

Senate Community Affairs Committee

ANSWERS TO ESTIMATES QUESTIONS ON NOTICE

HEALTH PORTFOLIO

Additional Estimates 2016 - 2017, 1 March 2017

Ref No: SQ17-000131

OUTCOME: 2 - Health Access and Support Services

Topic: Health Complaints and Regulatory Oversight

Type of Question: Written Question on Notice

Senator: Duniam, Jonathon

Question:

- a) What complaints have been made against Australian Health Practitioner Regulation Agency (AHPRA) to the National Health Practitioner Ombudsman and Privacy Commissioner (NHPOPC)?
- b) What groups of people have made those complaints?
- c) What have been the outcomes of these complaints?
- d) What has been the feedback from those who have made the complaints about AHPRA?
- e) What is the nature of the relationship between AHPRA and the Australian College of Surgeons with respect to complaints and dispute resolution?
- f) What are the complaint and dispute resolution processes of AHPRA and what measures are used to determine whether a complaint is of a vexatious nature?

Answer:

- a) The *2015-16 National Health Practitioner Ombudsman and Privacy Commissioner (NHPOPC) Annual Report* indicates there were 181 complaints made against Australian Health Practitioner Regulation Agency (AHPRA). The Department of Health does not have visibility of what these complaints are.
- b) The Commonwealth does not have visibility of the groups of people who have made complaints. This question should be referred to the NHPOPC.
- c) The NHPOPC Annual Report provides clear information about actions taken in the resolution of complaints.
- d) The Commonwealth does not have visibility of the feedback from complainants. This question should be referred to the NHPOPC.
- e) AHPRA has contracted the Australian Medical Council (AMC) to develop accreditation standards and approve education providers' programs of study which lead to registration in the medical profession. This AMC role includes the assessment of specialist medical colleges (e.g. Royal Australasian College of Surgeons (RACS)) training programs against the approved accreditation standards. Specialist medical colleges are required to have policies and procedures in place for dealing with complaints, grievances and general trainee matters, including appeal processes.

- f) AHPRA provides detailed guidance regarding their complaints (also known as a notification) process on its website at <http://www.ahpra.gov.au/Notifications/Find-out-about-the-complaints-process.aspx>

Most decisions taken by a National Board are appellable decisions under s199 of the *Health Practitioner regulation National Law Act 2009*. This includes decisions to impose conditions on a practitioner's registration, to reprimand a practitioner or to suspend a practitioner's registration. An affected practitioner (including if they feel the complaint is of a vexatious nature) may appeal these decisions to the relevant tribunal of their jurisdiction. Tribunal decisions are also appealable; however this process is determined by different legislation in each jurisdiction.

Affected practitioners may also provide a complaint to the National Health Practitioner Ombudsman and Privacy Commissioner which reviews the administrative actions of the national agencies within the National Registration and Accreditation Scheme such as AHPRA and the National Boards.