

Office of Fair Trading

Consumer rights – a guide for veterinarians (part one)

The Australian Consumer Law (ACL) aims to protect consumers and ensure fair trading in Australia. It is a national, state and territory law, meaning consumers have the same protections and businesses have the same obligations and responsibilities across Australia.

In this fact sheet, we will cover the ACL's consumer guarantees applying to services and how they may impact your practice; and in part two we will discuss other consumer rights covered by the ACL.

Consumer guarantees

Consumer guarantees provide consumers with a comprehensive set of rights for the goods and services they acquire.

Your practice is also covered by these guarantees when purchasing goods and services that fall within the ACL's criteria.

Consumer guarantees apply to goods and services:

- purchased on or after 1 January 2011 (goods and services bought prior to 1 January 2011 are covered by previous laws)
- purchased for personal or household use, regardless of price
- purchased for business use that cost up to \$40 000.

Consumer guarantees do not apply to:

- goods and services purchased for business use that cost more than \$40 000
- transport or storage for work-related goods
- insurance contracts.

The nature of your business means your customers are extremely emotionally invested in their purchase decisions, and something going wrong or unexpected outcomes can be devastating. It is therefore vitally important that you are aware of your responsibilities and can support any decisions you make or advice you provide in the delivery of your services.

Guarantees applying to services

As veterinary practices are largely service based, these guarantees will be the most relevant to you.

There are three consumer guarantees that apply to services. They must be:

1. performed with due care and skill
2. provided within a reasonable time
3. fit for any specified purpose.

You must perform services with **due care and skill**. This means you must use an acceptable level of skill or technical knowledge when providing services, and take all necessary care to avoid loss or damage.

For example, if an animal needs a surgical procedure not regularly performed at your practice, are you sure you have the level of skill and technical knowledge to successfully perform the surgery? Will your record keeping practices support your decision to favour one procedure over another? Will they show the animal's owner was prepared to have you undertake the surgery knowing the risks?

You must provide services **within a reasonable time**. What is considered a reasonable time will depend on the service being performed and any agreements or assurances you have made.

For example, a practice may book in several spays for a given day, and advise consumers it is a same day operation. Then emergency cases on the day mean that some of the spays are delayed.

In this instance the practice manager should advise consumers of the change to their pet's surgery and discuss re-scheduling options. This may mean they ask the owner to collect their pet and re-schedule the procedure, or the practice might offer to keep the animal overnight without kenneling charge.

Does your practice have policies in place for dealing with unexpected delays that affect the agreed timing of a service or duration of kenneling?

You must ensure services you provide and any related products are **fit for any specified purpose**.

Products and additional services like puppy day care and grooming are an important part of many practices. Consumers generally purchase these goods and services based on your recommendation or the recommendation of practice staff who are aware of their pet's particular needs.

For example, a cat in your care has a fish allergy. Have you ensured that any food your practice feeds the cat or recommends to its owner does not contain any fish or fish by-products?

Remedies for breaches of a consumer guarantee

A consumer can seek a remedy if they purchase a good or service that doesn't meet one of the consumer guarantees. You will need to remedy the breach via a refund, repair or repeat service, or compensation for the reduced value of the service.

More information

Australia's consumer protection agencies have developed six ACL guides to help businesses understand their responsibilities under the law:

- Consumer guarantees
- Sales practices
- Product safety
- Unfair business practices
- Unfair contract terms
- Compliance and enforcement.

To download copies of these guides, visit www.qld.gov.au/fairtrading. To order printed copies, email oft-community-engagement@qld.gov.au