

13 January 2020

Ms Leanne O'Shannessy  
General Counsel  
NSW Health  
c/o Hugh Percival  
Legal Officer  
by email: [hugh.percival@health.nsw.gov.au](mailto:hugh.percival@health.nsw.gov.au)

Dear Ms O'Shannessy

**Re: Submission - The Remake of the Public Health Regulation 2012 - Code of Conduct for unregistered health practitioners**

Thank you for the opportunity for Audiology Australia (AudA) to make a submission to NSW Health to provide its preliminary views on whether any changes are required to the NSW Code of Conduct for unregistered health practitioners (NSW Code of Conduct) which is set out in the *Public Health Regulation 2012* (NSW). AudA is the peak membership body for the profession of audiology with over 2900 members practising across Australia.

Complaints made about AudA members are handled by the independent Ethics Review Committee (ERC). The ERC is responsible for implementing the [Complaints Management and Resolution Procedure](#) for members of AudA in order to ensure that they abide by the [Code of Conduct for audiologists and audiometrists](#) (Attachment 1). The Complaints Management and Resolution Procedure also applies to members of the Australian College of Audiology (ACAud) whose members are both audiologists and audiometrists.

AudA provides clinical certification, regulation and professional support to audiologists and its [Register of Accredited Audiologists](#) includes all current audiologists clinically certified as Audiology Australia Accredited Audiologists. Attachment 2 provides a brief overview of the regulation of audiologists and audiometrists by the professional bodies AudA and ACAud and how this interacts with Government-funded schemes for your information.

The [Code of Conduct for audiologists and audiometrists](#) is in line with the terms of the [National Code of Conduct for Health Care Workers](#) (the National Code); [agreed to by Health Ministers on 17 April 2015](#). The [Complaints Management and Resolution Procedure](#) implemented by the ERC also includes specific clauses regarding cooperation with State and Territory complaints entities.

AudA supports the nationally consistent implementation of codes of conduct for health care workers in line with the National Code. AudA requests that the NSW Code of Conduct includes, at a minimum, all terms in the National Code of Conduct for Health Care Workers (the National Code). We understand that the National Code was developed, in part, based on the NSW Code of Conduct but note that the current NSW *Public Health Regulation 2012* Schedule 3 Code of conduct does not exactly align with the National Code.

Furthermore, there were some additional terms identified as relevant during the development of the Code of Conduct for audiologists and audiometrists that AudA requests NSW Health considers in a review of the NSW Code of Conduct. Attachment 3 maps the NSW Code of Conduct against the National Code and the Code of Conduct for audiologists and audiometrists. Substantive

differences to the NSW Code of Conduct are highlighted and comments are provided as to why AudA believes clauses should be revised or added.

In consultation with members of AudA, the ERC will be undertaking a review of the Code of Conduct for audiologists and audiometrists in 2020 and would welcome the opportunity to share its revisions with NSW Health to inform any review of the NSW Code of Conduct. The ERC review of the Code of Conduct for audiologists and audiometrists will focus on modernisation including exploring the addition of specific clauses on social media communications and the use of testimonials in marketing.

AudA requests that the clauses of the NSW Code of Conduct be ordered and grouped under in the same way as the National Code to facilitate comparison and consistency by bodies such as the ERC which operate nationally and are trying to align with State and Territory legislation. Any additional terms added to the NSW Code of Conduct could then be added at the end of each section.

Finally, AudA would like the *Public Health Regulation 2012* (NSW) to include a requirement for the NSW Health Care Complaints Commission to cooperate with other State and Territory complaints entities implementing the National Code. This includes the notification of all complaints pursued, the sharing of information and the reporting of outcomes/sanctions to all other complaints entities to ensure national consistency and prevent health practitioners from moving interstate to practice following sanctions.

I can be contacted via Elissa Campbell, Advocacy and Policy Manager on email: [elissa.campbell@audiology.asn.au](mailto:elissa.campbell@audiology.asn.au) or phone: (03) 9940 3900.

Yours sincerely



Dr Barbra Timmer  
President, Audiology Australia

**Attachments:**

Attachment 1 - Code of Conduct for audiologists and audiometrists

Attachment 2 - Ethics Review Committee Background Information on the regulation of audiologists and audiometrists in Australia

Attachment 3 - Mapping of NSW Code of Conduct, National Code of Conduct and Code of Conduct for audiologists and audiometrists, with substantive differences from NSW Code of Conduct highlighted.