



VETERINARY COUNCIL
OF NEW ZEALAND
Te Kōwhiriara Rata Kararehe o Aotearoa

VCNZ Guide to the Judicial Committee (Disciplinary) Process

Introduction

This is a guide to assist those who want to know more about the VCNZ Judicial Committee and its disciplinary processes for veterinarians.

It contains general information about Judicial Committee processes and additional information for:

- those who have made a complaint against a veterinarian which has been referred to the Judicial Committee
- veterinarians appearing before the Judicial Committee
- members of the Judicial Committee.

This guide does not replace the legal and statutory provisions laid out in the Veterinarians Act 2005 (the Act). References to Sections of the Act are noted in this document.

Contents

General information on Judicial Committee processes

1. What does the Judicial Committee do?	6
2. Who appoints the Judicial Committee?	6
3. Who is on the Judicial Committee?	6
4. What is taken into account when appointing a Judicial Committee?	6
5. How does a case get to the Judicial Committee?	7
6. What are the powers of the Judicial Committee?	7
7. What are the grounds for discipline?	7
8. What penalties can the Judicial Committee impose?	7
9. How long will the disciplinary hearing take?	8
10. Is the hearing held in public?	8
11. Can the hearing be held in private or the names of those taking part be suppressed?	8
12. What happens before the hearing?	8
<i>The Judicial Committee is appointed</i>	8
<i>Pre-hearing</i>	8
<i>Pre-hearing process</i>	10
13. What happens at the hearing?	11
<i>Witnesses, records and documents</i>	11
<i>Expert witnesses</i>	11
<i>Procedures at the hearing</i>	11
<i>The Complaints Assessment Committee case</i>	12
<i>Taking the oath or affirming</i>	12
<i>The veterinarian's response</i>	13
<i>Expert witness</i>	13
<i>Conclusion of the hearing</i>	13
14. What happens after the hearing?	13

<i>Hearing process</i>	14
15. How are costs allocated?	15
16. What happens if the veterinarian cannot pay?.....	15
17. Is the decision made public?	15
18. Can the decision be appealed?	15
19. Can these processes be legally reviewed?.....	16

Additional Information for those who have made a complaint that has been referred to a Judicial Committee

20. How does a complaint case get to the Judicial Committee?	17
21. Does the complainant have to take part in the disciplinary hearing?	17

Additional Information for veterinarians appearing before a Judicial Committee

22. When does a veterinarian have to appear before a Judicial Committee?	18
23. How will the veterinarian know what the charges are?	18
24. How will the veterinarian know who is on the Judicial Committee?.....	18
25. Does the veterinarian need legal advice?.....	18
26. What happens if the veterinarian cannot afford a lawyer?	19
27. Is the veterinarian required to appear before the Judicial Committee?	19
28. How does the veterinarian present his/her point of view?	19
29. Can the veterinarian appeal the decision of the Judicial Committee?	19
30. What about a judicial review?	20

Additional Information for members of a Judicial Committee

31. How is a veterinarian appointed to be a member of the Judicial Committee?	21
32. Do members get paid to be on the Judicial Committee?	21
33. What's a conflict of interest and how is it handled?	21
34. Are there other Council roles that could be seen as a conflict?	22
35. What preparation is needed for the hearing?.....	22

<i>Charges</i>	22
<i>Practical arrangements</i>	22
<i>Pre-hearing conference</i>	22
<i>Briefs of evidence</i>	22
36. What is the members' role at the hearing?	22
37. Members must be seen as independent.....	23
38. Members must keep Judicial Committee matters confidential	23
39. Can members ask questions?	23
40. How are the decisions made?	24
41. What to consider when making a decision.....	25
42. Do members have legal protection when sitting on a Judicial Committee?.....	25
43. How are penalties decided?	25

Appendices

Appendix 1: Glossary	27
Appendix 2: Guide to the Standards of Conduct for Tribunal members	32
Appendix 3: Acronyms	34
Appendix 4: List of related policies and other useful reference documents.....	41
Appendix 5: Judicial Committee pre-hearing teleconference checklists.....	42
Appendix 6: Contact details	46

General information on Judicial Committee processes

1. What does the Judicial Committee do?

The Judicial Committee hears and determines disciplinary proceedings against registered veterinarians.

2. Who appoints the Judicial Committee?

Judicial Committees are appointed by the Veterinary Council of New Zealand (the Council or VCNZ), to carry its statutory disciplinary functions. This enables the Council to separate its functions and work related to setting standards and receiving and assessing complaints, from the formal hearing and disciplinary processes of the Judicial Committee.

Ref: Veterinarians Act, Schedule 1 clause 17.

3. Who is on the Judicial Committee?

The Council appoints suitable people to a panel of members, who are delegated to sit on the Judicial Committee at various times. Each Judicial Committee consists of at least three and up to five members. It must include:

- A barrister or solicitor of the High Court of not less than seven years' practice who usually acts as the Chair
- A layperson
- A member of the Council
- At least one veterinarian with relevant experience to the case under consideration.

The Council normally seeks to appoint a Judicial Committee comprised of five members. One member can fill two of these roles – for example the layperson is normally the Council lay person. To avoid any conflicts this person does not take part in any Council discussions on matters likely to go before the Judicial Committee.

The Council usually appoints the legal member as the Judicial Committee Chair.

Ref: Veterinarians Act, Section 83.

4. What is taken into account when appointing a Judicial Committee?

The Council aims for a mix in the composition of the Judicial Committee to gain a balance between legal and fair process skills; veterinary expertise; and familiarity with professional obligations.

The veterinarians appointed to Judicial Committees are generally selected for their veterinary experience, knowledge, and professional reputation. At least one of the veterinary members will have particular knowledge and experience in the field of the veterinarian appearing before the Committee.

5. How does a case get to the Judicial Committee?

A Judicial Committee is usually formed when a Complaints Assessment Committee (CAC)'s investigation of a complaint or referral from Council) indicates that professional misconduct by a veterinarian **may** have taken place; and the CAC decides to lay disciplinary charges. Convictions or breaches of registration requirements may also result in the formation of a Judicial Committee.

The CAC instructs a lawyer to argue its case before the Judicial Committee. The complainant may be called to be a witness.

Ref: Veterinarians Act, Section 47 and 50; VCNZ Delegations Policy, section 39.

6. What are the powers of the Judicial Committee?

For the purposes of a disciplinary hearing, the Judicial Committee has the powers of a commission of inquiry under the Commissions of Inquiry Act 1908 and the provisions of that Act, except sections 11 and 12 (which relate to costs). This means the Judicial Committee can cite parties, summon witnesses, administer oaths, and hear evidence; and maintain order at the inquiry.

7. What are the grounds for discipline?

- Convictions within the last seven years, under certain statutes, which reflect adversely on a veterinarian's fitness to practice.
- Professional misconduct that requires disciplinary sanction or has brought or is likely to bring discredit to the profession.
- False applications for registration.
- Being struck off or disciplined in another country.
- Breach of conditions of practice.
- Failure to comply with the minimum standards of practising.

8. What penalties can the Judicial Committee impose?

If the veterinarian's conduct is found to be wanting, the Judicial Committee may:

- cancel the veterinarian's registration
- remove the veterinarian's specialist registration
- suspend the veterinarian's registration
- cancel the veterinarian's practising certificate
- suspend the veterinarian's practising certificate
- order that the veterinarian is ineligible to hold a practising certificate
- impose conditions on the veterinarian's practise
- fine the veterinarian
- order that a refund, reduction or waiver of professional fees be made to the complainant

- award costs against the veterinarian.

9. How long will the disciplinary hearing take?

A hearing usually takes one to two days but the timeframe depends on the number of witnesses to be called and the amount of evidence to be presented.

10. Is the hearing held in public?

Yes. The hearing is required to be held in public.

The Judicial Committee advertises the date, place and time of the hearing in the public notice column of the local newspaper, approximately ten days before the hearing; but does not advertise the names of the parties.

Ref: Veterinarians Act, Section 49.

11. Can the hearing be held in private or the names of those taking part be suppressed?

Private hearings are rare although parties can apply for this. Name suppression applications, and/or applications to stop information being published are more common. Name suppression means that a person's name and any details that may identify them cannot be published – by the media or in any document or record produced from the hearing.

The Judicial Committee decides on whether the hearing will be held in private and/or whether there is to be name suppression, after hearing submissions on behalf of the veterinarian and the CAC. Sometimes, name suppression may be granted until the end of the hearing and the decision is made. At this stage further submissions can be made on whether name suppression should continue; and the timeframe for suppression may be extended until after any appeals against the decision. Applications restricting the publication of information can also be made during the hearing.

In making decisions on private hearings, name suppression, and publication of any information reports or records, the Judicial Committee balances the interests of the person concerned with those of the public.

