



26 November 2018

Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee
Parliament House
George Street
Brisbane Qld 4000
By email: health@parliament.qld.gov.au

Dear Committee,

Re: Inquiry into Health Practitioner Regulation National Law and Other Legislation Amendment Bill 2018

The Australian Dental Association Victorian Branch (ADAVB) is the peak body for dentists in Victoria. We represent nearly 80% of dentists in our State.

We would like to reinforce the submission by the Federal Australian Dental Association. The move to raise the existing 'risk' threshold to one of 'substantial risk' is welcome.

However, we have concerns that the proposed wording of the mandatory reporting requirements could have some unintended consequences. Like many professional associations, we partner with an insurance company to provide Professional Indemnity (PI) insurance for our members. We have a team of Community Relations Officers (CROs), who are qualified and experienced dentists that offer a member service to act as a liaison for dispute assistance when patient complaints arise. This service makes a substantial contribution to reducing the costs of PI insurance and assists members and their patients to address concerns.

The wording of the proposed new Section 141C of the National Law Act under Clause 19 of the Bill poses a potential risk to CROs who provide this service as a liaison with members and the insurance underwriter to assist with addressing patient complaints. This section of the Bill discusses circumstances where the exception to making a mandatory notification for practitioners applies. We recommend that this be amended to provide greater certainty that Community Relations Officers would not be required to make a mandatory report in the course of their duties:

"141C

(2) For this Division, the first health practitioner is taken not to form the reasonable belief in the course of providing a health service to the second health practitioner or student if
a. the first health practitioner—

(i) is employed or otherwise engaged by an insurer that provides professional indemnity insurance that relates to the second health practitioner or student; and



(ii) forms the reasonable belief about the matter as a result of a disclosure made by a person to the first health practitioner in the course of a legal proceeding or the provision of legal advice arising from the insurance policy;"

As CROs are not legal practitioners, the advice they provide is not considered to be legal advice. Nonetheless, they provide this advice within the context of a contractual relationship with the professional indemnity insurer. Requiring CROs to make mandatory reports about matters that come to their attention in their role of assisting members with complaints may result in members not disclosing matters. We therefore recommend that the underlined phrase 'provision of legal advice' be amended to be 'provision of advice'.

If you would like any further information, please contact the ADAVB CEO, A/Prof Matt Hopcraft, E:

[REDACTED]

Sincerely,

A handwritten signature in blue ink that reads "Matt Hopcraft". The signature is written in a cursive style.

Chief Executive Officer