

APPENDIX 2 - MINUTES

COMMITTEE ON THE HEALTH CARE COMPLAINTS COMMISSION

Minutes of Proceedings

Friday, 1 June, 2001 at 12noon

Room 1108, Parliament House.

MEMBERS PRESENT

Mr. Jeff Hunter MP (Chairman)

Ms. Marie Andrews MP

Mr. P. Webb MP

Mr. W. Smith MP

Hon P Wong MLC

APOLOGIES:

Hon B Pezzutti MLC

Hon H Tsang MLC

In Attendance: Ms. Catherine Watson (Committee Manager),
Mr. Keith Ferguson (Committee Officer) and
Ms. Glendora Magno (Assistant Committee Officer)

The Chairman opened the meeting at 12.05pm

Annual Report.

The 6th Meeting on the Annual Report of the Health Care Complaints Commission discussed.

Resolved on the motion of Mr.W. Smith and seconded by Mr. P Webb that the report be adopted and tabled.

Format of Annual Meeting with the Health Care Complaints Commissioner discussed. Agreed that in future the Committee will seek submissions from interested groups and organisation as to the performance of the HCCC during the past year. Information from those submissions will be put to the Commissioner during the Annual Meeting.

Investigations Inquiry.

Possible inquiry into the procedures followed during investigations and prosecutions undertaken by the Health Care Complaints Commission discussed.

Resolved on the motion of Mr. P. Webb and seconded Mr. P Wong that the Committee inquire into the procedures followed during investigations and prosecutions undertaken by the HCCC, and that the Committee Manager prepare a draft terms of reference for the inquiry.

Second opinions by VMOs

Possible inquiry into this issue discussed.

Resolved on the motion of Mr. P Wong and seconded by Ms. M. Andrews that the Committee Manager prepare a draft terms of reference into the receipt of Second Opinions for Hospital Patients from VMOs without hospital visiting rights.

Meeting Closed at 12.30p.m.

Minutes of Proceedings

Friday, 8 June 2001 at 11am

Room 1153, Parliament House.

MEMBERS PRESENT

Mr. Jeff Hunter MP (Chairman)
Hon H Tsang MLC
Mr. W. Smith MP
Mr. P. Webb MP
Hon P Wong MLC

APOLOGIES:

Hon B Pezzutti MLC
Ms. Marie Andrews MP

In Attendance: Ms. Catherine Watson (Committee Manager),
Ms. Jackie Ohlin (Project Officer), Mr. Keith Ferguson (Committee Officer)
Ms. Glendora Magno (Assistant Committee Officer)

The Chairman opened the meeting at 11.10a.m.

1. The Committee discussed the outcomes of meeting with Medical Board and Officers from the Health Conciliation Registry.
2. The Committee discussed terms of reference for investigations and prosecutions inquiry.

Inquiry into the Procedures Followed During Investigations and Prosecutions undertaken by the HCCC

TERMS OF REFERENCE

The Committee is to inquire into and report on:

- (a) the procedures followed by the Health Care Complaints Commission during the investigation process;
- (b) the amount of evidence currently considered sufficient by the Health Care Complaints Commission and the NSW Medical Board to prosecute a case before the NSW Medical Tribunal;
- (c) the treatment of cases referred by other government agencies such as the Health Insurance Commission;
- (d) possible ways in which the investigation and prosecution process can be improved:

- (e) the investigation and prosecution process in comparative jurisdictions;
- (f) other relevant matters.

Resolved on the motion of Mr. W. Smith and seconded by Mr. P Wong that the Terms of Reference be adopted.

Minutes of Proceedings

Thursday, 18 October 2001 at 11am

Room 1108, Parliament House.

MEMBERS PRESENT

Mr. Jeff Hunter MP (Chairman)

Ms. Marie Andrews MP

Mr. W. Smith MP

Mr. P. Webb MP

Hon P Wong MLC

Hon B. Pezzutti MLC

APOLOGIES:

Hon H Tsang MLC

In Attendance: Ms. Catherine Watson (Committee Manager),
Ms. Jackie Ohlin (Project Officer),
Mr. Keith Ferguson (Committee Officer)
Ms. Glendora Magno (Assistant Committee Officer)
Mr. Les Gonye, Assistant Clerk of the Parliament.

The Chairman opened the meeting at 11.10a.m.

Inquiry into the Procedures Followed During Investigations and Prosecutions undertaken by the HCCC

Briefing from:

Officers of the Health Care Complaints Committee:
Ms. Amanda Adrian, Commissioner,
Mr. David Swain, A/ Director, Investigations & Prosecutions.
Ms. Julie Kinross, Director, Complaints Assessment & Resolutions.

