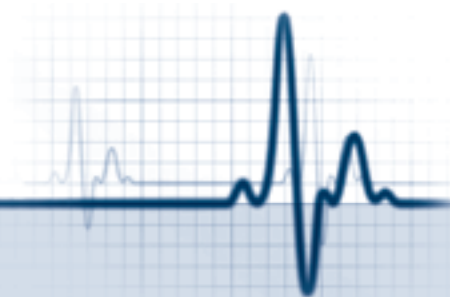


Appendix A – Complaints, privacy and FOI	87
1. Complaints about the Commission	87
2. Compliments	88
3. Privacy	88
4. Freedom of information	88
Appendix B – Organisation and management	89
1. Corporate structure	89
Senior Executive Service	89
Performance of the Commissioner	90
Commission staff	90
Staff attrition	90
Conditions of employment and movement in salaries and allowances	91
Industrial relations	91
Climate survey	91
2. Equal employment opportunity (EEO)	91
3. Workplace Consultative Committee	92
4. Personnel policies and practices	92
5. Staff training and development	92
6. Performance management	93
7. Access and equity	93
8. Aboriginal affairs – Two Ways Together results	93
9. Disability action plan	94
10. Ethnic affairs priority statement	94
11. Occupational health and safety	94
12. Code of conduct	94
13. Information and communications technology	95
14. Risk management and insurance	95
15. Audit committee and internal audits	95
16. Energy management	96
17. Records management	96
18. Consultants	96
19. Overseas visits of staff	96
Appendix C – Complaints statistics	97
Appendix D – List of expert advisers	119
Appendix E – List of charts	121
Appendix F – List of tables	122
Appendix G – Index of legislative compliance	123



Performance in 2008-09

The goal ‘to continue to develop as a learning organisation that embraces a culture of continuous improvement and sharing of knowledge, and promotes a productive, safe and satisfying workplace’

- ▶ All staff have completed performance agreements that are reviewed annually. More than 92.6% of Commission staff were rated as competent or better.
- ▶ Learning and development plans were implemented. Staff undertook an average of four training sessions.
- ▶ Two internal audits were completed of the Investigations Division and the Health Conciliation Registry and most of the recommendations were implemented.
- ▶ The Commission continued to have monthly staff meetings, at which the Commissioner and the Divisional Directors informed staff about important developments and information that impact on their work, as well as the results of the quarterly performance reports.
- ▶ The performance measures set out in the Commission's OHS and Risk Management Plan 2006-09 have been achieved according to timeframes.
- ▶ A new three-year Equal Employment Opportunity (EEO) Management Plan was developed and implemented in September 2008, and the actions of this plan have been completed according to timeframes. A report on the previous year's plan was provided to the Department of Premier and Cabinet in October 2008.
- ▶ A new three-year Ethnic Affairs Priorities Statement (EAPS) Management Plan was developed and endorsed in September 2008. The actions of this plan have been completed according to timeframes.

- ▶ The Disability Action Plan 2006-09 continues to be implemented according to timeframes. The Commission did not have a separate Aboriginal Affairs Plan; instead, strategies have been identified in the EEO Management Plan. The Commission has developed a dedicated Aboriginal outreach plan for 2009-10.
- ▶ A new ICT Strategic Plan 2008-11 was developed and implemented in July 2008.
- ▶ The Commission was accredited under the ISO27001:2005 International Standards for Information Security in January 2008. Independent audits for compliance with this standard were completed in September 2008 and March 2009.
- ▶ Further enhancements to the Casemate complaint handling and case management system were carried out, including the re-design of several complaint processes and the categorisation system, and an enhanced integration with the TRIM electronic records management system.
- ▶ The ICT equipment replacement project and an upgrade of Office 2000 to Office 2007, and associated training for all staff, were also completed.

The goal ‘to monitor performance to ensure work quality, organisational development, good governance and effective resource management’

- ▶ The Strategic Plan, Corporate Plan and Divisional Business plans were developed and implemented.
- ▶ All meetings were conducted according to their schedules – for example, the Executive Management Group was held every two weeks, the ICT Steering Committee meeting every four months, and the OHS and Workplace Consultative Committee meetings quarterly.
- ▶ Staff establishment and financial reports were reviewed by the Executive every month.

Appendix A – Complaints, privacy and FOI

Complaints about the Commission

Review requests

If a complainant is dissatisfied with the Commission's assessment of their complaint, or the outcome of an investigation into a health practitioner, they are entitled to seek a review by the Commission.

The number of requests for review in 2008-09, together with the review outcomes, are set out in Chapter 11 – 'Assessing complaints' and Chapter 14 – 'Investigating complaints'.

Complaints to the Minister and Parliamentary Committee

Sometimes complainants and health service providers complain about the Commission's decisions or operations to the Minister for Health or the Parliamentary Committee on the Health Care Complaints Commission.

Although the Commission is generally accountable to the Minister, the *Health Care Complaints Act* stipulates that the Commission is not subject to the direction of the Minister in relation to its handling of individual complaints. On this basis, the Minister will explain that the Commission is an independent agency and that the legislation precludes the Minister from intervening in the Commission's handling of the matter.

Similarly, while the Parliamentary Committee is responsible for monitoring the Commission's operations, the Committee is not entitled to reconsider the Commission's handling of particular complaints.

Complaints to the Ombudsman and ICAC

Both complainants and health service providers who are the subject of a complaint can complain about the Commission to the Ombudsman and the Independent Commission Against Corruption.

In 2008-09, the Ombudsman asked the Commission to respond to a complaint about the Commission's handling of a freedom of information matter. After receiving copies of the Commission's correspondence to the complainant, the Ombudsman advised that it would be taking no further action on the complaint.

The Commission is also aware of one case where the Ombudsman declined to investigate a complaint about a Commission review decision in circumstances where the complainant's concerns could not be resolved through conciliation.

Complaints alleging discrimination

In last year's annual report, the Commission referred to a case in which a complainant had sought leave to appeal to the Administrative Appeals Tribunal (ADT) against a decision by the Anti-Discrimination Board (ADB). The ADB had decided the complaint of discrimination by the Commission was 'lacking in substance'. In December 2008, the Tribunal refused the complainant's application for leave to appeal against the ADB's decision.

In August 2008, a medical practitioner the subject of disciplinary proceedings before the Medical Tribunal made a complaint to the ADB of 'victimisation'. The practitioner claimed that the Commission's decision to prosecute him before the Tribunal was to victimise him for assisting two other people to complain to the ADB about alleged discrimination against them by the Commission.

Following consideration of the Commission's response denying any victimisation, the ADB referred the matter to the ADT.

The Commission has asked the ADT to summarily dismiss the proceedings. This application was heard in August 2009, and the Commission is awaiting the ADT's decision.

In November 2008, the same medical practitioner complained to the ADB that the Commission's decision to refer him to the Medical Board for a possible impairment assessment was another instance of victimisation. In addition, the practitioner claimed that this was discrimination against him on the ground of disability.

In its response to the ADB, the Commission denied any victimisation or discrimination.

The ADB has referred the matter to the ADT for hearing.

Complaints alleging breach of privacy

The medical practitioner referred to above complained that the Commission had breached his privacy. This complaint was settled through an apology by the Commission to the practitioner.

Another complaint about a breach of privacy was resolved through the provision of a letter of apology and a correction to the Commission's database.

Complaints about staff

The Commission did not receive any complaints about improper or inappropriate conduct by Commission staff.

Compliments

The Commission maintains a file of compliments by complainants, health service providers and others about their dealings with Commission staff. The Commission passes on these compliments to the staff involved.

Privacy

The Commission is subject to the provisions of the *Privacy and Personal Information Protection Act* and the *Health Records and Information Privacy Act*. The Commission's privacy management plan sets out how the Commission manages its obligations under this legislation.

In 2008-09, the Commission worked on the drafting of an updated privacy management plan. A revised draft plan will be submitted to Privacy NSW for its consideration.

Freedom of information

The *Freedom of Information Act* provides that the Commission is exempt from the operation of the Act in relation to the Commission's complaint handling, investigative, complaints resolution and reporting functions.

A – new FOI applications

In 2008-09, the Commission received 10 freedom of information applications, all of which were made by individuals (as compared to nine applications in 2007-08, all of which were also made by individuals).

B – discontinued applications

In 2008-09 – as in the previous year – no applications were discontinued.

C – completed applications

D – applications granted or otherwise available in full

E – applications granted or otherwise available in part

F – applications refused

G – exempt documents

All ten applications received in 2008-09 were dealt with on the basis that the applicant was seeking access to documents in relation to which the Commission was exempt from the operation of the *Freedom of Information Act*.

H – Ministerial certificates

No Ministerial certificates were issued in 2008-09 or in the previous reporting period.

I – formal consultations

There were no applications that required consultation in 2008-09 or in the previous reporting period.

J – amendment of personal records

K – notation of personal records

There were no requests for the amendment of personal records in 2008-09 or in the previous reporting period.

L – fees and costs

M – fee discounts

N – fee refunds

In 2008-09, there was no fee provided for three applications. Fees were provided for seven applications, all of which were refunded. In the previous reporting period, a fee was provided for six of the nine applications. Two requests for internal review included fees that were refunded.

O – days taken to complete request

P – processing times (hours)

Not applicable – the Commission was exempt from the operation of the *Freedom of Information Act* in relation to all applications received in 2008-09 and in the previous reporting period.

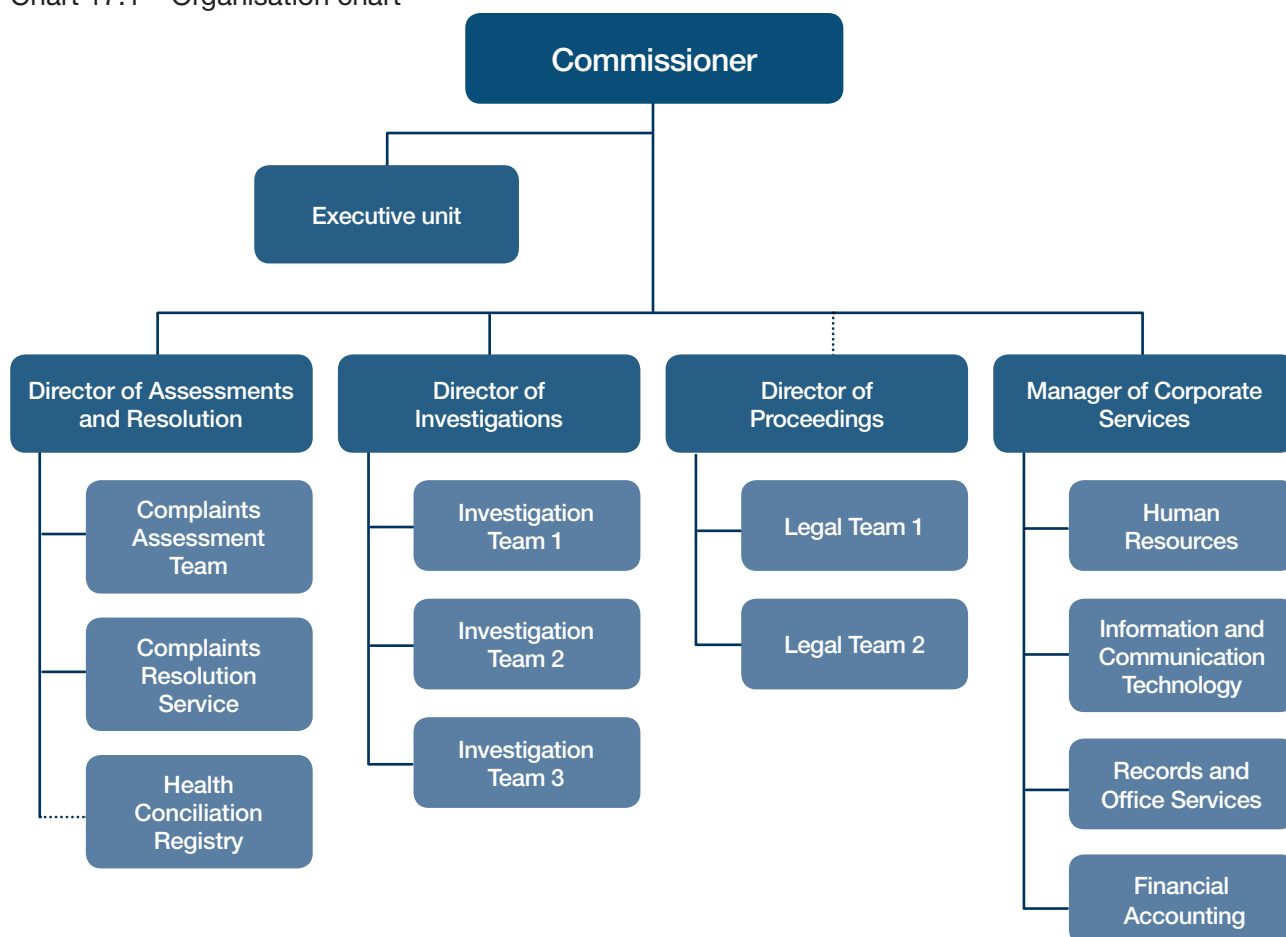
Q – number of reviews

R – results of internal reviews

There were three requests for internal review in 2008-09. There were no such requests in the previous reporting period. As the Commission was exempt from the operation of the *Freedom of Information Act* in relation to the three requests for internal review, there was no right to an internal review.

Appendix B – Organisation and management

Chart 17.1 – Organisation chart



Corporate structure

The current Commissioner, Mr Kieran Pehm, was appointed by the Governor of NSW on 29 June 2005 for a five-year term.

As illustrated in the organisational chart, the Commission has three operational Divisions – Assessments and Resolution, Investigations, and Legal – as well as an Executive Unit. In addition, it has a Corporate Services Division, which has an arrangement with the Independent Commission Against Corruption to support the delivery of corporate services.

The Office of the Health Care Complaints Commission (OHCCC) is a division of the NSW Government Service that was established under the *Public Sector Employment and Management Act 2002*.

