



Health Professional Councils Authority

Media and Communication Policy and Procedures

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Summary:	Policy regarding public comment and procedures for responding to media enquiries, issuing media releases and other forms of communication.				
Relevant policies, legislation	<ul style="list-style-type: none">• Health Practitioner Regulation National Law (NSW) no86a• Privacy and Personal Information Protection Act 1998• Health Records and Information Privacy Act 2002• Government Information (Public Access) Act 2009• State Records Act• Code of Conduct• NSW Health Media and Communication Protocols (2006)				
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Introduction

The Health Professional Councils Authority (HPCA) and Councils have a duty to provide meaningful, accurate and helpful information to the community. Print, radio, television and electronic media are important vehicles to help distribute such information.

Clear guidelines are essential for handling enquiries from the media. This ensures the public receives accurate, helpful and consistent information, and that privacy and confidentiality are maintained.

Media enquiries concerning matters of significance or that are sensitive or contentious may have Ministerial or political interest. In these instances the Director must be notified to ensure a coordinated response is provided and that the Secretary and Minister are informed as necessary.

Information may also be released at presentations, seminars and conferences, in print or electronic publication and via submissions to Parliamentary or other inquiries.

This Policy and Procedures supports staff in managing and responding to media enquiries and making other forms of public comment. It ensures an informed and consistent message on issues that may attract media attention.

The Director and Assistant Directors are authorised to speak to the media or participate in a media interview. Council Presidents (or a delegate who has had media training) may speak to the media in relation to Council business. Recommended procedures that relate to the release of information by a Council or members are included in the *Members Handbook*.

Key definitions

Staff includes permanent, temporary or casual employees and contractors working in a full-time or part-time capacity, at all levels of the HPCA.

Members includes any member of a health professional Council, a Council governance committee or an associated regulatory body, and is inclusive of all membership categories and positions held. It also includes Section 150 Inquiry delegates, interviewers, panellists, assessors, experts and other ad hoc participants in Council activities.

Public comment includes public speaking engagements, comments in the media, views expressed in letters to newspapers, online services (such as Internet bulletin boards, blogs and social media) or in print or electronic publications.

A **contentious issue/incident** refers to any circumstances that have caused or may potentially cause a concern in the media or the community.

Relevant legislation

The collection, use, disclosure, security and quality of personal information is governed by the *Privacy and Personal Information Protection Act 1998*, the *Health Records and Information Privacy Act 2002* and the *Government Information (Public Access) Act 2009*.

Part 10 of the *Health Practitioner Regulation National Law (NSW)* deals with Information and Privacy, including the disclosure of protected information and provision of information under Commonwealth privacy and freedom of information legislation.

Policy Statement

To maintain accuracy and consistency, only the HPCA Executive and staff who may be authorised to do so may speak to the media. All staff may be authorised to provide other form of public comment.

Provision of information to the media or in other forums must be in accordance with NSW Government policies and laws, including confidentiality and privacy requirements.

Although staff have the right as private citizens to express personal views through public comment on political and social issues they must not make statements on behalf of the HPCA or Councils without prior approval. Staff must not use official letterheads, titles or other means that would indicate that their comment was authorised.

Caution must be exercised when making public comment to ensure that the information provided is:

- accurate
- consistent with other information released
- does not contain confidential information or identifying information that is not already in the public domain
- consistent with the HPCA and Councils' core business, policies and procedures
- complies with legislation and NSW Government policies, and that it is
- not viewed as 'advice' either legal or medical.

In addition, care must be exercised to ensure that all forms of public comment do not or could appear to endorse or promote any product or service, or a particular health practitioner or practice. It is important to ensure that information that may become public:

- does not, or could be perceived to, prejudice a matter before a Council, a committee, panel, tribunal or court, and

- does not impact on a registered practitioner's reputation (particularly while a complaint/notification is being managed or investigated).