Meeting Closed at 12.45p.m.

Minutes of Proceedings

Thursday, 25 October 2001 at 11am

Room 1108, Parliament House.

MEMBERS PRESENT

Mr. Jeff Hunter MP (Chairman)

Ms. Marie Andrews MP

Mr. W. Smith MP

Mr. P. Webb MP

APOLOGIES:

Hon H Tsang MLC

Hon P Wong MLC
Hon B. Pezzutti MLC

In Attendance: Ms. Catherine Watson (Committee Manager),
Ms. Jackie Ohlin (Project Officer),
Mr. Keith Ferguson (Committee Officer)
Ms. Glendora Magno (Assistant Committee Officer)

The Chairman opened the meeting at 11.05a.m.

Inquiry into the Procedures Followed During Investigations and Prosecutions undertaken by the HCCC

Briefing from:

Officers of the United Medical Protection:

Mr. Michael McLeod, Chairman,
Mr. David Brown, Senior Solicitor.
Ms. Wendy Turnbull, Solicitors.

Minutes of Proceedings
Thursday, 8 November 2001 at 10.00am
Jubilee 1108, Parliament House.

MEMBERS PRESENT

Mr. Jeff Hunter MP (Chairman)
Ms. Marie Andrews MP
Mr. W. Smith MP
Mr. P. Webb MP
Hon P Wong MLC
Hon B. Pezzutti MLC

APOLOGIES:

Hon H Tsang MLC

In Attendance: Ms. Catherine Watson (Committee Manager),
Ms. Jackie Ohlin (Project Officer),
Mr. Keith Ferguson (Committee Officer)
Ms. Glendora Magno (Assistant Committee Officer)

The Chairman opened the meeting at 10.10a.m.

Inquiry into the Procedures Followed During Investigations and Prosecutions undertaken by the HCCC

Public Hearing;

Dr. Peter Arnold, retired General Practitioner, sworn and examined. Evidence concluded, the witness withdrew.

Ms. Amanda Cornwall, Senior Policy Officer, Public Interest Advocacy Centre, sworn and examined. Evidence concluded, the witness withdrew.

Andrea Durbach, Director, Public Interest Advocacy Centre, sworn and examined. Evidence concluded, the witness withdrew.

Roy Douglas John Donnelly, Director of Medical Administration, Royal Prince Alfred Hospital, sworn and examined. Evidence concluded, the witness withdrew.

Graeme Philip Slade, Patient Representative, Royal Prince Alfred Hospital, sworn and examined. Evidence concluded, the witness withdrew.

Roslyn Erica Jones, Medico-Legal Officer, Royal Prince Alfred Hospital, sworn and examined. Evidence concluded, the witness withdrew.

Meeting Closed at 12.45p.m.

Minutes of Proceedings

Wednesday, 14 November 2001 – 11:00am

Room 1108, Parliament House

MEMBERS PRESENT:

Mr. J. Hunter MP (Chairman)

Legislative Assembly

Ms. M. Andrews MP

Mr P. Webb MP

Mr W. Smith MP

Legislative Council

Hon Dr. B. Pezzutti, MLC

Hon Mr. H. Tsang, MLC

Dr. Peter Wong. MLC

In Attendance: Ms Jackie Ohlin (Project Officer) and
Ms G. Magno (Asst.Committee Officer)

The Chairman opened the meeting at 11:00 am.

IN CAMERA HEARING: Inquiry into the Procedures Followed During Investigations and Prosecutions undertaken by the HCCC

A number of witnesses sworn and examined.

The Committee adjourned at 1:30pm

Minutes of Proceedings
Wednesday, 28 November 2001 at 10.30am
Room 1108, Parliament House.

MEMBERS PRESENT

Mr. Jeff Hunter MP (Chairman)
Ms. Marie Andrews MP
Mr. W. Smith MP
Mr. P. Webb MP
Hon P Wong MLC
Hon B. Pezzutti MLC
Hon H Tsang MLC

APOLOGIES:

In Attendance: Ms. Catherine Watson (Committee Manager),
Ms. Jackie Ohlin (Project Officer),
Mr. Keith Ferguson (Committee Officer)
Ms. Glendora Magno (Assistant Committee Officer)

The Chairman opened the meeting at 10.45a.m.

Inquiry into the Procedures Followed During Investigations and Prosecutions undertaken by the HCCC

Briefing from:

Ms. Joanna Howard, accompanied by Ms. Katrina Hodgkinson MP.

Ms. Deborah Greene Chief Executive Officer, South Eastern Sydney Area Health Service.

Mr. Vincent McTaggart, Director, Executive Support Group, South Eastern Sydney Area Health Service.

