

# Dogs Victoria Compliance & Law

## Lodging a Complaint with the VCA

Please find enclosed a “Complaint Pack”. Inclusive in the pack are three complaint forms:

### **1. Member Complaint Form:**

To be used if you are a current member of Dogs Australia wishing to lodge a complaint against a Dogs Victoria member – the compliance fee can be found on the current scale of charges located on the Dogs Victoria website.

### **2. Non- Member Complaint Form**

To be used if you are not a member of Dogs Victoria, but intend to lodge a complaint against a member.

### **3. Affiliate Complaint Form**

To be used if you are officially representing an Affiliate wishing to lodge a complaint against a current member of Dogs Victoria. Please note: A fee is required along with a copy of the club minutes endorsing the forwarding of your matter, the compliance fee can be found on the current scale of charges located on the Dogs Victoria website.

In this pack, you can also find a document relating to “ Frequently Asked Questions”.

**It is important to note the Compliance Department is unable to engage in any communication relating to the content of a case.**

Any such dialogue may be seen to prejudice a case. The role of the Compliance Department is purely administrative, facilitating the progress of a case file through approved procedural channels.

Please contact the Compliance Department should you have any queries relating this process.

Please return the completed form to:

#### **Compliance**

Dogs Victoria  
Locked Bag K9  
Cranbourne Vic 3977  
Fax: (03) 9788 2599

or email [compliance@dogsvictoria.org.au](mailto:compliance@dogsvictoria.org.au)

# Dogs Victoria Compliance & Law

## Lodging a Complaint with the VCA

### MEMBER COMPLAINT FORM

Use this form if you are a member of a Dogs Australia State Member Body making a complaint to the Dogs Victoria against a member of Dogs Victoria that you say has breached the VCA Rules, Regulations or Codes of Ethics or Practice

<b>DETAILS OF PERSON MAKING THE COMPLAINT</b>		
Full name of person making the complaint:	MR	MS
	MRS	DR
	MISS	UNDEFINED
Address: (Preferred mailing address)		
Contact Details: (So that the VCA and its investigators can contact you. You must provide at least one form of contact)	Email Address:	
	Mobile:	Telephone:
Are you a member of a state body?		If yes, please enter your membership number here:
<b>RESPONDENT - PERSON YOU ARE COMPLAINING ABOUT</b>		
Name of the respondent:  (if you do not know the defendant's name, explain how the defendant can be identified eg, handler of exhibit 37 at a specified show)		
Address of the respondent (if known):		
Have you spoken or written to the person about the matters you are complaining about?		If you answered yes, please explain further here:

# Dogs Victoria Compliance & Law

## Lodging a Complaint with the VCA

<b>DETAILS OF THE COMPLAINT</b>	
<p><b>NOTE:</b> A copy of this form and any accompanying evidence, with contact details redacted for you and any witnesses, will be sent to the Respondent once referred in accordance with Rule 2.20</p>	
<p><b>List which VCA Rules, Regulations or Codes you say have been broken:</b></p> <p>(eg. Mistreatment or cruelty to dog; bringing the VCA into disrepute etc.)</p>	
<p><b>Specify when and where the behaviour you are complaining about occurred:</b></p> <p>(eg. At approximately 3.00pm on 3 February 2007 at the X Dog Club Show)</p>	
<p><b>If the behaviour occurred at a VCA approved event (eg. A Show or Trial):</b></p> <ul style="list-style-type: none"> <li>• Did you make a complaint about the behaviour on the day?</li> <li>• To whom did you complain and what was the outcome?</li> </ul>	
<p><b>Briefly describe what happened:</b></p> <p>(eg. As the Respondent left the ring I saw her hit her dog Fido several times until he was cowering on the ground)</p>	

# Dogs Victoria Compliance & Law

## Lodging a Complaint with the VCA

### DETAILS OF EVIDENCE

Dogs Victoria complaints process is an evidence-based complaint process. You need to be able to prove the allegations you are making. Please provide the evidence that supports your claim by attaching relevant documents.