Approved comment issued by the HPCA in relation to Council business is to be coordinated by the relevant Executive Officer or the Communications Officer (at the Medical Council), and approved by the relevant Assistant Director or the Director. The Council President (or delegate) should be advised if the matter relates to Council business or a decision.

Media comment on any matter regarding the HPCA will be issued by the Director (or delegate).

Approved comment issued on behalf of a Council should be coordinated by the relevant Executive Officer or the Communications Officer (at the Medical Council), with the approval of the Council President (or delegate). The relevant Assistant Director or the Director should also be advised.

A Council or the President (or delegate) may authorise a member to make public comment on a Council's behalf. Members should be mindful of the need for consistency and to present the view of the Council. If the member is approached directly for media or other public comment, the President's (or a delegate's) endorsement should be sought preferably before providing a response, and the relevant Executive Officer or the Communications Officer (at the Medical Council) consulted to ensure accuracy and consistency of the Council's messaging.

The HPCA or a Council may release information either jointly or individually to the media or in other public forums. In instances where the HPCA and a Council respond individually a consistent response should be provided, as much as possible.

Privacy and confidentiality

Personal information should only be publicly disclosed in accordance with privacy legislation. Personal information means not only information that specifically identifies an individual, but also information from which an individual's identity "is apparent or can be reasonably ascertained".

Care must therefore be taken where information provided includes de-identified information as it is sometimes possible to constructively identify an individual by identifying their circumstances.

If unsure, seek advice from the Assistant Director, Legal before releasing any personal information about a registered health practitioner, a complainant or other third party such as a patient.

Patient confidentiality

In the course of Council business it is common practice to obtain patient records. The HPCA and Councils must not release any medical details, names or other personal information to the media or any other body (other than those permitted by law) without the patient's consent.

De-identified information, particularly regarding complainants, patients or respondents should be used with caution to ensure that the information released does not identify the individual.

Patient consent should be obtained in writing and include their agreement to release their medical and/or personal information to the media or for use in journal articles and/or presentation at seminars or conferences.

Media enquiries

What constitutes a media enquiry?

A media enquiry is a request from a journalist, presenter, announcer, commentator or media outlet for information or comment on matters relating to the HPCA and/or a Council.

All other enquiries, such as those from members of the public, stakeholders, complainants or registered health practitioners should be handled in accordance with existing policies and procedures. However, if you believe the enquiry relates to a matter that is a contentious issue/incident all relevant information should be documented and the relevant manager and the Communications Officer (at the Medical Council) advised immediately to ensure an appropriate and timely response can be developed.

Accuracy and Consistency

To ensure accuracy and consistency, it is important to cross-check information with similar responses. All previous responses should be available in the relevant TRIM files.

It is also important to remember to save the new response – along with any relevant email correspondence – in the relevant TRIM files as a reference for future media enquiries.

Alerting senior staff to contentious issues/incidents

Staff should be mindful of the potential for media interest in matters or incidents that may be contentious or could generate public interest. In such instances staff should advise the relevant Executive Officer and the Communications Officer (at the Medical Council). This will ensure the Ministry of Health is informed and an appropriate media response prepared.

Keeping the Ministry of Health informed

An email containing a brief outline of the enquiry, including the journalist's questions, should be sent to the Ministry of Health Media Unit (media@doh.health.nsw.gov.au), for their information. An email should also be sent to the Media Unit for their information when a media enquiry is referred to another section of the Ministry or another agency.

Media enquiries relating to a contentious issue/incident, may also require a brief for the Secretary or the Minister to advise the Ministry of the media enquiry. This should be submitted through the usual brief approval process via the Director to the Director of the Ministry of Health Media Unit and Director, Strategic Relations and Communications.

Any issues or incidents not considered to be contentious, but that the Ministry should be aware of, should be raised with the relevant manager for inclusion in the Director's fortnightly email to the Ministry of Health Media Unit.