Meeting Closed at 12.30p.m.

Minutes of Proceedings
Thursday, 29 November 2001 at 10.00am
Room 1250, Parliament House.

MEMBERS PRESENT

Mr. Jeff Hunter MP (Chairman)
Ms. Marie Andrews MP
Mr. W. Smith MP
Mr. P. Webb MP
Hon P Wong MLC
Hon B. Pezzutti MLC

APOLOGIES:

Hon H Tsang MLC

In Attendance: Ms. Catherine Watson (Committee Manager),
Ms. Jackie Ohlin (Project Officer),
Mr. Keith Ferguson (Committee Officer)
Ms. Glendora Magno (Assistant Committee Officer)

The Chairman opened the meeting at 10.15a.m.

Inquiry into the Procedures Followed During Investigations and Prosecutions undertaken by the HCCC

Public hearing, (in camera) from a number of witnesses.

Meeting Closed at 12.50p.m.

**Minutes of Proceedings
Wednesday, 5 December 2001 at 10.00am
Room 814, Parliament House.**

MEMBERS PRESENT

Mr. Jeff Hunter MP (Chairman)
Ms. Marie Andrews MP
Mr. W. Smith MP
Mr. P. Webb MP
Hon P Wong MLC
Hon B. Pezzutti MLC
Hon H Tsang MLC

In Attendance: Ms. Catherine Watson (Committee Manager),
Ms. Jackie Ohlin (Project Officer),
Mr. Keith Ferguson (Committee Officer)
Ms. Glendora Magno (Assistant Committee Officer)

The Chairman opened the meeting at 10.10a.m.

1. **Resolved** on the motion of Mr W Smith and seconded by Dr P Wong that the minutes of the meeting held on 20 September 2001 be adopted.
2. **Resolved** on the motion of Ms. M. Andrews and seconded by Dr P Wong that the minutes of the meeting held on 18 October 2001 be adopted.
3. **Resolved** on the motion of Mr W Smith and seconded by Mr P Webb that the minutes of the meeting held on 25 October 2001 be adopted.
4. **Resolved** on the motion of Ms M Andrews and seconded by Mr W Smith that the minutes of the meeting held on 8 November 2001 be adopted.

5. **Resolved** on the motion of Mr P Webb and seconded by Ms M Andrews that the minutes of the meeting held on 14 November 2001 be adopted.
6. **Resolved** on the motion of Mr W Smith and seconded by Ms M Andrews that the minutes of the meeting held on 28 November 2001 be adopted.
7. **Resolved** on the motion of Dr P Wong and seconded by Mr. P Webb that the minutes of the meeting held on 29 November 2001 be adopted.

Inquiry into the Procedures Followed During Investigations and Prosecutions undertaken by the HCCC

IN CAMERA HEARING: The Committee heard from a number of witnesses.

Meeting Closed at 11.30a.m.

Minutes of Proceedings

**Thursday, 28 February 2002 at 10.30am
Room 1153, Parliament House.**

MEMBERS PRESENT

Mr. Jeff Hunter MP (Chairman)
Ms. Marie Andrews MP
Mr. W. Smith MP
Hon P Wong MLC
Hon H Tsang MLC

APOLOGIES:

Mr. P. Webb MP
Hon B. Pezzutti MLC

In Attendance: Ms. Catherine Watson (Committee Manager),
Ms. Jackie Ohlin (Project Officer),
Mr. Keith Ferguson (Committee Officer)

The Chairman opened the meeting at 10.35a.m.

Minutes:

Resolved on the motion of Mr W Smith and seconded by Ms M Andrews that the minutes of the meeting held on 14 February 2002 be adopted.

Correspondence

The Committee considered correspondence:

- From Ms Amanda Adrian, Health Care Complaints Commissioner, concerning details of Dr Sabag's case.
The Committee decided that questions flowing from the letter would be put to the Commissioner when the Committee meets with Ms Adrian as part of the investigations inquiry.
- The Committee considered correspondence from Ms Amanda Adrian, Health Care Complaints Commissioner, concerning Mrs Joanna Howard's complaint. The Committee

noted the contents and **resolved** on the motion of Mr W Smith, seconded by Dr P Wong, to write to Ms. Hodgkinson MP informing Ms. Hodgkinson that the Commissioner will be arranging a further meeting with Ms. Howard.

General Business

The Committee discussed future directions of the investigations inquiry. The Committee agreed that officers of the United Medical Protection Society be asked to appear before the Committee to discuss aspects of the HCCC investigation and prosecution procedures.

Meeting Closed at 11.25a.m.

Minutes of Proceedings Thursday, 14 March 2002 at 10.00am Room 1153, Parliament House.

