

Mr Bill Beerworth
Chairman
Australian Commission on Safety and Quality in Health Care
GPO Box 5480
Sydney NSW 2001

19 August 2011

Dear Mr Beerworth

UNIFORM APPLICATION OF OPEN DISCLOSURE STANDARD

I am writing to express the support of the Insurance Council of Australia¹ (Insurance Council) for the work being undertaken by your Commission to encourage the uniform application in health care facilities across all Australian jurisdictions of the National Open Disclosure Standard (the Standard).

As you'd be aware, the Insurance Council has three members that participate in the Commission's Open Disclosure Advisory Group. These members keep the Insurance Council's Health Care Indemnity Working Group informed about the Commission's work to develop knowledge and tools to support jurisdictions and facilities in implementing the Standard.

Our members are strongly interested in the promulgation and satisfactory implementation of the Standard to help ensure that patient harm, stress, anxiety and cost to stakeholders and the wider community is minimised.

The Insurance Council recognises that one of the major impediments to achieving that outcome is the uncertainty amongst health care providers that arises as a result of the significant variation between various States and Territories in the qualified legal privilege and other legislative protection offered.

Consequently, we support initiatives to ensure that those that provide health care have sufficient uniform qualified privilege and other legislative protection to enable them to participate fully in Open Disclosure and Root Cause Analysis regardless of where they are providing health services.

The Insurance Council understands that the review being undertaken for the Commission by Professor David Studdert to find a 'legal clear path' for Open Disclosure in Australia is in its final stages. The Insurance Council is hopeful that the review will give impetus to the

¹ The Insurance Council of Australia is the representative body of the general insurance industry in Australia. Our members represent more than 90 percent 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 2011 Australian Prudential Regulation Authority statistics show that the private sector insurance industry generates gross written premium of \$34.3 billion per annum and has total assets of \$110.8 billion. The industry employs approx 60,000 people and on average pays out about \$91 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).

changes, including law reform to ensure uniform protection, that are necessary to achieve a consistent national approach to the Standard.

If there is anything that the Insurance Council can do in assisting the Commission promote the uniform application of the Open Disclosure Standard, please contact the Insurance Council's General Manager Regulatory Policy, Mr John Anning on tel: 02 9253 5121 or email: janning@insurancecouncil.com.au .

Yours sincerely



Rob Whelan
Executive Director & CEO