Undertaking media interviews

The Director and Assistant Directors are authorised to speak to the media or participate in media interviews. Under no circumstances are staff permitted to undertake media interviews without the prior approval of the Director. Staff authorised to speak to the media should have undergone media training and have been briefed by the relevant Executive Officer or Communications Officer (at the Medical Council).

If a journalist requests an interview, politely advise that HPCA staff are not permitted to be interviewed by the media, however staff can provide a written response. Staff should follow the procedures outlined in this document if a written response is requested.

Members should inform the President (or delegate) and seek endorsement to respond if approached for a media interview. Members authorised to speak to the media should have undertaken media training and be briefed by the relevant Executive Officer or President.

Media attending Tribunals

Tribunal hearings are open to the public so the media may attend.

If staff are aware of media presence at a Tribunal they are requested to advise their manager, an Assistant Director or the Director (the manager will notify the Director or Assistant Director). The Director or Assistant Director will assess whether a brief to the Ministry of Health and the Minister is required, given the potential for the matter to be reported in the media.

Other forms of public comment

Media releases

Media releases may be issued to mainstream media, or to specialist or professional publications such as *Australian Doctor*, *The Lamp*, social media or websites. All proposed media releases must be discussed with the Director or an Assistant Director. Staff must not contact the media unless authorised by the Director.

The Communications Officer (Medical Council) will notify the Media Unit, NSW Ministry of Health of the proposed media release on behalf of all Councils and across the HPCA. A brief to the Ministry of Health and/or the Minister may need to be prepared outlining the content of the media release, its purpose and to whom it will be released, particularly if the media release relates to a contentious issue or incident.

The Communications Officer (Medical Council) is responsible for proofing and editing all media releases by staff from across the HPCA to ensure that the information is accurate, concise and consistent with any other information that may have previously been released publicly, before being provided to the Director for final approval.

Staff should also follow these procedures if requested by a Council to prepare a media release. If a Council President or other member wishes to prepare and issue a media release the relevant Assistant Director should be advised and a copy provided to the Director for forwarding to the Ministry of Health Media Unit.

The Ministry or Minister may also issue a media release relating to Council business, such as the announcement of member appointments. The Director or an Assistant Director should approve any information that may be requested for inclusion in the media release.

Articles for external newsletters and journals

Articles proposed for publication in external professional newsletters and journals should be discussed with the relevant Assistant Director and approved by the Director in advance of any agreement to prepare or submit copy. The Communications Officers at both sites can assist with proofing and editing the item prior to submission to the publisher.

The preparation of content for Council newsletters and other HPCA or Council publications does not require prior approval. However, existing procedures and approval processes apply.

Presentations at seminars and conferences

Staff are frequently asked to attend seminars, workshops and other professional development activities to give a presentation about the HPCA or the role and work of a Council. Executive Officers and other senior staff should inform the Assistant Director or their manager of such requests. All other staff should seek their manager's agreement prior to accepting a speaking engagement. This is to confirm the manager's agreement that it is an appropriate use of the staff member's time and expertise and that other work commitments can accommodate the time required.

Information should be sought from the organisers to determine the intended audience and whether any members of the media are likely to be in attendance. This information should be provided to the relevant manager, and considered when presentations are prepared.

Staff must seek approval from their manager and an Assistant Director or the Director prior to any agreement to present at a major seminar or conference and provide a copy of the paper prior to submission or presentation.¹

The presentation content should be consistent with previously released information, or HPCA/Council policy and relate to core business. Staff are encouraged to discuss the proposed content with their manager and colleagues and may seek assistance from the Communications Officers for proofing and editing. Existing presentation templates should be used where possible. Approval of the content is not required if staff are using a standard presentation or an existing template of slides or other related documentation.

Presentations to HPCA or Council organised events do not need prior approval for participation or content.

Members should seek the Council's or the President's (or delegate's) endorsement to present at an external seminar or conference representing the Council.