The OHCCC is the entity that employs the Commission's staff and provides employee services.

This annual report includes separate financial statements for both entities.

Senior Executive Service

During 2008-09, the Commission had a total of four Senior Executive Service (SES) positions:

- ▶ Commissioner, SES Level 6 – Kieran Pehm, Bachelor of Arts and Law (BA/LLB), Master of Laws (LLM)
- ▶ Director of Proceedings, SES Level 2 – Karen Mobbs, Bachelor of Arts and Law (BA/LLB), FMRC Legal

- ▶ Director of Investigations, SES Level 2 – Bret Coman, Bachelor of Policing (Investigations), Master of Public Policy and Administration
- ▶ Director of Assessments and Resolution, SES Level 1 – Ian Thurgood, Certificates in Orthopaedic Nursing and General Nursing, Accredited Mediator

In March 2009, Mr Coman ended his secondment as the Commission's Director of Investigations and returned to the NSW Police Force.

Table 17.1 Senior Executive Service as at 30 June 2009

	2007-08	2008-09
Number of female executive officers	One	One
Number of executive positions occupied at each level	Level 6 – one	Level 6 – one
	Level 2 – two	Level 2 – one
	Level 1 – one	Level 1 – one

Performance of the Commissioner

As required by legislation, the Commission reports on the performance and salary of any Senior Executive Service officer at level 5 or above. The Commissioner, Mr Pehm, is remunerated at SES Level 6 with a current total remuneration package of \$259,851.

The Commissioner is responsible to the Minister for Health for the overall management and performance of the Commission. The Minister's assessment of the Commissioner's performance for 2008-09 was:

Mr Pehm's performance as Commissioner remains very competent and effective. Despite uncertainty during the year about the future scope of the Commission's activities due to the potential impact of national registration, the Commission dealt

effectively with an increasing number of inquiries and complaints and continued to improve its complaint handling performance generally against its key performance indicators.

Commission staff

At the end of the reporting period, there were 74.9 full time equivalent (FTE) staff (81 employees). Of these 81 employees, 57 were employed on a permanent basis and 24 on a temporary or contract basis. The latter includes the SES contract positions. At the end of the reporting period, only three SES contract positions were filled, as the position of the Director of Investigations remained vacant.

At the end of the reporting period, 85.2% of staff were employed on a full-time basis and 14.8% were employed on a part-time work arrangement.

The Commission had three staff seconded from other public sector agencies: one from the South Eastern Sydney/Illawarra Area Health Service, one from the Office of the Director of Public Prosecutions, and one from the Ombudsman's Office.

Staff attrition in 2008-09

During the year, six permanent staff resigned and nine temporary staff (including an SES officer) completed their contracts. One staff member was seconded to another agency, and another three officers ended their secondment to the Commission.

Table 17.3 sets out the average full-time equivalent staffing levels for the last three years and provides a more accurate indication of staff trends. The Commission's average number of full-time equivalent employees (FTE) during 2008-09 was 74.1, a decrease of 2.3 FTEs from the previous reporting period.

Table 17.2 Staff numbers by employment category 2005-06 to 2008-09

Employment basis	2005-06	2006-07	2007-08	2008-09
Permanent full-time	57	68	55	51
Permanent part-time	4	2	6	6
Temporary full-time	11	6	13	15
Temporary part-time	3	1	7	6
Contract – SES	4	4	4	3
Contract – non SES	0	0	0	0
Training positions	0	0	0	0
Retained staff	0	0	0	0
Casual	0	0	0	0
Total	79	81	85	81
Subtotals				
Permanent	61	70	61	57
Temporary	14	7	20	21
Contract	4	4	4	3
Full-time	72	78	72	67
Part-time	7	3	13	14

Table 17.3 Average full-time equivalent staffing 2005-06 to 2008-09

2005-06	2006-07	2007-08	2008-09
74.9	76.6	76.4	74.1

Conditions of employment and movement in salaries and allowances

Commission staff, including members of the Senior Executive Service, are appointed under the *Public Sector Employment and Management Act 2002*.

Staff employed under the Crown Employees (Public Sector – Salaries 2008) Award received a 4% increase per annum to their salaries and related allowances across three years. This increase took effect as from the first full pay period on or after 1 July 2008.

The Commission continues to employ, on a temporary basis, a small number of medical advisers. They are employed under the Crown Employees (Health Care Complaints Commission, Medical Advisers) Award.

In December 2008, there was a review of the Award. A new Award was made following a consent agreement between the Director of Public Employment and the Australian Salaried Medical Officers' Federation (New South Wales). In line with the Memorandum of Understanding in the Crown Employees Public Sector Salaries Award, a consent variation to the Medical Advisers Award was granted, providing a 4% salary increase per annum across three years, backdated to 1 October 2008.

In its annual determination, the Statutory and Other Offices Remuneration Tribunal (SOORT) awarded a general increase of 3.9% to the remuneration packages of

the Commission's SES equivalent officers, which took effect from 1 October 2008. The Tribunal considered that 2.5% should be passed on to each officer subject to satisfactory performance. In undertaking performance reviews, an agency head could approve up to a further 1.4% increase, if they were of the view that productivity improvements within the agency were sufficient to warrant such an increase. The Commission approved the 2.5% increase for the Commission's SES Officers.

Conditions of employment are principally set by the *Public Sector Employment and Management Act 2002* and, for the majority of Commission staff, the Crown Employees (Public Service Conditions of Employment) Award 2009. Employee conditions and entitlements are managed in accordance with the guidelines in the Department of Premier and Cabinet's personnel handbook, the Commission's internal policies, and the Workplace Agreement.

Industrial relations

The Commission, its officers and the Public Service Association of NSW (PSA) continue to maintain a strong commitment to joint consultation through the Workplace Consultative Committee meetings.

The Commission has a Workplace Agreement that sets out the details of flexible working hours and work practices, dispute settlement procedures, and consultation. A review of this agreement by the Commission's PSA industrial officer and organiser, the Commission's internal PSA delegate and Commission senior managers was finalised in late 2008. The agreement was ratified by the Commissioner and sent to the PSA Executive for endorsement. The Commission is awaiting the PSA to sign the agreement before forwarding it to the Department of Premier and Cabinet for concurrence.

The Commission also negotiated a new Crown Employees (Health Care Complaints Commission, Medical Advisers) Award 2009 with the Australian Salaried Medical Officers' Federation (New South Wales). The NSW Industrial Relations Commission gazetted this award on 13 March 2009.

There were no industrial disputes involving the Commission during the reporting period.

Climate survey

In late 2007-08, the Commission conducted a staff climate survey. The staff surveyed appreciated the flexibility involved in working for the Commission; felt internal communication could be improved; and suggested management controls could be relaxed. A working group analysed the survey findings and gave a presentation to staff on the key outcomes and how they would be addressed. As a result, there was a change in the format of staff meetings, and procedures relating to internal temporary appointments and higher duties opportunities were changed.

Equal employment opportunity (EEO) and diversity program

The Commission's new EEO Management Plan and Ethnic Affairs Priorities Statement were developed in 2008-09, and these plans, together with the Disability Action Plan, will guide the Commission's activities for the next three years.

Table 17.4 shows the Commission's achievements in meeting the NSW government benchmarks. Detailed reporting on the new three-year plan will be included in the Commission's annual report for 2010-11.

Table 17.4 Trends in the representation of EEO groups 2006 – 2009

	% of total staff				
	Benchmark/target	2006	2007	2008	2009
Women	50	73	70	72	68
Aboriginal people and Torres Strait Islanders	2	0	1.3	1.2	1.2
People whose first language was not English	20	16	19	16	23
People with a disability	12	6	9	18	20
People with a disability who require a work-related adjustment	7	not recorded	not recorded	8.2	8.6

Workplace Consultative Committee

The Commission's Workplace Consultative Committee meets every two months with staff and representatives of the Public Service Association of NSW (PSA). Discussion at the meetings covers conditions of employment and the entitlements of Commission staff, recruitment activities, training, OHS matters, and any other matters of interest.

The members of the Committee are:

- ▶ Bernadette Liston – Resolution Officer – PSA Delegate
- ▶ Karen Mobbs – Director of Proceedings
- ▶ Ian Thurgood – Director of Assessments and Resolution
- ▶ Andrew Koureas – Manager, Corporate Services
- ▶ Virginia Tinson – Manager, Human Resources
- ▶ Denis Smith – Senior Administration Officer (Human Resources)
- ▶ Shane Howes – PSA Organiser
- ▶ Garry Harris – PSA Industrial Officer

Personnel policies and practices

To assist and guide its staff, the Commission has a number of policies and procedures regarding conditions of employment, equal employment opportunity, occupational health and safety, security, and operational requirements.

In early 2009, the Commission amended existing policies to reflect changes to employment conditions and entitlements brought about by the new Crown Employees

(Public Service Conditions of Employment) Award 2009. The Commission's policies are supplemented by its Workplace Agreement and the Personnel Handbook issued by the Department of Premier and Cabinet.

During the year, the Commission aligned its position descriptions to the NSW Public Sector Capability Framework. The framework provides a basis to reflect the skills, knowledge and abilities that underpin the government's plan to deliver better results for the people of NSW. This framework is the basis for a new e-recruitment system that the Commission will use to advertise vacant positions.

In 2008-09, the Commission developed a new training and development policy, as well as a procedure for travel bookings and accommodation. Policies that were amended in 2008-09 included:

- ▶ Flexible working hours
- ▶ Maternity leave
- ▶ Adoption leave
- ▶ Sick leave
- ▶ Recruitment and selection
- ▶ Performance management
- ▶ Code of Conduct
- ▶ Protected disclosures
- ▶ Occupational health and safety
- ▶ Workplace Agreement
- ▶ Information technology
- ▶ Voicemail usage
- ▶ ICT security
- ▶ Asset disposal

Staff training and development

All Commission staff have a learning and development plan, which is developed by the staff member and their manager each year. The plan is part of the staff member's performance agreement.

Staff can participate in a range of learning and development activities, such as undertaking accredited courses and internal training sessions, attending seminars and conferences, and performing higher duties. These activities assist staff to develop their individual capabilities, as well as the capabilities required for their position and the organisation as a whole.

The Commission also supports staff in undertaking tertiary studies by granting study and examination leave. In 2008-09, 17 staff members applied for and were granted study leave.

As shown in Table 17.5, Commission staff attended 316 training and education activities, in the following areas:

- ▶ information technology
- ▶ technical skills
- ▶ organisational development
- ▶ risk management
- ▶ leadership and management.

A total of 2,191 hours were spent by Commission staff attending training activities – an average of 4.2 days for each full-time equivalent staff member.

In 2008, twelve senior staff attended a management development program, which provided them with an understanding of managing within the public sector, as well as skills in leading teams and managing

Table 17.5 Training activities 2008-09

Area	No. of hours	Number of participants per division					
		Assessments	Investigations	Legal	Corporate services	Executive	Total
Information technology	669	32	34	33	21	8	128
Technical skills	871.75	22	25	17	5	0	69
Organisational development	86	12	29	17	7	2	67
Risk management	169	7	9	2	7	2	27
Leadership and management	395	7	7	4	7	0	25
Total	2190.75	80	104	73	47	12	316

projects. An important part of the course was for each senior officer to complete a work-based project. The managers also analysed their training needs and listed other possible training activities that would assist them in their leadership and management roles.

In 2008-09, all new staff had induction training, which included modules on OHS and corporate services. They also received training in the Commission's information technology systems, including Casemate and Trim.

When the Commission updated its computer operating equipment and software to Microsoft Office 2007, all staff attended a one-day training course to familiarise them with the new software.

The year ahead

The Commission will consider a learning and development program that complements the position descriptions for its staff which have been aligned with the NSW government's capability framework.

Performance management

The Commission reviewed its Performance Management System and simplified the performance agreement template. The new template enables staff to review their performance against their Division's business plan or against the responsibilities of their position.

All staff have a performance agreement that incorporates their individual learning and development plans. The agreements ensure that staff are accountable for delivering on corporate objectives and goals.

Performance reviews were conducted annually. More than 92.6% of staff were rated 'fully competent' or better in their annual performance review.

To underpin the performance management system, 13 senior staff attended a 1½ day workshop about managing unsatisfactory performance in December 2008. In addition, nine senior staff attended a one-day workshop about feedback on enhanced performance in March 2009.

Access and equity

In November 2008, the Executive approved a new three-year Equal Employment

Opportunity (EEO) Management Plan for 2008-11. The plan maintains the Commission's commitment to EEO, and provides a comprehensive framework to achieve the three key outcomes under the *Anti-Discrimination Act* of a diverse and skilled workforce, a workplace culture with fair practices and behaviour, and improved access and participation for EEO groups.

The Commission's activities in this area include:

Grievance support and handling

The Commission has two grievance support officers, who receive appropriate training for their role. In addition, eight of the Commission's senior managers attended a grievance handling course in October 2008.

Flexible work arrangements

The Commission has policies and procedures to promote flexible work practices and the balancing of work and family responsibilities. Eight staff members currently have flexible work arrangements.

EEO and diversity related training

EEO and diversity training is mandatory for all new employees. It helps staff to understand the Commission's code of conduct as well as its policies regarding EEO and the prevention of discrimination, bullying and harassment. In May 2009, this training was provided to 18 Commission staff who had not previously attended a training course.

Employee assistance program

In 2008-09, the Commission negotiated a one-year agreement with a new provider, PPC Worldwide Psychological Services, to provide professional and confidential counselling services for staff and their families. None of the Commission's employees sought assistance during the year.

Strategies for female employees

The Commission has developed a number of policies and procedures to support a flexible, equitable and safe

work environment to encourage a high representation of women within its workplace. In 2008-09, six female employees attended the UNIFEM breakfast seminar organised as part of International Women's Day.

Aboriginal affairs – Two Ways Together

In 2008-09, the Commission continued to employ an Aboriginal and Torres Strait Islander (ATSI) as a Resolution Officer. This position equates to 1.2% of the Commission's occupied positions.

The Commission also continues to have a designated position for the Aboriginal Health and Medical Research Council on its Consumer Consultative Committee.