Ref: Veterinarians Act, Section 49(2).

12. What happens before the hearing?

The Judicial Committee is appointed

The Council appoints the members of a Judicial Committee to hear and make a decision on the charge(s) against the veterinarian. The Judicial Committee endeavours to hear the case within three months of its referral from the CAC.

Pre hearing

A pre-hearing meeting is held (usually by teleconference) to sort out the administrative procedures for the Judicial Committee hearing. This is usually held within four weeks of the charges being laid. This includes matters such as:

- timetabling
- likely numbers of witnesses

- hearing length
- whether there is any agreement as to the facts
- availability of written evidence
- venue for the main hearing
- agreement on filing and exchange of briefs of evidence before the hearing (note failure to do so may have an impact on costs awarded)
- name suppression application.

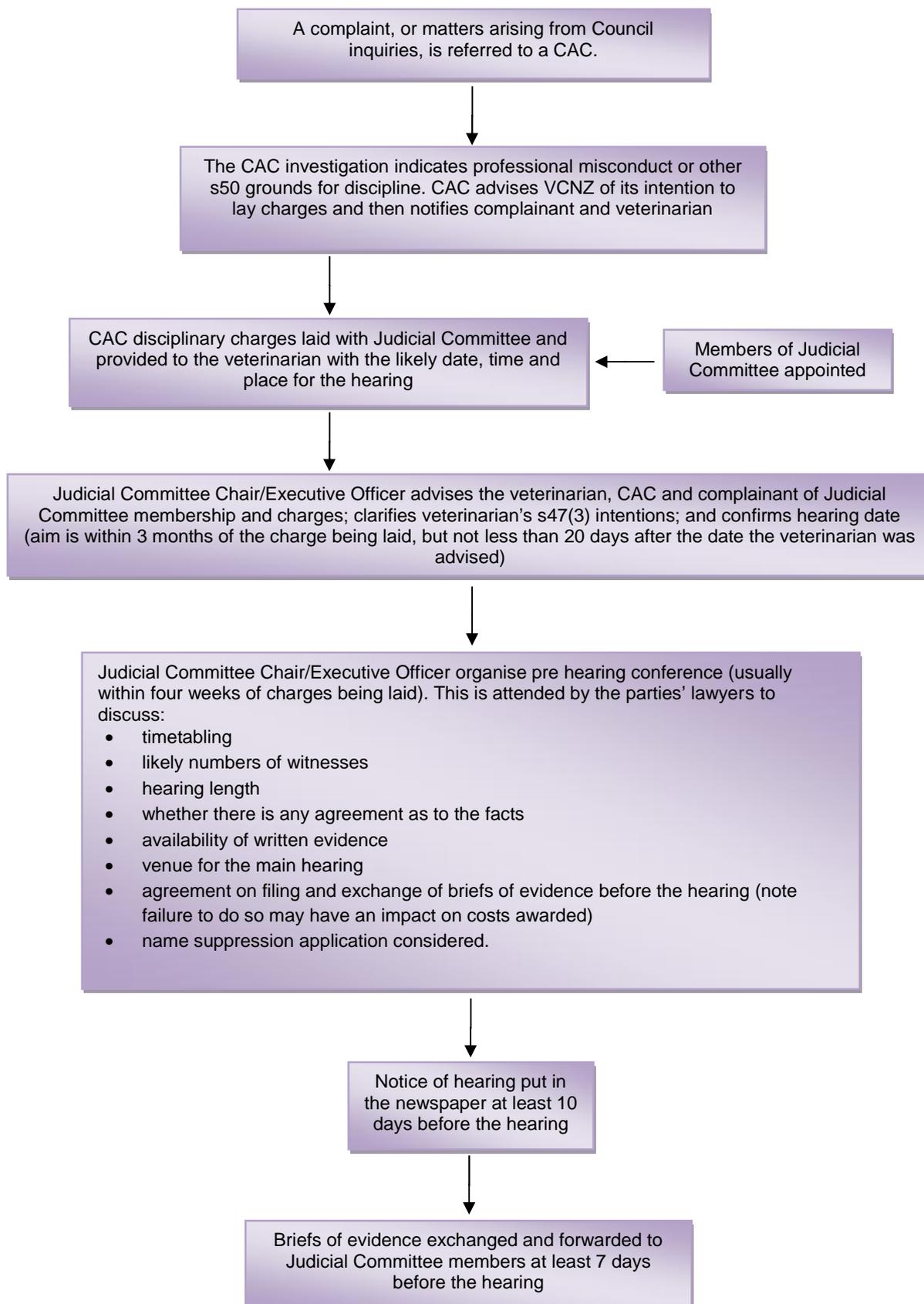
The pre-teleconference checklist is sent to the CAC and the veterinarian (or their lawyers), to complete and return before the pre-meeting hearing. This serves as an agenda for the meeting.

Ref: Appendix 5: Judicial Committee pre-hearing teleconference checklist.

The pre-hearing meeting is normally attended by the Judicial Committee Chair and Executive Officer and the lawyers representing the CAC and the veterinarian. After this meeting the Chair sends a memorandum to the two parties and the other members of the Judicial Committee, recording the matters which have been agreed and setting out the next steps.

In preparing for the hearing, should any administrative or other matters arise that need to be decided by a “direction” from the Chair, then an application for a further prehearing conference can be made.

Pre-hearing process



13. What happens at the hearing?

The hearing is held in public unless otherwise ordered and run in a similar way to the general Court procedure but has less of the formality. The Judicial Committee must hear the case fairly. Some of the procedure for the hearing is stipulated in the Act.

The CAC prosecutes the charge(s) and the veterinarian and/or his/her legal representative defends the charge(s). The burden of proof is on the CAC which has to establish the facts that are set out in the charge.

Ref: Veterinarian Act, Sections 47–54.

Witnesses, records and documents

To enable the case to be put and defended; and the Judicial Committee to inquire properly into the complaint; documents may be produced (including records or x-rays or photographs) or witnesses called. Sometimes a witness may only be available for a short time on the day of the hearing. It is usually possible to obtain the agreement of lawyers to a witness giving their evidence at a predetermined time.

Any person who is called as a witness by either the CAC or veterinarian may be asked to remain outside the room in which the hearing is being held until their evidence is to be heard. This ensures that the witness gives evidence based on personal recollection of events and not influenced by the evidence of earlier witnesses. Both the complainant and the veterinarian can be present in the inquiry room throughout the inquiry.

Expert witnesses

The CAC, the veterinarian or the Judicial Committee may seek advice from veterinarian(s) with experience in the area of practice which is the subject of the hearing. The expert witness can be cross-examined by the other parties, after giving their evidence in the same way as any other witness.

Ref: *CAC Guidelines for an Independent Expert*.

Procedures at the hearing

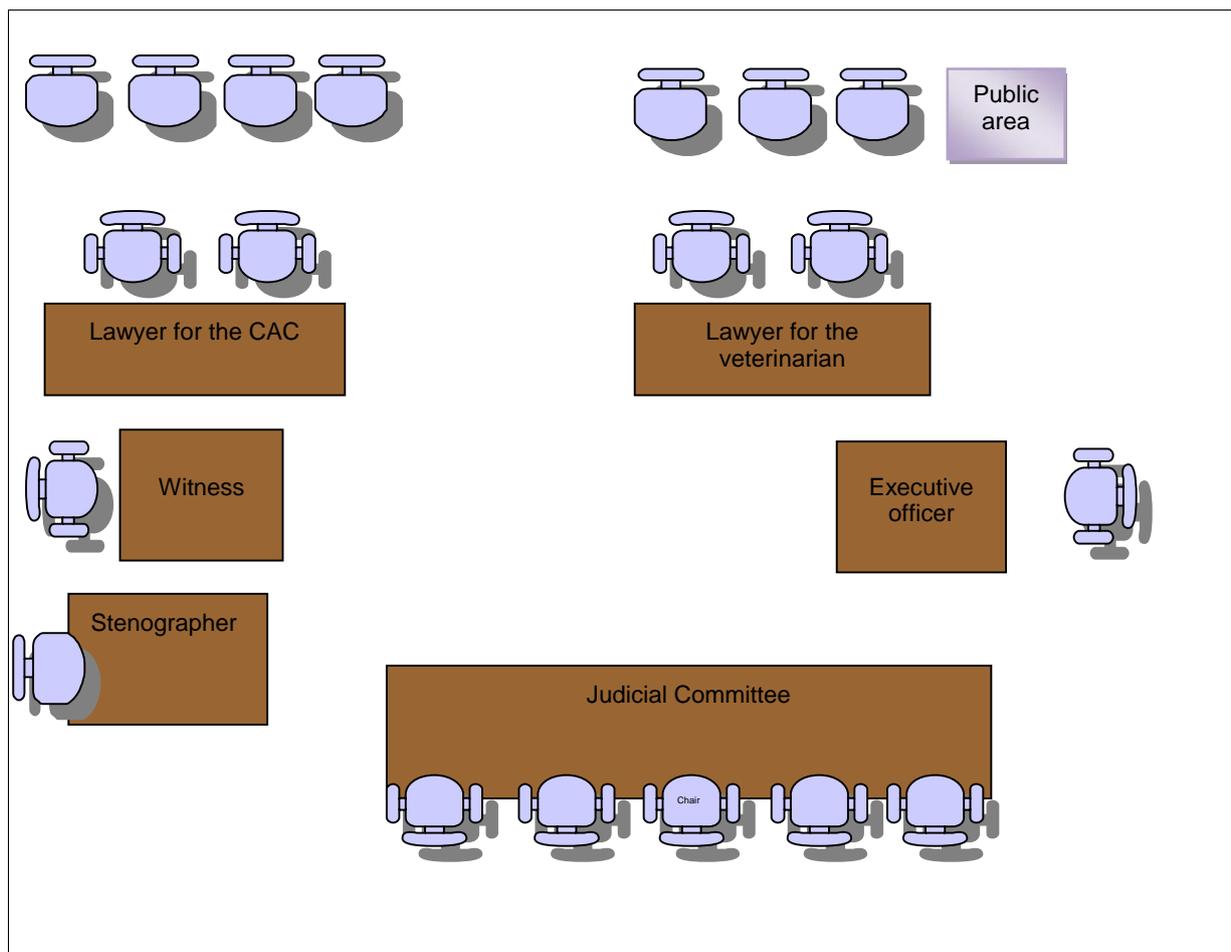
Although the procedures are of necessity formal, the Judicial Committee does try to keep formality to a minimum. Parties may ask questions about procedure at any point, either before or during the hearing.

