

**VETERINARY BOARD OF THE NORTHERN TERRITORY**  
(GPO Box 3000, DARWIN NT 0801 – tel: 08 89992028)  
**COMPLAINTS AGAINST REGISTERED VETERINARIANS**  
(Part 5 of the *Veterinarians Act*)

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Patrons who have a problem with their veterinarian are encouraged to talk it over with the veterinarian in the first instance. Often problems stem from misunderstandings that may be resolved by seeking clarification or talking it through. However, complaints regarding a veterinarian's professional or ethical misconduct may be lodged with the Veterinary Board.

**Legislative Context**

Part 5 of the *Veterinarians Act* provides the Veterinary Board of the Northern Territory with the legislative ability to investigate complaints regarding the misconduct of registered veterinarians in the interest of promoting high standards of professional conduct in the provision of veterinary services in the Northern Territory.

**Misconduct**

Misconduct is defined under section 28 of the Act as including conduct that is improper, unethical, incompetent or negligent through failure to uphold or maintain contemporary professional standards, or failure to comply with the prescribed Code of Conduct and governing legislation.

**What the Board cannot do**

The Board cannot take any action on an anonymous complaint or a complaint that is not in writing and cannot investigate any complaint that falls under the control of another organisation given specific powers under other legislation (eg alleged breaches of the Poisons and Dangerous Drugs legislation administered by the Department of Health and Families).

The Board has no jurisdiction in matters relating to the scale of veterinary fees and no authority to intervene in disputes relating to fees. However, veterinarians are required under the Code of Conduct prescribed in the *Veterinarians Regulations* to make clients aware of the "likely extent and cost of treatment".

It should be noted however, that a veterinarian is obliged to provide emergency treatment to relieve pain or suffering of any animal presented.

**Lodging a Complaint (section 26 of the Act)**

All complaints must:

- be in writing;
- provide particulars of the matter;
- identify the veterinarian against whom the complaint is being lodged;
- provide the name and full contact details of the complainant (who must have sufficient interest in the animal); and
- be supported by a completed and signed "complaint form" (which includes permission for the release of clinical records and for the complaint to be copied to the subject veterinarian for his/her response) and copies of any supporting documents.

**Complaint forms are available for downloading on the Veterinary Board website or from the Board Registrar.**

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### **Investigation Process**

The Board investigates complaints with impartiality and in accordance with the principles of procedural fairness, which includes providing the veterinarian with copies of all statements submitted by the complainant so that he/she is fully aware of the details of the complaint and is afforded an opportunity to respond to the allegations. The Board will only use and disclose the complainant's personal information for the purpose of conducting an investigation into the complaint lodged. The Board is not bound by the rules of evidence and may inform itself about a matter in any manner it thinks fit.

### **Timeframe**

Whilst the Board endeavours to resolve complaints without undue delay, the investigation process may take some time to complete, given the need for the Board to make relevant enquiries, consider all submissions, and provide a reasonable opportunity for all parties to put their case, before a decision is reached.

### **Possible Outcomes of Investigation of Complaints**

If a complaint appears to the Board to be frivolous, vexatious or minor, the Board must dismiss the complaint and serve the complainant with written notice of its dismissal.

If the matter is investigated, the Board must complete the investigation by determining

- that the complaint is dismissed and take no further action;
- that there is prima facie evidence to substantiate the complaint and the Board will proceed to a hearing;
- that it is satisfied that a ground for "misconduct" has been established and the Board will reprimand or caution the veterinarian and take no further action.

### **Hearing**

Hearings must be conducted with as little formality and technically as proper consideration of the matter permits. The Board is not bound by the rules of evidence, but may inform itself on a matter as it thinks fit.

The subject veterinarian is entitled:

- to be advised at the hearing by a legal practitioner but is not entitled to legal representation;
- to give evidence or call and to examine any other person who gives evidence at the hearing; and
- with the leave of the Board, to summon witnesses.

The complainant is entitled to attend the hearing.

### **Disciplinary Action/Sanctions**

If misconduct is established by the hearing, the sanctions available to the Board are:

- reprimand or caution
- impose a condition or vary a condition already imposed
- fine
- require payment to compensate loss or detriment suffered
- suspend registration
- cancel registration
- and/or require payment for costs.