

Submission

No 2

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

**Organisation:** Clinical Excellence Commission  
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**Position:** Chief Executive Officer  
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**Date Received:** 17/11/2008

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CLINICAL  
EXCELLENCE  
COMMISSION

12 November 2008

Hon Helen Westwood AM MLC  
Committee on the Health Care Complaints Commission  
Parliament House  
Macquarie Street  
SYDNEY NSW 2000  
Attn: The Committee Manager  
Email: [chccc@parliament.nsw.gov.au](mailto:chccc@parliament.nsw.gov.au)

Dear Hon Helen Westwood

### **Inquiry into the operation of the Health Care Complaints Act 1993**

Thank you for your correspondence of 6 November 2008, inviting the Clinical Excellence Commission to make a submission to the Parliamentary Joint Standing Committee on the Health Care Complaints Act, which you are chairing.

The Health Care Complaints Commission (HCCC) and Clinical Excellence Commission (CEC) share an interest in ensuring the health system is safe for patients and staff, and that lessons are shared to avert recurrence of adverse events. Disseminating lessons and findings between the two agencies is important.

The current system of complaints and incident review is complex. Depending on its nature and severity, a serious incident or complaint may be reviewed by a number of agencies, including the local health service, the coroner, the Health Care Complaints Commission, the relevant Registration Board or College. While each agency has specific interests, there are areas of overlap and duplication, and no formal mechanism for ensuring key recommendations or lessons that have relevance for the other agencies, or the CEC in particular, are shared. In the CEC's view, this is both a missed opportunity and a point of vulnerability in the health system.

Key developments the CEC recommends for enhancing the current Act include:

- formalisation of mechanisms for sharing relevant information with key agencies, such as the Clinical Excellence Commission, where broader issues of systemic safety and quality are applicable.
- streamlining processes to reduce duplication and overlap of investigations where applicable
- ensuring the process undertaken by the HCCC is one of transparency and accountability, as required of all quality systems.
- that review processes endeavour to balance the safety and quality of the system, with that of due process and a just culture in investigating complaints and providing information to relevant agencies.

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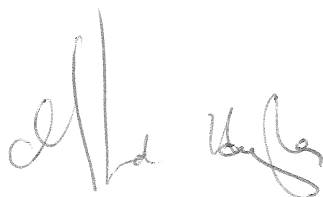
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Thank you for the opportunity to comment on this matter. Should you require further information, or wish to discuss any elements in more detail, please do not hesitate to contact myself or Dr Peter Kennedy, Deputy CEO, on 9382-7613 or email [peter.kennedy@cec.health.nsw.gov.au](mailto:peter.kennedy@cec.health.nsw.gov.au).

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Yours sincerely

A handwritten signature in black ink, appearing to read 'Clifford Hughes', written in a cursive style.

Clifford F Hughes AO  
CLINICAL PROFESSOR  
CHIEF EXECUTIVE OFFICER