At the beginning of the hearing, the Chair introduces the Judicial Committee members, the Judicial Committee's Executive Officer and the stenographer. Following this, the lawyers representing the CAC and the veterinarian introduce themselves and their clients and identify other witnesses or close family members and any media who may be present.

All evidence given at the hearing is usually recorded by a stenographer. If there is an Appeal against the Judicial Committee's findings, a transcript of the evidence will be made available to all the parties or their lawyers on request.

The hearing day is usually divided up into sessions i.e. up to morning tea, to lunch, to afternoon tea and then till about 5.00. Sessions usually run for 2 hours or so to allow breaks, especially for the stenographer.

The hearing room is set out as follows on the next page.



The Complaints Assessment Committee case

The lawyer for the CAC presents its case. This will usually include an opening statement before the CAC's witnesses are called to give their evidence to the Judicial Committee. The witnesses' evidence is produced in the form of briefs or affidavits, which should be provided in typed form with a minimum of nine copies for the Judicial Committee members and other parties to the hearing.

After the witness has read his/her evidence and any relevant documents handed to the Judicial Committee, the CAC's lawyer may ask questions of the witness, to clarify any point and if necessary, to seek further information about the complaint.

Then the veterinarian or his/her lawyer can cross-examine the witness. Following these questions, members of the Judicial Committee may wish to ask questions about the evidence given. Following questions by the Judicial Committee, the CAC or its lawyer has a further opportunity to clarify any points.

These procedures are followed as each witness gives evidence.

Taking the oath or affirming

All people giving evidence at an inquiry are required, as in a Court of Law, either to swear on the Bible or to affirm that the evidence they are to give is the truth.

To swear on the Bible, the witness holds a Bible in his or her right hand and the Executive Officer says to the witness: *"Do you swear that the evidence you are about to give in these proceedings will be the truth, the whole truth and nothing but the truth?"*

The witness replies: “*I do.*”

Alternatively the witness may make an affirmation, a non-religious binding obligation.

The procedure for affirmation is similar. The Executive Officer asks the witness: “*Do you solemnly, sincerely and truly declare and affirm that the evidence you are about to give in these proceedings will be the truth, the whole truth and nothing but the truth?*”

The witness replies: “*I do.*”

The veterinarian’s response

The veterinarian or his/her lawyer will then present the response to the charge. They may make an opening statement before the veterinarian and other witnesses are called to give evidence to the Judicial Committee. The procedure is the same as that described above. Evidence in the form of briefs or affidavits from witnesses should be provided in typed form with a minimum of nine copies being available for the Judicial Committee and other parties to the hearing.

Expert witness

If the Judicial Committee has called an expert witness s/he will appear at this point and give evidence. The CAC and veterinarian or their lawyers may then cross-examine the expert witness.

Conclusion of the hearing

Each party then sums up their case. The Chair then closes the hearing.

14. What happens after the hearing?

The Judicial Committee carefully considers the evidence and the legal tests when making its decision. The Judicial Committee also has to be aware of bias and perception of bias; avoid any conflicts of interest; and operate within the principles of “natural justice”.

See Appendix 1: Glossary for more information.

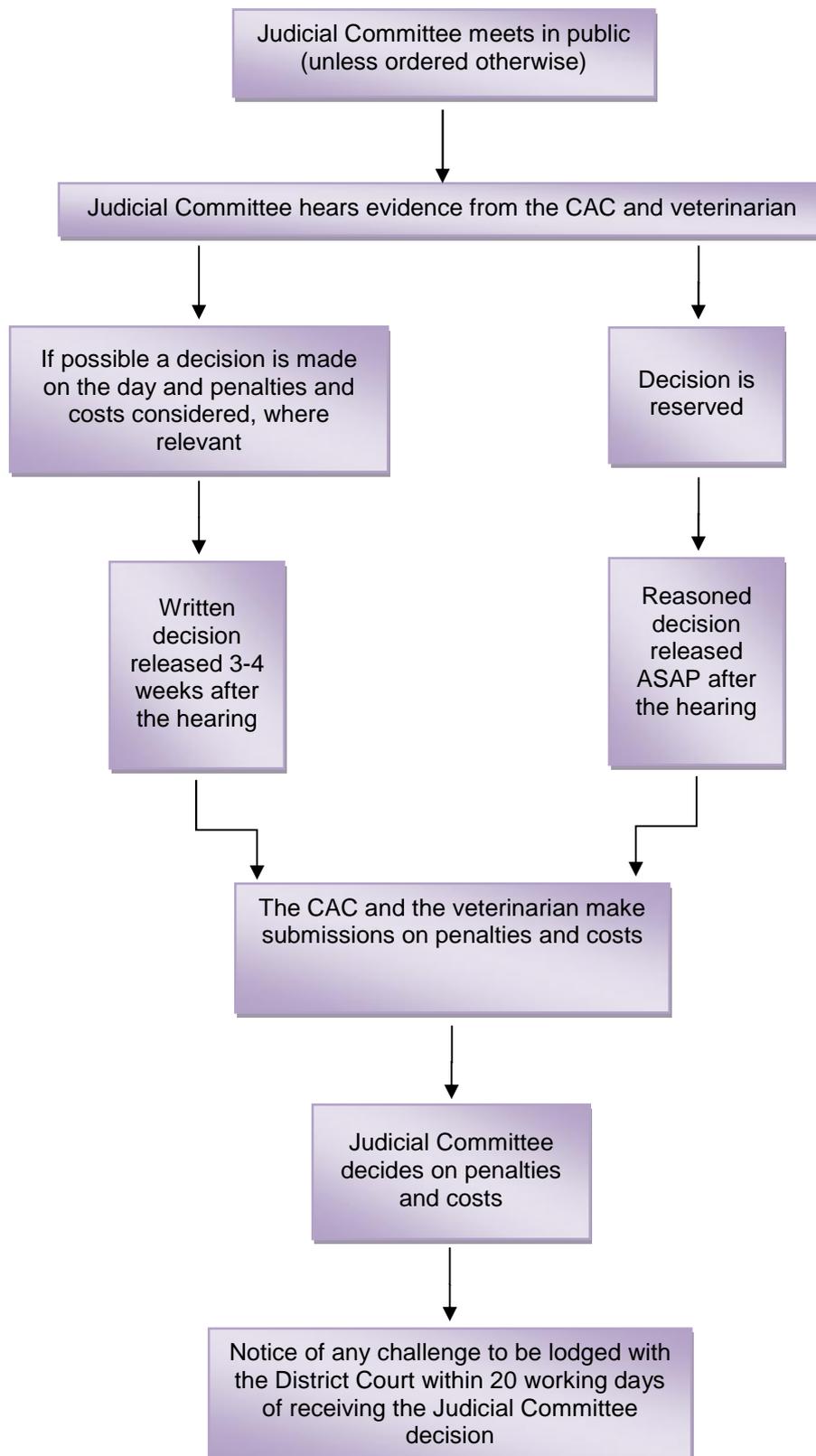
The Judicial Committee will usually meet in private immediately after the hearing, to consider the evidence before it and to reach a decision. The hearing will then be reconvened and the Judicial Committee decision announced.