MEMBERS PRESENT

Mr. Jeff Hunter MP (Chairman)
Mr. W. Smith MP
Mr. P. Webb MP
Hon P Wong MLC
Hon B. Pezzutti MLC
Hon H Tsang MLC

APOLOGIES:
Ms. Marie Andrews MP

In Attendance: Ms. Catherine Watson (Committee Manager),
Ms. Jackie Ohlin (Project Officer),
Mr. Keith Ferguson (Committee Officer)
Ms. Glendora Magno (Assistant Committee Officer)

The Chairman opened the meeting at 10.00a.m.

General Business

1. Dr B Pezzutti tendered a letter from Ms Joanna Howard (with a statement signed by Elizabeth Smith) in respect to correspondent previously forwarded to the Committee.

Resolved on the motion of Dr B Pezzutti, seconded by Mr P Webb that the letter with accompanying statement be forwarded to the Health Care Complaints Commission.

Inquiry into the Procedures Followed During Investigations and Prosecutions undertaken by the HCCC

Briefing from:

Mr David Brown, Director Legal Services United Medical Protection Society and
Ms Helen Turnbull, Solicitor, United Medical Protection Society.

Meeting Closed at 11.55a.m.

Minutes of Meeting
Thursday, 21 March 2002 at 10.00am
Room 814/815, Parliament House.

MEMBERS PRESENT

Mr Jeff Hunter MP (Chairman)
Mr W Smith MP
Mr P Webb MP
Hon P Wong MLC
Hon B Pezzutti MLC
Hon H Tsang MLC
Ms Marie Andrews MP

In Attendance: Ms Catherine Watson (Committee Manager),
Ms Jackie Ohlin (Project Officer),
Mr Keith Ferguson (Committee Officer)
Ms Glendora Magno (Assistant Committee Officer)

The Chairman opened the meeting at 10.10a.m.

Inquiry into the Procedures Followed During Investigations and Prosecutions undertaken by the HCCC

IN CAMERA HEARING: Evidence taken from a number of witnesses.

Meeting Closed at 12.55p.m.

Minutes of Proceedings
Thursday, 30 May 2002 at 10.30am
Parkes Room, Parliament House.

MEMBERS PRESENT

Mr Jeff Hunter MP (Chairman)
Ms Marie Andrews MP
Mr W Smith MP
Mr P Webb MP
Hon P Wong MLC
Hon H Tsang MLC

APOLOGIES:

Hon B Pezzutti MLC

In Attendance: Ms Catherine Watson (Committee Manager),
Ms Jackie Ohlin (Project Officer),
Mr Keith Ferguson (Committee Officer)

The Chairman opened the meeting at 10.40a.m.

Minutes

Resolved on the motion of Mr P Wong and seconded by Ms M Andrews that the minutes of the meeting held on 11 April 2002 be adopted.

Correspondence

1. Letter from the N.S.W. Medical Board, Mr B C McCaughan President – contents noted.
2. Letter from Dr Z– contents of the letter noted.
3. Letter from Dr W – contents of letter noted.
4. Letter from Dr R discussed. Contents noted. Resolved to call Dr R to give evidence to the Committee.
5. Letter from Dr M discussed. Contents noted. Contents of letter to be used as basis for questioning of Health Care Complaints Commissioner.
6. Article from the Medical Journal of Australia discussed. Contents noted.

General Business

Resolved on the motion of Ms Marie Andrews seconded by Dr Peter Wong that the Committee seek permission from the Speaker to visit the following organisations in Western Australia as part of the Committee's inquiry into the investigation and prosecution procedures followed by the HCCC:

Health Committee of the Western Australian Parliament;
The Office of Health Review;
The Western Australian Medical Board;
The Australian Medical Association of Western Australia;
Medical Defence Association of Western Australia;
The Royal College of General practitioners;
The College of Psychiatrists; and
The Health Department of Western Australia.

- The recent visit by members of the Western Australian Public Accounts Committee discussed.
- Letter from the Health Conciliation Registrar noted. Proposed that the Committee meet later in the year with the Registrar to discuss where she is up to in the reorganisation of the Registry.

Meeting Closed at 11.30a.m.

Minutes of Meeting
Wednesday, 19 June 2002 at 10.00am
Jubilee Room, Parliament House.

MEMBERS PRESENT

Mr Jeff Hunter MP (Chairman)
Ms Marie Andrews MP
Mr W Smith MP
Mr P Webb MP
Hon B Pezzutti MLC
Hon P Wong MLC
Hon H Tsang MLC

In Attendance: Ms Catherine Watson (Committee Manager),
Ms Jackie Ohlin (Project Officer),
Mr Keith Ferguson (Committee Officer)
Ms Glendora Magno (Assistant Committee Officer)

The Chairman opened the meeting at 10.00a.m.