**Are there any documents which you say help prove your allegations?**

(eg. Any witness statements)

**Additional Information:**

**If there is anything else you want to tell the VCA about your complaint, please set out the details. Attach extra pages if you need to. Sign each additional page.**

**I/we declare that the information contained within this complaint is true and accurate and acknowledge that a copy of this complaint and any accompanying evidence will be provided to the Respondent.**

Declared at \_\_\_\_\_ on (date) \_\_\_\_\_

Signature/s \_\_\_\_\_

### REQUIRED ATTACHMENTS:

- Evidence/documentation in support of your allegation/s
- The compliance fee can be found on the current scale of charges located on the Dogs Victoria website. (Reg. 5.1.1 refers)

### WHAT HAPPENS NOW?

Please refer to attached 'Frequently Asked Questions – Compliance'

# Dogs Victoria Compliance & Law

## Lodging a Complaint with the VCA

### NON-MEMBER COMPLAINT FORM

Use this form if you are NOT a member of Dogs Australia State Member Body making a complaint to the Dogs Victoria against a member of Dogs Victoria that you say has breached the VCA Rules, Regulations or Codes of Ethics or Practice

<b>DETAILS OF PERSON MAKING THE COMPLAINT</b>							
<b>Full name of person making the complaint:</b>	<table border="1" style="width: 100%;"> <tr> <td style="width: 50%;">MR</td> <td style="width: 50%;">MS</td> </tr> <tr> <td>MRS</td> <td>DR</td> </tr> <tr> <td>MISS</td> <td>UNDEFINED</td> </tr> </table>	MR	MS	MRS	DR	MISS	UNDEFINED
MR	MS						
MRS	DR						
MISS	UNDEFINED						
<b>Address: (Preferred mailing address)</b>							
<b>Contact Details</b> (So that the VCA and its investigators can contact you. You must provide at least one form of contact)	Email Address:						
	<table border="1" style="width: 100%;"> <tr> <td style="width: 50%;">Mobile:</td> <td style="width: 50%;">Telephone:</td> </tr> </table>	Mobile:	Telephone:				
Mobile:	Telephone:						
<b>RESPONDENT - PERSON YOU ARE COMPLAINING ABOUT</b>							
<b>Name of the respondent:</b>  (if you do not know the defendant's name, explain how the defendant can identified eg, handler of exhibit 37 at a specified show)							
<b>Address of the respondent (if known):</b>							
<b>Have you spoken or written to the person about the matters you are complaining about?</b>	<b>If you answered yes, please explain further here:</b>						

# Dogs Victoria Compliance & Law

## Lodging a Complaint with the VCA

<b>DETAILS OF THE COMPLAINT</b>	
<p><b>NOTE:</b> A copy of this form and any accompanying evidence, with contact details redacted for you and any witnesses, will be sent to the Respondent once referred in accordance with Rule 2.20</p>	
<p><b>List which VCA Rules, Regulations or Codes you say have been broken:</b></p> <p>(eg. Mistreatment or cruelty to dog; bringing the VCA into disrepute etc.)</p>	
<p><b>Specify when and where the behaviour you are complaining about occurred:</b></p> <p>(eg. At approximately 3.00pm on 3 February 2007 at the X Dog Club Show)</p>	
<p><b>If the behaviour occurred at a VCA approved event (eg. A Show or Trial):</b></p> <ul style="list-style-type: none"> <li>• Did you make a complaint about the behaviour on the day?</li> <li>• To whom did you complain and what was the outcome?</li> </ul>	
<p><b>Briefly describe what happened:</b></p> <p>(eg. As the Respondent left the ring I saw her hit her dog Fido several times until he was cowering on the ground)</p>	

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## Lodging a Complaint with the VCA

### DETAILS OF EVIDENCE

Dogs Victoria complaints process is an evidence-based complaint process. You need to be able to prove the allegations you are making. Please provide the evidence that supports your claim by attaching relevant documents.

**Are there any documents which you say help prove your allegations?**

(eg. Any witness statements)

**Additional Information:**

If there is anything else you want to tell the VCA about your complaint, please set out the details. Attach extra pages if you need to. Sign each additional page.

I/we declare that the information contained within this complaint is true and accurate and acknowledge that a copy of this complaint and any accompanying evidence will be provided to the Respondent.

