

Ms Jeanette Radcliffe  
Committee Secretary  
Standing Committee on Community Affairs  
Parliament House  
Canberra ACT 2600

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Dear Ms Radcliffe

**RE: Inquiry into Growing evidence of an emerging tick-borne disease that causes a Lyme like illness for many Australian patients.**

I refer to your letter of 23 November 2016 advising the Health Care Complaints Commission of a submission made by Ms Janice Foster in which she makes a number of comments about the Commission. I thank you for the opportunity to respond to the matters raised.

First I wish to clarify the scope of the Commission's jurisdiction. The Commission manages complaints relating to practitioners registered in New South Wales, and also health services delivered in NSW. For all complaints relating to practitioners who are registered in other states and territories, the Australian Health Practitioner Regulation Agency (AHPRA) is the appropriate agency.

On 27 April 2016 Ms Foster made a complaint regarding Dr Michael Gannon who is a registered practitioner in Western Australia and therefore not within the Commission's jurisdiction. The Commission referred the complaint to AHPRA as the appropriate agency.

Ms Foster had made an earlier complaint to the Commission in March 2016 regarding Dr Bradley McKay who is a registered practitioner in NSW. This complaint was assessed and finalised in May 2016, which included seeking independent medical advice and consulting with the Medical Council of NSW. The decision was to take no further action as Dr McKay not breached the Medical Board of Australia's Code of Conduct in relation to the article he had written regarding Lyme disease.

Ms Foster sought a review of the assessment decision in June 2016. This review was conducted in July and August 2016, which reconfirmed the original decision. Ms Foster was advised of the outcome of that review in August 2016.

The Commission takes its role of protecting the public health and safety of the NSW community very seriously, which is reflected in the thorough assessment and review of Ms Foster's complaint.

Thank you again for the opportunity to address the concerns raised by Ms Foster.

Yours sincerely

Sue Dawson  
Commissioner

25/11/16

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