



Confidential Investigation Report to Transport Canberra City Services

10 July 2018

Alleged failures to follow Standard Operating Procedures and
potential inappropriate conduct

*This Report has been redacted to protect the
privacy of individuals identified in the Report.*

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1. **INTRODUCTION**

On 29 June 2018, I was appointed by Transport Canberra City Services (TCCS) to investigate the conduct of Domestic Animal Services (DAS) in relation to a dog (Izzy) owned by Mr Drago Gvozdanovic (DG) (the Investigation Request is at **Attachment A**).

The investigation is being undertaken following a complaint dated 11 June 2018 made by DG regarding conduct allegedly engaged in by employees of DAS and the Animal Referral Hospital in Fyshwick (ARH) (contained within email correspondence from and between DG and Dr [REDACTED] (JM)) (**Attachment B**). DG's complaint is intrinsically linked to the scope of my investigation, in that it relates to whether DAS procedures were followed in relation to Izzy.

The scope of my investigation also mandates that any allegations of misconduct against any ACT Public Service employee raised during this process should be notified to the Nominated Contact Officer. To comply with the Terms of Reference for this investigation, it was therefore necessary for me to determine whether, on the balance of probabilities, any person involved in this incident may have engaged in misconduct so that the Nominated Contact Officer could be notified.

2. **SUMMARY OF FINDINGS**

I am satisfied that the DAS Standard Operating Procedure *003 Impounding Dogs* (**the SOP**) has been complied with by all relevant persons in relation to handling and dealing with Izzy.

Further, I am satisfied that all persons involved have, on the balance of probabilities, not engaged in inappropriate conduct (having considered the obligations imposed by the ACT Public Service Code of Conduct, or any other relevant legislation).

Overall, I am satisfied on the balance of probabilities that all persons involved in this incident engaged in conduct compliant with their obligations during 10 and 11 June 2018.

3. **BACKGROUND**

DG was the owner of Izzy, a female de-sexed 17 year old white Maltese Terrier (identified by microchip number: 982009101396647). DG lives at [REDACTED] in the Australian Capital Territory (**the property**). The property is comprised of a battle-axe block with an unsecured rear yard. DG's telephone contact details on the microchip were not current, and the nominated alternative contact details belonged to DG's sister, [REDACTED] (VG).

I have reviewed the documents provided to me by TCCS, and have considered the discrepancies in the recollections of the persons involved in this incident. On the balance of probabilities the **below** chronology best reflects the sequence of events leading to DG's complaint.

3.1 **10 June 2018**

At or around 3.00pm, DG took Izzy outside into the rear yard of the property. Leaving Izzy outside, DG re-entered his house for approximately 20 minutes to take a phone call and upon returning to the rear yard, found that Izzy was missing.

DG then searched for Izzy in the neighbourhood surrounding the property, and upon being unable to find her, DG claims he entered his house again and registered Izzy as missing on the TCCS 'Report Lost Pet' website as well as with the RSPCA.

At or around 3.20pm, a member of the public identified only as 'Fran' contacted the ARH after finding Izzy on the street. The name of the street on which Izzy was found was not

identified by 'Fran'. 'Fran' was invited to attend the ARH with Izzy. Upon arriving at the ARH, Izzy was visually assessed by the ARH's receptionist, [REDACTED] (ML), who advised 'Fran' to take Izzy to DAS and asserted that Izzy was "fine".

At or around 5.00pm, 'Fran' delivered Izzy to DAS where Izzy was impounded as a stray and then identified by her microchip. Two DAS Rangers were on duty at the time, [REDACTED] (KDF) and [REDACTED] (SR). KDF and SR assessed Izzy and took a number of photos of her eyes and ears. KDF then contacted the ARH to ask why Izzy had not been assessed by ARH veterinary staff, referring to the condition of Izzy's eyes and ears. KDF then contacted her Senior Manager, [REDACTED] (SS), who advised KDF to return Izzy to the ARH for assessment.

At or around 5.50pm, KDF arrived at the ARH with Izzy, and ML apologised for not assessing Izzy properly and agreed that Izzy needed to be assessed by a vet given the state of her eyes and ears. KDF then left Izzy at the ARH. Following this, Dr [REDACTED] (MK), the treating veterinary surgeon on duty, assessed Izzy's condition, and identified that Izzy's eyes were sunken and collapsed. MK considered that Izzy's deteriorated condition is not something that could have occurred following only one day of being missing. MK then requested that ARH nurse, [REDACTED] (KV), contact KDF to ascertain whether DAS would pay for the surgery Izzy needed, and the legality of the ARH euthanising Izzy on welfare grounds.