Declared at \_\_\_\_\_ on (date) \_\_\_\_\_

Signature/s \_\_\_\_\_

### REQUIRED ATTACHMENTS:

- Evidence/documentation in support of your allegation/s

### WHAT HAPPENS NOW?

Please refer to attached 'Frequently Asked Questions – Compliance'

# Dogs Victoria Compliance & Law

## Lodging a Complaint with the VCA

### AFFILIATE COMPLAINT FORM

Use this form if you are an Affiliate making a complaint to Dogs Victoria against a member of Dogs Victoria that you say has breached the VCA Rules, Regulations or Codes of Ethics or Practice

<b>DETAILS OF PERSON MAKING THE COMPLAINT</b>										
Full name of person making the complaint:	<table border="1"> <tr> <td>MR</td> <td>MS</td> <td></td> </tr> <tr> <td>MRS</td> <td>DR</td> <td></td> </tr> <tr> <td>MISS</td> <td>UNDEFINED</td> <td></td> </tr> </table>	MR	MS		MRS	DR		MISS	UNDEFINED	
MR	MS									
MRS	DR									
MISS	UNDEFINED									
Address: (Preferred mailing address)										
Contact Details (So that the VCA and its investigators can contact you. You must provide at least one.)	Email Address:									
	Mobile: <span style="float: right;">Telephone:</span>									
Affiliate's Details:	<p><b>Representative's Name:</b></p> <p><b>Position held:</b></p> <p><b>Do you have the authority to file a complaint on behalf of the Affiliate?</b></p> <p><b>Please supply the Affiliate's Incorporation Number:</b></p>									
<b>RESPONDENT - PERSON YOU ARE COMPLAINING ABOUT</b>										
Name of the respondent:  (if you do not know the defendant's name, explain how the defendant can identified eg, handler of exhibit 37 at a specified show)										
Address of the respondent (if known):										
Have you spoken or written to the person about the matters you are complaining about?	If you answered yes, please explain further here:									



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<b>DETAILS OF THE COMPLAINT</b>	
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<p><b>Specify when and where the behaviour you are complaining about occurred:</b></p> <p>(eg. At approximately 3.00pm on 3 February 2007 at the X Dog Club Show)</p>	
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<p><b>Briefly describe what happened:</b></p> <p>(eg. As the Respondent left the ring I saw her hit her dog Fido several times until he was cowering on the ground)</p>	

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**Are there any documents which you say help prove your allegations?**

(eg. Any witness statements)

**Additional Information:**

**If there is anything else you want to tell the VCA about your complaint, please set out the details. Attach extra pages if you need to. Sign each additional page.**

**I/we declare that the information contained within this complaint is true and accurate and acknowledge that a copy of this complaint and any accompanying evidence will be provided to the Respondent.**

Declared at \_\_\_\_\_ on (date) \_\_\_\_\_

Signature/s \_\_\_\_\_

### REQUIRED ATTACHMENTS:

- Evidence/documentation in support of your allegation/s
- The compliance fee can be found on the current scale of charges located on the Dogs Victoria website. (Reg. 5.1.1 refers)
- Minutes of your club meeting endorsing this action

### WHAT HAPPENS NOW?

Please refer to attached 'Frequently Asked Questions – Compliance'

## FREQUENTLY ASKED QUESTIONS

### COMPLIANCE PROCEDURE / COMPLAINTS

#### **What is the role of the Compliance Department?**

The Compliance Department perform an administrative function by facilitating the process as this relates to the formal lodgement of a complaint. The VCA Constitution, Rules & Regulations can be viewed via our website at [www.dogsvictoria.org.au/about/constitution-rules-regulations/](http://www.dogsvictoria.org.au/about/constitution-rules-regulations/).

The Compliance Department is the liaison point between Complainants (those making a complaint), the Respondent (the person about whom the complaint is made) and appointed Committee representatives. Given this function, and to protect the integrity of a case, the administrative team are not in a position to engage in discussions directly relating to the “content” of a case file. In depth discussion about a case falls under the purview of the assigned committee.

The compliance team do not have decision making or investigative power. This role is accorded to the appointed Committees in the process. Committees include: Management Committee, Investigations Committee, Mediation Panel, Disciplinary Committee and Appeals Committee.

The Compliance Department provides the medium through which matters are progressed in accordance with Dogs Victoria Rules/Regulations, ensuring that all parties are afforded an opportunity to be heard.