Inquiry into the Procedures Followed During Investigations and Prosecutions undertaken by the HCCC

PUBLIC HEARING:

Ms Amanda Adrian, Health Care Complaints Commissioner, and
Ms Julie Kinross sworn and gave evidence.

Meeting Closed at 11.30a.m.

Minutes of Meeting
Thursday, 27 June 2002 at 10.00am
Room, 1254

MEMBERS PRESENT

Mr Jeff Hunter MP (Chairman)
Ms Marie Andrews MP
Mr W Smith MP
Mr P Webb MP
Hon P Wong MLC
Hon H Tsang MLC

APOLOGIES:

Hon B Pezzutti MLC

In Attendance: Ms Catherine Watson (Committee Manager),
Ms Jackie Ohlin (Project Officer),
Mr Keith Ferguson (Committee Officer)
Ms Glendora Magno (Assistant Committee Officer)

The Chairman opened the meeting at 10.00a.m.

Inquiry into the Procedures Followed During Investigations and Prosecutions undertaken by the HCCC

IN CAMERA HEARING: Evidence taken from a witness Dr S

Professor Brian McCaughan, President, NSW Medical Board, and Mr Andrew Dix, Registrar, NSW Medical Board sworn and gave evidence. Evidence concluded witnesses withdrew.

**Meeting Closed at 1.00p.m.
Thursday, 5 September 2002 at 10.30am
Room, 1153**

MEMBERS PRESENT

Mr Jeff Hunter MP (Chairman)
Ms Marie Andrews MP
Mr P Webb MP
Hon B Pezzutti MLC
Hon P Wong MLC
Hon H Tsang MLC

APOLOGIES:
Mr W Smith MP

In Attendance: Ms Catherine Watson (Committee Manager),
Ms Jackie Ohlin (Project Officer),
Mr Keith Ferguson (Committee Officer)
Ms Glendora Magno (Assistant Committee Officer)

The Chairman opened the meeting at 10.35a.m.

A. Consideration of Minutes.

Resolved on the motion of Dr P Wong and seconded by Mr P Webb that the minutes of the meeting held on 30 May 2002 be adopted.

Resolved on the motion of Dr B Pezzutti and seconded by Mr P Webb that the minutes of the meeting held on 6 June 2002 be adopted.

Resolved on the motion of Ms Marie Andrews and seconded by Dr Brian Pezzutti that the minutes of the meeting held on 19 June 2002 be adopted.

Resolved on the motion of Ms Marie Andrews and seconded by Mr P Webb that the minutes of the meeting held on 27 June 2002 be adopted.

B. Inquiry into the Procedures Followed During Investigations and Prosecutions undertaken by the HCCC

Submission from Dr P – Committee agreed that the submission be accepted and filed with other inquiry submissions.

Submission from Dr E – Committee considered that the Secretariat research the *Health Records Act* as to the procedures for disposal of medical records, and further to make inquiries with “*representative bodies and government organisations*” that are advising clinicians that it is appropriate to destroy records after seven years. The Secretariat is to report back to the Committee the results of such research.

Submission from Dr L - Committee agreed that the submission be accepted and filed with other inquiry submissions.

C. Letter from Ms Amanda Adrian, Health Care Complaints Commissioner dated 10 July 2002

Letter considered by Committee. Agreed that the Committee write to the Health Care Complaints Committee and seek:

- (a) additional submission as mentioned in paragraph 2 of letter, and
- (b) the names and C. V. of the medical advisers currently employed by the HCCC

Further, the Committee **resolved** on the motion of Dr B Pezzutti and seconded by Dr P Wong that the Committee visit the Health Care Complaints Commission. The Secretariat to organise a date suitable.

Resolved on the motion of Dr B Pezzutti and seconded by Dr P Wong that the Committee write to the Health Care Complaints Commissioner seeking detailed information on the amount of legal costs the Commission has been required to pay for the financial year 2000-1 and 2001-2002 and 2002/03 to date. The HCCC be requested to provide details as to the cases on which costs have been awarded, and particularly the costs to be paid or have been paid in the cases of Daskalopoulos, Liu, Aitkens, Gad and Zipser.

The Committee is also to seek advise from the HCCC whether those cases were put before the Medical Board prior to commencing prosecution and if so, what was the decision of the HCCC and the Medical Board.

D. Recommendations proposed by key stakeholders.

Consideration of the recommendations is postponed to the Committee’s next meeting. In the meantime members of the Committee are to consider the recommendations and forward their views to the Secretariat.