In June 2008, the Commission joined the 'Good Service Mob', a collaboration of:

- ▶ Commonwealth Ombudsman
- ▶ NSW Ombudsman
- ▶ Energy and Water Ombudsman
- ▶ Financial Services Ombudsman
- ▶ Telecommunications Industry Ombudsman
- ▶ Legal Aid NSW
- ▶ Anti-Discrimination Board
- ▶ Office of Fair Trading

The aim is to raise awareness among Indigenous people about their rights as consumers, and the free resolution services available to them. In 2008-09, the Commission participated in nine forums run by the Good Service Mob.

During 2008-09 the Commission worked with the Cooperative Legal Service Delivery Program. This regional program aims to improve outcomes for economically and socially disadvantaged people, including Aboriginal people, by building networks between legal services and community organisations. Resolution Officers of the Commission attended regional meetings to explain the role of the Commission and assist regional staff in referring consumers to the Commission where appropriate.

The Commission has developed a dedicated Aboriginal Service Plan for 2009-10 addressing key areas such as service planning and delivery, and staffing requirements.

The year ahead

In 2009-10, the Commission will continue to implement the Commission's EEO Management Plan and EAPS Plan. This will include further staff training about how to address the needs of people from culturally and linguistically diverse backgrounds, as well as training in merit selection.

Disability action plan

In accordance with the *Disability Services Act* and the Government's Disability Policy Framework, the Commission has a three-year Disability Action plan. This plan is part of the Commission's commitment to provide an accessible workplace and services and to eliminate discriminatory practices. A new plan will be endorsed in 2009-10.

In 2008-09, the Commission took appropriate action to address the outstanding recommendations from an earlier audit about improved accessibility.

The Commission engaged an accredited rehabilitation provider to assess equipment from an ergonomic perspective and recommend adjustments to assist staff with disabilities. This included preparing and co-ordinating return-to-work plans for staff with temporary disabilities and/or work-related injuries, and purchasing ergonomic equipment.

The Commission provided \$5,500 as a sponsor of the 'Don't Dis My Ability' campaign run by the Department of Ageing, Disability and Home Care.

Ethnic affairs priority statement

In 2008-09, the Commission developed a new three-year Ethnic Affairs Priorities Statement (EAPS) and management plan in accordance with the NSW Government's principles of multiculturalism, as defined

in the *Community Relations Commission and Principles of Multiculturalism Act*. The Commission will report on the results in its annual report 2010-11.

Occupational health and safety

The Commission has an Occupational Health, Safety and Risk Management (OHS&RM) Plan to foster a safe and secure workplace. The plan incorporates the five performance targets of the NSW government's *Working Together: Public Sector OHS and Injury Management Strategy 2005-2008*.

The Commission requires an ergonomic assessment of a new employee's workstation within three days of the employee starting work. In 2008-09, an accredited occupational therapist conducted ergonomic assessments for 18 staff.

The Commission implemented the recommendations of an audit by Deloitte Touche Tohmatsu of its OHS&RM management system. This audit was undertaken in accordance with the government's safety initiatives 'Working Together' and 'Taking Safety Seriously'.

The Commission conducted quarterly OHS inspections to identify potential hazards in the workplace and to prevent future injury. Several minor hazards were remedied.

In addition, the Commission trained senior first aid officers for each floor of the office. It also offered all staff vaccinations against influenza free of charge; 19 staff accepted this offer.

The year ahead

The Commission will be developing a new three-year OHS&RM Management Plan.

OHS Committee

The OHS Committee consists of staff from different areas of the Commission. The Committee meets quarterly to review OHS policies and practices, facilitate the resolution of safety issues, and assist in mitigating reported hazards.

Three new members were appointed to the OHS Committee to replace members who had left during 2008. Four officers attended a four-day course about OHS consultation in December 2008 and January 2009.

The current Committee membership is:

Employee representatives

- ▶ Chris Kokotas – Manager, Systems and Networks
- ▶ Denis Smith – Senior Administration Officer (Human Resources)
- ▶ Lovaine Inman – Manager, Investigations
- ▶ Julie Smith – Investigation Officer
- ▶ Britta Franik – Investigation Officer

Employer representatives

- ▶ Virginia Tinson – Manager, Human Resources
- ▶ Andrew Koureas – Manager, Corporate Services

Code of Conduct

In accordance with a direction by the Premier, the Commission amended its Code of Conduct in February 2009 to include a reference to the NSW government's lobbyist code of conduct, as well as requiring Commission staff to comply with this code.

Table 17.6 Occupational health and safety incidents, injuries and claims 2007-08 to 2008-09

	2007-08	2008-09
Number of new claims	2	3
Number of workers compensation claims accepted	2	3
Fall, trip, slip outside workplace	5	1
Work practice/set up related	2	3
Total injuries	7	4

Information and communications technology

The Commission developed a new Information and Communications Technology Strategic Plan for 2008-11. This plan aligns the Commission's information and communications technology requirements with its overall strategic direction.

Major initiatives in 2008-09 included:

Enhancement of Casemate

There were several enhancements to Casemate, the Commission's case management system.

For example, the integration of Casemate with the Trim electronic document and records management system was improved.

Further enhancements to the Casemate complaint handling and case management system were carried out, including the re-design of several complaint processes and the categorisation system.

Document scanning

Stage 2 of the Document Scanning Project was completed in 2008-09. This involved the introduction of scanners and other facilities to scan incoming correspondence such as faxes and letters, and to link them to the TRIM records management system. Staff can also use printers to scan documents and send them by email.

Accreditation to information security standards

The Commission was accredited under the ISO27001:2005 International Standards for Information Security in January 2008.

To ensure compliance with the Standard, all policies and procedures, including the Business Continuity Plan (BCP) and the Disaster Recovery Plan (DRP), were reviewed and updated. In addition, monthly internal audits, as well as two independent audits, were completed.

Electronic service delivery

The Commission has been continuously enhancing the look, feel and navigation of both the Internet and Intranet websites. The contents of both are regularly reviewed and updated.

The Commission's Helpdesk system allows staff to lodge and monitor requests for assistance through the Intranet.

Staff can lodge leave and overtime requests through the electronic self service (ESS) functionality of the Aurion Human Resources and Payroll system. Managers can use the same system to approve these requests and to coordinate staffing levels.

Commission staff can securely access the Commission's systems and network remotely using the Citrix system.

The electronic Trim records management system is fully integrated with Casemate, and provides a one-stop shop for searching, creating and modifying all case-related documents.

The year ahead

Further enhancements to Casemate will include upgrading Casemate to a new and improved version.

In addition, the Commission plans to establish a knowledge base to search for and analyse recommendations made to health organisations.

The Commission's new website will be completed and will conform to the NSW government website design guidelines. The new website will also include a content management system.

The Commission's intranet website will be improved to enhance access to information and make it easier to upload content.

Risk management and insurance

The Commission has assessed its business risks as part of the corporate planning process. Key risks have been identified and relevant strategies developed in all divisional business plans.

The Commission has reviewed its Business Continuity Plans, including its Information Technology and Management Disaster Recovery Plan and its Crisis Management Plan. Scenarios affecting the continuity of Commission services were tested to address any potential issues.

The NSW Treasury Managed Fund (TMF) provides the Commission with insurance cover for workers compensation, motor vehicles, public liability, property and other items. Workers compensation insurance is provided by Allianz Australia Insurance Ltd, with GIO General Ltd providing insurance cover for the remaining categories.

The Commission's claims management for 2008-09 is reflected in the deposit premiums levied for 2009-10. Workers compensation premiums decreased by \$4,147 (3.5%) from the previous year, while the remaining categories decreased by \$1,122 (4.4%).

Audit committee and internal audits

The Audit Committee oversees business risks and governance issues including financial reporting practices, management and internal controls, and internal audits.

The Commission has appointed independent auditors to perform internal audits. In 2008-09, these auditors reviewed the Investigations Division to assess its compliance with existing procedures, and to identify any gaps and weaknesses in the current procedures.

The audit found no instances of non-compliance with statutory requirements, although it did identify some failures to comply with administrative procedures. It also noted that the procedures manual had not been updated, as well as some deficiencies in file review processes. The Commission had commenced action on these issues before the audit, and the manual was updated and re-issued at the end of June 2009. A new audit system for files was added to Casemate in July 2009, and will help to manage investigations in a more accountable way.

One outstanding recommendation of the audit concerns the filing of documents as hardcopy or softcopy, and protocols in this respect are scheduled for implementation by December 2009.

The independent auditors also reviewed the Health Conciliation Registry to assess its compliance with existing procedures and statutory requirements. The audit found that the existing procedures and controls are working well. Gaps that were identified during the audit were matters of documentation rather than substance.

The Commission appointed an independent Audit Chair to strengthen corporate governance. This appointment took effect in August 2009, and was in accordance with guidelines issued by the Department of Premier and Cabinet and the Treasury, and a scheme promoted by the Department of Commerce, now the Department of Services, Technology and Administration.

Energy management

The Commission continues its commitment to the NSW Sustainability Policy in support of the National Greenhouse Strategy, as well as initiatives managed by the NSW Department of Environment and Climate Change, now the Department of Environment, Climate Change and Water.

In 2008-09, the Commission participated in a National Australian Built Environment Rating System audit to measure its environmental impact and assist in meeting targets under the NSW Government's sustainability policy regarding office building strategy. The Commission achieved a rating of 4.5 stars, where 5 stars represent best practice.

The Commission regularly reviews its energy and resources use. Initiatives to save resources have included minimising travel and using vehicles more efficiently, purchasing green products, and recycling. Staff have been trained how they can save energy and resources at work and in their homes.

Records management

The Commission continued to implement its records management program in accordance with obligations under the *State Records Act 1998*.

The Commission concentrated on monitoring and improving record-keeping practices after the electronic TRIM records management system was implemented and integrated with the Commission's case management system Casemate.

In addition, archived administrative files were reviewed and prepared for sentencing and disposal, and 2,855 case files were transferred to off-site storage.

Consultants

During the reporting period there were 330 engagements of health practitioners to provide clinical advice on health care complaints at a total cost of \$223,766.

Overseas visits

The Commissioner attended the Australasian Health Complaints Commissioner's conference in Auckland on 18-20 February 2009. The total cost was \$1,363.

REVIEW OF CREDIT CARD USE

During the 2008-09 reporting period, there were no irregularities in the use of corporate credit cards. I certify credit card use at the Commission has been in accordance with the Premier's Memoranda and Treasurer's Directions.



Keran Pehra
Commissioner

29 SEP 2009

Appendix C – Complaints statistics

Table 17.7 Summary of complaints received by issue category 2006-07 to 2008-09

Issue category	2006-07		2007-08		Issue category	2008-09	
	No.	%	No.	%		No.	%
Treatment	1,813	55.7%	2,245	50.9%	Treatment	2,799	40.4%
Communication	366	11.2%	642	14.6%	Communication/information	1,432	20.7%
Professional conduct	590	18.1%	597	13.5%	Professional conduct	725	10.5%
Access	210	6.4%	401	9.1%	Medication	514	7.4%
Cost	106	3.3%	153	3.5%	Fees/costs	256	3.7%
Privacy/discrimination	68	2.1%	132	3.0%	Environment/management of facilities	225	3.2%
Consent	52	1.6%	94	2.1%	Grievance processes	183	2.6%
Grievances	17	0.5%	79	1.8%	Access	173	2.5%
Corporate services	36	1.1%	66	1.5%	Reports/certificates	168	2.4%
					Discharge/transfer arrangements	159	2.3%
					Consent	155	2.2%
					Medical records	142	2.0%
Total	3,258	100.0%	4,409	100.0%		6,931	100.0%

Counted by issues raised in complaint

Table 17.8 Breakdown of issue category of complaints received 2008-09

Issue category	Issue name	No.	%
Treatment	Inadequate treatment	1,202	17.3%
	Diagnosis	401	5.8%
	Inadequate consultation	314	4.5%
	Unexpected treatment outcome/complications	238	3.4%
	Delay in treatment	233	3.4%
	Rough and painful treatment	110	1.6%
	No/inappropriate referral	81	1.2%
	Wrong/inappropriate treatment	72	1.0%
	Infection control	42	0.6%
	Coordination of treatment	36	0.5%
	Withdrawal of treatment	19	0.3%
	Excessive treatment	15	0.2%
	Attendance	14	0.2%
	Public/private election	11	0.2%
	Experimental treatment	11	0.2%
Treatment total		2,799	40.4%

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Table 17.8 Breakdown of issue category of complaints received 2008-09 (continued)

Issue category	Issue name	No.	%
Communication/information	Attitude/manner	806	11.6%
	Inadequate information provided	496	7.2%
	Incorrect/misleading information provided	124	1.8%
	Special needs not accommodated	6	0.1%
Communication/information total		1,432	20.7%
Professional conduct	Competence	247	3.6%
	Illegal practice	120	1.7%
	Sexual misconduct	77	1.1%
	Inappropriate disclosure of information	66	1.0%
	Misrepresentation of qualifications	55	0.8%
	Impairment	50	0.7%
	Boundary violation	37	0.5%
	Assault	32	0.5%
	Discriminatory conduct	20	0.3%
	Financial fraud	13	0.2%
	Breach of condition	5	0.1%
	Emergency treatment not provided	3	0.0%
Professional conduct total		725	10.5%
Medication	Prescribing medication	289	4.2%
	Administering medication	131	1.9%
	Dispensing medication	75	1.1%
	Supply/security/storage of medication	19	0.3%
Medication total		514	7.4%
Fees/costs	Billing practices	216	3.1%
	Financial consent	32	0.5%
	Cost of treatment	8	0.1%
Fees/costs total		256	3.7%
Environment/management of facilities	Administrative processes	105	1.5%
	Physical environment of facility	36	0.5%
	Cleanliness/hygiene of facility	32	0.5%
	Staffing and rostering	29	0.4%
	Statutory obligations/accreditation standards not met	23	0.3%
Environment/management of facilities total		225	3.2%
Grievance processes	Inadequate/no response to complaint	166	2.4%
	Reprisal/retaliation as result of complaint lodged	13	0.2%
	Information about complaints procedures not provided	4	0.1%
Grievance processes total		183	2.6%