**It is important to note that Dogs Victoria does not have the power to award monetary compensation, nor does it have the power to force a member to comply.** As a member based organisation, it falls within our purview to determine breach or compliance with the Code, Constitution, Rules and/or Regulations and, assuming that a case is proven, impose an appropriate penalty.

Should financial compensation be the outcome you seek, it may also be necessary to lodge a civil claim (such as with VCAT if you're in Victoria, or with the Magistrates' Court of Victoria if you live interstate).

#### **Does Dogs Victoria provide a legal advisory service?**

No. Should you be seeking legal advice, it will be necessary to contact legal aid or a solicitor.

#### **IMPORTANT NOTE:**

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## How do I make a complaint?

A complaint pack may be located for download on our website by scrolling down the page to 'Other Forms' at [www.dogsvictoria.org.au/forms/member-forms/](http://www.dogsvictoria.org.au/forms/member-forms/) or upon request from the office.

The appropriate form must be completed (Refer Rule 2.20) and lodged together with ALL supporting documentation/evidence. Evidence is a crucial element of any case file. Any investigation relies solely upon facts and evidence in determining whether or not a Respondent has prima facie a case to answer.

To minimise the risk of error, it is important to ensure all current evidence supporting the allegations is lodged in one submission, at the time of complaint. Further opportunities may be provided to lodge material should a case be referred to Investigations.

Once completed, a complaint application *must be signed*. The complaint will be reviewed by the Compliance Department, and if applicable, you will receive an invoice for the prescribed fee (please refer to the Complaint Fee section below).

## What happens once I lodge a complaint?

- Receipt of the complaint is acknowledged in writing. Depending on the nature of the complaint, the matter is generally referred to the Chairs of the Investigation and Mediation Committees for a direction on the case. The Chairs receive cases every two weeks;
- Once a directive has been issued by the Chairs of Investigation and Mediation, a letter is issued to the Respondent with a copy of the Complaint and/or supporting evidence enclosed. Please be assured that all personal contact information (unless acknowledged in a public forum such as Facebook) is redacted (i.e. blackened out) prior to issue to the Respondent;
- If your complaint has been referred to the Investigations Committee, a member of that Committee may be in contact with each party to confirm the facts/evidence, if they require further information;
- It is important that both parties lodge **ALL** material pertinent/relevant to the case when the case is raised or you are first notified of the complaint. There may be an opportunity to lodge additional evidence to the appointed investigator during the course of an Investigation, if you are contacted. Once the Investigation is finalised, no further evidence can be submitted, except for "new" evidence (i.e. evidence that became available after the Investigation). Should a matter

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be referred on to a Disciplinary Hearing or later, an Appeal, there will be further opportunity to be heard.

## Case to Answer

- The complaint fee, if applicable, will be refunded once prima facie, a case to answer, has been proven. Reimbursement made by direct bank deposit takes approximately 2-3 weeks. Cheque reimbursement takes up to 4 weeks;
- The complaint will be referred to the Disciplinary Committee and a letter issued to both parties specifying the nature of any/all breaches of the Codes, Rules and/or Regulations;
- All relevant evidence gathered during the course of an investigation will be issued to parties to enable preparation in advance of a Hearing;
- At this point, a Complainant is entitled to any response/s issued by the Respondent to the file;
- Parties will be notified once a Hearing date has been set (not less than 10 days prior to the date of a Hearing).

## NO Case to Answer

- Fee is retained by Dogs Victoria (i.e. shall not be reimbursed to the Complainant);
- Case is closed and both parties notified in writing;
- The Complainant will be given an explanation as to why the allegations/breaches cannot be proven;
- The decision of the appointed Committee will stand. Given Complainants are given adequate opportunity to present a case/supply additional evidence during the course of an investigation, there is no right of appeal by a Complainant provided for within the Dogs Victoria Rules/Regulations (i.e. not allowed for under the Dogs Victoria Rules).

## What should I expect if my case is referred to Mediation?

Mediation is intended to be a constructive and non-judgemental process offering parties the opportunity to put any issues between them to rest and enabling each the opportunity to get back to the enjoyment of exhibiting their dogs.

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A successful mediation relies upon the desire and willingness of each party to reach resolution.

In accordance with Rule 2.23.9, should either party refuse mediation, or in the event that mediation fails, the matter would be deemed civil and no longer a matter for the VCA.

