

## **COSMETIC HEALTH SERVICE COMPLAINTS IN NEW SOUTH WALES**

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## Submission 17 – Office of the Health Complaints Commissioner, Victoria

Although the Health Care Complaints Commission (HCCC) and the Health Complaints Commissioner (HCC) have distinct State based jurisdictions, there is scope for overlap in their operations specifically in relation to unregistered health service providers, such as cosmetic practices. This overlap is likely because some providers operate across State boundaries. [REDACTED]

Further, consumers and providers are more mobile than before (e.g. a consumer might receive services in Sydney and seek further services in Melbourne; a provider might provide mobile services across State boundaries) and advertising and social media to promote services are easily broadcast and accessible across State lines.

In this context, there may be circumstances in which both the HCC and HCCC may seek to investigate or take action against a provider operating in both states. In addition, it is likely that other agencies may also need to be involved e.g. AHPRA, TGA, State health departments relevant to infection control or drugs and poisons.

The benefits of collaboration and coordination between health complaints entities in different jurisdictions are significant. Of course, any collaboration will need to recognise that there are differences not only in the legislative basis of the health complaints entities, but also in the way they operate, for example, the HCCC is based on a co-regulatory model, which is not the case in Victoria.

There are existing legislative provisions in Victoria which allow for the HCC to disclose information during the course of an investigation or a complaint data review if the Commissioner reasonably believes that the disclosure is necessary for or in connection with the administration of the Health Complaints Act 2016 (Vic).

A further point of difference is the power to issue interim prohibition orders while an investigation is conducted and the issuing of public warning statements. Breaches of interim prohibition orders carry significant penalties.

The Victorian Health Complaints Commissioner welcomes any opportunity to collaborate with other agencies including the NSW HCCC to improve outcomes for the public in the cosmetic health services industry.