E. Submission by Dr R

Committee considered the submission. It was agreed that the Committee write to the HCCC seeking advice as to whether the use of tape recording conversations between the

doctor and his patient an appropriate method in which to obtain evidence.

F. General Business.

Case studies noted by the Commission. The Committee agreed that a date to be organised for the Committee to attend to a hearing of the Medical Tribunal and to contact the Registrar of the Medical Board to obtain permission to view the workings of a Professional Standards Committee inquiry.

Meeting closed 11.45p.m.

**Minutes of Meeting
Thursday, 19 September 2002 at 10.30am
Room, 1153**

MEMBERS PRESENT

Mr Jeff Hunter MP (Chairman)
Ms Marie Andrews MP
Mr W Smith MP
Mr P Webb MP
Hon B Pezzutti MLC
Hon H Tsang MLC

APOLOGIES:
Hon P Wong MLC

In Attendance: Ms Catherine Watson (Committee Manager),
Ms Jackie Ohlin (Project Officer),
Mr Keith Ferguson (Committee Officer)

The Chairman opened the meeting at 10.35a.m.

G. Consideration of Minutes.

Resolved on the motion of Dr B Pezzutti and seconded by Ms M Andrews that the minutes of the meeting held on 5 September 2002 be adopted.

H. Inquiry into the Procedures Followed During Investigations and Prosecutions undertaken by the HCCC

Consideration of supplementary submission from Ms Amanda Adrian, Health Care Complaints Commissioner. – Committee agreed that the submission be accepted and filed with other inquiry submissions.

Discussed possibility of tabling an interim report to be an issue paper in respect to the procedures followed by the HCCC in respect to investigations and productions.

Meeting closed 11.25p.m.

Minutes of Meeting
Tuesday 17 June 2003 at 4.30 pm
Parliament House – Room 1254

Members Present

Hon P Allan MP, Hon D Clarke MLC, Ms T Gadiel MP, Mr J Hunter MP, Mr R.W. Turner MP

Apologies

Apologies received from Hon C Robertson MLC, and Hon Dr P Wong MLC.

Secretariat

Catherine Watson, Committee Manager

Jackie Ohlin, Project Officer

Keith Ferguson, Committee Officer.

Meeting Opened – 4.35 p.m.

1. Minutes

The Committee considered the minutes for the meeting held on 21 May 2003. Minor changes made.

Resolved on the motion of Ms T Gadiel and seconded by Mr D Clarke that the minutes of the meeting held on 21 May 2003 be adopted.

2. Inquiry into Investigations and Procedures Undertaken by HCCC.

All new members of the Committee presented with a copy of all 93 submissions received during the inquiry.

All members presented with a copy of all 26 submissions received in response to the release of the Committee's Discussion Paper.

General discussion as to aspects of the Committee's Inquiry. Chairman suggested that members to review submissions and decide who might be called to provide evidence to the Committee.

3. Background Information Paper.

Committee to review paper and bring any suggested alterations to the next Committee Meeting.

4. 10 year anniversary celebration.

The Committee was initially established in May 1994. Discussion held as to a format for celebrating the first decade of the Committee.

Resolved on the motion of Ms P Allan seconded by Mr R Turner that the Committee celebrate the tenth anniversary of the committee next year and that the Secretariat investigate options for official celebrations.

General Business

Overseas Study Trip

Chair proposed an overseas trip during the next parliamentary recess.

Resolved on the motion of Ms P Allan and seconded by Ms T. Gadiel that the Committee seek the approval of the Speaker of the Legislative Assembly for a committee delegation to undertake an overseas study tour to examine overseas jurisdictions as part of its inquiry into the investigation and prosecution procedures of the Health Care Complaints Commission.

Meeting closed: 6 p.m.

Minutes of Meeting Thursday, 18 September 2003 at 10:00am Parliament House

Members Present

Mr Jeff Hunter MP (Chairman)
Hon Christine Robertson MLC
Hon Dr Peter Wong MLC
Mr Russell Turner MP
Mr Allan Shearan MP
Ms Tanya Gadiel MP

In Attendance: Ms Jackie Ohlin (Project Officer), Mr Keith Ferguson, (Committee Officer), Ms Glendora Magno (Assistant Committee Officer)

Apologies

Hon Mr David Clarke MLC

Confirmation of Minutes

The Committee considered the Minutes of the meeting of 17 June 2003.

Resolved on the motion of Mr Russell Turner and seconded by Ms Tanya Gadiel that the minutes be adopted with minor amendments.

Public Hearing:

Ms Amanda Adrian, Commissioner, Health Care Complaints Commission, sworn and examined.

Ms Julie Kinross, Assistant Commissioner, Assistant Commissioner, sworn and examined.

