

Senate Community Affairs Committee

ANSWERS TO ESTIMATES QUESTIONS ON NOTICE

HEALTH PORTFOLIO

Additional Estimates 2016 - 2017, 1 March 2017

Ref No: SQ17-000114

OUTCOME: 2 - Health Access and Support Services

Topic: Australian Health Practitioner Regulation Agency (AHPRA)

Type of Question: Written Question on Notice

Senator: Bushby, David

Question:

My questions concerns the way complaints are administered under the Australian Health Practitioner Regulation Agency (AHPRA). Specifically; if a complaint is made by a patient against a Dentist:

- a) What is the complaint process?
- b) Who is responsible, in the first instance, to determine the veracity of the complaint?
- c) Who comprises the body that 'hears' / determines the complaint?
- d) What rights of reply does a Dentist, to whom a complaint has been made, have?

Answer:

- a) Australian Health Practitioner Regulation Agency (AHPRA) provides detailed guidance regarding their complaint (known as a notification) process on its website at <http://www.ahpra.gov.au/Notifications/Find-out-about-the-complaints-process.aspx>
- b) AHPRA will conduct an initial assessment of a notification, and if it cannot be resolved easily, will refer the matter to the relevant profession specific National Board for assessment and possible investigation. A National Board may take a number of actions under the National Law, including establishing a panel to hear matters, referring matters to the responsible tribunal or deciding to take no further action.

With Queensland and New South Wales operating as co-regulatory jurisdictions, there are differences in their investigation processes. In New South Wales, all notifications and investigations are managed through the Health Care Complaints Commission. In Queensland, the Office of the Health Ombudsman initially takes all complaints and will refer less serious complaints back to AHPRA for investigation.

- c) The Dental Board of Australia (DBA) has the power to establish two types of panel depending on the type of notification. There are health panels (for health matters) and performance and professional standards panels (for conduct and performance issues). The two types of panel have different membership requirements. Any further queries regarding the composition of panels should be directed to AHPRA.

d) AHPRA and the DBA recognise that dentists have a right to procedural fairness. AHPRA provides dentists who are the subject of a complaint with the opportunity to respond to the complaint that has been made about them, unless there are extenuating circumstances (for example because there may be a significant risk to the notifier). AHPRA also informs dentists of their rights and options in the process. If the National Board proposes to take an action against a dentist, the dentist is given a 28 day period to provide a response to this proposal.