

**Health, Communities, Disability Services and Domestic and Family Violence Prevention  
Committee Inquiry:**

**Health Practitioner Regulation National Law and Other Legislation Amendment Bill 2017**

**SUBMISSION**

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I provide this submission to the inquiry of the Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee (the Committee) into the Health Practitioner Regulation National Law and Other Legislation Amendment Bill 2017 (the Bill), to present as evidence for Committee's consideration a statement of my personal experiences, including the direct impacts upon me, during and after being subjected to investigation by a health authority so empowered under the *Health Practitioner Regulation National Law Act 2009* (the Law).

This submission bears direct relevance to the Bill, because the Bill as tabled will provide additional powers to those health authorities established and/or empowered under the Law and some of those proposed additional powers, in my view, will only serve to increase the potential for health practitioners, subjected to such investigation under the amended Law, to suffer impacts similar to, and most likely even worse than, those I have experienced and am still experiencing, those powers without doubt being and becoming even more so, excessive, unwarranted, unfair and harmful.

**IMPACT STATEMENT**

**By what authority empowered under the Law was I investigated?**

Health Care Complaints Commission (HCCC), Psychology Council of New South Wales (PSB) under the Australian Health Practitioner Regulation Agency (AHPRA)

**Was I investigated as a consequence of a notification (complaint) against me?**

YES. I have had five vexatious complaints made against me, by known cyber trolls and dishonest and vexatious complainants. Three by the same person a [REDACTED] and one each from her known associates [REDACTED]. For the past 5 years, I have been targeted and serially harassed by the three listed above. Their aim has been to defame and cause serious harm to my reputation. Late last year due to no other avenues of recourse and due to continued complaints made against me I commenced defamation proceedings against [REDACTED] and her cohorts use the current health regulatory system as it currently stands to constantly vilify and defame me and my exemplary professional standing.

**Do I feel the notification against me was vexatious, false or otherwise being without sound basis?**

YES. All five cases have been dismissed due to neither the HCCC or Psychology Council of NSW finding any cause for investigation. However out of the five complaints three of them

required for me to respond. My issue is not that I had to respond, I am sure there are times that the HCCC and Psychology Council would require further information to make an informed assessment, and that this process is in fact needed to protect the public, however the fact that it was known to the HCCC and should have been obvious to the Psychology Council that the complaints were malicious in nature should not have required a response and instead for true justice and proper use of the complaints process the complainants should have at least put on notice that their abuse of the system would not be tolerated and at best they should have been held to account for misusing and abusing tax payers time and money.

Even after the Psychology Council was informed absolutely that the complaints about me were vexatious and even after the HCCC had recommended no action be taken due to them being aware of the vexatious nature of the complaints the Psychology Council still felt it was their best practice to put me under investigation and not call the vexatious complainant's to account. It appears our current processes give all the power to the complainant and no justice or fair process for the person the complaint is made against. I have written to the Psychology Council of NSW a significant amount of times and stated that due to their inaction calling these serial and vexatious complainants to account, that they are in fact complicit in the abuse towards me. Full copies of these letters can be provided on request.

We currently have a very flawed system and one that is causing great harm to our health practitioners. I am not speaking out of term here two Senate Inquiries into the abuse of our health regulatory process is of serious concern. Yet somehow out of these two Senate Inquiries the best AHPRA can come up with is making it easier for complaints to be made with this bill setting in motion the avenue for further abuse of our health professionals by ensuring they are ridiculed and defamed. **Currently health professionals are treated as criminals, guilty of wanting to cause harm.** This is outrageous and not true, the true percentage of those that deliberately and willfully set out to cause harm would be in my estimate less than one percent. For those others, it is not deliberate and instead of being supported to learn and grow they are berated and abused causing many to want to give up and or quit the profession.

If the Health regulatory bodies took the recent two Senate Inquiries into their processes seriously, this new bill would not be up for approval and instead a bill should be up to pass absolutely that complaints know to be vexatious, anti-completive and deceptive should be held to account.

In the case of vexatious complainant [REDACTED] she openly boasts how easy it is to bully and manipulate various organisations into submission. She uses the regulatory bodies as pawns in her malicious campaign, she has currently made over 21 vexatious complaints and by her own admission has been referred to by the HCCC as a "windbag nuisance". Yet to date nothing has been done to stop her, she and others like here are left free to cause havoc and destruction on our already struggling health system. A huge amount of time and resources are wasted by vexatious, anti-completive complaints yet nothing is being to stop this. **Why is this?**

### **How did I feel while under investigation?**

During the investigate process, I felt placed under the unenviable position of having to prove my innocence. The voice of a known unemployed, vexatious complainant and cyber troll was given more credence than myself, a highly-regarded professional with over 17 years of experience with never a complaint made against me until I became the target of a gang of cyber-trolls hate campaign. (For more about me and my true character [visit my about page.](#) ) Yet because each and every complaint needs to be taken seriously I need to prove my innocence and cyber troll and vexatious complainants get away scot free.