Publishing in print and on the web

Staff may prepare content for internal newsletters and the websites. Information that contains references to legislation should be checked by a legal officer/member or the Assistant Director, Legal. Staff are encouraged to discuss the proposed content with their manager and colleagues and may seek assistance from the Communications Officers for proofing and editing.

Public comment including via social media

Public comment includes public speaking engagements, comments in the media, views expressed in letters to newspapers, online services or social media such as Facebook, internet bulletin boards, blogs or in other print or electronic publications.

Although HPCA staff have the right as a private citizen to express personal views through public comment on issues, they must not make statements or appear to make statements on behalf of the HPCA or a Council unless authorised to do so, or make personal public comment about the HPCA or a Council.

Submissions to inquiries

In accordance with NSW Health policy, approval must be sought from the Ministry of Health before an official submission is prepared to a Parliamentary or other inquiry. In general, the HPCA will be requested to provide input to a whole of Ministry or NSW Health response.

Individual Councils may choose to make a submission to an inquiry; however the content must be consistent with relevant legislation and NSW Government policy. The submission must express the views of the Council and not those of individual members on the Council's behalf. The HPCA requests that the Council advise the Director of their intent to make such a submission.

Members of Parliament

In accordance with the Department of Premier and Cabinet circular *Provision of Information to Members of Parliament* (C2006-46) a Member of Parliament, irrespective of their political

¹ The requirements of the Official Travel Policy should be taken into account when seeking to present at a seminar or conference where travel is involved.

affiliation can make an inquiry directly to an agency. In these situations the Member should be informed that the substance of the enquiry will be relayed to the Minister's office which will contact the Member. Staff should not provide information directly to a Member of Parliament. All responses (verbal or written) are provided through the Ministry of Health and the Minister for Health.

Vendor endorsement

The HPCA and Councils do not endorse vendor products or services or an individual practitioner or practice. Staff and members should also refrain from providing testimonials for external vendors in their capacity as an employee or member.

Logo

All information provided to external media and in other forums must carry the appropriate HPCA or Council logo. The Communications Officers will provide copies of the logo if required.

Record keeping

All media enquiries and other external enquiries and information released publicly are to be saved in the relevant TRIM files. This includes emails, file notes, such as a record of a telephone conversation, briefs and any other documents generated to respond to the enquiry.

Procedures for effective media liaison

The NSW Ministry of Health Media Unit has advised all media enquiries should be provided with an appropriate response, within the agreed timeframes when possible.

Responsibilities

Any staff member may take a call or be approached by the media. Any staff member may be requested to gather information for or prepare a media response; advise the Ministry of Health Media Unit of an enquiry or liaise with the Assistant Director, Director or a Council President (or delegate).

Executive Officers and other managers are authorised to **release** information with the approval of an Assistant Director or the Director.

The Director and Assistant Directors are authorised to **speak** to the media and give media interviews. In some circumstances Executive Officers and other staff may be authorised to speak to the media.

What to do when approached by the media

The following procedures must be followed when approached by a member of the media via telephone, email or in person, to ensure media enquiries are handled in an accurate and timely manner.

All Staff

1. Politely advise that you are unable to answer the enquiry, but you will transfer the person or forward their details to the relevant Executive Officer or the Communications Officer (at the Medical Council).
2. Record the journalist's details, including:
 - The journalist's name and the media outlet they are calling from
 - A contact phone number and email address
 - A brief description of their enquiry
 - Their timeframe or deadline for response. Do not commit to meeting the deadline. If you know it is unachievable, politely advise and seek to negotiate a revised timeframe.
3. Ask the journalist to email you their enquiry preferably to the Council mailbox or the HPCA general mailbox (mail@hpca.nsw.gov.au), to enable all their questions to be answered and an appropriate response prepared. Your email address may be used if simpler or preferred.
4. Do not volunteer or disclose any information, pass comment on their enquiry or commit to a response or deadline. Simply advise that you will work with the relevant area to get a response to them.
5. Immediately contact the relevant Executive Officer or Communications Officer (at the Medical Council) to refer the enquiry and relay the information that has been requested.