If the complaint has been upheld the Chair will invite the lawyers for the CAC and the veterinarian to make submissions as to what penalty the Judicial Committee should impose.

In some cases there is no time on the day of the hearing for the Judicial Committee to communicate its decision to the CAC and the veterinarian. In such cases the decision is reserved and later sent to the veterinarian, CAC and their respective lawyers in writing.

Even if the decision is given verbally at the hearing, a formal written decision or order will be produced and sent to the CAC, veterinarian and their lawyers.

Hearing Process



15. How are costs allocated?

If the complaint or any part of it has been upheld, the Judicial Committee may order the veterinarian to pay the costs and expenses of the hearing and any CAC investigation. The CAC, veterinarian and their respective lawyers are invited to make submissions on costs either in person or in writing. An interim schedule of the costs may be available at the end of the hearing and verbal submissions made by the lawyers for the CAC and veterinarian. Or the Judicial Committee may finalise the schedule after the hearing and send to the parties to make written submissions.

The Judicial Committee considers all submissions before it issues a final decision on any costs to be awarded. This decision may be given verbally at the hearing or by a written decision sent to the parties later.

Ref: Veterinarians Act, Section 51(3).

If the charge is not proven, there is no provision for costs to be awarded against Council.

16. What happens if the veterinarian cannot pay?

The Council may cancel or suspend the registration or practising certificate of any veterinarian who has not paid the fines and costs imposed within 60 days.

Ref: Veterinarians Act, Section 52.

The Council can work with the veterinarian to enable them to pay over an agreed time period.

17. Is the decision made public?

Once the hearing is completed the Council may publicise the decision through a press release and via its publications, its website, and in the Annual Report. The Council does this to ensure the public is aware of what has happened in the process and so that veterinarians can learn from the Judicial Committee decision.

The Judicial Committee's decision is issued in writing to all parties.

Publication of findings occurs in all cases whether or not the charges are upheld unless there are circumstances allowing exceptions. If permanent name suppression has been granted the findings are published in an anonymised form. Information which is not allowed to be published is removed from the decision.

Ref: Veterinarians Act, Sections 49 and 71.

18. Can the decision be appealed?

Appeals against some of the decisions of the Judicial Committee can be made to the District Court. The Act requires that notice of an appeal must be made within 20 working days of the parties receiving notice of the decision (including penalty if one is to be imposed). The District Court decision is final. Only questions of law may be appealed to the High Court.

Ref: Veterinarians Act, Sections 64, 68 and 72.

19. Can these processes be legally reviewed?

There may be jurisdiction for the High Court to consider certain administrative decisions through a judicial review.

A judicial review allows an applicant to challenge the exercise of a public power in the High Court. The focus of the review is generally on the decision making process rather than the decision itself (see glossary for more information).

Ref: Veterinarians Act, Section 72; Appendix 1: Glossary.

Additional information for those who have made a complaint that has been referred to a Judicial Committee

20. How does a complaint case get to the Judicial Committee?

This happens when a CAC, after investigating a complaint, considers there are significant questions about the veterinarian's professional conduct, and sufficient evidence to refer the case to the Judicial Committee for a disciplinary hearing.

The CAC draws up disciplinary charge(s). These are signed off by the CAC Chair (under delegated authority from Council) and provided to the Judicial Committee.

The CAC tells the person who made the original complaint that it is laying disciplinary charges. The Council (via the Executive Officer of the Judicial Committee) informs the complainant of the time and date of the Judicial Committee hearing when these details are confirmed.

At the hearing, the burden of proof is on the CAC which has to establish the facts that give rise to the charge(s).

Ref: Veterinarians Act, Section 47(5).

21. Does the complainant have to take part in the disciplinary hearing?

The CAC, in consultation with Council, appoints a lawyer to prosecute its case before the Judicial Committee. This means that the complainant does not have to argue or present the case but may be called to be a witness.

Ref: Veterinarians Act, Section 47.

After the Judicial Committee case has finished, the complainant is advised, in writing, of the decision and any orders made.

Ref: Veterinarians Act, Section 53(3).

Additional information for veterinarians appearing before a Judicial Committee

22. When does a veterinarian have to appear before a Judicial Committee?

This can occur after a VCNZ Complaints Assessment Committee (CAC) has investigated a complaint or referral about a veterinarian's conduct and considers the issues serious enough to be referred for a disciplinary hearing to determine whether professional misconduct or other disciplinary grounds have been met.

When the Council receives a formal complaint about a veterinarian, it must refer it to a CAC to consider. The veterinarian is advised and, if the CAC decides to investigate, asked to provide information. The CAC may also contact others for information and/or meet with the parties to the complaint.

The Council may refer information that it receives for investigation by the CAC including information about registration applications, convictions, breaches of conditions and disciplinary findings from other countries.

Ref: Veterinarians Act, Sections 38–41.

Laying a disciplinary charge before a Judicial Committee is one of the outcomes available to a CAC after its investigation. In such cases the CAC notifies the Council that it has determined that the matter requires a disciplinary hearing and that it has sufficient information to formulate the charge or charges against the veterinarian.

The CAC advises the veterinarian and any complainant of its intention to lay charges and the reasons why. The charges are then drafted, finalised and provided to the Judicial Committee.

Ref: Veterinarians Act, 43(2).

23. How will the veterinarian know what the charges are?

When charges are laid the Judicial Committee will send the veterinarian a copy of the charge(s) and advise the intended date, time and place of the hearing. This will usually be in the nearest main centre to where the veterinarian practices.

24. How will the veterinarian know who is on the Judicial Committee?

The veterinarian will be told the names of the members appointed to the Judicial Committee. If the veterinarian believes that there is any conflict of interest (e.g. an existing relationship with any of the named members of the Judicial Committee) this should be raised at the first possible opportunity. If this results in any change to the membership of the Judicial Committee the veterinarian will be advised.

25. Does the veterinarian need legal advice?

Veterinarians can represent themselves at a disciplinary hearing (without a lawyer) but Council recommends that veterinarians seek legal advice. A veterinarian without advice may be disadvantaged.

It is wise to seek legal advice or advice from the indemnity insurer as soon as possible. Lawyers need time to prepare for a hearing, so it is helpful to give the lawyer as much notice as possible of the hearing. Delay in engaging a lawyer will not automatically lead to an adjournment or a delay in the hearing date.

26. What happens if the veterinarian cannot afford a lawyer?

If a veterinarian cannot afford to appoint a lawyer and has no indemnity insurance, he or she may be able to gain legal aid under section 7(1)(e)(v) of the Legal Services Act 2011. Enquiries can be made to Ministry of Justice www.justice.govt.nz/services/legal-help or Community Law Aotearoa www.communitylaw.org.nz

27. Is the veterinarian required to appear before the Judicial Committee?

The veterinarian has 21 days before the hearing to advise the Judicial Committee whether they intend to appear and be heard, either in person or via a lawyer. It is expected that the veterinarian will cooperate and answer the charge. While it is not compulsory for the veterinarian to attend the hearing and be available to answer questions, if the veterinarian doesn't attend, his/her lawyer won't be able to clarify matters as the hearing proceeds; and there may be adverse comment from the Judicial Committee.

28. How does the veterinarian present his/her point of view?

In presenting their case, the veterinarian or his/her lawyer may produce documents or call witnesses to events to give evidence on the veterinarian's behalf. Records or x-rays may be needed. The lawyer will help sort out what is needed and relevant.

If the lawyer has difficulty obtaining these documents, the Judicial Committee Chair or Executive Officer should be contacted at least three weeks before the hearing date to allow more time. Documents should be circulated prior to the hearing so that everyone involved is familiar with them to allow best use of time on the hearing day(s). The Judicial Committee Chair may set time limits or deadlines for this to be done.

The Judicial Committee expects that the evidence will be filed, whether in the form of briefs or affidavits, with the Judicial Committee before the hearing in accordance with any timetable set prior to the hearing. It is helpful, but not essential, to have the veterinarian's and witnesses' evidence in typed form with nine copies being available for the Judicial Committee and other parties.

29. Can the veterinarian appeal the decision of the Judicial Committee?

Yes. Appeals against some of the decisions of the Judicial Committee can be made to the District Court. The Act requires that notice of an appeal must be made within 20 working days of the parties receiving notice of the decision (including penalty if one is to be imposed).

Ref: Veterinarians Act, Sections 64 and 72.

30. What about a judicial review?

There may also be jurisdiction for the High Court to consider certain administrative decisions in the form of a judicial review.

Ref: Veterinarians Act, Section 72; Appendix 1: Glossary.

Additional information for members of a Judicial Committee

31. How is a veterinarian appointed to be a member of the Judicial Committee?

Veterinarians may be appointed to a panel from which Judicial Committee members are selected. All Judicial Committees must have at least one veterinary member, and normally have three.