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Table 17.8 Breakdown of issue category of complaints received 2008-09 (continued)

Issue category	Issue name	No.	%
Access	Refusal to admit or treat	104	1.5%
	Waiting lists	50	0.7%
	Service availability	14	0.2%
	Access to subsidies	2	0.0%
	Access to facility	2	0.0%
	Remoteness of service	1	0.0%
Access total		173	2.5%
Reports/certificates	Accuracy of report/certificate	116	1.7%
	Refusal to provide report/certificate	21	0.3%
	Report written with inadequate or no consultation	15	0.2%
	Timeliness of report/certificate	14	0.2%
	Cost of report/certificate	2	0.0%
Reports/certificates total		168	2.4%
Discharge/transfer arrangements	Inadequate discharge	128	1.8%
	Delay	16	0.2%
	Patient not reviewed	8	0.1%
	Mode of transport	7	0.1%
Discharge/transfer arrangements total		159	2.3%
Consent	Consent not obtained or inadequate	80	1.2%
	Involuntary admission or treatment	42	0.6%
	Uninformed consent	33	0.5%
Consent total		155	2.2%
Medical records	Record keeping	79	1.1%
	Access to/transfer of records	50	0.7%
	Records management	13	0.2%
Medical records total		142	2.0%
Grand total		6,931	100.0%

Counted by issues raised in complaint

Table 17.9 Complaints received about registered and unregistered health practitioners
2006-07 to 2008-09

	Health practitioner	2006-07		2007-08		2008-09	
		No.	%	No.	%	No.	%
Registered health practitioner	Medical practitioner	1,104	66.6%	1,145	64.7%	1,270	60.8%
	Dentist	173	10.4%	177	10.0%	292	14.0%
	Nurse	177	10.7%	224	12.6%	254	12.2%
	Psychologist	81	4.9%	77	4.3%	84	4.0%
	Chiropractor	18	1.1%	15	0.8%	30	1.4%
	Physiotherapist	15	0.9%	15	0.8%	25	1.2%
	Pharmacist	21	1.3%	9	0.5%	21	1.0%
	Optometrist	10	0.6%	5	0.3%	18	0.9%
	Dental technician and prosthetist	8	0.5%	21	1.2%	17	0.8%
	Podiatrist	13	0.8%	8	0.5%	9	0.4%
	Optometrical dispenser	1	0.0%	–	0.0%	1	0.0%
	Osteopath	4	0.2%	2	0.1%	1	0.0%
Total registered health practitioners		1,625	98.0%	1,698	95.9%	2,022	96.7%
Unregistered health practitioner	Previously registered health practitioner	3	0.2%	44	2.5%	18	0.9%
	Counsellor/therapist	2	0.1%	1	0.1%	8	0.4%
	Other/unknown	7	0.4%	1	0.1%	8	0.4%
	Administration/clerical staff	2	0.1%	1	0.1%	7	0.3%
	Social worker	–	0.0%	2	0.1%	6	0.3%
	Massage therapist	n/a	–	n/a	–	4	0.2%
	Radiographer	1	0.1%	3	0.2%	3	0.1%
	Homeopath	n/a	–	n/a	–	2	0.1%
	Natural therapist	2	0.1%	–	0.0%	2	0.1%
	Naturopath	1	0.1%	2	0.1%	2	0.1%
	Speech therapist	–	0.0%	–	0.0%	2	0.1%
	Traditional Chinese medicine practitioner	2	0.1%	–	0.0%	2	0.1%
	Alternative health provider	5	0.3%	10	0.6%	1	0.0%
	Assistant in nursing	2	0.1%	–	0.0%	1	0.0%
	Dietitian/nutritionist	1	0.1%	1	0.1%	1	0.0%
	Occupational therapist	1	0.1%	–	0.0%	1	0.0%
	Acupuncturist	–	0.0%	2	0.1%	–	0.0%
	Ambulance personnel	2	0.1%	–	0.0%	–	0.0%
	Psychotherapist	1	0.1%	3	0.2%	–	0.0%
	Residential care worker	–	0.0%	3	0.2%	–	0.0%
Total unregistered health practitioners		32	2.0%	73	4.1%	68	3.3%
Grand total		1,657	100.0%	1,771	100.0%	2,090	100.0%

Counted by provider identified in complaint

Table 17.10 Complaints received about registered health practitioners by issue category 2008-09

Issue category	Registered health practitioner												Total	
	Medical practitioner	Dentist	Nurse	Psychologist	Chiropractor	Physiotherapist	Optometrist	Dental technician/prosthetist	Pharmacist	Podiatrist	Optometrical dispenser	Osteopath	No.	%
Treatment	1,151	334	100	21	18	18	13	16	–	11	–	1	1,683	41.3%
Communication/information	554	110	76	26	6	6	11	6	4	1	–	1	801	19.6%
Professional conduct	296	27	193	45	13	18	3	1	8	1	2	–	607	14.9%
Medication	199	2	46	2	–	–	–	–	18	–	–	–	267	6.5%
Fees/costs	64	90	–	5	7	2	9	7	1	5	–	–	190	4.7%
Reports/certificates	114	2	–	25	1	–	–	–	–	–	–	–	142	3.5%
Medical records	57	2	12	5	3	–	–	–	–	1	–	–	80	2.0%
Consent	53	19	1	1	–	2	1	–	–	–	–	–	77	1.9%
Access	58	9	4	2	–	–	–	1	–	–	–	–	74	1.8%
Environment/management of facilities	22	10	8	6	3	3	2	1	–	1	–	–	56	1.4%
Grievance processes	35	16	3	1	–	1	–	–	–	1	–	–	57	1.4%
Discharge/transfer arrangements	43	–	3	–	–	–	–	–	–	–	–	–	46	1.1%
Total	2,646	621	446	139	51	50	39	32	31	21	2	2	4,080	100.0%
No. of practitioners registered in NSW as at 30 June 2009	30,694	4,636	121,406	10,281	1,448	6,976	1,760	1,314	8,272	898	1,532	591	189,808	

Counted by issues raised in complaint

17

Appendices

Table 17.11 Complaints received about unregistered health practitioners by issue category 2008-09

Issue category	Unregistered health practitioner																Total	
	Previously registered health practitioner	Other/unknown	Administration/ clerical staff	Counsellor/therapist	Social worker	Natural therapist	Radiographer	Massage therapist	Traditional Chinese medicine practitioner	Speech therapist	Occupational therapist	Homeopath	Naturopath	Assistant in nursing	Dietitian/nutritionist	Alternative health provider	No.	%
Professional conduct	15	3	3	8	2	2	–	5	4	–	1	1	2	–	1	–	47	40.5%
Communication/ information	7	4	6	3	3	1	3	–	–	1	–	–	–	–	–	1	29	25.0%
Treatment	11	4	–	1	1	2	2	–	1	2	1	1	–	1	–	–	27	23.3%
Reports/ certificates	–	1	–	–	1	1	–	–	–	1	–	–	–	–	–	–	4	3.4%
Environment/ management of facilities	1	–	2	–	–	–	–	–	–	–	–	–	–	–	–	–	3	2.6%
Access	–	–	–	–	1	–	1	–	–	–	–	–	–	–	–	–	2	1.7%
Medication	–	1	–	–	1	–	–	–	–	–	–	–	–	–	–	–	2	1.7%
Fees/costs	1	–	1	–	–	–	–	–	–	–	–	–	–	–	–	–	2	1.7%
Total	35	13	12	12	9	6	6	5	5	4	2	2	2	1	1	1	116	100.0%

Counted by issues raised in complaint

Table 17.12 Complaints received about health organisations 2006-07 to 2008-09

Organisation	2006-07		2007-08		2008-09	
	No.	%	No	%	No.	%
Public hospital	508	47.7%	763	56.2%	620	48.8%
Correction and detention facility	93	8.7%	106	7.8%	138	10.9%
Medical centre	41	3.8%	61	4.5%	82	6.5%
Pharmacy	51	4.8%	59	4.3%	68	5.4%
Private hospital	70	6.6%	55	4.1%	62	4.9%
Community health service	49	4.6%	43	3.2%	43	3.4%
Aged care facility	53	5.0%	48	3.5%	41	3.2%
Dental facility	30	2.8%	22	1.6%	39	3.1%
Area Health Service	29	2.7%	27	2.0%	37	2.9%
Medical practice	20	1.9%	24	1.8%	29	2.3%
Psychiatric hospital	5	0.4%	26	1.9%	26	2.0%
Ambulance service	21	2.0%	24	1.8%	23	1.8%
Radiology practice	18	1.7%	10	0.7%	12	0.9%
Pathology centre/lab	12	1.1%	17	1.3%	10	0.8%
Government department	–	0.0%	4	0.3%	8	0.6%
Other/unknown	11	1.0%	–	0.0%	8	0.6%
Drug and alcohol service	6	0.6%	4	0.3%	6	0.5%
Day procedure centre	5	0.4%	4	0.3%	5	0.4%
Optometrist practice	4	0.4%	7	0.5%	3	0.2%
Registration Board	–	0.0%	–	0.0%	2	0.2%
Rehabilitation facility	n/a	–	10	0.7%	2	0.2%
Supported accommodation service	4	0.4%	7	0.5%	2	0.2%
Alternative health service	8	0.8%	5	0.4%	1	0.1%
Family planning clinic	2	0.2%	–	0.0%	1	0.1%
Health fund	4	0.4%	5	0.4%	1	0.1%
Physiotherapy clinic	3	0.3%	2	0.1%	1	0.1%
Blood bank	1	0.1%	1	0.1%	–	0.0%
Chiropractic practice	2	0.2%	2	0.1%	–	0.0%
Multi-purpose service	–	0.0%	4	0.3%	–	0.0%
Nursing agency	1	0.1%	4	0.3%	–	0.0%
College/association	4	0.4%	1	0.1%	n/a	–
Disciplinary body	2	0.2%	–	0.0%	n/a	–
Domestic residence	–	0.0%	2	0.1%	n/a	–
Men's health clinic	1	0.1%	4	0.3%	n/a	–
Optical laboratory	–	0.0%	1	0.1%	n/a	–
Public development disability hospital	4	0.4%	–	0.0%	n/a	–
Women's health centre	3	0.3%	5	0.4%	n/a	–
Total	1,065	100.0%	1,357	100.0%	1,270	100.0%

Counted by provider identified in complaint

17

Appendices

Table 17.13 Complaints received about public and private hospitals by most common service areas 2008-09

Service area	Public		Private		Total	
	No.	%	No.	%	No.	%
Emergency medicine	155	25.0%	4	6.5%	159	23.3%
General medicine	109	17.6%	8	12.9%	117	17.2%
Surgery	83	13.4%	33	53.2%	116	17.0%
Mental health	81	13.1%	2	3.2%	83	12.2%
Obstetrics	33	5.3%	3	4.8%	36	5.3%
Administration	16	2.6%	–	0.0%	16	2.3%
Intensive care	16	2.6%	–	0.0%	16	2.3%
Rehabilitation medicine	10	1.6%	3	4.8%	13	1.9%
Geriatrics/gerontology	9	1.5%	2	3.2%	11	1.6%
Gynaecology	11	1.8%	–	0.0%	11	1.6%
Paediatric medicine	9	1.5%	1	1.6%	10	1.5%
Palliative care	9	1.5%	1	1.6%	10	1.5%
Aged care	7	1.1%	1	1.6%	8	1.2%
Cardiology	6	1.0%	2	3.2%	8	1.2%
Psychiatry	8	1.3%	–	0.0%	8	1.2%
Midwifery	7	1.1%	–	0.0%	7	1.0%
Other service areas	51	8.2%	2	3.2%	53	7.8%
Total	620	100.0%	62	100.0%	682	100.0%

Counted by provider identified in complaint

Table 17.14 Complaints received about public hospitals by Area Health Service 2006-07 to 2008-09

Area Health Service	2006-07		2007-08		2008-09		2008-09		
	No.	%	No.	%	No.	%	Separations	Non-admitted patient services	Emergency department attendances
Sydney South West	92	18.1%	106	13.9%	122	19.7%	305,874	4,397,248	350,957
South Eastern Sydney/Illawarra	106	20.9%	137	18.0%	115	18.5%	289,254	4,992,668	379,402
Sydney West	90	17.7%	104	13.6%	97	15.6%	237,992	4,249,955	297,048
Hunter/New England	59	11.6%	102	13.4%	84	13.5%	187,276	2,690,862	355,271
Northern Sydney/Central Coast	73	14.4%	121	15.9%	84	13.5%	173,834	3,061,910	250,398
Greater Southern	28	5.5%	47	6.2%	45	7.3%	116,235	1,459,168	254,297
North Coast	36	7.1%	81	10.6%	38	6.1%	155,044	1,983,006	307,730
Greater Western	24	4.7%	63	8.3%	35	5.6%	87,208	1,306,191	221,671
Interstate/Unknown	–	0.0%	2	0.3%	–	0.0%	–	–	–
Total	508	100.0%	763	100.0%	620	100.0%	1,552,717	24,141,007	2,416,774

Excludes public developmental disability hospitals and psychiatric hospitals

Sydney West includes Westmead Children's Hospital

Counted by provider identified in complaint

Table 17.15 Issues raised in complaints received about health organisations
by organisation type 2008-09