Evidence concluded, witnesses withdrew.

Meeting closed at 12.45pm.

Minutes of Meeting
Thursday 30 October 2003 at 3.30pm
Parliament House

Members Present

Mr Jeff Hunter MP, Chairman

Hon Christine Robertson, MLC

Hon Dr Peter Wong, MLC

Mr Allan Shearan, MP

Mr Russell Turner, MP

Secretariat

Ms Catherine Watson, Committee Manager

Ms Jackie Ohlin, Project Officer

Ms Glendora Magno, Assistant Committee Officer

In attendance: Mr Ian Knight, Crown Solicitor
 Ms Justin Rogers, Solicitor, Crown Solicitor's Office

Apologies

Ms T Gadiel, MP

Hon David Clarke, MLC

1. Briefing from Solicitor-General

The Committee had informal discussion with Mr Ian Knight, Solicitor-General and Ms Justin Rogers concerning the prospect of a role for the Office of the Crown Solicitor in the prosecution of Health Care Complaints Commission cases.

2. Correspondence

The Committee noted the receipt of the following correspondence:

- Commissioner Amanda Adrian: response to follow-up questions resulting from the Annual Meeting with the Commissioner
- Response to Discussion Paper, correspondence from Dr C

Resolved on the motion of Dr P Wong and seconded by Mr A Shearan that the Commissioner's correspondence be noted and appended to the Committee's Report of the Meeting; and that the Committee might use the information provided by Dr C as a case study in the Inquiry Report and further that the Committee write to Dr C and advise him that his concerns have been taken into account.

3. Other Business

Dr P Wong advised Committee members that he had moved a motion in the Legislative Council to seek documents relating to the handling of the case of Dr S by the HCCC.

The meeting closed at 5.15pm

Minutes of Proceedings

Wednesday, 12 November 2003 at 10.30am

Parliament House

Members Present

Mr J Hunter MP (Chairman), Hon C Robertson MLC, Mr A Shearan MP, Hon Dr P Wong MLC, Hon D Clarke MLC, Mr R Turner MP

Apologies

Ms T Gadiel MP

In attendance

Ms C Watson, Committee Manager
Ms J Ohlin, Project Officer
Ms G Magno, Assistant Committee Officer

Confirmation of Minutes

Resolved on the motion of Mr A Shearan, seconded Dr P Wong that the Minutes of the Public Hearing held on 18 September 2003 be accepted.

Resolved on the motion of Dr P Wong, seconded Mr A Shearan that the Minutes of the Meeting held on 30 October 2003 be accepted.

1. The Committee received a further briefing from Mr David Brown, General Manager, Legal Services, and Ms Helen Turnbull, Solicitor, United Medical Protection concerning the Inquiry into Procedures During Investigations and Prosecutions Undertaken by the HCCC.

2. Other business
 - 2.1 Dr P Wong advised the Committee that the Clerk of the Parliament is seeking further advice regarding the right to call for HCCC papers relating to the case of Dr S.

 - 2.2 The Committee agreed to write to Commissioner Adrian further to her correspondence following the Annual Meeting, seeking clarification of several issues. Wong/Shearan. Carried.

The meeting concluded at 12.45pm.

Minutes of Proceedings
Thursday, 4 December 2003 at 10:00am
Room 1108, Parliament House

Members Present

Mr Jeff Hunter MP (Chairman)
Hon Mr David Clarke MLC
Hon Christine Robertson MLC
Hon Dr Peter Wong MLC
Mr Russell Turner MP
Mr Allan Shearan MP

In Attendance: Ms Jackie Ohlin (Project Officer), Mr Jason E Reodique, (Committee Officer)

Apologies

Ms Tanya Gadiel MP

Confirmation of Minutes

Resolved on the motion of Mr Turner, seconded by Mr Shearan that the minutes of the meeting held on 20 November 2003 be accepted. Carried.

Public Hearing (In camera)

A witness affirmed and examined. Evidence concluded, the witness withdrew.

Other Business

The Committee noted the following:

1. Additional submissions to the Discussion Paper on Inquiry into Investigation and Prosecutions Undertaken by HCCC:

Submission No. 29 – Nurses Registration Board of NSW

Submission No. 31 – Ms. S

2. Transcript of Committee Proceedings of General Purpose Standing Committee No. 2 on the examination of proposed expenditure for the Health portfolio on 25 October 2003.

3. Meeting on Friday, 12 December 2003 with Ms. Amanda Adrian, Commissioner, Health Care Complaints Commission.

The Committee discussed foreshadowed recommendations to the Report on Procedures Followed During Investigations and Prosecutions Undertaken by the HCCC.