In appointing panel members, Council looks to the Australian Administrative Review Council guidance (at Appendix 2) and the following criteria:

- The professional respect of peers
- High ethical standards and integrity
- Ability to make fair, reasonable and impartial decisions
- Ability to understand complex issues and to contribute to well reasoned and just decisions.

From this panel, veterinarians are selected to serve on a particular Judicial Committee case because:

- of their skills and experience in the particular area of veterinary practice under consideration; or
- they have previous Judicial Committee or similar experience.

Once selected the members will be told approximately how long the case may last so they can assess if they have the time to do the required background reading, attend the hearing and contribute to the decision making process.

32. Do members get paid to be on the Judicial Committee?

Yes. Members can claim preparation and sitting fees and expenses, in accordance with the current Council policy. Receipts are needed for any expenses.

Ref: VCNZ Policy on Fees and Expenditure.

33. What's a conflict of interest and how is it handled?

Members of a Judicial Committee must be independent of the parties appearing before the Judicial Committee. This includes those representing the CAC and the veterinarian's lawyer.

When approached to serve on a disciplinary hearing the potential Judicial Committee member is advised of the identity of the veterinarian and the names of the members of the CAC and asked to declare any real or perceived conflicts of interest.

Ref: VCNZ Policy on Fees and Expenditure.

For example:

- Does the member know the veterinarian coming before the Judicial Committee?
- Does the member know the complainant or other parties?

- Is there any other reason why it could be perceived that the member wouldn't have an open mind about the case?

If, during a case, a Judicial Committee member becomes aware of a conflict of interest, or potential for a perceived conflict of interest, the member should notify the Chair as soon as possible so that the conflict can be managed or addressed appropriately. In some cases it may be that the member withdraws from the Judicial Committee.

The important thing to note in the cases of conflicts of interest is not whether the person who may be conflicted thinks there may or may not be a conflict, but rather the perceptions of others on whether there is conflict of interest.

34. Are there other Council roles that could be seen as a conflict?

Care must be taken to ensure that there is no conflict or perceived conflict of interest between the Judicial Committee member's role and any other Council role they may undertake. For example it would not be appropriate for a veterinarian to agree to serve on a Judicial Committee when they are working at the same time with members of the prosecuting CAC on another complaint case.

Where there is doubt the Judicial Committee member should contact the Judicial Committee Chair so that the parties can be notified of the potential conflict of interest. The parties can then determine, before the hearing commences, whether they object to the member sitting on the case.

35. What preparation is needed for the hearing?

Charges

Once the Judicial Committee is set up, Judicial Committee members will receive a copy of the charges laid against the veterinarian. These should be read carefully.

Practical arrangements

Once the dates and venue for the hearing are set, members will be advised and asked what travel arrangements and accommodation they need.

Pre-hearing conference

Members will be sent a memorandum detailing the issues discussed at the pre-hearing conference.

Briefs of evidence

Approximately one week before the hearing, members will receive a copy of the documents that have been collected from both the CAC lawyer and the veterinarian..

36. What is the members' role at the hearing?

Although the Judicial Committee Chair tries to reduce the formality at a hearing, members are expected to act and dress in a manner that underlines the seriousness of the proceedings for those involved.

Members will normally be asked to arrive before the hearing start time to meet the other Judicial Committee members and the Chair. The Chair will set out his or her expectations of the members, how the hearing will be run, and when and how to ask questions.

The hearing is run like a court with the Judicial Committee entering the hearing room when all the other parties have arrived. The Judicial Committee sits at the head of the room with the Chair in the centre.

Ref. What happens at the hearing? on page 11 above.

37. Members must be seen as independent

During the hearing itself, Judicial Committee members should always seek to maintain a distance from both parties and their witnesses. It is not appropriate to be seen talking to either party or to a witness during the course of a hearing as this could give the impression of favouring one party over the other.

On occasions members may know a witness, particularly an expert witness who members may wish to approach to exchange greetings. It may appear rude, but members should not engage in any way with witnesses, legal counsel or any CAC members present at any time during the hearing or directly after the hearing.

Because of the potential for perceptions of bias, the Judicial Committee is served at lunch and tea breaks separately from the parties and witnesses.

While acting as a member of the Judicial Committee panel, a veterinarian should not accept an appointment to act as an expert witness at any VCNZ Judicial Committee hearing. If approached in this way the veterinarian should either decline or contact the Chair of the Judicial Committee to discuss.

38. Members must keep Judicial Committee matters confidential

Disciplinary hearings are held in public and may be attended by people other than those who are participating in the hearing. However, discussions held between members of the Judicial Committee, particularly during the decision making process, should be kept confidential to the Judicial Committee.

Members should not discuss the deliberations of the Judicial Committee with others.

Any concerns a member may have after the hearing is completed should be raised with the Council CEO.

From time to time a member may engage with a veterinarian or others who have appeared before the Judicial Committee. The person concerned may want to discuss the Judicial Committee case. Members need to advise that they are unable to discuss this matter.

Members are asked to sign a confidentiality agreement on appointment to a Judicial Committee.

Ref: Appendix 4.

39. Can members ask questions?

Yes. During the hearing members have the opportunity to question witnesses to clarify the evidence presented.

The Judicial Committee Chair will guide members on their preferred approach to asking questions. It is usually best for members to note down what they want to ask and wait until after the lawyers have asked their questions. Be polite and do not interrupt.

It is the CAC's role, not that of the Judicial Committee, to prove the case against the veterinarian. Therefore members need to carefully consider the questions they want to ask to ensure they are relevant and pertinent to the evidence.

Judicial Committee members should be particularly careful when phrasing questions for witnesses to ensure that they don't give the impression of having made up their minds in favour of either party before hearing all the evidence.

If members have any concerns about a question they wish to put to a witness, they should discuss this with the Chair.

It is best to ask **open ended** questions: that is a question that requires a full answer – not just yes or no. The question should be objective and not lead the person. The question should require the witness to pause, think, and reflect. Open-ended questions begin with the following words: “why...”, “how...”, “what...”, “just to recap...”, “describe...”, “tell me about...” “a few more details would be helpful...” or “can you help me understand...?”

Be aware that those at the hearing may be stressed by the occasion and therefore may not always “hear” or understand what is being asked.

Some witnesses and veterinarians may be from other cultures or may not have English as a first language. **Cultural barriers can impact on communication and understanding.** The same words can mean different things to people from different cultures, even when they talk the "same" language. When you communicate cross-culturally, make particular efforts to keep your communication clear, simple and unambiguous; speak slowly and clearly; check for understanding; avoid idioms and jargon; and don't use humour which can be very culture specific.

40. How are the decisions made?

The case must be decided only on the evidence put before the Judicial Committee. Judicial Committee members must not seek outside advice on material before them.

During the hearing members will have the opportunity to question witnesses for clarification of the evidence presented. It is important to be certain about the evidence that the members will rely upon in coming to conclusions about the case and when making the decision.

On some occasions members may have to deal with conflicting evidence where two or more witnesses present evidence that doesn't add up and/or is in opposition. In such circumstances the members will need to decide which evidence is most convincing or credible. In reaching this determination the demeanour of the witness in giving their evidence may be taken into account.

Judicial Committee members should:

- listen to both sides
- avoid bias, or any appearance of bias
- allow each party reasonable time
- act within the Judicial Committee powers
- exercise these powers fairly and independently.

When not in the hearing room, Committee members may wish to review what they have heard to ensure that by the end of the hearing they have all the information they need to

make a decision.

41. What to consider when making a decision

The Judicial Committee usually meets in private immediately after the hearing, to consider the evidence and reach a decision. The hearing will then be reconvened and the Judicial Committee decision announced.

Members must ensure they uphold the principles of natural justice while undertaking their responsibilities on the Judicial Committee. Failure to do so may result in the case being appealed to the courts because of a breach of natural justice.

See Appendix 1: Glossary for a formal definition.

The decision making process is critical to reaching an accurate and fair outcome on the charges laid against the veterinarian. The Judicial Committee has the task of deciding, based on the evidence presented at the hearing, whether the veterinarian is guilty of the charge(s) laid.

At Judicial Committee hearings the standard of proof is generally not as high as that in a criminal proceeding, but it may differ depending on the severity of the charge. The standard to which a charge must be proven is generally that of “on the balance of probabilities”.

See Appendix 1 Glossary for definitions.

However, the Courts over the years have determined that in matters such as professional disciplinary charges, where the allegations are very grave, the standard of proof required will be commensurately high, approaching that of “beyond reasonable doubt”. The burden of proving the charges rests with the CAC.

42. Do members have legal protection when on a Judicial Committee?

The Act provides statutory protection for members while they are carrying out their functions and duties under the Act, provided members act in good faith.