Organisation type	Issue category												Total	
	Treatment	Communication/ information	Medication	Environment/ management of facilities	Grievance processes	Discharge/transfer arrangements	Access	Consent	Professional conduct	Fees/costs	Medical records	Reports/certificates	No.	%
Public														
Hospital	671	340	92	70	57	92	34	48	36	7	36	12	1,495	54.7%
Correction and detention facility	95	46	41	4	9	–	34	2	1	1	2	3	238	8.7%
Community health service	35	18	8	4	6	–	4	8	3	–	–	1	87	3.2%
Area Health Service	28	16	2	7	7	2	5	3	2	–	–	1	73	2.7%
Psychiatric hospital	10	13	9	3	3	3	–	7	7	–	1	1	57	2.1%
Ambulance service	19	6	–	1	2	1	1	–	–	5	–	–	35	1.3%
Dental facility	13	7	–	2	4	–	2	–	–	–	–	–	28	1.0%
Medical centre	3	6	1	3	–	–	2	–	–	2	–	–	17	0.6%
Other public health organisation	1	4	3	2	1	–	–	–	1	1	–	1	14	0.5%
Government department	3	2	–	3	–	1	1	–	–	–	–	–	10	0.4%
Public health organisation total	878	458	156	99	89	99	83	68	50	16	39	19	2,054	75.1%
Private														
Hospital	67	32	8	13	9	12	2	1	1	7	2	–	154	5.6%
Medical centre	46	34	8	9	10	–	7	2	5	8	13	2	144	5.3%
Aged care facility	35	20	7	18	6	–	1	1	5	1	2	–	96	3.5%
Pharmacy	2	12	57	7	1	–	–	–	2	1	1	–	83	3.0%
Medical practice	18	14	5	2	3	–	3	–	3	12	1	–	61	2.2%
Other/unknown private health organisation	10	9	2	12	5	1	–	2	2	6	–	–	49	1.8%
Dental facility	17	9	–	2	–	–	1	3	1	10	–	–	43	1.6%
Radiology practice	9	6	1	2	1	–	–	1	1	1	2	–	24	0.9%
Pathology centre/lab	3	7	–	1	1	–	–	–	–	2	1	2	17	0.6%
Drug and alcohol service	4	1	1	–	1	1	–	–	1	–	1	–	10	0.4%
Private health organisation total	211	144	89	66	37	14	14	10	21	48	23	4	681	24.9%
Grand total	1,089	602	245	165	126	113	97	78	71	64	62	23	2,735	100.0%

Counted by issues raised in complaint

17

Appendices

Table 17.16 Issues raised in all complaints received by service area 2008-09

Service area													Total	
	Treatment	Communication/ information	Professional conduct	Medication	Fees/costs	Environment/ management of facilities	Grievance processes	Access	Reports/ certificates	Discharge/ transfer arrangements	Consent	Medical records	No.	%
General medicine	726	410	227	218	42	40	46	83	55	24	19	51	1,941	28.0%
Dentistry	387	140	28	2	105	17	22	17	2	–	22	2	744	10.7%
Surgery	318	123	50	26	22	20	19	20	1	40	20	10	669	9.7%
Emergency medicine	350	123	27	25	1	15	8	10	1	39	6	15	620	8.9%
Mental health	131	100	50	49	1	15	13	10	7	18	49	4	447	6.4%
Obstetrics	127	49	27	5	1	7	7	1	1	5	5	5	240	3.5%
Aged care	72	47	38	26	–	19	8	1	2	2	5	9	229	3.3%
Psychiatry	40	30	24	23	1	4	4	5	9	2	7	4	153	2.2%
Gynaecology	67	36	14	1	3	1	2	3	–	5	4	5	141	2.0%
Medico-Legal	29	33	15	–	–	–	–	–	49	–	1	2	129	1.9%
Psychology	18	23	41	2	5	6	1	1	15	–	1	4	117	1.7%
Pharmacy/pharmacology	2	16	10	76	2	7	1	–	–	–	–	1	115	1.7%
Geriatrics/gerontology	41	25	2	10	1	6	4	–	1	2	–	2	94	1.4%
Oncology	45	15	2	2	1	3	1	–	–	–	–	4	73	1.1%
Cosmetic services	36	8	10	4	6	1	6	–	–	–	–	–	71	1.0%
Paediatric medicine	27	16	4	3	1	4	2	–	1	2	–	7	67	1.0%
Drug and alcohol	16	14	4	13	1	2	1	3	–	2	–	1	57	0.8%
Physiotherapy	21	6	15	–	8	3	–	–	–	–	–	3	56	0.8%
Radiology	19	17	1	1	3	4	3	1	4	–	–	1	54	0.8%
Cardiology	26	14	3	1	1	1	–	1	–	2	1	2	52	0.8%
Administration	1	10	1	–	4	15	8	2	5	–	–	5	51	0.7%
Optometry	16	13	5	–	10	3	1	1	–	–	1	–	50	0.7%
Palliative care	18	18	2	7	–	1	1	–	2	–	–	1	50	0.7%
Anaesthesia	15	12	4	4	8	1	2	–	1	1	1	–	49	0.7%
Intensive care	21	13	3	1	–	3	1	1	2	2	2	–	49	0.7%
Chiropractic	17	6	17	–	2	3	1	–	–	–	2	–	48	0.7%
Midwifery	22	7	10	2	–	–	2	1	–	3	–	–	47	0.7%
Rehabilitation medicine	18	8	3	4	–	2	4	2	–	5	–	–	46	0.7%
Non-health related	–	5	21	–	–	10	–	1	–	–	1	–	38	0.5%
Ambulance service	19	6	–	–	5	1	2	1	–	1	–	–	35	0.5%
Reproductive medicine	10	9	10	1	2	–	2	–	–	–	1	–	35	0.5%
Neurology	18	8	1	1	–	1	–	1	1	–	2	–	33	0.5%
Urology	15	9	2	–	2	–	1	1	1	–	–	–	31	0.4%
Other/unknown	–	3	17	–	–	5	1	–	3	–	–	–	29	0.4%

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Table 17.16 Issues raised in all complaints received by service area 2008-09 (continued)

													Total	
	Treatment	Communication/ information	Professional conduct	Medication	Fees/costs	Environment/ management of facilities	Grievance processes	Access	Reports/ certificates	Discharge/ transfer arrangements	Consent	Medical records	No.	%
Service area														
Gastroenterology	11	8	–	–	4	–	1	–	1	1	–	–	26	0.4%
Ophthalmology	15	5	–	1	1	–	1	1	–	–	1	1	26	0.4%
Podiatry	11	1	5	–	5	2	1	–	–	–	–	1	26	0.4%
Dermatology	10	6	2	1	1	–	–	–	1	1	2	–	24	0.3%
Pathology	7	6	1	–	2	–	1	–	1	–	–	1	19	0.3%
Radiography	7	4	1	–	–	–	–	1	–	–	1	1	15	0.2%
Prosthetics and orthotics	8	2	1	–	3	–	–	–	–	–	–	–	14	0.2%
Infectious diseases	8	3	–	–	–	1	–	1	–	–	–	–	13	0.2%
Immunology	4	3	1	2	–	–	1	–	–	–	–	–	11	0.2%
Respiratory/thoracic medicine	6	2	–	2	–	–	–	1	–	–	–	–	11	0.2%
Counselling	1	3	5	–	–	–	–	–	–	–	–	–	9	0.1%
Haematology	5	2	–	–	–	–	1	–	–	1	–	–	9	0.1%
Developmental disability	1	3	–	–	–	1	1	–	–	1	–	–	7	0.1%
Early childhood	1	2	3	–	1	–	–	–	–	–	–	–	7	0.1%
Massage therapy	–	–	7	–	–	–	–	–	–	–	–	–	7	0.1%
Personal care	1	2	–	–	–	–	2	2	–	–	–	–	7	0.1%
Psychotherapy	3	1	2	–	–	1	–	–	–	–	–	–	7	0.1%
Natural therapy	2	1	1	–	–	–	–	–	1	–	–	–	5	0.1%
Traditional Chinese medicine	1	–	4	–	–	–	–	–	–	–	–	–	5	0.1%
Endocrinology	3	–	–	–	–	–	–	–	–	–	1	–	4	0.1%
Osteopathy	1	1	–	1	1	–	–	–	–	–	–	–	4	0.1%
Speech therapy	2	1	–	–	–	–	–	–	1	–	–	–	4	0.1%
Alternative health	1	–	2	–	–	–	–	–	–	–	–	–	3	0.0%
Occupational health	1	2	–	–	–	–	–	–	–	–	–	–	3	0.0%
Family planning	–	2	–	–	–	–	–	–	–	–	–	–	2	0.0%
Occupational therapy	1	–	1	–	–	–	–	–	–	–	–	–	2	0.0%
Nutrition and dietetics	–	–	1	–	–	–	–	–	–	–	–	–	1	0.0%
Total	2,799	1,432	725	514	256	225	183	173	168	159	155	142	6,931	100.0%

Counted by issues raised in complaint

Table 17.17 Source of complaints 2006-07 to 2008-09

Source	2006-07		2007-08		2008-09	
	No.	%	No.	%	No.	%
Consumer	901	39.1%	1,073	39.3%	1,242	43.7%
Registration Board	697	30.3%	666	24.4%	828	29.2%
Family or friend	491	21.3%	627	23.0%	580	20.4%
Government department	19	0.9%	198	7.3%	46	1.6%
Department of Health (State and Commonwealth)	22	1.0%	18	0.7%	30	1.1%
Parliament/Minister	42	1.8%	40	1.5%	27	1.0%
Health professional	18	0.8%	25	0.9%	24	0.8%
Other	9	0.4%	13	0.5%	22	0.8%
Legal representative	37	1.6%	29	1.1%	20	0.7%
Consumer organisation	54	2.4%	28	1.0%	12	0.4%
Court	8	0.3%	11	0.4%	8	0.3%
Non-government organisation	3	0.1%	1	0.0%	–	0.0%
Professional association	1	0.0%	1	0.0%	–	0.0%
Total	2,302	100.0%	2,730	100.0%	2,839	100.0%

Counted by complainant

Table 17.18 Outcome of assessment of complaints 2006-07 to 2008-09

Assessment decision	2006-07		2007-08		2008-09	
	No.	%	No.	%	No.	%
Discontinued	1,017	37.5%	982	34.0%	1,291	38.5%
Referred to Registration Board	497	18.4%	572	19.8%	755	22.5%
Assisted resolution	431	15.9%	574	19.9%	561	16.8%
Investigation by Commission	307	11.3%	260	9.0%	270	8.1%
Resolved during assessment	137	5.1%	206	7.1%	188	5.6%
Referred for conciliation	239	8.8%	198	6.9%	167	5.0%
Referred to another body or person	54	2.0%	56	1.9%	61	1.8%
Local resolution	28	1.0%	41	1.4%	56	1.7%
Total	2,710	100.0%	2,889	100.0%	3,349	100.0%

Counted by provider identified in complaint

Table 17.19 Outcome of complaints assessed by issues identified in complaint 2008-09

		Outcome								Total	
Issue category	Issue name	Discontinued	Referred to Registration Board	Assisted resolution	Investigation by Commission	Conciliation	Resolved during assessment process	Referred to another body	Local resolution	No.	%
Treatment	Inadequate treatment	319	268	235	86	62	37	18	9	1,034	15.0%
	Unexpected treatment outcome/complications	115	73	107	31	54	18	3	1	402	5.8%
	Diagnosis	152	70	104	21	40	9	–	2	398	5.8%
	Inadequate consultation	118	74	55	16	15	13	3	1	295	4.3%
	Delay in treatment	88	10	69	18	19	21	1	4	230	3.3%
	Rough and painful treatment	37	31	19	10	5	5	1	1	109	1.6%
	Wrong/inappropriate treatment	18	24	22	10	6	3	–	2	85	1.2%
	No/inappropriate referral	29	14	18	7	3	4	–	–	75	1.1%
	Coordination of treatment	12	4	18	6	6	2	–	–	48	0.7%
	Infection control	13	10	5	1	1	3	3	–	36	0.5%
	Withdrawal of treatment	10	2	3	2	2	2	–	–	21	0.3%
	Attendance	7	3	2	–	–	4	–	–	16	0.2%
	Excessive treatment	5	5	–	–	2	–	–	–	12	0.2%
	Experimental treatment	2	3	5	1	–	–	–	–	11	0.2%
	Public/private election	4	–	1	–	3	1	–	–	9	0.1%
	Treatment total	929	591	663	209	218	122	29	20	2,781	40.3%
Communication/information	Attitude/manner	341	171	168	26	36	67	9	11	829	12.0%
	Inadequate information provided	180	55	136	19	50	38	3	10	491	7.1%
	Incorrect/misleading information provided	71	13	30	6	4	12	3	2	141	2.0%
	Special needs not accommodated	4	–	1	–	–	–	–	1	6	0.1%
	Communication/information total	596	239	335	51	90	117	15	24	1,467	21.3%
Professional conduct	Competence	76	92	19	60	12	2	1	2	264	3.8%
	Illegal practice	47	29	–	36	1	–	4	1	118	1.7%
	Sexual misconduct	20	10	1	38	–	–	1	–	70	1.0%
	Inappropriate disclosure of information	39	15	9	–	1	1	–	–	65	0.9%
	Impairment	3	26	–	18	–	–	1	–	48	0.7%
	Misrepresentation of qualifications	10	32	–	2	–	1	2	–	47	0.7%
	Boundary violation	8	10	–	12	–	–	–	–	30	0.4%
	Assault	17	6	1	1	–	1	1	–	27	0.4%
	Discriminatory conduct	10	2	6	–	1	2	–	–	21	0.3%
	Financial fraud	4	5	–	3	–	–	–	–	12	0.2%
	Breach of condition	1	1	–	4	–	–	–	–	6	0.1%
	Emergency treatment not provided	1	1	1	–	–	–	–	–	3	0.0%
	Professional conduct total	236	229	37	174	15	7	10	3	711	10.3%

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Table 17.19 Outcome of complaints assessed by issues identified in complaint 2008-09 (continued)