At or around 6.00pm, KDF was driving home and received a call from KV, who advised KDF that Izzy's eyes had ruptured and that Izzy required surgery in both eyes or would need to be euthanised as soon as possible. KDF and KV discussed Izzy's age, the fact that medication had already been administered to address Izzy's pain, and whether DAS would be in a position to pay for the surgery given that the owner and alternative contact were un-contactable. KV indicated that if the surgery was conducted by ARH junior training staff, the surgery would cost approximately \$1,500-\$2,000.

KDF, understanding from her phone call with KV that the two options available were to pay for the surgery or have Izzy euthanised immediately, then called SS and passed on that information. SS advised that the dog be euthanised on the ground of 'animal welfare', taking into consideration:

- the condition of Izzy's eyes and ears and the prognoses of these;
- Izzy's age;
- Izzy's poor suitability for re-homing;
- the pain Izzy was suffering; and
- the unjustified cost of the proposed surgery to the Australian Capital Territory given DG could not be contacted.

KDF and KV then spoke on the phone again, and KV suggested that after Izzy was euthanised, someone from DAS could collect the body the following day (11 June 2018) to avoid a 'holding fee' at the ARH.

KV then spoke to MK, and conveyed DAS's preferred approach to dealing with Izzy. MK chose to delay euthanising Izzy and instead administered further pain relief while ARH staff continued trying to contact DG. MK's view was that Izzy could be made comfortable overnight with sufficient pain relief medication, and that Izzy would be euthanised the next morning pending a re-assessment by the ARH duty vet.

3.2 **11 June 2018**

At or around 10.00am, KDF was contacted by ARH nurse, [REDACTED] (DT), asking for confirmation as to whether DAS still required Izzy to be euthanised given the ARH had been unable to contact DG. KDF indicated that a direction regarding Izzy being euthanised had been communicated to the ARH the previous evening, and KDF was disappointed that such action had not already been taken in light of her conversation with KV the night before that Izzy needed to be euthanised as soon as possible if surgery was not going to be conducted. KDF did not speak with any other ARH treating veterinary staff on 11 June 2018.

Following the conversation between KDF and DT, the ARH veterinary surgeon on duty, Dr [REDACTED] (JF), re-assessed Izzy and identified that Izzy's condition had deteriorated further overnight. JF identified that Izzy was suffering from:

- profuse / chronic diarrhoea;
- dehydration (from not eating or drinking);
- bilateral conjunctivitis and redness around both eyes;
- inflammation and marked purulent discharge around the eyes;
- generalised or chronic muscle wasting; and
- behaviour consistent with dementia.

At or around 11.00am, Izzy was euthanised by JF.

At or around 5.00pm, DG contacted JF by telephone to ask about retrieving Izzy from the ARH. JF informed DG that Izzy had been euthanised at DAS's request on the grounds of animal welfare. DG became distressed upon receiving this news from JF.

At 6.04pm, DG sent an email to the Media Release email address of the Canberra Times, copying all sitting members of the Australian Capital Territory Legislative Assembly, complaining about the way in which DAS and the ARH handled Izzy's treatment and subsequent euthanasia.

4. **THE COMPLAINT**

DG's email complaint calls into question:

- (a) whether the SOP was adhered to by DAS; and
- (b) whether any other inappropriate behaviour or conduct was engaged in by the persons involved.

5. **INVESTIGATION PROCEDURE**

My role as the investigator is to:

- provide a written report, including findings of fact in relation to the allegation(s); and
- assess whether the allegation(s), if proven, constitute a breach of the SOP or other identified legislation or policies.

My investigation commenced on 29 June 2018 and was undertaken in accordance with the Investigation Request received by the Australian Capital Territory's Professional Standards Unit.

In conducting the investigation, I was required to consider whether, on the balance of probabilities, the alleged conduct occurred, and consider whether any or all of the persons involved failed to comply with the SOP or otherwise engaged in inappropriate behaviour or conduct.

5.1 Relevant documents

In conducting this investigation, I had regard to the following legislation and policies:

- *Animal Welfare Act 1992 (ACT) (AW Act)*;
- Standard Operating Procedure 003 *Impounding Dogs*; and
- ACT Public Service Code of Conduct.