Executive Officers/Communications Officer (Medical Council)

6. Contact the journalist to ascertain what their enquiry is about and clarify when they require a response. If not already received by email, ask the journalist to send their enquiry/questions by email to the Council or your own email box.
7. Immediately provide a verbal briefing to the relevant Assistant Director or the Director concerning the issues, status of the matter including relevant background, nature of the

enquiry, areas of concern (if any) timeframe for response and any draft or proposed response.

8. Alert the Council President (or delegate) of the media enquiry if it relates to a Council decision or regulatory process.
9. Send an email to the Ministry of Health Media Unit (media@doh.health.nsw.gov.au) advising of the enquiry. The email should contain a brief outline of the enquiry and include the journalist's questions. An email should also be sent to the Media Unit for their information when a media enquiry is referred to another section of the Ministry or another agency. Include the relevant staff member's contact information in case the Media Unit needs additional information.
10. Prepare a brief for the Secretary and/or the Minister if you consider and/or the Director determines that the enquiry relates to a contentious issue/incident. The brief should be submitted through the usual brief approval process via the Director to the Director of the Ministry of Health Media Unit and Director, Strategic Relations and Communications.

Assistant Director/Director

11. The Assistant Director will oversee the preparation of the response by the Executive Officer/Communications Officer (in conjunction with the Director and the Council President (or delegate) if necessary). Where the response entails a statement on behalf of the Council, the President (or delegate) should sign off on the final draft if possible.
12. The Director will then approve the final draft for the Executive Officer to forward to the media representative and the Ministry of Health Media Unit.

On a case by case basis, the Director will determine whether a brief to the Ministry or Minister is needed in regard to the media enquiry and the response that has been provided. The relevant Council team will generally prepare the brief, which will be progressed through the usual approval processes. The Director will also determine if the enquiry relates to a contentious issue for which a brief to the Secretary and /or the Minister is required.

Preparing media responses

Drafting a response

Although it is tempting to provide as much information as possible, it is important that media responses are kept short and to the point. Remember, most news outlets will only use one or two sentences of a media response, so it is best to respond to each question succinctly (no more than half a page, if possible).

However, it is also important to ensure that all of the questions contained in the enquiry are addressed. If any of the questions are unable to be answered – for example due to privacy – it is important to provide a reason why. This ensures greater openness and transparency.

It is essential that the response is written in plain English and free from acronyms (in the first instance). It is important that not only the journalist, but the general public, are able to understand the response. See the relevant TRIM files or the attached Templates for examples of how media responses should be drafted.

If a response has been issued on the matter previously, the journalist can be provided with the written response, once the relevant Executive Officer or Communications Officer (at the Medical Council) has approved its release. If the matter is a new media enquiry, work with the relevant manager to develop a succinct, yet informative response, noting any similar past media responses.

If the media enquiry or part of the enquiry is the responsibility of another section of the Ministry, or another agency, refer the journalist to the relevant Media or Communications Team. As a courtesy, it is also important to contact the respective Media or Communications Team to advise them of the impending enquiry.

Communication and feedback

To ensure positive working relationships are established and maintained, it is also important to keep the journalist informed if you are not going to be able to meet their requested deadline, so a new deadline can be negotiated. This will also ensure the Council is given the right of reply, instead of being reported as a 'non-response'.

Key messaging

In addition to essential information that relates directly to the media enquiry, all media responses should include the Council's key messaging, which is used consistently in all media materials.

Key messages include a brief description of the Council's role and function in protecting the public. This ensures the purpose and functions of the Councils are reiterated to both the journalist and the general public.

See the Templates below for sample text, or refer to previous media responses in the relevant TRIM files.

Clearance and approval processes

All media responses must follow the appropriate clearance process before being provided to the media. This ensures consistency and accuracy in responses provided by the Council, and that matters are handled with appropriate confidentiality and privacy considerations.