Issue category	Issue name	Outcome								Total	
		Discontinued	Referred to Registration Board	Assisted resolution	Investigation by Commission	Conciliation	Resolved during assessment process	Referred to another body	Local resolution	No.	%
Medication	Prescribing medication	99	41	43	30	8	12	7	4	244	3.5%
	Administering medication	70	33	34	12	9	6	5	3	172	2.5%
	Dispensing medication	5	56	1	7	–	–	3	–	72	1.0%
	Supply/security/storage of medication	3	5	2	5	–	1	1	1	18	0.3%
	Medication total	177	135	80	54	17	19	16	8	506	7.3%
Fees/costs	Billing practices	81	83	10	2	3	22	9	3	213	3.1%
	Financial consent	7	7	2	–	–	5	1	–	22	0.3%
	Cost of treatment	3	4	–	–	–	1	–	–	8	0.1%
	Fees/costs total	91	94	12	2	3	28	10	3	243	3.5%
Environment/management of facilities	Administrative processes	48	19	12	4	2	12	7	9	113	1.6%
	Physical environment of facility	12	1	8	1	–	3	2	7	34	0.5%
	Cleanliness/hygiene of facility	8	5	9	1	2	4	3	1	33	0.5%
	Staffing and rostering	6	–	4	3	3	–	4	2	22	0.3%
	Statutory obligations/accreditation standards not met	7	2	3	2	1	–	5	–	20	0.3%
	Environment/management of facilities total	81	27	36	11	8	19	21	19	222	3.2%
Grievance processes	Inadequate/no response to complaint	64	19	48	4	13	27	3	5	183	2.7%
	Reprisal/retaliation as result of complaint lodged	8	–	–	–	–	–	–	3	11	0.2%
	Information about complaints procedures not provided	3	–	–	–	–	–	–	–	3	0.0%
	Grievance processes total	75	19	48	4	13	27	3	8	197	2.9%
Access	Refusal to admit or treat	64	12	18	–	6	7	1	–	108	1.6%
	Service availability	20	1	8	–	–	5	–	4	38	0.6%
	Waiting lists	15	–	13	–	–	6	–	1	35	0.5%
	Access to subsidies	2	–	–	–	–	–	–	–	2	0.0%
	Access to facility	1	–	1	–	–	–	–	–	2	0.0%
	Remoteness of service	–	–	1	–	–	–	–	–	1	0.0%
	Access total	102	13	41	–	6	18	1	5	186	2.7%
Consent	Consent not obtained or inadequate	32	18	17	5	6	2	–	–	80	1.2%
	Uninformed consent	25	10	5	1	4	1	–	–	46	0.7%
	Involuntary admission or treatment	31	–	10	–	–	–	–	1	42	0.6%
	Consent total	88	28	32	6	10	3	–	1	168	2.4%
Reports/certificates	Accuracy of report/certificate	72	17	7	–	1	–	–	–	97	1.4%
	Refusal to provide report/certificate	10	–	1	–	–	5	–	–	16	0.2%
	Report written with inadequate or no consultation	9	5	–	–	1	–	–	–	15	0.2%
	Timeliness of report/certificate	7	3	1	–	–	2	–	–	13	0.2%
	Cost of report/certificate	1	1	–	–	–	–	–	–	2	0.0%
	Reports/certificates total	99	26	9	–	2	7	–	–	143	2.1%

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Table 17.19 Outcome of complaints assessed by issues identified in complaint 2008-09 (continued)

		Outcome								Total	
Issue category	Issue name	Discontinued	Referred to Registration Board	Assisted resolution	Investigation by Commission	Conciliation	Resolved during assessment process	Referred to another body	Local resolution	No.	%
Discharge/transfer arrangements	Inadequate discharge	30	5	52	7	19	4	–	2	119	1.7%
	Delay	5	–	1	3	1	–	–	–	10	0.1%
	Mode of transport	1	–	4	–	2	–	–	–	7	0.1%
	Patient not reviewed	2	–	3	–	–	1	–	–	6	0.1%
	Discharge/transfer arrangements total	38	5	60	10	22	5	–	2	142	2.1%
Medical records	Record keeping	23	23	12	9	6	1	1	–	75	1.1%
	Access to/transfer of records	20	5	6	1	2	10	1	1	46	0.7%
	Records management	3	3	1	1	1	2	–	–	11	0.2%
	Medical records total	46	31	19	11	9	13	2	1	132	1.9%
Grand total		2,558	1,437	1,372	532	413	385	107	94	6,898	100.0%

Counted by issues raised in complaint

Table 17.20 Outcome of complaints assessed by service area 2008-09

	Outcome								Total	
Service area	Discontinued	Referred to Registration Board	Assisted resolution	Investigation by Commission	Resolved during assessment process	Conciliation	Referred to another body	Local resolution	No.	%
General medicine	476	164	134	105	76	47	22	14	1,038	31.0%
Dentistry	53	270	14	4	18	1	2	3	365	10.9%
Surgery	101	28	109	26	16	32	3	2	317	9.5%
Emergency medicine	69	20	80	9	19	18	–	4	219	6.5%
Mental health	96	11	55	9	4	3	2	11	191	5.7%
Obstetrics	36	10	28	23	1	15	1	1	115	3.4%
Psychiatry	54	14	10	9	1	2	–	2	92	2.7%
Pharmacy/pharmacology	5	72	–	9	1	–	3	–	90	2.7%
Aged care	30	14	12	9	1	–	17	1	84	2.5%
Geriatrics/gerontology	22	11	19	9	3	4	2	–	70	2.1%
Psychology	16	45	–	4	2	–	–	–	67	2.0%
Medico-Legal	52	9	–	2	1	–	–	–	64	1.9%
Gynaecology	14	10	8	5	8	10	–	–	55	1.6%
Administration	23	–	1	3	2	1	2	7	39	1.2%
Oncology	16	1	5	4	2	3	–	–	31	0.9%
Physiotherapy	15	7	1	4	1	–	–	–	28	0.8%
Non-health related	17	2	–	3	2	–	2	1	27	0.8%
Other/unknown	13	10	–	2	–	–	1	1	27	0.8%
Radiology	17	1	4	1	3	–	1	–	27	0.8%

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Table 17.20 Outcome of complaints assessed by service area 2008-09 (continued)

Service area	Outcome								Total	
	Discontinued	Referred to Registration Board	Assisted resolution	Investigation by Commission	Resolved during assessment process	Conciliation	Referred to another body	Local resolution	No.	%
Cardiology	10	2	8	1	1	3	–	–	25	0.7%
Chiropractic	3	20	–	1	–	–	1	–	25	0.7%
Paediatric medicine	5	2	11	2	2	2	–	1	25	0.7%
Anaesthesia	7	2	7	3	2	1	–	–	22	0.7%
Midwifery	7	2	2	6	2	2	–	–	21	0.6%
Optometry	15	4	–	–	1	1	–	–	21	0.6%
Cosmetic services	10	4	2	–	1	2	1	–	20	0.6%
Drug and alcohol	11	2	4	–	2	1	–	–	20	0.6%
Rehabilitation medicine	12	–	3	1	–	–	–	3	19	0.6%
Urology	9	–	5	–	2	–	–	–	16	0.5%
Ambulance service	9	–	1	–	2	–	–	3	15	0.4%
Intensive care	4	–	4	2	1	4	–	–	15	0.4%
Dermatology	7	4	–	2	1	–	–	–	14	0.4%
Palliative care	1	1	8	1	–	2	–	1	14	0.4%
Gastroenterology	10	–	–	–	1	2	–	–	13	0.4%
Neurology	4	2	2	–	1	4	–	–	13	0.4%
Ophthalmology	5	2	4	–	1	1	–	–	13	0.4%
Reproductive medicine	3	3	1	3	1	1	–	1	13	0.4%
Podiatry	2	2	2	2	3	–	–	–	11	0.3%
Pathology	4	1	–	1	–	2	–	–	8	0.2%
Radiography	3	–	4	–	–	–	–	–	7	0.2%
Counselling	4	–	1	–	–	–	–	–	5	0.1%
Immunology	2	–	–	1	1	–	–	–	4	0.1%
Personal care	3	–	1	–	–	–	–	–	4	0.1%
Respiratory/thoracic medicine	–	–	4	–	–	–	–	–	4	0.1%
Alternative health	2	–	–	1	–	–	–	–	3	0.1%
Developmental disability	1	–	1	–	–	–	1	–	3	0.1%
Early childhood	1	1	1	–	–	–	–	–	3	0.1%
Endocrinology	1	1	–	–	–	1	–	–	3	0.1%
Infectious diseases	2	–	1	–	–	–	–	–	3	0.1%
Massage therapy	–	–	–	3	–	–	–	–	3	0.1%
Family planning	1	–	1	–	–	–	–	–	2	0.1%
Haematology	–	–	–	–	–	2	–	–	2	0.1%
Occupational therapy	2	–	–	–	–	–	–	–	2	0.1%
Osteopathy	2	–	–	–	–	–	–	–	2	0.1%
Prosthetics and orthotics	–	–	1	–	1	–	–	–	2	0.1%
Psychotherapy	1	–	–	–	1	–	–	–	2	0.1%
Speech therapy	1	–	1	–	–	–	–	–	2	0.1%
Natural therapy	1	–	–	–	–	–	–	–	1	0.0%
Nutrition and dietetics	–	1	–	–	–	–	–	–	1	0.0%
Occupational health	–	–	1	–	–	–	–	–	1	0.0%
Rheumatology	1	–	–	–	–	–	–	–	1	0.0%
Total	1,291	755	561	270	188	167	61	56	3,349	100.0%

Counted by provider identified in complaint

Table 17.21 Time taken to assess complaints 2006-07 to 2008-09

	2006-07	2007-08	2008-09
Percentage of complaints assessed within 60 days	83.7%	88.2%	88.9%
Average days to assess complaints	39	39	42

Counted by provider identified in complaint

Table 17.22 Requests for review of assessment decision 2006-07 to 2008-09

	2006-07	2007-08	2008-09
	No.	No.	No.
Requests for review of assessment decision	284	230	281

Counted by provider identified in complaint

Table 17.23 Outcome of reviews of assessment decision 2006-07 to 2008-09

Review result	2006-07		2007-08		2008-09	
	No.	%	No.	%	No.	%
Original assessment decision confirmed	297	88.4%	216	89.3%	261	96.0%
Assessment decision varied	39	11.6%	26	10.7%	11	4.0%
Total	336	100.0%	242	100.0%	272	100.0%

Counted by provider identified in complaint

Table 17.24 Outcome of assisted resolutions 2006-07 to 2008-09

Outcome		2006-07		2007-08		2008-09	
		No.	%	No.	%	No.	%
Resolution did proceed							
Resolved	Resolved	224	47.0%	228	38.9%	244	39.4%
	Partially resolved	116	24.4%	124	21.2%	167	26.9%
Not Resolved	Not resolved	50	10.5%	81	13.8%	103	16.6%
Resolution did proceed total		390	81.9%	433	73.9%	514	82.9%
Resolution did not proceed							
	Referred for other process	35	7.4%	50	8.5%	10	1.6%
	Unable to be resolved	51	10.7%	103	17.6%	96	15.5%
Resolution did not proceed total		86	18.1%	153	26.1%	106	17.1%
Grand total		476	100.0%	586	100.0%	620	100.0%

Counted by provider identified in complaint

Table 17.25 Time taken to complete resolution process 2006-07 to 2008-09

Time taken to complete	2006-07		2007-08		2008-09	
	No.	%	No.	%	No.	%
1-30 days	77	16.1%	128	21.8%	159	25.6%
1-2 months	132	27.7%	163	27.8%	164	26.5%
2-3 months	85	17.8%	98	16.7%	91	14.7%
3-4 months	59	12.4%	62	10.6%	62	10.0%
4-5 months	40	8.4%	53	9.0%	44	7.1%
5-6 months	29	6.1%	22	3.8%	34	5.5%
6-7 months	16	3.4%	16	2.7%	25	4.0%
7-9 months	15	3.2%	24	4.1%	23	3.7%
9-12 months	17	3.6%	18	3.1%	11	1.8%
>12 months	6	1.3%	2	0.3%	7	1.1%
Total	476	100.0%	586	100.0%	620	100.0%

Counted by provider identified in complaint

Table 17.26 Outcome of conciliations 2006-07 to 2008-09

Outcome		2006-07		2007-08		2008-09	
		No.	%	No.	%	No.	%
Conciliation process did proceed							
Resolved	Agreement reached at conciliation meeting	89	35.3%	63	30.4%	43	18.9%
	Complaint resolved between the parties with the assistance of the Registry	15	6.0%	17	8.2%	15	6.6%
Not Resolved	Consent withdrawn	30	11.9%	25	12.1%	34	14.9%
	The conciliation was helpful in clarifying concerns	n/a	–	10	4.8%	27	11.8%
	Parties did not reach agreement during conciliation meeting	32	12.7%	16	7.7%	10	4.4%
Conciliation process did proceed total		166	65.9%	131	63.3%	129	56.6%
Conciliation process did not proceed							
	Conciliation did not proceed	81	32.1%	75	36.2%	99	43.4%
	Complaint resolved prior to conciliation	5	2.0%	1	0.5%	–	0.0%
Conciliation process did not proceed total		86	34.1%	76	36.7%	99	43.4%
Grand total		252	100.0%	207	100.0%	228	100.0%

Counted by provider identified in complaint

Table 17.27 Time taken to complete conciliation process 2006-07 to 2008-09

Time taken to complete	2006-07		2007-08		2008-09	
	No.	%	No.	%	No.	%
1-30 days	4	16.1%	15	7.2%	11	4.8%
1-2 months	46	18.3%	32	15.5%	58	25.4%
2-3 months	44	17.8%	32	15.5%	45	19.7%
3-4 months	42	16.7%	29	14.0%	26	11.4%
4-5 months	32	12.7%	16	7.7%	11	4.8%
5-6 months	16	6.3%	13	6.3%	19	8.3%
6-7 months	18	7.1%	13	6.3%	7	3.1%
7-9 months	28	11.1%	12	5.8%	6	2.6%
9-12 months	10	4.0%	18	8.7%	23	10.1%
>12 months	12	4.8%	27	13.0%	22	9.6%
Total	252	100.0%	207	100.0%	228	100.0%