Minutes of Proceedings

Friday, 5 December 2003 at 11am in Room 1043

Parliament House

Members Present

Mr J Hunter (Chairman), Mr A Shearan, Mr R Turner, Hon D Clarke, Hon C Robertson, Hon Dr P Wong

Apologies

Ms T Gadiel

Confirmation of Minutes

Resolved on the motion of Hon C Robertson, seconded Mr R Turner that the minutes of the meeting held 4 December 2003 be accepted, with the inclusion of reference to the Committee's discussion of foreshadowed recommendations for the Inquiry Report into Procedures Followed During Investigations and Prosecutions Undertaken by the HCCC. Carried.

General Business

1. The Committee **resolved** on the motion of Mr R Turner, seconded Hon C Robertson to write to the Minister for Health, identifying concerns arising as a result of the Inquiry into Procedures Followed During Investigations and Prosecutions Undertaken by the HCCC, specifically with the structure and conduct of investigations, investigations reporting mechanisms, systems of staff recruitment and training for investigations. As a result of

seriousness of these concerns, the Committee will request that the Minister resource an independent external review of the matters of concern. Carried unanimously.

2. Mr Hunter noted two publications received from the Health Rights Commission, Queensland, which may assist the Inquiry. They are *A guide to help you resolve your concerns/complaint* and *Report on the review of the Health Rights Commission*. Mr Hunter advised that the Queensland Office of Health Practitioner Boards had employed a team of external investigators to assist in reducing the backlog of investigations. This was done at minimal cost, with due regard for privacy considerations and taking into account the level of proficiency and training of the investigators to undertake investigations. The Committee agreed to include this process a recommendation for reducing current investigations backlogs at the HCCC.
3. The Committee discussed the possibility of a forthcoming inquiry into alternative dispute resolution.

The meeting closed at 11.50am.

The next meeting of the Committee will be held on Friday 12 December 2003 at 12 noon to meet with the Health Care Complaints Commissioner.

The meeting closed at 12:00 noon.

Minutes of Proceedings
Friday, 12 December 2003 at 12:00 noon
Room 814/815, Parliament House

Members Present

Mr Jeff Hunter MP (Chairman), Hon Mr David Clarke MLC, Hon Dr Peter Wong MLC, Mr Allan Shearan MP

In Attendance: Ms Jackie Ohlin (Project Officer), Mr Jason E Reodique, (Committee Officer)

Apologies

Ms Tanya Gadiel MP, Hon Christine Robertson MLC, Mr Russell Turner MP

A. Confirmation of Minutes

Resolved on the motion of Mr Shearan, seconded by Mr Clarke, that the minutes of the meeting held on 5 December 2003 be accepted. Carried.

B. Correspondence

The Committee noted the correspondence from Commissioner Amanda Adrian dated 10 December 2003.

C. Draft Report on the Inquiry into the Procedures Followed During Investigations and Prosecutions Undertaken by the Health Care Complaints Commission

The Committee considered the draft report and agreed on a number of amendments.

Resolved on the motion of Dr Wong, seconded by Mr Shearan, that the Committee accept the report and that the Chairman and Committee Manager be permitted to correct any incidental stylistic and typographical errors that are identified while preparing the Report for printing.

D. Draft Report of Study of International Jurisdictions

The Committee considered the draft report.

Resolved on the motion of Mr Clarke, seconded by Mr Shearan, that the Committee accept the report and that the Chairman and Committee Manager be permitted to correct any incidental stylistic and typographical errors that are identified while preparing the Report for printing.

E. Next Inquiry: Inquiry into Alternative Dispute Resolution Procedures

The Committee was presented and discussed the terms of reference of the inquiry.

Resolved on the motion of Dr Wong, seconded by Mr Shearan, that the Committee accept the terms of reference of the inquiry, as follows;

The Committee is to inquire and report on:

- The role, functions and operations of the Health Conciliation Registry;
- Whether the Health Conciliation Registry has adequate powers under Part 6 of the *Health Care Complaints Act 1993 (NSW)* to perform its functions;
- The role of the Patient Support Office in mediating and conciliating complaints;
- Other appropriate methods of resolving health care complaints other than investigation;
- Any other relevant matters.

F. 9th Annual General Meeting with the Commissioner on the 2002/2003 HCCC Annual Report

The Committee was presented a copy of the HCCC 2002/2003 Annual Report.

Resolved on the motion of Dr Wong, seconded by Mr Clarke, that the Committee place an advertisement in the local newspapers calling for submissions, and engage the services of Mr Chan Sew to undertake a review of the annual report.

Date and Time of Next Meeting

To be advised.

The meeting closed at 1:30pm