacy Notice (Information Privacy Act 2009)

The Veterinary Surgeons Board of Queensland is an 'Agency' in terms of the Right to Information Act 2009 and Privacy Information Act 2009 and the provisions of those statutes applies to documents in the possession of the Board.

The Board will only use and disclose the personal information given in the lodgment of a complaint for the purpose of conducting an assessment of the complaint. The information will not be disclosed to any other parties unless authorised or required by law.



On conclusion, the Queensland Ombudsman can be contacted by the complainant or veterinarian if they have concerns regarding the process