Counted by provider identified in complaint

Table 17.28 Outcome of investigations 2006-07 to 2008-09

Outcome		2006-07		2007-08		2008-09	
		No.	%	No.	%	No.	%
Health organisation	Make comments or recommendation	50	54.3%	55	65.5%	39	63.9%
	No further action	42	45.7%	29	34.5%	22	36.1%
Health organisation total		92	100.0%	84	100.0%	61	100.0%
Health practitioner	Referred to Director of Proceedings	112	38.8%	129	50.8%	100	50.0%
	No further action	101	34.9%	63	24.8%	45	22.5%
	Referred to Registration Board	36	12.5%	35	13.8%	36	18.0%
	Comments to the practitioner	38	13.1%	24	9.4%	16	8.0%
	Public statement	n/a	–	n/a	–	2	1.0%
	Referred to Director of Public Prosecutions	2	0.7%	3	1.2%	1	0.5%
Health practitioner total		289	100.0%	254	100.0%	200	100.0%
Grand total		381	100.0%	338	100.0%	261	100.0%

Counted by provider identified in complaint

Table 17.29 Investigations into health organisations and health practitioners finalised 2006-07 to 2008-09

Description		2006-07		2007-08		2008-09	
		No.	%	No.	%	No.	%
Health organisations	Public hospital	63	68.5%	63	75.0%	46	75.4%
	Private hospital	7	7.6%	6	7.1%	4	6.6%
	Area Health Service	–	0.0%	3	3.6%	3	4.9%
	Aged care facility	8	8.7%	4	4.8%	2	3.3%
	Pathology centre/lab	–	0.0%	1	1.2%	2	3.3%
	Dental facility	–	0.0%	–	0.0%	1	1.6%
	Drug and alcohol service	2	2.2%	–	0.0%	1	1.6%
	Medical centre	1	1.1%	1	1.2%	1	1.6%
	Radiology practice	1	1.1%	1	1.2%	1	1.6%
	Ambulance service	2	2.2%	–	0.0%	–	0.0%
	College/association	–	0.0%	2	2.4%	–	0.0%
	Community health service	2	2.2%	1	1.2%	–	0.0%
	Correction and detention facility	–	0.0%	2	2.4%	–	0.0%
	Supported accommodation service	1	1.1%	–	0.0%	–	0.0%
	Medical practice	5	5.4%	–	0.0%	–	0.0%
	Health organisation total	92	100.0%	84	100.0%	61	100.0%
Health practitioners	Medical practitioner	175	60.6%	150	59.1%	112	56.0%
	Nurse	68	23.6%	75	29.5%	69	34.5%
	Psychologist	17	5.9%	9	3.5%	6	3.0%
	Podiatrist	–	0.0%	1	0.4%	2	1.0%
	Radiographer	n/a	–	n/a	–	2	1.0%
	Alternative health provider	–	0.0%	6	2.4%	1	0.5%
	Chiropractor	3	1.0%	3	1.2%	1	0.5%
	Dentist	11	3.8%	2	0.8%	1	0.5%
	Homeopath	n/a	–	n/a	–	1	0.5%
	Massage therapist	n/a	–	n/a	–	1	0.5%
	Osteopath	–	0.0%	–	0.0%	1	0.5%
	Optometrist	–	0.0%	–	0.0%	1	0.5%
	Physiotherapist	2	0.7%	2	0.8%	1	0.5%
	Psychotherapist	1	0.3%	–	0.0%	1	0.5%
	Ambulance personnel	–	0.0%	2	0.8%	–	0.0%
	Natural therapist	2	0.7%	–	0.0%	–	0.0%
	Naturopath	–	0.0%	2	0.8%	–	0.0%
	Pharmacist	2	0.7%	2	0.8%	–	0.0%
	Social worker	1	0.3%	–	0.0%	–	0.0%
	Traditional Chinese medicine practitioner	7	2.4%	–	0.0%	–	0.0%
	Health practitioner total	289	100.0%	254	100.0%	200	100.0%
Grand total		381	100.0%	338	100.0%	261	100.0%

Counted by provider identified in complaint

Table 17.30 Investigations finalised by issue category 2006-07 to 2008-09

Category	2006-07		2007-08		Category	2008-09	
	No.	%	No.	%		No.	%
Treatment	271	60.8%	237	57.2%	Treatment	196	45.6%
Professional conduct	129	28.9%	141	34.1%	Professional conduct	148	34.4%
Communication	23	5.2%	19	4.6%	Medication	28	6.5%
Access	5	1.1%	10	2.4%	Communication/information	23	5.3%
Consent	4	0.9%	6	1.4%	Environment/management of facilities	9	2.1%
Privacy/discrimination	4	0.9%	1	0.2%	Grievance processes	8	1.9%
Costs	5	1.1%	–	0.0%	Medical records	7	1.6%
Corporate services	4	0.9%	–	0.0%	Discharge/transfer arrangements	6	1.4%
Grievances	1	0.2%	–	0.0%	Consent	4	0.9%
					Access	1	0.2%
Total	446	100.0%	414	100.0%		430	100.0%

Counted by issues raised in complaint

Table 17.31 Outcome of investigations finalised by profession and organisation type 2008-09

	Health practitioner														Total	
Outcome	Medical practitioner	Nurse	Psychologist	Podiatrist	Radiographer	Alternative health provider	Chiropractor	Dentist	Homeopath	Massage therapist	Optometrist	Osteopath	Physiotherapist	Psychotherapist	No.	%
Referred to Director of Proceedings	52	42	4	–	–	–	1	–	–	–	–	1	–	–	100	50.0%
No further action	31	9	1	2	–	–	–	1	1	–	–	–	–	–	45	22.5%
Referred to Registration Board	19	14	1	–	–	–	–	–	–	–	1	–	1	–	36	18.0%
Comments to practitioner	9	4	–	–	–	1	–	–	–	1	–	–	–	1	16	8.0%
Public statement	–	–	–	–	2	–	–	–	–	–	–	–	–	–	2	1.0%
Referred to Director of Public Prosecutions	1	–	–	–	–	–	–	–	–	–	–	–	–	–	1	0.5%
Health practitioner total	112	69	6	2	2	1	1	1	1	1	1	1	1	1	200	100.0%
Outcome	Health organisation														Total	
	Public hospital	Private hospital	Area Health Service	Pathology centre/lab	Aged care facility	Dental facility	Drug and alcohol service	Medical centre	Radiology practice						No.	%
Recommendation	24	2	2	–	–	–	1	1	1						31	50.8%
No further action	17	2	–	1	1	1	–	–	–						22	36.1%
Comments	5	–	1	1	1	–	–	–	–						8	13.1%
Health organisation total	46	4	3	2	2	1	1	1	1						61	100.0%
Grand total															261	100.0%

Counted by provider identified in complaint

Table 17.32 Requests for review of investigation decision 2006-07 to 2008-09

	2006-07	2007-08	2008-09
	No.	No.	No.
Requests for review of investigation	18	15	4

Counted by provider identified in complaint

Table 17.33 Outcome of reviews of investigation decision 2006-07 to 2008-09

Outcome	2006-07		2007-08		2008-09	
	No.	%	No.	%	No.	%
Original investigation decision confirmed	21	91.3%	15	100.0%	5	83.3%
Re-opened for investigation	2	8.7%	–	0.0%	1	16.7%
Total	23	100.0%	15	100.0%	6	100.0%

Counted by provider identified in complaint

Table 17.34 Time taken to complete investigations 2006-07 to 2008-09

Time taken to complete	2006-07		2007-08		2008-09	
	No.	%	No.	%	No.	%
< 6 months	55	14.4%	62	18.3%	66	25.3%
6-12 months	211	55.4%	169	50.0%	145	55.6%
12-18 months	97	25.4%	90	26.6%	38	14.6%
18-24 months	14	3.7%	16	4.7%	12	4.6%
24-30 months	3	0.8%	1	0.3%	–	0.0%
30-36 months	–	0.0%	–	0.0%	–	0.0%
> 36 months	1	0.3%	–	0.0%	–	0.0%
Total	381	100.0%	338	100.0%	261	100.0%
Average days taken to complete investigation	318		309		274	

Counted by provider identified in complaint

Table 17.35 Open complaints as at 30 June 2009

Category	2006-07		2007-08		2008-09	
	No.	%	No.	%	No.	%
Open assessments	342	33.2%	583	45.7%	597	58.4%
Open investigations	286	27.8%	215	16.9%	165	16.1%
Open complaints in legal	129	12.5%	209	16.4%	114	11.2%
Open resolutions	137	13.3%	152	11.9%	78	7.6%
Open conciliations	105	10.2%	95	7.5%	42	4.1%
Open assessment reviews	28	2.7%	18	1.4%	25	2.4%
Open investigation reviews	3	0.3%	3	0.2%	1	0.1%
Total	1,030	100.0%	1,275	100.0%	1,022	100.0%

Counted by provider identified in complaint

Appendix D – List of expert advisers

The Commission would like to thank its expert advisers below. In addition, the Commission would also like to thank those experts who provided phone advice throughout the year that helped to clarify clinical issues during the assessment of complaints.

Dr Richard Abbott	Dr Andrew Byrne	Dr David Eizenberg	Mrs Sue Greig
Dr Ion Alexander	Mrs Janice Caldwell	Dr Ian Elder	Ms Ann Greive
Dr John Alexander	Ms Jann Capizzi	Ms Jeanette Eldridge	Mrs Eunice Gribbin
Dr Roger Allan	Dr Daniel Challis	Dr Barry Elison	Ms Katherine Grover
Dr Hugh Allen	Dr Harry Champion	Dr John Ellard	Mrs Janine Haigh
Dr Stephen Allnutt	Professor Richard Chard	Mr Colin Ellis	Dr Neal Hamilton
Dr Anthony Anker	Miss Kate Chellew	Mr Roger Engel	Professor David Handelsman
Ms Deborah Armitage	Dr Andrew Child	Dr John England	Mr Christopher Hanna
Dr Francis Arnaudon	Dr Clive Childs	Ms Ellen Evans	Dr Michael Harding
Dr Mark Arnold	Dr Louis Christie	Dr Anthony Eyers	Dr John Harkness
Mr John Baker	Dr Ian Chung	Dr Gregory Falk	Dr Stephen Harlamb
Dr Michael Baldwin	Dr David Church	Dr David Farlow	Mr Martin Harris
Dr Gary Banks	Mr Peter Cleasby	Dr Diana Farlow	Mr Steven Harris
Mrs Susan Banks	Professor Geoffrey Cleghorn	Dr Alan Farnsworth	Ms Bethne Hart
Professor David Barnes	Ms Vanessa Clements	Dr Annabelle Farnsworth	Dr Keith Hartman
Mrs Jeanne Barr	Professor Paul Colditz	Professor Glen Farrow	Dr Ray Hayek
Dr Bruce Barracrough	Mr Albert Coleiro	Mr John Ferguson	Dr Phillip Hazell
Mr Glen Barrington	Mr Mark Coleman	Professor Rex Ferris	Mr Antony Heath
Dr Philip Bekhor	Dr Brian Collits	Dr Charles Fisher	Dr Paul Hendel
Professor James Bell	Professor Christopher Commens	Professor John Fletcher	Mr Chris Henderson
Dr Lynette Bellamy	Mr Shaun Connolly	Ms Vikki Fogarty	Dr Wilson Heriot
Dr Warwick Benson	Mrs Helen Cooke	Dr Anthony Freeman	Dr Ralph Higgins
Dr Peter Bentivoglio	Ms Anne Cooper	Dr James Friend	Dr Anthony Hobbs
Dr Peter Berton	Dr Marcela Cox	Ms Julianne Friendship	Ms Danette Holding
Dr James Bertouch	Ms Allison Cummins	Professor Gordian Fulde	Dr Peter Holman
Ms Robin Billings	Dr John Curotta	Dr Paul Gaudry	Dr Herbert Hooi
Dr Hani Bittar	Dr Paul Curtis	Mrs Marianne Gaul	Dr Craig Hore
Dr Peter Bland	Mr Eric Daniels	Dr Rafat Ghabrial	Dr Kenneth Hume
Dr Steven Blome	Professor David Davies	Dr Mark Gianoutsos	Dr Carole Hungerford
Prof Elie Leslie Bokey	Mr John Davis	Dr Margaret Gibbons	Mrs Sarah Hunstead
Ms Kim Bonnici	Ms Susan Dawson	Dr Michael Giblin	Professor James Isbister
Mr Sam Borenstein	Dr Robert Day	Dr William Gibson	Ms Lee-Ann Jackson
Dr David Bowers	Dr Michael Delaney	Professor David Gillett	Dr Allan James
Dr David Brazier	Mr Christopher Derkenne	Dr Jonathan Gillis	Dr Walid Jammal
Professor Bruce Brew	Professor Hugh Dickson	Dr Peter Gillman	Dr Elizabeth Jane
Dr George Bridger	Ms Pauline Dobson	Dr Leslie Glen	Professor Richmond Jeremy
Professor Henry Brodaty	Dr Glenys Dore	Mrs Greta Goldberg	Dr Ian Johnson
Dr Geoffrey Brodie	Ms Jasmin Douglas	Dr Michael Golding	Ms Maren Jones
Professor Pat Brodie	Dr Geraldine Duncan	Dr Philip Goldstone	Ms Andrea Jordan
Dr Andrew Brooks	Dr Iain Dunlop	Mrs Alison Goodfellow	Dr Anthony Joseph
Ms Elspeth Browne	Ms Maureen Edgton-Winn	Ms Amanda Gordon	Dr Stephen Jurd
Professor Richard Bryant	Dr Frederick Ehrlich	Professor David Gottlieb	Ms Blanche Kairies
Dr Jeremy Bunker	Dr David Eisinger	Professor Kerry Goulston	Dr Jeffrey Keir
Dr Richard Burns		Professor James Greenwood	Dr Adrian Keller