In addition, I had regard to the following documents:

- impound paperwork from DAS including 'Found Dog form', microchip identification data and photos as provided by KDF on receipt of Izzy at DAS (**Attachment C**);
- diary notes from SS's diary dated 10 June 2018 (**Attachment D**);
- notes from KDF's notepad (**Attachment E**);
- email correspondence from and between DG and JM (**Attachment B**);
- additional records, statements and emails provided by KDF and SS dated 14 and 15 June 2018 (**Attachment F**); and
- an internal brief prepared by [REDACTED] (**JZ**) of the Investigations Unit, Licensing and Compliance, regarding the complaint made by DG (**Attachment G**).

6. LEGISLATIVE AND REGULATORY FRAMEWORK

6.1 *Animal Welfare Act 1992*

The AW Act aims to promote and protect the welfare, safety and health of animals, as well as ensuring the proper and humane care and management of animals.

Section 6B of the AW Act states:

6B Duty to care for animal

- (1) *A person in charge of an animal has a duty to care for the animal.*
- (2) *A person in charge of an animal commits an offence if the person—*
 - (a) *fails to take reasonable steps to provide the animal with appropriate—*
 - (i) *food and water; or*
 - (ii) *shelter or accommodation; or*
 - (iii) *opportunity to display behaviour that is normal for the animal; or*
 - (iv) *treatment for illness, disease, and injury; or*
 - (b) *abandons the animal.*

Further, section 86 of the AW Act states:

86 Veterinary surgeons

- (1) *If, in the opinion of a veterinary surgeon—*
- (a) *an animal is so severely injured, so diseased or in such a physical condition that it is cruel to keep it alive; and*
 - (b) *the animal is not about to be destroyed, or is about to be destroyed in a manner that will inflict unnecessary pain on the animal;*
- the veterinary surgeon may—*
- (c) *seize the animal; and*
 - (d) *give assistance to the animal; and*
 - (e) *remove the animal to such place as the veterinary surgeon thinks fit; and*
 - (f) *destroy the animal, or cause it to be destroyed, in a manner that causes it to die quickly and without unnecessary pain.*
- (2) *The reasonable expenses incurred by a veterinary surgeon in the exercise of a power conferred by subsection (1) in relation to an animal may be recovered from the owner of the animal as a debt in a court of competent jurisdiction.*

6.2 Standard Operating Procedure 003 Impounding Dogs

The SOP provides for a procedure in handling sick or injured dogs at page 5. Relevantly, this procedure states:

IMPOUNDING A SICK OR INJURED DOG

2. *Impounded dog has signs of disease, injury or parasites:*
- *Major wounds (weeping sores, swelling and/or puncture wounds) must be noted on impound sheet and brought to the attention of the Senior Ranger/Manager as soon as possible. They will decide if the dog should be taken to a vet or transferred to RSPCA for further assessment and treatment.*
- ...
- *If the dog requires immediate attention advise the Senior Ranger/Manager requesting authorisation to take the dog to a vet.*
 - *Sick and injured dogs seized/impounded after hours requiring urgent attention are to be taken directly to the 24hour Animal Referral Hospital – Emergency and after-Hours Vet, 15/2 Yallourn Street, Fyshwick.*

6.3 ACT Public Service Code of Conduct

Broadly, the obligations imposed upon employees of the ACT Public Service by the Code of Conduct are to:

- Take your job seriously
- Be accountable
- Be prepared
- Communicate effectively
- Give and receive information and advice without fear
- Serve the government of the day
- Be constructive

- Make sound decisions
- Understand your legal obligations

I have not elaborated upon the specific obligations sitting under each of the above categories in this report. However, I have identified in the relevant sections below if I am satisfied as to whether any established conduct amounts to a breach of the ACT Public Service Code of Conduct, and if so, why.

7. THE EVIDENCE

7.1 Evidence of the alleged incident

Evidence about the incident was derived from DG's email to the Canberra Times and the sitting members of the Legislative Assembly, as well as the brief provided by the Licensing and Compliance area following an internal investigation into DG's allegations, and other documents provided to me by TCCS on 26 June 2018.

7.2 Credibility of witnesses

Given the internal investigation conducted by the Licensing and Compliance area produced several Records of Conversation following conversations had between JZ and the persons involved, I have not interviewed the witnesses myself.

In reviewing the Records of Conversation, as well as the other documents provided, I have preferred the accounts given by KDF and JF in most respects, as they have provided the most comprehensive accounts of the events of 10 and 11 June 2018.