Section 87 of the Act provides that:

“Neither ... nor any committee, ... committee member, ... is liable for any thing done or omitted to be done, in good faith in the performance or intended performance of their functions or duties, or the exercise of their powers, under this Act.”

Ref: Veterinarians Act, Section 87.

43. How are penalties decided?

If the charge(s) are proven, the Judicial Committee members will also decide on:

- penalties which the Act allows the Judicial Committee to impose
- the provisions relating to costs
- publication of the decision.

The CAC, the veterinarian, and their respective lawyers will be invited to make submissions on the question of penalties and costs either in person or in writing.

Note: A summary of the *Guide to the Standards of Conduct for Tribunal members* is included at Appendix 2. This information was designed to highlight standards expected of tribunal members prepared by the Australian Administrative Review Council.

Appendix 1: Glossary

Adjournment

Occurs when the Judicial Committee postpones proceedings for any reason, to be resumed at a later date.

Appeal

A party who is dissatisfied with the decision of the Judicial Committee may apply to the District Court to reconsider the matter. There is also a right of appeal to the High Court on a question of law only. In both cases this is called an appeal.

Balance of probabilities

Means more probable than not to the reasonable satisfaction of the fact finder.

Beyond reasonable doubt

Means the fact finder has no reasonable uncertainty after having given careful and impartial consideration to all of the evidence.

Chair

A Chair is allocated to conduct every hearing. The Chair is normally a senior lawyer who is appointed to be the presiding officer at hearings. The Chair runs the pre-hearing teleconference to ensure that matters proceed as soon as possible; and is responsible for writing the Judicial Committee's decision.

Credibility

The quality of being believed or accepted as true or honest.

Conflicts of interest

These may arise when a person has:

- a direct financial interest in the outcome of any decision the Judicial Committee may reach
- a close relationship to either the veterinarian or the complainant or to a witness
- decided that they are unable to deal objectively with the veterinarian or the complainant
- already provided advice or received information about the matter
- pre-determined the matter.

An example of where a member may have a conflict of interest is where they:

- are shareholder in a group practice with the veterinarian
- are part owner of an afterhours service or another business with the veterinarian
- are a close personal friend of the complainant or veterinarian or their partner
- have provided treatment to the animal/s in question on another occasion
- have worked for the veterinarian or employed the veterinarian in the past
- have a governance or managerial role in a professional, business or other organisation which may have an interest, financial or otherwise, in the outcome of the case
- have worked closely with the members of the prosecuting CAC in another Council role they undertake
- practise in close proximity and provide the same services as the veterinarian.

New Zealand is a small country and the situation will often arise where a Judicial Committee member knows either the veterinarian or the complainant. This does not necessarily mean that there is a conflict of interest.

However if the member has a close social relationship or has been in a close working relationship with either party, or considers that they would be influenced by any prior contact with the party concerned, s/he must consider declaring a conflict.

Care must be taken to ensure that there is no conflict or perceived conflict of interest between Judicial Committee members' roles and any other Council roles they may undertake. For example it would not be appropriate for a veterinarian to agree to serve on a Judicial Committee when s/he is working at the same time with members of the prosecuting CAC on another complaint case.

Where there is doubt the Judicial Committee member must contact the Chairperson so that the parties can be notified of the potential conflict of interest. The parties can then determine before the hearing commences whether they object to the member sitting on the case.

Decision

Once a matter has been heard, the Judicial Committee makes a "decision", which is set out in writing. The decision is signed by all members, or by the Chair on behalf of the Judicial Committee. It is distributed to the parties involved.

If the case arose from a complaint to Council, the original complainant will receive a copy of the decision. If the complainant has any questions about the decision, he/she should discuss them in the first instance with the lawyer who prosecuted the charge.

Good decision making

This involves:

- acting within the statutory powers
- using powers fairly and reasonably
- observing the principles of natural justice.

Broadly speaking good decision making is about:

- preparing properly to make the decision
- identifying the issues
- understanding the legislation
- checking the authority to act
- following procedures and gathering relevant information before making a decision
- lawfully and fairly making a decision
- applying the law to the facts reasonably while exercising discretion
- communicating the decision with meaningful and accurate reasons.

Immunity

The Act provides statutory protection for members while they are carrying out their functions and duties under the Act, provided members do not act in bad faith.

Section 87 of the Act provides that:

“Neither...nor any committee, committee member... is liable for anything done or omitted to be done, in good faith in the performance or intended performance of their functions or duties, or the exercise of their powers, under this Act.”

Members should be able to meet these requirements provided they operate within the authority set down in the Act, follow the procedures laid down by the Council, and uphold the principles of natural justice.

Judicial review

Judicial review allows an applicant to challenge decisions made using a statutory power to the High Court. The focus of a judicial review is generally on the decision making process rather than the decision itself. The grounds for judicial review are illegality, unfairness, or unreasonableness.

Illegality includes:

- error of law
- error of fact
- *ultra vires* or beyond the powers of the Judicial Committee
- not considering all relevant facts.¹

The Court will find if the decision has been made lawfully by:

- Re-examining the documents
- Considering the evidence of the decision makers
- Considering the statute and case law.

¹ Claro Law presentation to VCNZ on Working within a Statutory Framework, 2015.

Everything that is relevant must be made available to the judicial review applicant and the Court, including emails and informal comments on papers.

If the Court finds that a decision was illegal, unfair or unreasonable it may:

- make a declaration about the way the decision was made
- set the decision aside as unlawful and direct the person who made the decision to reconsider it
- make an order for costs.

Natural justice

Natural justice means the right to a fair hearing, without bias. It is a well-defined concept which comprises fundamental rules of fair procedure: that a person should know what they are charged with; that a person may not be a judge in his/her own cause; and that their defence must always be fairly heard.

The principles of natural justice underpin all judicial processes and include the opportunity to be heard; the opportunity to question the evidence brought against them; and the right to have any decision made without bias or pre-determination.

Section 35 of the Veterinarians Act requires that in the performance and exercise of its decision making functions and powers under Part 3 of the Act, the Council or a Judicial Committee must observe the rules of natural justice.

Impartiality and fairness must not only be done, but must be seen to be done.

Pre-hearing conference

This is a compulsory meeting between parties, conducted by the Chair. It takes place after the veterinarian has notified the Judicial Committee in writing whether they wish to appear before the Judicial Committee. It is usually a telephone conference.

The conference is one of the procedures established by the Judicial Committee to ensure that proceedings are conducted fairly and expeditiously; that the expense of the hearing is minimised; and that a consistent manner is maintained throughout the circumstances of each case.

The conference provides the opportunity for discussion about the issues to be raised at the hearing; how the evidence will be put before the Committee; the date and location of the hearing; and any other matters which have to be resolved before the hearing. The process is relatively informal and discussions are confidential to the parties. The matters agreed to are recorded by the Chair and forwarded to the parties.

Rule of law

Requires equality before the law and equal subjection of all persons to the law. The application of the rule of law requires:

- equality before the law and equal subjection of all persons to the law.
- that decisions are made by reference to known general rules and not discretion

- procedural fairness and due process
- similar cases to be treated alike
- before laws are enforceable they must be knowable.

Under natural justice, decision makers are required to ensure procedural fairness when making a decision. This includes:

- hearing all affected parties
- giving adequate notice of any hearing before the decision is made
- being open minded
- using known procedures
- reaching decisions only on evidence presented at the hearing
- being unbiased
- providing reasons for decisions.

The key aspects in relation to 'hearing all parties' that may be affected by the decision, are:

- parties must be given notice of a hearing
- parties have a right to be heard
- there should be disclosure of relevant material
- the parties should have the opportunity to comment
- the decision maker should hear the full case
- the decision must be made on reason not chance.

Appendix 2: Guide to the Standards of Conduct for Tribunal members

A summary of the *Guide to the Standards of Conduct for Tribunal members*, published by Australian Administrative Review Council. The full version is available at <http://www.arc.ag.gov.au/Publications/Reports/Pages/Downloads/AGuidetoStandardsofConductforTribunalMembersRevised2009.aspx>

1. Respect for the law

Members should:

- demonstrate respect for the law in the performance of their responsibilities
- demonstrate respect for the law in their private life.

2. Fairness

Members should:

- ensure that each party to a proceeding is afforded a reasonable opportunity to put their case
- act in an impartial manner in the performance of their tribunal decision making responsibilities so that their actions do not give rise to an apprehension of bias, or actual bias
- be proactive and comprehensive in disclosing to all interested parties interests that could conflict (or appear to conflict) with the review of a decision
- have regard to the potential impact of activities, interests and associations in private life on the impartial and efficient performance of their responsibilities
- not accept gifts of any kind where this could reasonably be perceived to compromise the impartiality of the member or the disciplinary body.

