

6 November 2019

Ms Rachel Griffiths
Strategic Policy Coordinator
Australian Health Practitioner Regulation Agency
GPO Box 9958
MELBOURNE VIC 3001

By email: AHPRA.consultation@ahpra.gov.au

Dear Ms Griffiths

CONSULTATION ON REVIEW OF GUIDELINES FOR MANDATORY NOTIFICATIONS

The Insurance Council of Australia¹ (Insurance Council) appreciates the opportunity to provide comments for the Australian Health Practitioner Regulation Agency's review of the Guidelines for mandatory notifications. As the representative body of the general insurance industry in Australia, our focus is on representing the views of those members who provide professional indemnity (PI) insurance to industry participants who will be subject to the guidelines for mandatory notifications.

On the whole, our members are supportive of the overall approach taken into the draft guidelines and believe that it is a significant improvement on the previous guidelines. We would like to highlight for your consideration suggestions made in previous submissions by members on possible improvements to the guidelines. These include:

- The opportunity to clarify the current legislation to ensure health practitioners can seek help when needed from their professional body and/or professional indemnity insurer, while also protecting the public from harm.

Members have raised concerns that practitioners concerned about the possibility of being mandatorily reported to their regulator may become more reluctant to reach out for assistance from professional officers, or report on adverse outcomes for the purposes of professional indemnity policies. In this regard, we ask that appropriate consideration be given to the solution proposed by members of expanding the exemption for mandatory reporting by non-treating practitioners beyond those who

¹ The Insurance Council of Australia is the representative body of the general insurance industry in Australia. Our members represent about 95 per cent of total premium income written by private sector general insurers. Insurance Council members, both insurers and reinsurers, are a significant part of the financial services system. March 2019 Australian Prudential Regulation Authority statistics show the general insurance industry generates gross written premium of \$47.8 billion a year and has total assets of \$125.8 billion. The industry employs about 60,000 people and on average pays out \$147.5 million in claims each working day. Insurance Council members provide insurance products ranging from those usually purchased by individuals (such as home and contents insurance, travel insurance, motor vehicle insurance) to those purchased by small businesses and larger organisations (such as product and public liability insurance, professional indemnity insurance, commercial property, and directors and officers insurance).

are involved in legal proceedings to include practitioners involved in insurance claims or providing non-legal advice.

- Concerns around the lack of clarity around how to determine whether a practitioner is “at risk of engaging in” sexual misconduct. Members are concerned about treating practitioners being left in difficult situations where there is little guidance and where a wide range of views about what constitutes a future risk of sexual misconduct are possible. We ask that consideration be given to providing more detailed guidance as appropriate.
- The opportunity to incorporate key messages from the foreshadowed awareness and education campaign into the executive summaries of the final guidelines.

If you have any questions or comments in relation to our submission please contact John Anning, the Insurance Council's General Manager Policy, Regulation Directorate, on telephone: 02 9253 5121 or email: janning@insurancecouncil.com.au.

Yours sincerely



Robert Whelan
Executive Director & CEO