

Submission

No 29

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

**Organisation:** NSW Psychologists Registration Board  
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Mr Mel Keenan  
Committee Manager  
Committee on the Health Care Complaints Commission  
Parliament of New South Wales  
Macquarie Street  
SYDNEY NSW 2000

21 October 2009

Dear Mr Keenan

The NSW Psychologists Registration Board appreciates this opportunity to comment on the *Inquiry into the Operation of the Health Care Complaints Act 1993* undertaken by the NSW Parliamentary Committee and upon the 29 recommendations relating to the functioning of the Health care Complaints Commission (HCCC). Firstly, I outline areas in which the Board is largely in agreement with the recommendations of the Report, and then indicate an issue raised in the Report that is of concern to the Board.

### **Areas in which the Psychologists Registration Board supports the Recommendations of the Report**

The Board strongly endorses all recommendations that relate to better communication between the HCCC and health authorities and registration boards (e.g., Issue 4). The Board commends the Report on the recommendations it makes for a greater level of openness and communication by the HCCC with practitioners against whom a complaint has been made, such as the recommendation that the HCCC improve communication about the complaints handling process, the practitioner's responsibilities and their rights (Issue 12), and that Information Packages be developed and sent to practitioners who are required to respond to a complaint (Issue 14). The Board also supports the recommendations that the HCCC adopt the Australian Charter of Healthcare Rights (Issue 1 and 2), and that this be added as a schedule to the HCC Act (Issue 3). The Board also endorses the recommendations that would allow the HCCC to initiate its own complaints (Issue 11), and to undertake internal reviews (Issue 25). The Board strongly endorses the recommendation that investigation of a complaint be conducted as quickly as practicable (Issue 17). This latter recommendation addresses a long-standing concern of the Board about the HCCC's management of complaints referred to it by the Psychologists Registration Board.

The Board also supports the recommendations relating to the way in which the HCCC deals with clients/complainants. In particular that an assessment be made of a client's capacity to understand the process (Issue 6), and where the complainant is an Area Health Authority (AHA), that AHAs be better informed about the progress of a complaint via monthly updates (Issue 27).

A number of recommendations relate to possible disagreements between Boards or Conduct Committees and the HCCC. The Board is also in agreement with these recommendations, such as Issue 20 which proposes that where a Board disagrees with a peer reviewer, that the HCCC seek a further opinion, and Issue 21 which recommends that if the HCCC wishes to seek an expert opinion at the end of an

investigation, that it should seek a person "who, in the view of the relevant registration authority, is sufficiently qualified or experienced to give expert advice on the matter of the subject of the complaint". The Board also supports the recommendation that where the HCCC and a Board differ in opinion on the action that should be taken about a complaint, that the more serious path is to be followed (Issue 24).

The Report also recommends that, just as there is a Parliamentary Committee to annually review the operation of the HCCC, that there be a similar committee to review the operations of the State Registration Boards (Issue 10). The Board is in agreement with this recommendation.

### **An Area of Concern to the Board**

The Report makes a number of recommendations that specifically address how the HCCC should relate to Registration Boards. For example Issue 7 recommends "that the various NSW Registration Acts be repealed, and replaced by a single Health Professionals Registration Act". The intent of this recommendation would seem to be that the various NSW Health Registration Boards will be constituted under the one Act that will require common registration and complaints procedures.

The Board is in general agreement with the proposal that a single State Registration Act in NSW would be an appropriate legislative framework for the constitution of this State's Registration Boards, and notes that this Act would parallel the Health Practitioner Regulation National Law Bill. However, the Board believes that the drafting of this legislation should be undertaken in collaboration with the newly established National Boards. Furthermore, the implementation of a National Registration and Accreditation Scheme has significant implications for any review and revision of HCCC processes. Specifically, the unique position that NSW has adopted in its complaints procedures, as indicated by the retention of the HCCC, mean that it is important to ensure that the HCCC and the State Board processes should fully synchronise with the National scheme. To that end, a review of mechanisms to promote communication and information sharing between the HCCC and other States and Territories and the National Agency should be a component of any revision of its operations, and thus ensure effective sharing and benchmarking of operations as a high priority.

Again, the Board thanks you for this opportunity to comment upon the Report.

Yours sincerely



Mary Shanahan  
**REGISTRAR**