



17 September 2012

LAC12/300

The Hon. Jillian Skinner MP  
Minister for Health  
Minister for Medical Research  
Level 31 Governor Macquarie Tower  
1 Farrer Place  
SYDNEY NSW 2000

Dear Minister

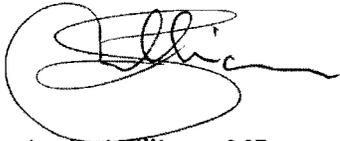
I write in relation to the proposal by the Health Care Complaints Commission to amend the *Health Care Complaints Act 1993* to ensure the Commission's jurisdiction to deal with complaints against health organisations. I also confirm receipt of your recent letter concerning the recommendations of the Report of the previous Committee on the Health Care Complaints Commission on the Operation of the Health Care Complaints Act.

At its meeting on 22 August 2012, the Committee considered correspondence received from the Commissioner, Mr Kieran Pehm, regarding his proposed changes to the *Health Care Complaints Act 1993* subsequent to the Supreme Court Judgement in *Australian Vaccination Network Inc v Health Care Complaints Commission* [2012] NSWSC 110.

The Committee resolved to write to you to advise that the Committee endorses the Commission's suggested amendment which would remove the requirement that complaints must be about the clinical management or care of an individual client. The effect of the amendment would be to allow complaints to be made about health organisations more generally, without the need for direct clinical management to be proven. The Committee agreed that this matter should be given the highest priority. The Committee understands that Mr Pehm has already provided you with a copy of his letter which sets out his suggestion for the specific changes to the wording in section 7(1)(b) of the Act, with a consequential amendment to be made to section 80. In any case, a copy of his letter is enclosed for your information.

The Committee also agreed that it would appreciate receiving advice about progress with any review to the *Health Care Complaints Act 1993*. Accordingly, I would like to extend an invitation, through your office, to a representative of the Ministry of Health to provide a briefing to the Committee at Parliament House at a mutually convenient time. To discuss further, feel free to contact Mr Jason Arditi, Inquiry Manager, on (02) 9230 2096 or at [Jason.Arditi@parliament.nsw.gov.au](mailto:Jason.Arditi@parliament.nsw.gov.au)

Yours sincerely

A handwritten signature in black ink, appearing to read 'Leslie Williams', written over a circular stamp or seal.

Leslie Williams MP  
Chair

Encl.