Our system is flawed and we **do not** need more laws to tighten the screws, the screws are already tight enough. The recommendations of this bill will do nothing to support a culture of care and professional development and instead will increase the already established culture of fear, which will inevitably lead to more mistakes by stressed and anxious health professionals pushed to their limit.

Do we need a health regulatory process, Yes. But not one based on fear and intimation, we need one based on care and one that truly offers support and growth.

We also desperately and urgently need accountability. Our regulatory bodies need to be held to account and justify why their investigative processes are so harsh and unsupportive and the vexatious complainants need to be held to account.

CEO of AHPRA Martin Fletcher recently presented at the Health Practitioners Australia Regulatory Association (HPARA) conference and stated that most vexatious complaints get dismissed and hence says no harm done. In my opinion Mr. Fletcher showed absolutely no care or consideration towards the impact of a lengthy and brutal investigative process is, in some cases that last up to four years, where everyone is treated like a criminal regardless of the nature and severity of the complaint.

### **What were the other impacts to me personally during the investigation?**

For me personally the impact was to give me a voice, to stand up and express that this is not okay. Since this has occurred to me I have been constantly astounded to hear just how many cases like mine there are. I have been horrified to hear just how many health professionals we lose; whether by suicide, depression or anxiety due to vexatious and anti-completive complainants being permitted to abuse the complaints process as they do.

For greater understanding on just how serious this issue is I suggest you take time to look over the [HPARA website](#) – there are a significant number of video presentations and content that expose just how ill our current health regulatory system is.

### **What were the impacts on my family, friends and close colleagues that I observed and/or felt personally during and as a consequence of the investigation?**

From all I have witnessed and heard the impact of seeing another health professional being unfairly and unjustly investigated causes a culture of put your head down and get the job

done. This is leading to a great deal of harm towards our patients and other health professionals. Patients are receiving decreased quality of care due to practitioners being impacted by the fear and stress they are under; either trying to avoid having a complaint made against them and or having to deal with having a complaint made against them. It is now well known in the health profession that if you want to get back at a colleague you put a complaint in against them. There is also a joke that states, "if you have had a complaint made against you, you must be good", funny yes as it is now given as a truth that great practitioners are being targeted this way. But is this really the culture we want in our health "care" industry and is this someone you would want to be treated by?

## RECOMMENDATIONS

Based on my personal experiences as outlined above in this submission, and my understanding of the similar experiences of other practitioners, I recommend that:

1. The committee recognizes the evidence submitted by myself and other practitioners to the committee during this inquiry and validates all expressions in that evidence from practitioners of feeling unfairly treated, harmed and traumatised, their experiences in having their careers irrevocably impacted, by the harsh and overbearing powers and conduct of authorities permissible under the current Law.
2. The committee, proceeding from recommendation 1 above, accepts that the Law as implemented is producing harmful outcomes that are either not intended by the original policy intentions, or if intended by those policy intentions, are an indication that the **policy intentions were/are disturbingly wrong**, and either way accepts responsibility on behalf of all participating legislatures take immediate and assertive actions to initiate the required far-reaching reform so clearly needed.
3. **The committee, proceeding from recommendations 1 and 2 above, actively sets about developing clear processes to identify and hold anti-completive, dis-honest and vexatious complaints to account. Penalties, both legally and financially need to apply.**
4. The committee, with regard to the Bill before it, in examining the Bill scrutinises all provisions of the Bill to identify all clauses that may impose upon, or permit, further unfairness, harm and detriment to practitioners in addition to that which is currently permitted and occurring under the existing Law, and recommends either that the Bill not be passed in its entirety, or the removal of those clauses from the Bill.
5. The committee, as an instrument of the Parliament of Queensland, the host jurisdiction for the application of the National Law in Australia, recognizes its key responsibility, and that of the Queensland Parliament, to initiate appropriate measures to correct the significant and disturbing deficiencies of the Law and the resulting harm and detriment to practitioners as presented in the evidence before this inquiry and outlined in this submission.
6. The committee, in recognizing its responsibilities and those of the Queensland Parliament, as stated in recommendation no. 5 above, recommends in its report to the House on this Bill that Queensland acts assertively and urgently to call for a royal commission, as a matter of priority, to review the Law and the operations of all health

authorities that are established by and empowered under the Law in all participating jurisdictions of Australia.

In making my submission I note that I am willing for my submission to be made public under parliamentary privilege. I would also welcome the opportunity to discuss this further.

It should be noted that I am pursuing a case against Ms Rockett through legal avenues and the matter is presently before a Queensland Court.

Yours Sincerely,



**Caroline Raphael, Psychologist, BPsych, MAPS.**

[Redacted]

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**Date:** 11 /7/ 2017

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