

HCCC reference: AF1074

Mr Brin Grenyer  
Chair, Psychology Board of Australia  
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Collins Street West  
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Via email to: [chair@psychologyboard.gov.au](mailto:chair@psychologyboard.gov.au)

Dear Mr Grenyer

**Submission to the second consultation paper - guidelines on mandatory notification**

Thank you for your email to the Commission of 18 March 2010, inviting comments on the second consultation paper of the Psychology Board of Australia.

The NSW Health Care Complaints Commission has reviewed the consultation paper and would like to commend the standard of the information included. The Commission's only suggestions are in relation to the guidelines for mandatory notifications.

We suggest that the Board consider changing the information on page 5 of the guidelines, under the heading '6. Consequences of failure to notify'. This currently states 'any practitioner who fails to make a mandatory notification when required may be subject health conduct or performance action by the board that registers the practitioner.' Given that in NSW the Health Care Complaints Commission has the power to take action, we suggest deleting the last part of the sentence to read: 'any practitioner who fails to make a mandatory notification when required may be subject health conduct or performance action.'

I would also draw to your attention two issues that arose when mandatory reporting was introduced in NSW.

1. Some practitioners raised the question of whether an anonymous notification was sufficient. We consider an anonymous notification does not comply with the mandatory reporting requirements. This is because the practitioner may need to provide further information to assist the board and the Commission to respond appropriately to the notification. This might include giving evidence in disciplinary proceedings that may result from a notification.

2. A second question is whether and how practitioners may discuss their concerns about a registered practitioner with other persons, such as their colleagues, hospital managers and their insurers. Practitioners may also wish to discuss whether they are required to make a mandatory notification. The guidelines should include advice on these matters, and address any concerns that practitioner may have about breaching privacy, e.g. the privacy of patients.

The Board may consider including information on these issues in the guidelines or to give them consideration in order to deal with issues that may arise.

Thank you for the opportunity to comment on the second consultation paper. If you have any questions in relation to this submission, please do not hesitate to contact Katja Beitat, Communications Officer, on (02) 9219 7497 or by sending an email to [kbeitat@hccc.nsw.gov.au](mailto:kbeitat@hccc.nsw.gov.au).

Yours sincerely,

Kieran Pehm  
**Commissioner**  
**Health Care Complaints Commission**