3. Independence

Members should perform their responsibilities independently and free from external influence.

4. Respect for persons

Members should be patient, dignified and courteous to parties, witnesses, representatives, and other people the member is dealing with; and should require similar behaviour of those subject to their direction and control.

Members should endeavour to understand and be sensitive to the needs of persons involved in proceedings.

5. Diligence and efficiency

Members should be diligent and timely in the performance of their responsibilities and take reasonable steps to maintain and to enhance the knowledge, skills and personal qualities necessary to the performance of these.

6. Integrity

Members should:

- act honestly and truthfully in the performance of their responsibilities
- not knowingly take advantage of, or benefit from, information not generally available to the public obtained in the course of the performance of their responsibilities
- not use their position as a member to improperly obtain, or seek to obtain, benefits, preferential treatment or advantage for the member or for any other person or body
- be scrupulous in the use of tribunal resources
- in private life, behave in a way that upholds the integrity and good reputation of the disciplinary body.

7. Accountability and transparency

Members are accountable for decisions and actions taken as a member and should fully participate in all applicable scrutiny regimes (including legislative and administrative scrutiny).

Members should be as open as possible about all decisions and action (including lack of action) taken in the performance of their responsibilities.

8. Chair's responsibilities

The Chair should assist members to comply with the principles of conduct, and to perform their responsibilities, through the provision of appropriate leadership, training and support.

Appendix 3: Acronyms

Acronym	Full wording	Explanation
ACRVS	Advisory Committee for Registration of Veterinary Specialists	The Australasian committee of AVBC that assesses applications for specialist registration.
ACVM	Agricultural Compounds and Veterinary Medicines	The MPI group/Act that regulates registration and compliance relating to veterinary medicines.
ADR	Adverse Drug Reaction	
AEC	Animal Ethics Committee	Any person or organisation wishing to manipulate animals for research, teaching or testing purposes must do so under a Code of Ethical Conduct (CEC) approved by the Director-General of MPI and must establish an animal ethics committee (AEC) to oversee the use of animals within the institution. AECs monitor researchers and the animal use that they have approved.
AER	Adverse Event Report	
AGCARM	New Zealand Association for Animal Health and Crop Protection	Trade association of companies which manufacture, distribute and sell agricultural compounds and veterinary medicines.
AGITO	Agricultural Industry Training Organisation	The ITO responsible for training of veterinary nurses/technicians.
ANZCCART	Australian and New Zealand Council for the Care of Animals in Research and Teaching	
ANZCVS	Australian and New Zealand College of Veterinary Scientists (formerly ACVSc)	Holds examinations for higher level veterinary qualifications, such as MACVSc (Membership) and FACVSc (Fellowship).
APC	Annual Practising Certificate	
ARPPA	Animal Remedy and Plant Protection Association	An association of smaller manufacturers of agricultural compounds and veterinary medicines.
AVA	Australian Veterinary Association	

AVBC	Australasian Veterinary Boards Council	Organisation comprising representatives of veterinary registration bodies from every Australian state and NZ. Sets policies and has committees which accredit Australasian vet schools; make recommendations on applications for specialist registration and run the National Veterinary Examination process.
AVMA	American Veterinary Medical Association	As well as being the professional association AVMA is also the body that accredits universities in US, Canada and abroad. VCNZ accepts graduates from AVMA accredited schools for registration without further examination.
AVMAC	Agricultural Compounds and Veterinary Medicines Advisory Council	Advises MPI on matters relating to the regulatory control of agricultural compounds and veterinary medicines.
BoE	Board of Examiners	AVBC committee which oversees administration of Preliminary Exam and Final NVE. VCNZ is represented on this Committee.
CAS	Companion Animal Society	NZVA Special interest branch.
CODEX	Codex Alimentarius Commission	A collection of internationally recognised standards, codes of practice, guidelines and other recommendations relating to foods, food production and food safety.
CD	Controlled drug	Medicines which are classified as controlled under the Misuse of Drugs Act because of their risks of harm (addiction and diversion).
COPC	Code of Professional Conduct	Sets out VCNZ professional and ethical expectations of veterinarians.
CVO	Chief Veterinary Officer	
CAC	Complaints Assessment Committee	Committees of the Council which investigate complaints and referrals made against veterinarians.
CAT	Competency Assessment Team	Three person team appointed by Council to assess and individual veterinarian's competence.

CEC	Code of Ethical Conduct	See AEC above. The CEC sets out the policies and procedures to ensure that its AEC can operate effectively and that the organisation can meet its obligations under the Animal Welfare Act in relation to research, teaching or testing involving animals.
DCANZ	The Dairy Companies Association of New Zealand	Coordinates and represents the collective public policy interests of its member dairy companies.
DCV	NZVA Society of Dairy Cattle Vets	NZVA Special interest branch.
EAEVE	European Association of Establishments for Veterinary Education	An EU advisory committee which assesses European veterinary schools. It is not yet an accreditation body recognised by VCNZ but has similarities in its style of assessment to AVMA and AVBC accreditation processes.
ECFVG	Educational Commission for Foreign Veterinary Graduates	This US body runs an assessment/examination process (called ECFVG certification) for assessing overseas qualified veterinarians seeking to be licensed in USA. VCNZ accepts ECFVG certification for registration without examination purposes.
EPA	Environmental Protection Authority	Administers the HSNO Act.
FAO	The Food and Agriculture Organisation of the United Nations	Combats global hunger and promotes rural development.
FDA	Food and Drug Administration (US)	
FRC	(VCNZ) Finance and Risk Committee	
FVE	Federation of Veterinarians of Europe	Like the NZVA but for all Europe.
GAP	Good Agricultural Practice	Specific methods which, when applied to agriculture, create food for consumers or further processing that is safe and wholesome. There are several broadly accepted schemes that producers can adhere to including those of the FAO.

GLP	Good Laboratory Practice	A quality system of management controls for research laboratories and organizations to ensure the uniformity, consistency, reliability, reproducibility, quality, and integrity of chemical (including pharmaceuticals) non-clinical safety tests; from physio-chemical properties through acute to chronic toxicity tests e.g OECD Principles of GLP.
GMP	Good Manufacturing Practice	The practices required to conform to the guidelines recommended by agencies that control authorization and licensing for manufacture and sale of food, drug products, and active pharmaceutical products e.g. FDA and WHO GMPs.
GRAS	Generally Regarded As Safe	The designation that a chemical or substance added to food is considered safe by experts.
HSW	Health and Safety at Work Act 2015	
HSNO	Hazardous Substances and New Organisms	
ISO	International Standards Organisation	An independent, non-governmental membership organisation and the world's largest developer of voluntary international Standards. 162 member countries, including NZ.
IVABS	Institute of Veterinary, Animal, and Biomedical Sciences, Massey University	Massey University Vet School is part of this institute.
LATU	Large Animal Treatment Unit	At Massey University.
LGS	Letter of Good standing	A letter provided by one registration authority to another that attests to the veterinarian's registration and good standing status (or not).
MPI	Ministry for Primary Industries	Renamed 1/4/12. Previously MAF.
MPIBNZ	Part of MPI – Biosecurity	
MPIVS	Part of MPI – Verification and Systems	
MCQ	Multiple Choice Questions	Sometimes used to describe NVE

		Preliminary Examination (which consists of MCQ papers).
MoH	Ministry of Health	
MRL	Maximum Residue limit	
MRCVS	Member of the Royal College of Veterinary Surgeons. This term also applies to the UK registrants who have gained registration via examination as well as to those who are current members of RCVS on the basis of holding a recognised qualification.	The MRCVS examination is the UK registration examination for those who do not hold recognised qualifications for registration. VCNZ recognises this exam for registration without further examination purposes.
NAEAC	National Animal Ethics Advisory Committee	The independent committee which provides independent, expert advice to the Minister for Primary Industries on policy and practices relating to the use of animals in research, testing and teaching; and provides advice and support to AECs.
NAVLE	North American Veterinary Licensing Examination	The Multiple choice examination that most US grads have to sit and pass following completion of their training.
NAWAC	National Animal Welfare Advisory Committee	The independent committee which provides independent, expert advice to the Minister for Primary Industries on policy and practices relating to the welfare of animals.
NRG	Notifications Review Group	VCNZ triage committee which considers notifications received about veterinarians.
NVE	National Veterinary Examination	Joint Australasian challenge examination for overseas veterinary graduates, who do not hold recognised qualifications. Run by AVBC and replaced the former NZNVE in 2014.
NZEVA	NZ Equine Veterinary Association	Special interest branch of NZVA.
NZFSA	New Zealand Food Safety Authority	Previously a separate Government Department. Now part of MPI.
NZNVE	New Zealand National Veterinary Examination	The name of the previous New Zealand registration examination for overseas veterinary graduates who do not hold recognised qualification. Discontinued in 2014 and replaced by

