

## LEGISLATION AND REGULATIONS – SUGGESTED LINKS

### CHILD WELLBEING AND PROTECTION LAWS

**NSW:** [Child wellbeing and protection laws in NSW](#)

**QLD:** [Mandatory reporting](#)

**VIC:** [Mandatory reporting](#)

**SA:** [Child protection](#)

**WA:** [Child protection](#), [Mandatory reporting legislation](#), [Children and Community Services Act 2004](#)

**TAS:** [Children, Young Persons and Their Families Act 1997](#), [Child Safety Service](#)

**ACT:** [Keeping Children and Young People Safe](#)

**NT:** [Child protection frameworks](#), [Care and Protection of Children Act 2007](#)

### WORKING WITH CHILDREN CHECKS

**NSW:** [Child Protection \(Working with Children\) Act 2012 No 51](#), [Apply for a Working with Children Check](#), Audiologists in NSW whose role involves direct physical or face-to-face contact with children requires a WWCC.

**QLD:** [Working with Children \(Risk Management and Screening\) Act 2000](#), [Individuals requiring a blue card to work or volunteer with children](#), Audiologists in QLD providing hearing services to children in private practice settings (with parental/guardian supervision) will require a Blue Card.

**VIC:** [Worker Screening Act 2020](#), [Working with Children Check](#), Audiologists in Victoria providing hearing services to children in private practice settings will generally not require a WWCC.

**SA:** [Child Safety \(Prohibited Persons\) Act 2016](#), [Working with Children Checks](#), Audiologists in SA who provide hearing services to children more than seven days a year in private practice will require a WWCC.

**WA:** [Working with Children \(Criminal Record Checking\) Act 2004](#), [Working with Children Checks](#), Audiologists in WA who provide hearing services to children in private practice settings will not generally require a WWCC, unless they also carry out child-related work in a relevant category that requires a WWCC, such as providing a community child health service. A full list of prescribed categories is available at [Who needs a WWCC Check?](#)

**TAS:** [Registration to Work with Vulnerable People Act 2013](#), Audiologists in Tasmania providing hearing services to children in private practice settings will be required to register to work with vulnerable people at their employer's request.

**ACT:** [Working with Vulnerable People \(Background Checking\) Act 2011](#), [Working with vulnerable people \(WWVP\) registration](#), It is likely that Audiologists in ACT who provide hearing services to children in private practice settings will require a WWCC. It is recommended that audiologists in ACT speak to their employer on this matter.

**NT:** [Care and Protection of Children Act 2007](#), [Working with children clearance: apply and renew](#), Audiologists in NT must apply for a working with children clearance, also called an Ochre Card, to work or volunteer with children in the NT.

#### QLD Mandatory reporting:

<https://www.cyjma.qld.gov.au/protecting-children/about-child-protection/mandatory-reporting>

## THE HEARING SERVICES PROGRAM

[www.hearingservices.gov.au](http://www.hearingservices.gov.au)

The Hearing Services program is funded by the Commonwealth. The following information outlines some background on the program: The Department of Health (the Department) is responsible for managing and administering the Australian Government Hearing Services Program (the program). Through the program the Department continues to work towards reducing the incidence and consequences of avoidable hearing loss in the Australian community by providing access to high quality hearing services and devices.

The Department:

- provides a program eligibility confirmation service and support
- investigates and resolves complaints
- provides information on the location of sites and practitioners
- undertakes contract development, compliance checks and audits, management and support across a range of manufacturers, providers and agencies
- supports the interface between the program and the National Disability Insurance Scheme, and
- provides advice to Ministers on strategic policy to support the aims of the program.

**Legislation:** [Hearing Services Program \(Schedule of Service Items and Fees 2022-23\) Instrument \(No. 2\) 2022](#)

## MEDICARE SCHEDULE OF BENEFITS (MBS)

Medicare also has the ability for access to Audiology services. The following details give the background to eligibility: Make sure you read the relevant Medicare Benefits Schedule (MBS) item descriptors and explanatory notes at MBS Online.

Diagnostic audiology items 82300-82332 let eligible Audiologists perform diagnostic tests if they have a written request from either:

- an ear, nose, and throat (ENT) specialist
- an otolaryngology head and neck surgery specialist.

For some services, Audiologists can perform the services with a written request from:

- a neurologist
- a neurology specialist
- a consultant physician.