All responses must be cleared by the relevant Assistant Director or Assistant Director, Legal (if necessary) and the Council President (or delegate), with final approval obtained from the Director.

Under no circumstances is information or comment to be released without the necessary clearance and approval.

Sending the media response

Ensure all responses are cleared by the relevant manager(s), with final approval obtained from the Director.

Before sending a final response via email, ensure that all email trails have been removed. The response should only contain the journalist's original query and the final response in pdf format if attached to an email.

All responses should be attributed to the relevant Council or the HPCA. If a journalist asks to use your name, advise them to simply quote a "spokesperson" for the relevant Council/HPCA.

Contentious issues

If the enquiry relates to a matter that is a contentious issue/incident all relevant information should be documented to ensure an appropriate and timely response can be developed. The Director will determine if the Secretary and Minister should be informed.

The Ministry of Health Media Unit can provide assistance with media enquiries relating to a contentious issue/incident. Assistance out-of-hours can be sought from the Ministry's on-call media officer (02 9962 9890).

Record keeping

Ensure all relevant documentation, including the media enquiry, response, brief and any associated file notes and emails are filed in the relevant TRIM subject matter or practitioner file, and the TRIM media enquiries file. Any media enquiry logs should also be updated.

Further information and contacts

Communications Officer, Medical Council
Phone: 9879 2278
Email: danielle.crosbie@msnsw.org.au

NSW Ministry of Health Media Unit
Phone: 9391 9121
24 hour pager: 9962 9890
Email: media@doh.health.nsw.gov.au

References

1. NSW Health (2006), *Media and Communication Protocols*, NSW Health Media and Communications, (<http://internal.health.nsw.gov.au/communications/media/pdf/protocols.pdf>)
2. NSW Department of Premier and Cabinet (2006), *Provision of information to members of Parliament*, (www.dpc.nsw.gov.au/announcements/circulars/2006/c2006-46)
3. TRIM media files (as at March 2014):
 - a. HPCA (Pitt Street): Community Relations – Media Relations – Media Releases: 13/67
 - b. Dental Council: Community Relations – Media Relations – Statements by the Dental Council 2014: 14/121
 - c. Medical Council: 09/097

Templates

The following templates include the preferred key messaging that should be included in all responses, either in the body of the response or as background. The templates are designed to assist you in developing responses to a range of common media enquiries.

Responses should be provided on HPCA or Council letterhead.

1. Response to a media enquiry regarding a notification (complaint)

Please attribute to a spokesperson for the XXXX Council.

Confidentiality requirements under section 216 of the *Health Practitioner Regulation National Law (NSW)* prevent the XXXX Council from disclosing information about individual complaints.

The Council cannot provide information about an individual practitioner unless it is information that is publicly available, such as information that is recorded on the national register of practitioners, which is maintained by the Australian Health Practitioner Regulation Agency (AHPRA).

Changes to a registered health practitioner's registration status, such as the imposition of conditions or suspension, are published on the AHPRA online public register at <http://www.ahpra.gov.au/Registration/Registers-of-Practitioners.aspx>

2. Response to a registered health practitioner charged with a criminal act

Please attribute to a spokesperson for the XXXX Council.

The XXXX Council is aware that a XXXX practitioner has been charged with XXXX.

Inquiries are underway with NSW Police regarding the allegations.

In conjunction with the Health Care Complaints Commission (HCCC), the XXXX Council regulates the conduct of XXXX in NSW to ensure the health and safety of the public is maintained, and consults on all complaints to determine the appropriate course of action.

Under section 150 of the *Health Practitioner Regulation National Law (NSW)* the Council also has interim immediate action powers to suspend or impose restrictions on a practitioner's registration to protect the public, or if it is in the public interest to do so.

The HCCC investigates and prosecutes serious complaints against all health practitioners in NSW, including XXXX that raise issues of public health and safety. The HCCC is independent of the Council. After investigating a complaint the HCCC may prosecute the matter before the NSW Civil and Administrative Tribunal (NCAT).