There is a discrepancy between KDF and KV's recollection of their phone conversation on the evening of 10 June 2018. KV has stated that she called KDF to ascertain the legality of euthanising Izzy on welfare grounds as well as to inform KDF of the need for surgery. KDF has stated that KV presented two options during the call: that Izzy undergo surgery or be euthanised as soon as possible. MK's statement is silent on the purpose and content of KDF and KV's conversation.

I prefer KDF's evidence in recalling this conversation. Her account of the phone call was given only a few days after it occurred and in circumstances where she was clearly unaware of the complaint made by DG.

The initial account of the same conversation, given by KV to the investigator on 20 June 2018, was brief and did not mention that she had queried KDF about surgery or euthanasia. A fuller account appears to have been provided to the investigator by email later the same day and this was expanded upon by a further amended email the following morning. On the basis of the fuller description of the conversation given by KV it is clear that both the need for relatively major (and costly) surgery for Izzy, and the question of the ARH's legal ability to euthanise the dog, were initially raised with DAS by the ARH. I have no reason to believe that KV was not instructed to put these questions to DAS by MK, the treating veterinarian at the time.

It is clear that KDF interpreted her conversation with KV as DAS facing a choice between two options, and that given DAS would not bear the cost of surgery, Izzy needed to be euthanised immediately.

KV communicated to KDF during this conversation that Izzy was in pain. It is likely this information that resulted in KDF experiencing disappointment on 11 June 2018 upon hearing that the euthanasia had not taken place (given her belief that Izzy was in pain and needed to be euthanised as soon as possible to humanely address that pain).

Despite there also being some minor inconsistencies in witnesses recalling the way KDF spoke to DT on the morning of 11 June 2018, the recollections of others involved corroborate the accounts given by KDF and JF during the Licensing and Compliance area's internal investigation.

The discrepancies between witness recollections regarding KDF's interaction with DT on the morning of 11 June 2018 do not substantiate any allegation that KDF behaved inappropriately at that time, and so have been given little weight in determining whether a breach of the SOP has occurred, or whether any other inappropriate behaviour or conduct has been engaged in. Further, DT has provided a statement wherein she asserts that,

"[KDF]'s tone [during this interaction] was not threatening or abusive, only angry...[KDF] apologised near the end [of the exchange] saying she was not angry at [DT], however angry at other staff for not listening."

Given DT was the one who actually spoke to KDF on the morning of 11 June 2018, I am inclined to prefer her evidence over that of anyone else who made a statement about this exchange, and in doing so I am satisfied that KDF's behaviour was not inappropriate at that time and have not investigated that exchange further.

Lastly, I have also reviewed the statement made by DG as compared with the other documents provided. In his handwritten statement dated 19 June 2018, DG states that Izzy was last treated at the Tuggeranong Veterinary Hospital (TVH) "about a month ago" (meaning on or around 19 May 2018). However, the internal investigation conducted by the Licensing and Compliance area uncovered TVH patient records revealing Izzy had not been treated at that practice since 23 January 2018. I prefer the patient records to DG's recollection in ascertaining when Izzy was last treated.

DG further states that the veterinary specialist who treated Izzy at the TVH suggested surgery to remove Izzy's eyes to prevent additional weeping, but noted that the trauma of the surgery would be "possibly life-threatening" given Izzy's age. The TVH vet also apparently noted that Izzy was otherwise in "good health". The six-month period between Izzy receiving veterinary care likely explains the further deterioration of Izzy's condition (as noted by MK when she observed that Izzy's health issues were, "not something that could have occurred following only one day of being missing"), and the differing opinions as to Izzy's overall condition as provided by the TVH vet on 23 January 2018 and JF on 11 June 2018. Any such deterioration between 23 January 2018 and 10 June 2018 has occurred while Izzy was in DG's care.

Despite discrepancies as to the timing of Izzy's last veterinary assessment, I am inclined to accept that the veterinary advice from 23 January 2018 indicated the trauma of eye removal surgery may be life-threatening. Such an opinion provided six months before the 10 and 11 June 2018 incident further supports the shared opinions of DAS and JF that euthanasia was the most humane course of action in the circumstances.

7.3 **The evidence**

(a) Whether the SOP was adhered to by DAS

As DAS employees responsible for seizing and impounding dogs, KDF and SS were the relevant persons required to adhere to the SOP during their involvement with Izzy across 10 and 11 June 2018.

KDF, as the DAS Ranger who first received Izzy after Izzy was dropped-off by 'Fran' on 10 June 2018, conducted an assessment of Izzy's condition and determined that Izzy was suffering from weeping sores (see: ruptured eyes and infected ears). Izzy was then categorised as suffering from 'major wounds' in accordance with the SOP. After assessing

these wounds and taking the required photos, KDF then called SS to request authorisation to take Izzy to the vet. SS gave the authorisation to do so.

