

## Questions on Notice

### Question: 1 - Hansard page reference: 21

**Senator MADIGAN:** *How many complaints has NATA received, in relation to disclosure of intellectual property at individual laboratories? Are you able to take that on notice and furnish that to the committee.*

### Question: 2 - Hansard page reference: 21-22

**CHAIR:** *Sorry, with IP. How many complaints, overall, have you had?*

**Mr Styzinski:** *We probably receive about 30 or 40 a year.*

**CHAIR:** *Could you perhaps take on notice how many you have had and how many have been either not found to be—*

**Mr Styzinski:** *Substantiated or otherwise?*

**CHAIR:** *Substantiated or otherwise, yes, please.*

**Mr Styzinski:** *Yes.*

### Consolidated response to Q 1 and Q 2

The information below is drawn from that presented during NATA's annual Management Review meeting and the NATA complaint spreadsheets.

Complaints investigated by NATA are categorised as follows.

Category	Nature of complaint
1	Complaints against NATA as an organisation
1.1	<ul style="list-style-type: none"> <li>directed against the organisation, its procedures or its decisions</li> </ul>
1.2	<ul style="list-style-type: none"> <li>directed against a particular member of NATA staff</li> </ul>
1.3	<ul style="list-style-type: none"> <li>directed against a voluntary assessor or committee member.</li> </ul>
2	Complaints against accredited facilities
2.1	<ul style="list-style-type: none"> <li>involving competence</li> </ul>
2.2	<ul style="list-style-type: none"> <li>involving ethics</li> </ul>

Issues may also be brought to NATA's attention concerning non-accredited organisations. Generally these issues relate to the misuse of the NATA emblem and/or other references to NATA. These are classified as matters of 'due diligence' and are managed in accordance with the complaint handling procedure.

### **All complaints**

Figures in brackets represent the number of complaints determined as either sustained or partially sustained.

Category	Financial year 2013/14	Financial year 2014/15	15-16 (finalised to March 2016)
1.1	14 (10)	23 (14)	9 (5)
1.2/1.3	8 (5)	5 (2)	3 (0)
2.1	16 (8)	21 (10)	8 (7)
2.2	34 (22)	13 (11)	16 (12)
Due Diligence	12 (11)	24 (21)	11 (10)
<b>Total</b>	<b>85 (56)</b>	<b>86 (58)</b>	<b>47 (34)</b>

## Complaints concerning or including IP related issues.

Category	Financial year 13/14	Financial year 14/15	15-16 (finalised to March 2016)
complaints specifically about the disclosure of laboratories IP.	0	0	1 (1)
verbal disclosure of information (assessment related) on other facilities by NATA Lead Assessors.	2 (2)	0	0
potential theft of IP by NATA Technical Assessors.	2 (0)	1 (0)	0
<b>Total assessment activities for financial year</b>	<b>5228</b>	<b>5909</b>	<b>5234</b>

### Question: 3 - Hansard page reference: 23

**CHAIR:** *Thank you. I have one last request that you may need to take on notice. We had evidence last week from Australian Biologics. It will be available on Hansard soon—it is only just going up. They made a number of comments—would you have a look at them, please, and respond to them? We would very much appreciate your response to a number of the points that were made during that evidence. Is that possible?*

NATA's responses follow in [black](#).

### Hansard 14<sup>th</sup> April – page 11

**Ms Daniels:** *The third area which we use to define ourselves as Lyme patients is that we have all had serology obtained in overseas labs that are accredited. Despite all the incredibly defamatory and derogatory comments that have been passed off by Australia's xenophobic NATA—the private company that manages the business of pathology—accredited organisations, Australia is now having to begrudgingly acknowledge that those laboratories are actually on par with Australian laboratories and have been accredited overseas at the same ISO standard and always have been. So we wonder whether or not those results that we have all had will retrospectively now be recognised.*

NATA provided evidence to the Committee as an invited witness on Wednesday 20 April. As per NATA's opening statement at the 20<sup>th</sup> April hearing in relation to non-accredited laboratories:

*“NATA makes no judgement whatsoever about their competence for the simple reason that we cannot know. If NATA states that a particular laboratory is not accredited, it is not a judgement but a simple statement of fact.”*

Accredited laboratories have scopes of accreditation which identify a laboratory's demonstrated competencies. Whether accredited by NATA or an MRA partner, we are able to acknowledge that they have been peer assessed for those competencies. NATA has neither the right nor the grounds to deny the competence of a non-accredited laboratory.

NATA has demonstrated leadership over the past thirty years in working with equivalent accreditation bodies in a large number of Australia's trading partners and developing the international mechanisms for mutual recognition of test data. As such, NATA does not support “xenophobic” reactions to foreign test reports issued under an MRA recognised accreditation.

NATA's role is one of accreditation through a peer assessment process that covers virtually all industry groups. NATA does not manage the business of any testing industry, including that of pathology.