Where a complaint fee has been paid, this shall be refunded for cases referred to mediation.

A support person can attend the mediation, but is not permitted to engage in the formal process.

## **Matters referred to Disciplinary Committee. What happens next?**

Note: [FAQs – Hearings](#) can also be viewed on the Dogs Victoria website.

- A letter is issued to both Complainant and Respondent outlining the breaches as determined by Investigations (inclusive of additional evidence where relevant);
- A Disciplinary Panel is convened and a Hearing date set. Both Complainant and Respondent will be notified of the Hearing date not less than 10 days prior to the scheduled date of the Hearing. The Hearing provides another opportunity to be heard. While it is not mandatory for a Complainant to present in person, there is an expectation that the Respondent attend and the Complainant be prepared to stand by their allegations if required on the night;
- The risk a Complainant runs in deciding not to attend a Hearing (allowing the Hearing to stand on existing evidence alone), is that a case could be dismissed should further evidence be presented by a Respondent on the night which cannot be corroborated/refuted at the time of the Hearing;
- Should a Respondent fail to appear on two separate occasions without justified cause (as determined to be 'reasonable' by the Chair), Disciplinary Panel reserves the right to hear the case in absentia (i.e. in the Respondent's absence) (Regulation 5.1.6 refers);
- Hearings are conducted via Zoom. In the event a Zoom meeting is not suitable, the case will be heard via teleconference. It is up to the Complainant and Respondent to ensure they can connect to the hearing and to do so at the appointed date and time.

Each party in attendance may bring one representative/support person and any witnesses relevant to the charges(Regulation 5.4.4 refers). It is the responsibility of the parties to arrange their own witnesses or representation. The office must be notified of attendance not less than five days

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prior to a Hearing, or ten days for legal representatives, inclusive of names/details of those attending.

- Where a penalty of suspension is imposed, the provisions of Regulation 5.6.1 apply (all appropriate applications may/may not be specified by a Panel on the night of a Hearing);
- Should a fine be issued as part of the penalty, an invoice will be enclosed at the time of notification. Fine payments are subject to normal business practice.

## What Happens Should I Appeal?

- The Respondent shall have the right of Appeal within 7 days from the date they receive written notification of the Disciplinary Committee findings.
- Should an appeal be lodged, any penalty imposed at a Hearing stands. A penalty remains in force unless overturned on Appeal. In cases where an appeal is lodged, the result of the disciplinary and appeal findings will be published together (in accordance with Regulation 3.11.1).
- An appeal application form will be issued to any party wishing to appeal a penalty or finding. This form is important as it ensures that all required information is complete at the time of lodgement and confirms the grounds upon which an appeal will be considered;
- Please be aware that an Appeal is not a “Re-Hearing” of a case and must meet the requirements for the lodgement of an appeal before the Chair of the Appeals Committee will consider assigning a Panel to hear the case.

## COMPLAINT FEE

### Who pays? (Reg 5.1.1 refers)

- A complaint fee is required and applies to all Dogs Victoria members and Affiliates wishing to lodge a complaint. For current fees, please see the Fees (Scale of Charges) at [www.dogsvictoria.org.au/forms/fees-scale-of-charges/](http://www.dogsvictoria.org.au/forms/fees-scale-of-charges/);
- Effective 21 June 2017, the complaint fee also applies to all members of any Dogs Australia Member State Body wishing to lodge a complaint;

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- The compliant fee may be waived under Regulation 3.5.9.4.1, if an incident occurred at an officially sanctioned event, and is noted in the VCA Representatives report (excluding person-to-person disputes);
- Non-members and overseas parties are eligible to submit one free complaint per calendar year. A second or subsequent complaint in any calendar year will incur the complaint fee.

*\* Please be aware that payments made by credit card are subject to a non-refundable 1.39% bank transaction levy surcharge.*

### **Is my fee refundable?**

- Once a *prima facie* case is established (i.e. proven to be a valid case to answer) by the Investigations Committee, the fee is reimbursed to the Complainant (less any applicable card transaction surcharge);
- Should the Committee decide that there is “no case to answer”, the fee shall be retained (i.e. is non-refundable). There are no ‘appeal rights’ in these circumstances;
- For matters referred to mediation, the complaint fee shall be refunded.

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