Changes to a practitioner's registration status, such as the imposition of conditions or suspension, are published on the Australian Health Practitioner Regulation Agency online public register at <http://www.ahpra.gov.au/Registration/Registers-of-Practitioners.aspx>

3. Response to a media enquiry while an investigation is ongoing

Please attribute to a spokesperson for the XXXX Council.

The XXXX Council works in conjunction with the Health Care Complaints Commission (HCCC), and consults on complaints to determine the appropriate course of action in regulating the conduct of XXXX in NSW to ensure the health and safety of the public is maintained.

The Council cannot comment on the specifics of an ongoing investigation as the HCCC is the independent investigator and prosecutor of serious complaints against all health practitioners in NSW.

4. Response to a media enquiry regarding a suspended practitioner

Please attribute to a spokesperson for the XXXX Council.

Under section 150 of the *Health Practitioner Regulation National Law (NSW)* the XXXX Council can, for the protection of the health or safety of the public, suspend a registered health practitioner or impose conditions on his or her registration.

The Council is also under a duty to consult with the Health Care Complaints Commission (HCCC) in relation to all complaints. The HCCC investigates and prosecutes serious complaints against registered health practitioners in NSW. The HCCC is independent of the Council.

The XXXX Council suspended [name] on [date]. [Name] remains suspended since that date, but may apply at any time for the suspension order to be lifted under section 150A of the Law. If the Council receives an application for review, it can either affirm or vary the suspension order or set it aside and take other action under the Law, such as imposing conditions on registration.

The Council may vary or set aside a suspension order only if satisfied that there has been a change in the practitioner's circumstances that justifies the variation.

Under the confidentiality provisions in the *Health Practitioner Regulation National Law (NSW)* the XXXX Council is unable to disclose the reasons why [name] was suspended.

5. Response to a media enquiry on notifications (complaints) statistics

Please attribute to a spokesperson for the XXXX Council.

At the end of the XXXX financial year there were [insert number] XXXX registered in NSW. In the same period the XXXX Council received XXXX complaints. Further details are available in the Council's Annual Report at [insert weblink].

Under the National Registration and Accreditation Scheme, all states and territories have introduced mandatory reporting by health practitioners, employers and education providers, who must notify the Australian Health Practitioner Regulation Agency (AHPRA) if they are aware a health practitioner may have an impairment which has placed the public at risk of substantial harm.

The *Health Practitioner Regulation National Law (NSW)* (the Law) clearly defines the types of actions or behaviours about which reporting is mandatory. AHPRA refers mandatory reports received in NSW to the relevant health professional Council.

Under the Law, XXXX Council and the Health Care Complaints Commission (HCCC) must consult about how to manage each complaint. The HCCC manages complaints that may involve serious misconduct and which could lead to a prosecution before the NSW Civil and Administrative Tribunal (NCAT) and the removal of the right to practice.

Less serious matters may be managed by the Council and may result in disciplinary proceedings; referral to the Council's health program for practitioners with an impairment, or its non-disciplinary performance program which aims to remediate practitioners whose professional performance is unsatisfactory.

For background- if required

The XXXX Council is responsible for receiving complaints about the conduct, performance and health of XXXX in NSW and works with the HCCC in determining the appropriate response to take in relation to the issues raised in or by the complaint.

As an interim measure, the XXXX Council may suspend or impose conditions on a practitioner's registration if it is satisfied it is appropriate to do so for the protection of the health or safety of any person, or if satisfied the action is otherwise in the public interest. This immediate action protects the public while the matter is further investigated by the HCCC.

The HCCC deals with complaints that involve serious matters of misconduct that may lead to a practitioner's registration being suspended or cancelled.

Changes to a registered health practitioner's registration status, such as the imposition of conditions or suspension, are published on the Australian Health Practitioner Regulation Agency online public register at <http://www.ahpra.gov.au/Registration/Registers-of-Practitioners.aspx>