17

Appendices

Professor Anne-Maree Kelly	Dr Louis McGuigan	Dr John Quinn	Dr Michael Suranyi
Ms Fiona Kendall	Dr Christopher McMahon	Dr Geoffrey Ramin	Dr Joanna Sutherland
Dr Timothy Keogh	Mr Bernard McNair	Dr Dennis Raymond	Ms Sally Sutherland-Fraser
Dr Emery Kertes	Dr Michele Meltzer	Ms Patricia Reynolds	Dr Eric Taft
Dr Suresh Khatri	Ms Rebekkah Middleton	Dr Shawn Richards	Dr Deniz Tek
Mr Raymond Khoury	Dr Geoffrey Mifsud	Ms Jenifer Richardson	Dr Christopher Tennant
Mr Michael Kinchington	Ms Colleen Mill	Dr Adam Rish	Dr Kenneth Tiver
Mr David Kitching	Ms Helen Miller	Professor Darren Rivett	Dr Tom Tseng
Professor Leon Kleinman	Dr Janelle Miller	Prof Ivor Roberts	Ms Deborah Tully
Dr Peter Klug	Mr Peter Moore	Dr Wendy Roberts	Dr Robert Turner
Ms Diana Knagge	Dr Peter Morse	Dr Patricia Robertson	Mr Andrew Van Essen
Dr Martin Knapp	Dr Muniswami Mudaliar	Dr Tuly Rosenfeld	Dr Christopher Vickers
Dr David Knox	Ms Christine Muller	Dr William Ross	Mr Alyn Vincent
Dr Andrew Korda	Dr Raymond Mullins	Ms Nadime Roumieh	Dr John Vinen
Dr Beth Kotze	Dr Anne Murray	Ms Robyn Rudner	Mr Christopher Waite
Dr Paul Kovac	Ms Donna Muscardin	Professor Richard Ruffin	Professor Denis Wakefield
Ms Wendy Kramer	Dr Gregory Nelson	Mrs Fiona Russell	Dr Martine Walker
Professor Joanne Kurtberg	Dr Harry Nespolon	Dr Anthony Samuels	Mr Anthony Wallace
Dr Mary Langcake	Mr Frank Newman	Ms Suzanne Samuels	Dr Bernard Walsh
Dr Kit Lau	Dr Louise Newman	Mrs Julie Scott	Dr James Walter
Ms Janine Learmont	Ms Robin Norton	Mr Trevor Scott	Dr Stephen Ward
Dr Vinoo Lele	Mr Daryl Nye	Dr Raymond Seidler	Dr Robert Ware
Dr Garth Leslie	Dr Nicholas O'Connor	Dr Diana Semmonds	Mr Athol Webb
Dr Michael Levitt	Dr Wendy O'Dey	Mr Stephen Seymour	Mrs Rachel Weeks
Dr Edward Loughman	Professor Lynne Douglas Oliver	Dr Gabriel Shannon	Ms Elvina Weissel
Mr Ashton Lucas	Mr Brendan O'Loughlin	Ms Nerralie Shaw	Mr Adam Whitby
Ms Sara Lucas	Dr Matthew O'Meara	Ms Rosalee Shaw	Ms Robyn Anne White
Ms Sue Lukersmith	Ms Sonya Otte	Mr Warren Shaw	Mr Lawrence Whitman
Dr Peter Lye	Ms Michelle Parker	Ms Agnes Shea	Dr Andrew Wignall
Dr Robert Lyneham	Dr Julian Parmegiani	Dr John Sippe	Professor Ian Wilcox
Dr Kenneth Mackey	Dr Martyn Patfield	Dr George Skowronski	Mr Cearns William
Dr Colin Macleod	Dr Gordon Patrick	Dr John Slaughter	Dr Cholmondeley Williams
Dr Andrew MacQueen	Dr John Pearman	Dr Denis Smart	Mr Michael Williamson
Mr Philip Major	Professor Roger Pepperell	Ms Catriona Smith	Dr Andrew Wilson
Dr Linda Mann	Dr John Percy	Dr Graydon Smith	Dr Alexander Wodak
Ms Elizabeth Ann Marsh	Dr Kenneth Perkins	Dr William Smith	Professor Robin Woods
Ms Carol Martin	Dr Jonathan Phillips	Dr Velencia Soutter	Ms Fiona Wright
Dr Hugh Martin	Dr Peter Pigott	Dr Barbara Spark	Dr John Wright
Dr Lawrence Mashford	Dr John Pitkin	Professor Kaye Spence	Mr Theo Yalouris
Ms Kerri Masters	Dr Justin Playfair	Dr Oscar Stanley	Dr Deborah Yates
Professor James May	Dr Alan Porter	Professor Katharine Steinbeck	Dr Simon Young
Ms Susan Mayhew	Professor Solomon Posen	Dr Michael Steiner	Dr Rasiah Yuvarajan
Ms Toni McCallum Pardey	Dr Jeffrey Post	Dr Warwick Stening	Ms Jennifer Zwart
Dr Sally McCarthy	Ms Tracey Powell	Ms Adrienne Stern	
Professor William McCarthy	Professor Joseph Proietto	Ms Helen Stevens	
Professor Kevin McConkey	Dr Jennifer Prowse	Dr Janine Stevenson	
Dr Martin McGee	Dr Donald Pryor	Dr David Storey	
Dr Michael McGlynn	Professor Carolyn Quadrio	Dr Marian Sullivan	

Appendix E – List of charts

Chart 4.1	Number of inquiries received 2006-07 to 2008-09
Chart 4.2	Number of complaints received 2006-07 to 2008-09
Chart 4.3	Number of complaints finalised 2006-07 to 2008-09
Chart 4.4	Number of assessments finalised 2006-07 to 2008-09
Chart 4.5	Number of investigations finalised 2006-07 to 2008-09
Chart 4.6	Number of legal matters finalised 2006-07 to 2008-09
Chart 8.1	Issues raised in all complaints received 2008-09
Chart 8.2	Issues raised in inquiries and in written complaints received in 2008-09
Chart 8.3	Proportion of issues in the category treatment 2008-09
Chart 8.4	Proportion of issues in the category communication/information 2008-09
Chart 8.5	Proportion of issues in the category professional conduct 2008-09
Chart 8.6	Complaints received about health practitioners 2006-07 to 2008-09
Chart 8.7	Issues raised in complaints received about medical practitioners, dentists and nurses 2008-09
Chart 8.8	Complaints received about health organisations 2006-07 to 2008-09
Chart 8.9	Issues raised in complaints received about public and private hospitals 2008-09
Chart 8.10	Issues raised in complaints received by service area 2008-09
Chart 10.1	Number of inquiries received 2006-07 to 2008-09
Chart 10.2	Outcome of inquiries 2006-07 to 2008-09
Chart 11.1	Outcome of assessment of complaints 2006-07 to 2008-09
Chart 11.2	Issues raised in all complaints assessed 2008-09
Chart 11.3	Request for review of assessment decision 2006-07 to 2008-09
Chart 11.4	Outcome of reviews of assessment decision 2006-07 to 2008-09
Chart 12.1	Outcome of assisted resolutions 2006-07 to 2008-09
Chart 12.2	Most common issues and outcomes for resolutions finalised 2008-09
Chart 12.3	Average time taken to finalise complaints referred for assisted resolution 2006-07 to 2008-09
Chart 13.1	Reasons for conciliations not proceeding 2006-07 to 2008-09
Chart 13.2	Outcome of conciliations that did proceed 2006-07 to 2008-09
Chart 13.3	Outcome of conciliations that did proceed for treatment and communication/information issues 2008-09
Chart 14.1	Outcome of investigations into health practitioners and health organisations 2005-06 to 2008-09
Chart 14.2	Outcome of investigations into health practitioners by issue 2008-09
Chart 14.3	Outcome of investigations into health organisations by most common issues 2008-09
Chart 14.4	Implementation rate for recommendations made 2005-06 to 2008-09
Chart 14.5	Time taken to complete investigations 2006-07 to 2008-09
Chart 13.4	Requests for review of investigation decision 2006-07 to 2008-09
Chart 14.7	Outcome of reviews of investigation decision 2006-07 to 2008-09
Chart 15.1	Legal matters finalised 2006-07 to 2008-09
Chart 17.1	Organisation chart

Appendix F – List of tables

Table 15.1	Outcome of legal matters finalised 2008-09
Table 16.1	Comparison of finances 2004-05 to 2008-09
Table 16.2	Outline budget for 2009-10 financial year
Table 16.3	Aged analysis at end of each quarter 2008-09
Table 16.4	Accounts paid on time within each quarter
Table 17.1	Senior Executive Service as at 30 June 2009
Table 17.2	Staff numbers by employment category 2005-06 to 2008-09
Table 17.3	Average full-time equivalent staffing 2005-06 to 2008-09
Table 17.4	Trends in the representation of EEO groups 2006-2009
Table 17.5	Training activities 2008-09
Table 17.6	Occupational health and safety incidents, injuries and claims 2007-08 to 2008-09
Table 17.7	Summary of complaints received by issue category 2006-07 to 2008-09
Table 17.8	Breakdown of issue category of complaints received 2008-09
Table 17.9	Complaints received about registered and unregistered health practitioners 2006-07 to 2008-09
Table 17.10	Complaints received about registered health practitioners by issue category 2008-09
Table 17.11	Complaints received about unregistered health practitioners by issue category 2008-09
Table 17.12	Complaints received about health organisations 2006-07 to 2008-09
Table 17.13	Complaints received about public and private hospitals by most common service areas 2008-09
Table 17.14	Complaints received about public hospitals by Area Health Service 2006-07 to 2008-09
Table 17.15	Issues raised in complaints received about health organisations by organisation type 2008-09
Table 17.16	Issues raised in all complaints received by service area 2008-09
Table 17.17	Source of complaints 2006-07 to 2008-09
Table 17.18	Outcome of assessment of complaints 2006-07 to 2008-09
Table 17.19	Outcome of complaints assessed by issues identified in complaint 2008-09
Table 17.20	Outcome of complaints assessed by service area 2008-09
Table 17.21	Time taken to assess complaints 2006-07 to 2008-09
Table 17.22	Requests for review of assessment decision 2006-07 to 2008-09
Table 17.23	Outcome of reviews of assessment decision 2006-07 to 2008-09
Table 17.24	Outcome of assisted resolutions 2006-07 to 2008-09
Table 17.25	Time taken to complete resolution process 2006-07 to 2008-09
Table 17.26	Outcome of conciliations 2006-07 to 2008-09
Table 17.27	Time taken to complete conciliation process 2006-07 to 2008-09
Table 17.28	Outcome of investigations 2006-07 to 2008-09
Table 17.29	Investigations into health organisations and health practitioners finalised 2006-07 to 2008-09
Table 17.30	Investigations finalised by issue category 2006-07 to 2008-09
Table 17.31	Outcome of investigations finalised by profession and organisation type 2008-09
Table 17.32	Requests for review of investigation decision 2006-07 to 2008-09
Table 17.33	Outcome of reviews of investigation decision 2006-07 to 2008-09
Table 17.34	Time taken to complete investigations 2006-07 to 2008-09
Table 17.35	Open complaints as at 30 June 2009

Appendix G – Index of legislative compliance

Annual Reports (Statutory Bodies) Act 1984		Page No.
Letter of submission		1
Budgets – current and projected		51, 55-57
Legal changes		10-11
Financial statement		50-84
Annual Reports (Statutory Bodies) Regulation 2005		Page No.
Charter		3
Aims and objectives		3
Access		Inside front cover
Management and structure		13, 86, 89, 92, 94
Summary review of operations		5-7, 58-59
Funds granted to non-government community organisations	The Commission did not allocate funds to non-government community organisations	
Factors affecting achievement of operational objectives		4
Management and activities		12, 26, 31, 35, 39, 46, 86, 89-96
Research and development		14
Human resources		90-91
Consultants		96
Equal Employment Opportunity	The Commission reports tri-annually on details (2010-11); summary available	91
Disability Plans		94
Land disposal	The Commission does not own land	
Promotion		12-14, 96
Consumer response		24, 29-30, 33, 38, 45, 87
Guarantee of service		3
Payment of accounts		51
Time for payment of accounts		51
Risk management and insurance activities		95
Disclosure of controlled entities	Office of the Health Care Complaints Commission	77-84, 89
Ethnic affairs priorities statements	The Commission reports tri-annually on details (2010-11); summary available	94
Agreements with Community Relations Commission	The Commission has no such agreement in place	
Occupational Health and Safety		94
Waste	The Commission reports tri-annually on details (2010-11)	
Privacy		87-88
After balance date events having a significant effect in succeeding year		73, 84
Annual report production costs and availability		Inside back cover
Investment performance	The Commission does not have any surplus funds invested	
Liability management performance	The Commission does not have debts greater than \$20m	
Exemptions	The Commission reports tri-annually on details in relation to EEO, EAPS and Wast (2010-11)	
Performance and numbers of executive officers		90

Continued on next page

17

Appendices

Disability Services Act 1993		Page No.
Disability Plans		94
Freedom of Information Act 1989 and Freedom of Information Regulation 2005		Page No.
Annual report of FOI operations		88
Health Care Complaints Act 1993		Page No.
The number and types of complaints made during the year		97-107
The sources of those complaints		108
The number and types of complaints assessed by the Commission during the year		108-112
The number and type of complaints referred for conciliation during the year		108-112
The results of conciliations		114
The number and type of complaints investigated by the Commission during the year		115-117
The results of investigations		115, 117
Summary of the results of prosecutions completed during the year arising from complaints		48
The number and details of complaints not finally dealt with at the end of the year		118
The time intervals involved in the complaints process		113-115, 118
The number and type of complaints referred to the Director-General during the year	There were no complaints referred to the Director-General under s 25 and 25A	
Privacy and Personal Information Protection Act 1998		Page No.
Privacy management plan		87-88
Public Sector Employment and Management Act 2002		Page No.
Disability Plans		94
Reporting required by Premier or Treasurer		Page No.
Funds granted to non-government community organisation	The Commission did not allocate funds to non-government community organisations	
Consultants		96
Equal Employment Opportunity	The Commission reports tri-annually on details (2010-11); summary available	91
Payment of accounts		51
Time for payment of accounts		51
Disclosure of subsidiaries	Not applicable	
Investment performance	The Commission does not have any surplus funds invested	
Liability management performance	The Commission does not have debts greater than \$20m	
Electronic service delivery		95
Credit card certification		96
Requirements arising from employment arrangements		
Annual report production costs		Inside back cover

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