I am satisfied that after assessing Izzy's conditions, KDF determined that Izzy required immediate attention, and advised her Manager, SS, that Izzy was to be attended to by a veterinary surgeon or other such specialist.

As outlined above, the SOP states that, "sick and injured dogs seized/impounded after hours requiring urgent attention are to be taken directly to the ARH". I am further satisfied that KDF continued complying with the terms of the SOP, having received Izzy after hours on Sunday 10 June 2018, by taking Izzy to the ARH as soon as possible and arriving at the ARH less than an hour after first contact.

The SOP places no additional obligations on a DAS Ranger (here, KDF), or on a "Senior Ranger/Manager" (here, SS), in relation to injured or ill dogs beyond those identified above.

I am satisfied on the balance of probabilities that KDF and SS have complied with their obligations under the SOP in handling Izzy across 10 and 11 June 2018.

(b) Whether any other inappropriate behaviour or conduct was engaged in by the persons involved

During my investigation, I reviewed the email sent by JM to DG at 2.45pm on 12 June 2018, wherein JM has written, amongst other things,

"We do see rather a lot of stray injured and sick dogs, some of which are euthanased for humanitarian reasons, but Izzy does not seem to have been one of those."

Having reviewed and considered the other documents made available to me, I am satisfied that JM's email to DG is a misrepresentation of the circumstances leading to Izzy being euthanised on 11 June 2018, and therefore have given this email little weight in determining whether any persons involved have breached the SOP, the AW Act, the ACT Public Service Code of Conduct, or has otherwise engaged in inappropriate behaviour or conduct.

(i) The AW Act

The sections of the AW Act that I have identified above impose obligations on any person who was 'in charge' of Izzy across 10 and 11 June 2018 (section 6B), and imposes additional obligations on MK and JF as veterinary surgeons (section 86).

Duty under section 6B

'Fran', being the first person 'in charge' of Izzy during the relevant period, took steps to have Izzy handed to either the ARH or DAS, where Izzy would be attended to in accordance with ACT Government policy. I am satisfied that 'Fran' discharged her duties under the AW Act.

KDF, being the second person 'in charge' of Izzy, also took steps to ensure Izzy was cared for in accordance with section 6B of the AW Act, given she assessed Izzy's condition and then had her attended to by a veterinary specialist as soon as possible. I am satisfied that KDF discharged her duties under the AW Act.

MK, as the treating veterinary surgeon on duty when Izzy was brought to the ARH a second time on 10 June 2018, was the third person 'in charge' of Izzy. MK took steps to assess Izzy's conditions, and provided pain relief to Izzy overnight while efforts were

being made to contact DG. I am satisfied that the steps taken by MK, outlined in the chronology above, amount to MK discharging her duties under the AW Act.

JF was the fourth and last person to be 'in charge' of Izzy before Izzy was euthanised. The AW Act requires a positive act to be undertaken in order to be guilty of being cruel to an animal, and while it is arguable that euthanising is a positive act, I am satisfied that JF's positive act in euthanising Izzy was, "treatment for illness, disease, and injury". JF determined, as a veterinary surgeon, that the most humane way to address Izzy's wounds (considering her age, the extent of the injuries, and her prospects of successful recovery) was to euthanise her. I am further satisfied that, on the balance of probabilities, JF has satisfied his duties under the AW Act.

Having considered the evidence made available to me, I am satisfied on the balance of probabilities that throughout 10 and 11 June 2018, all persons 'in charge' of Izzy during the relevant period took reasonable steps to provide Izzy with food and water, shelter or accommodation, the opportunity to display behaviour that is normal for the animal, and treatment for illness, disease, and injury.

Duty under section 86

As veterinary surgeons, MK and JF must to adhere to section 86 of the AW Act. Section 86 provides veterinary surgeons with the discretion to destroy an animal in certain circumstances. MK did not euthanise (destroy) Izzy, and so cannot be found to have contravened section 86.

JF did euthanise Izzy, and was only permitted to do so in certain circumstances. I am satisfied that JF was of the opinion that Izzy was, "so severely injured, so diseased or in such a physical condition that it is cruel to keep [her] alive", and destroyed Izzy, "in a manner that caused [her] to die quickly and without unnecessary pain."

JF's statement indicates that he made the decision to euthanise based on Izzy's advanced age, her multiple chronic co-morbidities, and that Izzy's condition had further deteriorated overnight and there was a risk of further deterioration without more advanced medical intervention.

