

Mr Paul Geeves
Principal Consultant
Legislative Review and Legal Support
Consultation Paper – National Code of Conduct for Health Care Workers
Department of Health and Human Services
Tasmanian Government
paul.geeves@dhhs.tas.gov.au

17 March 2017

Dear Mr Geeves,

Consultation Paper – National Code of Conduct

Audiology Australia thanks the Tasmanian Government for the opportunity to respond to the consultation on the implementation of the National Code of Conduct for health care workers in Tasmania.

Audiology Australia represents 2,500 audiologists in Australia. Our members are in every state and territory of Australia, in metropolitan, rural and remote areas. This is estimated to be over 95% of all practicing audiologists in Australia. According to our membership database, we have 43 audiologist members permanently based in Tasmania. Many other members from other states and territories providing 'fly-in' services and training in Tasmania.

Audiologists work with clients of all ages to help them to preserve, manage and improve their hearing. Audiologists also help clients with their ability to process and understand sounds, and their balance. This includes those clients with complex needs. Audiologists must have completed at least the equivalent of an Australian university Masters-level degree in clinical audiology.

Audiology Australia plays two main roles in the hearing services sector:

Firstly, we act as a regulator of the profession of audiology in Australia. We offer regulation via clinical certification that is recognised and required by the Australian Government, including for access to funding under programs such as:

- Office of Hearing Services' Hearing Services Program;
- Medicare;
- The National Disability Insurance Agency (NDIA); and
- State and Territory workers' compensation schemes (such as Workcover)

Secondly, as the peak professional body in audiology, we give value to our members by providing professional development opportunities, networking, and professional advocacy, support and advice.

Audiology Australia supports the COAG Health Council Ministers' agreement to use their best endeavours to make by regulation the National Code of Conduct for health care workers in all states and territories, including statutory powers to enforce this National Code in each State and Territory (COAG Health Council Communique 17 April 2015).

Audiology Australia's Code of Conduct (enacted 1 July 2017) is based on, and therefore in line with, the National Code of Conduct for health care workers. We ensured this to provide a consistent message to our members as to the conduct expected of them as members of a self-regulating profession.

Audiology Australia supports the preferred model for Tasmania outlined in the Consultation Paper: to adopt in legislation the Code within the *Health Complaints Act 1995* so that it can be referenced in relation to binding prohibition orders for breaches.

Audiology Australia submits the following in response to the matters for consultation:

- Audiology Australia agrees with the proposed definition of 'health service' as proposed in Recommendation 4 of the Final Report being applied to the Code of Conduct model in Tasmania.
 - Audiology Australia notes that the code would thereby not only include audiologists, but also other health care workers in the hearing sector such as audiometrists and allied health assistants. We support the inclusion of these professions.
- Audiology Australia agrees with the grounds for complaint provided in Section 23 of the *Health Complaints Act 1995* and outlined in pages 8-9 of the consultation paper.
 - Audiology Australia also supports the amendment to ensure that any person is able to make a complaint about breach of the Code.
- Audiology Australia supports the approach of a specified "period of two years from the date the service was provided (or health use became aware of the circumstances that gave rise to the complaint) for complaints concerning the Code, with limited discretion for the Commissioner to accept the complaints outside this timeframe" (p.9 of the consultation paper).
- Audiology Australia supports the approach for the issuing of prohibition and interim orders outlined on pages 9-10 of the consultation paper.
- Audiology Australia supports the maximum length of an interim prohibition order of 12 weeks as recommended in the national policy framework.
- Audiology Australia agrees with the penalties for breach of a prohibition order in Tasmania being commensurate with New South Wales and Queensland, with 150 penalty units or imprisonment for one year as an alternative to financial penalty.
- Audiology Australia supports the approach for listing the monitoring function in relation to prohibition orders as a general function of the Health Complaints Commissioner and for permitting "the Commissioner to determine what monitoring may be required in relation to prohibition orders" (p.11 of the consultation paper).
- Audiology Australia supports "broad powers to enable the Commissioner to publish a prohibition order or make a public statement on prohibition as appropriate and to include an explicit power for the Commissioner to share information on prohibition orders with other jurisdictions." (p.11 of the consultation paper).
 - Audiology Australia supports "information sharing powers to enable the prohibition orders and public statements to be included in a national register and to be applied in all jurisdictions." (p.11 of the consultation paper).

- Audiology Australia supports the approach “that persons aggrieved by the decision of the Commissioner should have a right of appeal to the Administrative Division of the Magistrates Court.” (p.11 of the consultation paper).

Please do not hesitate to contact me if you have any questions regarding this response.

Kindest regards,



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