		NVE which AVBC administer.
NZVA	New Zealand Veterinary Association	The professional association for veterinarians in New Zealand, high level of voluntary membership, promotes and assists in developing standards.
NZNVA	New Zealand Veterinary Nurses Association	Professional association for veterinary nurses (they are not regulated).
OECD	Organisation of Economic Cooperation and Development	Promotes policies to improve the economic and social well-being of people around the world. Provides a forum in which governments can work together to share experiences and seek solutions to common problems.
OIE	Office International des Epizooties (World Organisation for Animal Health)	The intergovernmental organisation responsible for improving animal health worldwide.
PAR	Prescription Animal Remedy (replaced by the term restricted veterinary medicine)	
PAVE	Programme for the Assessment Veterinary Education Equivalence	US assessment/examination process for assessing overseas qualified veterinarians seeking to be licensed in USA. VCNZ accepts PAVE certification for registration without examination purposes.
PIANZ	Poultry Industry Association of New Zealand	
PSC	Professional Standards Committee	Council committee, considers standards, Code of Conduct issues.
RCVS	Royal College of Veterinary Surgeons	The UK equivalent of VCNZ. RCVS accredits training programmes in UK. VCNZ accepts graduates from RCVS accredited schools for registration without further examination.
RMA	Resource Management Act	
RTTO	Research Training and Teaching Organisations	
RVM	Restricted Veterinary Medicine	
SIBs	Special interest branches (of the NZVA)	E.g. Holistic, Pig & Beef, Equine.

TTMRA	The Trans Tasman Mutual Recognition Act	This Act provides that a veterinarian registered in any Australian state or NZ is entitled to registration in any of these jurisdiction by virtue of their existing registration.
VCNZ	Veterinary Council of New Zealand	
VOI	Veterinary Operating Instructions	Instructions from a vet relating to administration of RVMs by laypersons.
VPIS	Veterinary Protection Insurance Society	Indemnifier – run out of NZVA.
VSAAC	Veterinary Schools Accreditation Advisory Committee (previously called Australasian Veterinary Schools Advisory Committee)	The Australasian body that accredits veterinary schools in Australia and NZ.
WTO	World Trade Organisation	Replaced GATT in 1994.
WVA	World Veterinary Association	

Appendix 4: List of related policies and other useful reference documents

- CAC Guidelines for an Independent Expert
- VCNZ Policy on Section 39 referrals to a CAC
- VCNZ policy on Conflicts of Interest
- VCNZ Code of Conduct and Proper Practice
- Non-disclosure agreement
- VCNZ Fees and Expenditure Policy
- Extracts from VCNZ Delegations Policy: Sections 39–40
- Continuing Professional Development – Information for Veterinarians
- Code of Professional Conduct for Veterinarians
- Minimum Standards for Practising as a Veterinarian – NZ Gazette Notice, 2011
- VCNZ Policy on Competence Standards and Performance Indicators
- Relevant provisions of the Veterinarians Act 2005

Appendix 5: Judicial Committee pre-hearing teleconference checklists

VCNZ Judicial Committee Pre-hearing teleconference checklist (Veterinarian)

VETERINARY COUNCIL
OF NEW ZEALAND
Te Kaunihera Rata Kararehe o Aotearoa



1. Do you intend to appear at the hearing and speak at the hearing personally or by counsel or agent?

YES / NO

Comments:

2. Will you be represented by Counsel? **YES / NO**

If yes, who? _____

3. Counsel's contact details for communications (*if changed from that previously notified to the Judicial Committee*)

Postal Address: _____

Telephone Number: _____ Mobile Number: _____

Email Address: _____ Fax Number: _____

4. Estimated hearing time required: _____
Hours/Day(s)

5. (a) Number of Witnesses, if any, to be called by you: _____

(b) Number of Expert Witnesses, if any, to be called by you: _____

Any other comments:

6. Do you require the Judicial Committee to cite parties or summon witnesses? **YES / NO**

7. Are there any reasons why evidence should not be produced by way of written statements and exchanged by the parties before the hearing date?

8. If you answered "Yes" to question 6 above, please advise whether you will be seeking that the pre-hearing exchange of evidence be limited, for example, expert witness reports only exchanged, or that no evidence at all be exchanged prior to the hearing.

Comments:

9. Identify any issues or special requirements requiring to be determined by the Judicial Committee prior to the hearing of the charge, including:

(a) Any timetabling matters, such as unavailability of counsel, or other reason why an adjournment of the hearing date may be sought.

Comments:

(b) Pursuant to section 49(1) and s49(2) of the Act every hearing of the Judicial Committee is to be held in public, unless it is satisfied that it is desirable, in the interests of any person (including the complainant/notifier) or the public interest, to order otherwise. You may apply to the Judicial Committee for such an order. In the event you wish to make an application for privacy or continuing interim name suppression, that application should be forwarded to the Executive Officer of the Judicial Committee no later than **xxxx**.

Comments:

(c) Any other matters?

10. The Judicial Committee requires the parties to attend a pre-hearing teleconference. The date allocated for the teleconference in this matter is **xxxx**.

Please advise the Executive Officer of the Judicial Committee if this date is unsuitable and an alternative date may be allocated.

11. Do you or any witness require special assistance, such as an interpreter? **YES / NO**

Comments:

12. Is it likely that the parties will be able to provide a statement of any matters not in dispute to the Judicial Committee prior to the hearing? **YES / NO**

This may be done by way of a Memorandum submitted on behalf of all parties prior to or at the commencement of the hearing.

Comments:

The Judicial Committee encourages consultation between the parties, or their respective counsel, regarding their responses to each item on the checklist so that areas of agreement can be identified well in advance of the hearing date and the necessary procedural matters can be dealt with fairly and efficiently.

VCNZ Judicial Committee – Pre-hearing teleconference checklist (Complainant/Prosecution)

VETERINARY COUNCIL
OF NEW ZEALAND
Te Kaitiaki Take Kōwhiri o Aotearoa



1. Counsel appearing: _____

3. Counsel's contact details for communications (*if changed from that previously notified to the Judicial Committee*)

a) Postal Address: _____

Telephone Number: _____ Mobile Number: _____

Email Address: _____ Fax Number: _____

b) Postal Address: _____

Telephone Number: _____ Mobile Number: _____

Email Address: _____ Fax Number: _____

4. Estimated hearing time required: _____
Hours/Day(s)

5. (a) Number of Witnesses, if any, to be called by you on behalf of CAC: _____

(b) Number of Expert Witnesses, if any, to be called by you on behalf of CAC: _____

Any other comments:

6. Do you require the Judicial Committee to cite parties or summon witnesses? **YES / NO**

7. Are there any reasons why evidence should not be produced by way of written statements and exchanged by the parties before the hearing date?

8. If you answered "Yes" to question 6 above, please advise whether you will be seeking that the pre-hearing exchange of evidence be limited, for example, expert witness reports only exchanged, or that no evidence at all be exchanged prior to the hearing.

Comments:

9. Identify any issues or special requirements requiring to be determined by the Judicial Committee prior to the hearing of the charge, including:

(a) Any timetabling matters, such as unavailability of counsel, or other reason why an adjournment of the hearing date may be sought.

Comments:

(b) Pursuant to section 49(1) and s49(2) of the Act every hearing of the Judicial Committee is to be held in public, unless it is satisfied that it is desirable, in the interests of any person (including the complainant/notifier) or the public interest, to order otherwise. You may apply to the Judicial Committee for such an order. In the event you wish to make an application for privacy or continuing interim name suppression, that application should be forwarded to the Executive Officer of the Judicial Committee no later than **xxxx**.

Comments:

(c) Any other matters?

10. The Judicial Committee requires the parties to attend a pre-hearing teleconference. The date allocated for the teleconference in this matter is **xxxx**.

Please advise the Executive Officer of the Judicial Committee if this date is unsuitable and an alternative date may be allocated.

11. Do you or any witness require special assistance, such as an interpreter? **YES / NO**

Comments:

12. Is it likely that the parties will be able to provide a statement of any matters not in dispute to the Judicial Committee prior to the hearing? **YES / NO**

This may be done by way of a Memorandum submitted on behalf of all parties prior to or at the commencement of the hearing.

Comments:

The Judicial Committee encourages consultation between the parties, or their respective counsel, regarding their responses to each item on the checklist so that areas of agreement can be identified well in advance of the hearing date and the necessary procedural matters can be dealt with fairly and efficiently.

Appendix 6: Contact details

Janet Eden
Registrar
Veterinary Council of New Zealand
PO Box 10563
Wellington 6143
janet.eden@vetcouncil.org.nz

Helen Arbuckle
Deputy Registrar (Standards)
Veterinary Council of New Zealand
PO Box 10563
Wellington 6143
helen.arbuckle@vetcouncil.org.nz