While JF has said in his statement that,

"My decision to euthanise [Izzy] was influenced by the pressure imposed upon me and my staff by [KDF] and had these pressures not been imposed, assessment of the patient and decision for euthanasia would have been postponed until a later time unless otherwise indicated (by further deterioration or requirement for further veterinary intervention)",

he has also stated, in relation to the criteria considered prior to euthanising Izzy, that,

"In my opinion, this was enough to justify euthanasia of the patient due to welfare concerns, especially as it was unknown whether we would be contacted by the owner before further deterioration."

The "pressure" to which JF refers is likely a reference to the disappointment expressed by KDF that Izzy had not already been euthanised when she called on 11 June 2018. As I have outlined above, KDF's disappointment comes from her belief that euthanasia was the only option available given surgery was not going to be conducted. Any perceived pressure on JF and his staff has manifested from KDF's opinion (as informed by KDF's conversation with KV) that euthanising Izzy was the most humane way to address Izzy's pain and suffering.

I am satisfied that JF has acted in compliance with his duties as a veterinary surgeon under the AW Act.

(ii) ACT Public Service Code of Conduct

In short, I am satisfied on the balance of probabilities, based on the documents provided, that no person involved in Izzy's collection, assessment, and subsequent euthanasia has engaged in conduct that would amount to a breach of the ACT Public Service Code of Conduct. Given there is insufficient evidence to establish any such breach, I have not expanded on the obligations of the Code of Conduct in this report.

8. FINDINGS

Based on the evidence outlined above, the allegation regarding potential breaches of the SOP, as well as the allegation that any other inappropriate behaviour or conduct has been engaged in, are both **unsubstantiated**.

9. CONCLUSIONS

At their highest, DG's complaints about the way in which Izzy was handled by DAS and ARH employees across 10 and 11 June 2018 can be attributable to his emotional upset as an owner who has lost a dog he considers a "family member". It is likely that the distress caused by Izzy going missing, and her subsequently being euthanised, has contributed to DG feeling the need to complain about the situation to the Canberra Times and the sitting members of the Australian Capital Territory Legislative Assembly. However, despite DG being, in his own words, "emotionally charged" at the time he wrote his email complaint, a number of matters should be taken in account.

First, Izzy was an old dog and in a poor state of health. MK, as the initial veterinary surgeon who eventually determined to keep Izzy alive overnight to afford additional time to contact DG, has said that Izzy's, "eyes could have deteriorated to the current condition if [Izzy] was missing for one to two weeks, but not one day." Accountability for Izzy's condition deteriorating to such an extent, while in DG's care, cannot be attributable to the actions of any person subject to my investigation. The decision as to what to do with Izzy came about as a result of her condition at the time she became the responsibility of DAS.

Second, the DAS and ARH employees involved in this incident expended significant effort to ensure that Izzy was comfortable and without pain. Despite any initial confusion as to who would be better placed to take responsibility for Izzy (the ARH or DAS), the decisions made by those involved had Izzy's wellbeing in mind, and ultimately all decisions made regarding Izzy's health were made by veterinary surgeons who are qualified to make such decisions.

Third, DAS did not direct the ARH to euthanise Izzy without legitimate consideration as to Izzy's health. On the evening of 10 June 2018, despite receiving a recommendation from DAS to euthanise Izzy that evening, MK exercised her veterinary discretion to keep Izzy alive overnight with pain-relief medication to increase the chance of DG being contacted. The next morning, having observed considerable deterioration in Izzy's condition as compared against MK's notes from the night before, JF then exercised his own veterinary discretion to euthanise Izzy in accordance with his duties and only did so after assessing Izzy's condition at the time and determining that euthanasia was the appropriate course to take. Consistent with his own statement, DAS's direction to euthanise Izzy aligned with JF's own opinion that euthanasia was justified, and that this was the most humane course of action in the circumstances.

Ultimately, there is no evidence to suggest that any persons involved have breached the SOP, the ACT Public Service Code of Conduct, or any other relevant legislation, and as a consequence there is no requirement for me to take any further action to investigate any allegations asserting as much. DG's upset at the circumstances is understandable, and while he feels that Izzy's destruction was "lonely" and "before her time", the objective

assessment of a veterinary surgeon determining that euthanasia is the most humane approach is to be preferred.

A handwritten signature in black ink, appearing to read 'B. Deegan', with a stylized flourish at the end.

Barbara Deegan

10 July 2018