

19 October 2021

Ms Pothida Youhorn
Committee Secretary
Standing Committee on Community Affairs References Committee
Department of the Senate
PO Box 6100
Parliament House
CANBERRA ACT 2600

Submitted by email to: community.affairs.sen@aph.gov.au

Dear Ms Youhorn

Response to questions

Thank you for your correspondence of 29 September 2021 in which you submit a number of questions on behalf of the Senate Community Affairs Reference Committee's Inquiry into the administration of registration and notifications by the Australian Health Practitioner Regulation Agency.

The Commission's responses to the questions are attached.

Yours sincerely

Sue Dawson *19/10/21*
Commissioner

1. What integrity measures are currently in place in the recruitment practices of the Health Care Complaints Commission?

Response:

Public sector employment processes apply to all NSW Government agencies, including the HCCC. Integrity related recruitment practices for the Commission include:

- All staff members involved in selection panels are required to complete a Merit based Assessment Training Module, which covers relevant recruitment practices and protocols under the *Government Sector Employment Act 2013* (NSW).
- Pre-employment checks: National police criminal history check, Working with Children Check, Qualification check (if required for the role or if stated in the application), NSW Service Check (for current NSW public sector employees), Right to work (such as an Australian Passport or birth certificate).
- Candidates are informed that this is a requirement when the role is advertised, asked to confirm that they willing to undergo required pre-employment checks and notify if they have a previous criminal conviction that may impact their employment.
- All formal employment offers are contingent upon clearance in all checks prior to commencement of duty.

2. How many complaints about the conduct of Health Care Complaints Commission have been received in the last five years?

3. How many of those complaints have been investigated, and what is the process and body that investigates those complaints?

Response:

The conduct of Commission staff is reviewable by the Commission, the Ombudsman and ICAC, depending on the nature of the complaints.

- If the complaint is about the Commission's processes or practices in handling a complaint, then this matter can be review by the Ombudsman. The Ombudsman has tiered processes for considering complaints:
 - o Preliminary inquiries may find no evidence of wrong conduct under section 13AA of the *Ombudsman Act*.
 - o Initial assessment may be undertaken and it may determine to take no further action for a number of reasons which include: that the complaint was premature; there was no evidence of wrong conduct; the Commission had no jurisdiction; there were concurrent complaints afoot; or, referral of the complainant back to the Commission is appropriate.
 - o The Ombudsman may determine that it is necessary to investigate the matter.
- If the complaint is about the conduct of a staff member, it is investigated under the Commission's *Policy for dealing with external complaints against staff*. This may involve appointment of an independent external investigator if disciplinary action is likely to be considered.
- If the complaint or the issues raised are about corrupt conduct, there is a notification to ICAC, whose investigations processes are set out on their website.

Relevant matters are reported in the Commission's Annual Reports and hearings before the Joint Parliamentary Committee on the Health Care Complaints Commission.

Over the past 5 years, the Commission has initiated three independent external investigations and there have been no investigations by the Ombudsman or ICAC.