

Submission

No 22

## INQUIRY INTO THE OPERATION OF THE HEALTH CARE COMPLAINTS ACT 1993

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The PHARMACY GUILD of AUSTRALIA

NSW BRANCH

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2 December 2008

Hon Helen Westwood AM MLC  
Chair  
Committee on the Health Care Complaints Commission  
Parliament of New South Wales  
Macquarie Street  
SYDNEY NSW 2000

Dear Ms Westwood

Thank you for your invitation to make a submission to the Inquiry into the Operation of the Health Care Complaints Act 1993.

I would like to express my strong support for the Commission operating as an independent investigator and prosecutor of serious health care complaints. The Pharmacy Guild places a high value on the Health Care Complaints Commission's ability to deliver independent and impartial determinations

It is self evident that there have been historic failures in the operation of the Commission but it is equally clear that these failures have been well analysed and remedial measures implemented that have lead to a robust and professional body. Your own Committee has provided an appropriate vehicle for identifying systemic improvements required, including those recommendations from your Committee in the "*Report on the Investigations by the Health Care Complaints Commission into the Complaint Made Against Mr Graeme Reeves*". I will leave to others, closer to the detail, to comment on areas for further improvement, which could go to whether the current level of prescription is always in the best interest of an efficient investigative process and whether the now less frequent but occasional long delays in resolution of issues can be remedied by procedural or resourcing measures.

The Pharmacy Board and the Commission seem to work well in determining appropriate responses to matters subject of investigation and the Commission appears to recognise the expertise that resides in the Pharmacy Board in respect of pharmacy and to respect that expertise in allocating investigative roles when appropriate.

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It is also true that community pharmacy is cognisant of the high level of professionalism and investigative expertise that resides in the Health Care Complaints Commission and notes that to varying degrees this is in contrast to the situation existing in other jurisdictions where a similar level of investigative expertise may not reside in the various health-related Boards.

It was notable that at a recent Sydney briefing session by Commonwealth officers on the National Registration and Accreditation Scheme there was wide concern amongst NSW Health professionals that the Health Care Complaints Commission model and its strengths would be sacrificed to a national scheme dedicated to a cumbersome national approach rather than a practical mutual recognition process and best practice. Best practice was felt to be embodied within the Commission model where independent investigations and prosecutions are undertaken.

The Pharmacy Guild in NSW shares this general concern of NSW Health professionals and has a number of other concerns relating to that proposed national scheme. Most striking is its unreasonable timetable for legislating and its overly bureaucratic approach to generating a national recognition scheme and some greater flexibility in health professional roles.

The Pharmacy Guild in NSW would urge your Committee to be champions for the Commission in the face of the COAG accreditation and registration process. This process is creating a new Federal bureaucracy for purposes that should be achievable by other means and by means that would be less costly ultimately for the NSW Government and NSW health professionals and would not put at risk community health safety expectations. These are responsibilities the NSW community would not expect its Government to abrogate yet that is what is happening.

Yours sincerely



**Si Banks**  
Branch President