

16 September 2024

Dr Joe McGirr MP
Chair
Committee on Health Care Complaints Commission
Parliament of New South Wales
Via email - hccc@parliament.nsw.gov.au

**The Parliamentary Committee on the Health Care Complaints Commission – Review
of the HCCC's 2021-22 and 2022-23 annual reports.**

Dear Dr McGirr MP,

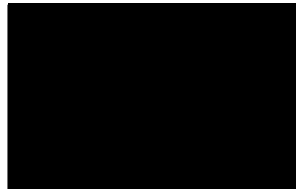
1. MIGA thanks you for the opportunity to provide input into the review.
2. Broadly, we feel the statistics published in the annual review are satisfactory. However, we believe that indicators without targets hold little value.
3. MIGA understands that there are numerous reasons, beyond the control of HCCC management, why certain indicators may not be fully achieved. Nevertheless, we are concerned that failing to fully achieve an indicator prevents the HCCC or the Committee from setting more ambitious targets and timeframes.
4. Specifically, with adequate resources, we believe a 6- to 9-month target for the HCCC to complete investigations is achievable. While our experience shows that 90% of investigations are completed within 12 months, this period is still too long. Moreover, we sense that matters can stall because the 12-month timeframe is too lengthy, and urgency is lost when a matter drifts beyond this period. Additionally, there are instances where a practitioner is informed that matters are being investigated and has heard nothing further. We would encourage the HCCC to implement a system where the status of all investigations is regularly reviewed and practitioners involved are notified of the anticipated timeframe for completion.
5. We are all too aware of the distress practitioners experience while subject to a notification, compounded by awaiting investigation and determination. The uncertainty significantly contributes to practitioner distress, which can be further exacerbated when interim orders restrict or restrain practice, negatively impacting a practitioner's income during this period.
6. Our experience is that prosecutions progress smoothly, albeit with occasional extensions. The prosecution process may be further improved if the HCCC were to signal the protective orders it seeks. We have observed this practice in several recent matters and hope it continues.

7. Once the HCCC has determined to prosecute, we do not see why the common order from the First Directions Hearing is a further six weeks for the HCCC to serve the documents on which it intends to rely. If a matter has reached this point, the HCCC should know and have these documents ready. In our view, two weeks would be adequate; six weeks only serves to delay the hearing date by another month, adding to practitioner hardship and distress.
8. We also question the utility of a full hearing for protective orders, at considerable expense and great delay, where a reply is submitted with partial or full admissions. There should be a process to have consent orders considered and, if agreed, have the matter listed for approval of those conditions without the need for a full hearing. This process is adopted in the ACT.
9. Finally, the requirement for both parties to provide multiple copies of documents and USBs is an onerous, time-consuming, costly, and antiquated exercise. While this may be more of an NCAT issue, parties in 2024 should be able to lodge their documents online and the registry provide Tribunal Members access to those briefs electronically.
10. We hope that our feedback assists the Committee in its review.

Yours sincerely,



Policy and Advocacy Manager MIGA



Anthony Mennillo

Head of Claims and Legal Services MIGA