

Submission

No 24

INQUIRY INTO THE OPERATION OF THE HEALTH CARE COMPLAINTS ACT 1993

Organisation: Australian Dental Association (NSW Branch) Ltd
Name: Dr Matthew Fisher
Position: Chief Executive Officer
Telephone: 8436 9900
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AUSTRALIAN DENTAL ASSOCIATION

(NEW SOUTH WALES BRANCH) LIMITED • A.B.N. 34 000 021 232



9 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

The Australian Dental Association (NSW Branch) Ltd ("ADA NSW") welcomes the opportunity to comment on the Operation of the Health Care Complaints Act 1993 (Inquiry).

ADA NSW is the professional association representing dentists, whether practising in the public or private sector, in New South Wales. The Association provides services for, and on behalf of, members to enable them to deliver the best possible standard of care to the community. The Branch has over 3,700 members, which represent approximately 80% of registered dentists in NSW.

The Branch has in the past, and continues to; support the Commission operating as an independent investigator and prosecutor of serious health care complaints working in conjunction with the Dental Board of NSW. The Branch views this approach will ensure the acknowledged high standards of dentistry are maintained. ADANSW has been active in its work with the Commission to ensure an understanding of the practice of dentistry and to ensure that the public is protected. This outcome is attained whilst the profession is supported in achieving its obligations to the public. There have been historic failures in the operation of the Commission, but these appear to have been analysed and appropriate reform using remedial measures implemented. This has lead to a greater confidence being restored in the Commission and signifies that there is a commitment to continuous improvement. In the end there needs to be an efficient investigative process that respects natural justice principles; this process needs to interface with the profession specific board to provide appropriate context and resolution to complaints made to the Commission.

The Dental Board of NSW and the Commission appear to work well in determining appropriate responses to matters that are the subject of investigation and the Commission appears to recognise the expertise that resides in the Dental Board. In our submission to the Health Care Complaints Commission's Code of Practice on 16 April 2008, the Branch was particularly supportive of provisions in the code which enable the Commission's Inquiry Service to suggest "more appropriate avenues" for people concerned about dental care provided to them. Of the 2,722 complaints received by the Commission in 2006-07, just 173 related to dentists. Over two-thirds of these complaints were referred to the NSW Dental Board for appropriate action (another 20 per cent were discontinued as they did not raise significant issues of health and safety for the patient). By the Commission's own statement, the number of complaints referred to the Dental Board reflects the robust structures and programs the Board has in place for addressing treatment and professional conduct in dentistry. The Branch agrees with this sentiment wholeheartedly and supports the concept of interaction to ensure public interest and safety is maintained. The ability of the Commission to refer complaints to the Board helps engender confidence in our members that complaints against them will be investigated and assessed by an organisation with specialist and appropriate dental knowledge.

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Any review of the Commission needs to ensure its interaction with profession specific boards is retained as this should also help to promote confidence from the public that complaints about (dental) care are resolved in the most appropriate manner.

The Branch supports the object and principle of administration of the Act to establish the Health Care Complaints Commission as an independent body for the purposes of:-

- (a) Receiving and assessing complaints under this Act relating to health services and health service providers in New South Wales; and
- (b) Investigating and assessing whether any such complaint is serious and, if so, whether it should be prosecuted; and
- (c) Prosecuting serious complaints; and
- (d) Resolving or overseeing the resolution of complaints.

I am available for further comment if required.

Yours sincerely

A handwritten signature in black ink, consisting of a stylized initial 'M' followed by a long horizontal line that tapers to the right.

Dr Matthew Fisher PhD
Chief Executive Officer
Australian Dental Association (NSW Branch) Ltd