There are also other Federally funded health care schemes. Eligible participants of the [NDIS](#) and [DVA](#) also have the ability to access Audiology services.

**Legislation:**

- [Health Insurance Act 1973](#)
- [My Health Records Act 2012](#)
- [Health Insurance Regulations 2018](#)

**Resources:** [What legislation covers the MBS?](#)

## NATIONAL CODE OF CONDUCT FOR HEALTHCARE WORKERS / STATE AND TERRITORY EQUIVALENTS

National Code of Conduct for Health Care Workers The purpose of the National Code of Conduct is to protect the public by setting minimum standards of conduct and practice for all unregistered health care workers who provide a health service.

NSW [www.hccc.nsw.gov.au](http://www.hccc.nsw.gov.au)

QLD [www.health.qld.gov.au](http://www.health.qld.gov.au)

SA [www.hcsc.sa.gov.au](http://www.hcsc.sa.gov.au)

VIC [www.health.vic.gov.au](http://www.health.vic.gov.au)

## AUSTRALIAN COMMISSION ON SAFETY AND QUALITY IN HEALTH CARE (ACSQHC)

[www.safetyandquality.gov.au](http://www.safetyandquality.gov.au)

### [Aged care legislation and policies](#)

The Australian Commission on Safety and Quality in Health Care has produced a range of information resources for patients, carers and health professionals that includes health care rights (such as the right to comment) and making improvements from consumer reported incidents. Refer to list of publications on website. The Australian Charter of Healthcare Rights is used by health service organisations to tell patients and consumers about their rights in our healthcare system.

State and territory health services commissioners/ health complaints commissioners provide information for health consumers about making a complaint.

ACT [www.hrc.act.gov.au/health](http://www.hrc.act.gov.au/health)

NSW [www.hccc.nsw.gov.au](http://www.hccc.nsw.gov.au)

NT [www.hcsc.nt.gov.au](http://www.hcsc.nt.gov.au)

QLD [www.oho.qld.gov.au](http://www.oho.qld.gov.au)

SA [www.hcsc.sa.gov.au](http://www.hcsc.sa.gov.au)

TAS [www.healthcomplaints.tas.gov.au](http://www.healthcomplaints.tas.gov.au)

VIC [www.hcc.vic.gov.au](http://www.hcc.vic.gov.au)

WA [www.hadsco.wa.gov.au](http://www.hadsco.wa.gov.au)

## AGED CARE

[Aged Care Act 1997](#)

## SAFE WORK AUSTRALIA

[www.safeworkaustralia.gov.au](http://www.safeworkaustralia.gov.au)

Safe Work Australia is an Australian Government statutory agency established in 2009, with the primary responsibility of developing national policy to improve workplace health and safety and workers' compensation arrangements across Australia. Safe Work Australia has developed a Model Code of Practice on

Managing Electrical Risks in the Workplace, Labelling of workplace hazardous chemicals, Managing risks of hazardous chemicals in the workplace

State and territory workplace safety regulations and resources:

ACT [www.worksafe.act.gov.au](http://www.worksafe.act.gov.au)

NSW [www.safework.nsw.gov.au](http://www.safework.nsw.gov.au)

NT [www.worksafe.nt.gov.au](http://www.worksafe.nt.gov.au)

QLD [www.worksafe.qld.gov.au](http://www.worksafe.qld.gov.au)

SA [www.safework.sa.gov.au](http://www.safework.sa.gov.au)

TAS [www.worksafe.tas.gov.au](http://www.worksafe.tas.gov.au)

VIC [www.worksafe.vic.gov.au](http://www.worksafe.vic.gov.au)

WA [www.dmirs.wa.gov.au/WorkSafe](http://www.dmirs.wa.gov.au/WorkSafe)

## OFFICE OF THE AUSTRALIAN INFORMATION COMMISSIONER (OAIC)

[www.oaic.gov.au](http://www.oaic.gov.au)

The Office of the Australian Information Commissioner (OAIC) provides guidelines and information on a wide range of topics including privacy legislation, requirements for business, government and the health sector, privacy resources and compliance is available on the website. This includes information sheets such as Information Sheet (Private Sector) 22 - 2008: Fees for access to health information under the Privacy Act OAIC has developed a Privacy Business Resource which explains the obligations of healthcare provider organisations when uploading, collecting, using, and disclosing health information from a patient's My Health Record. It also provides an overview of how the My Health Records Act 2012 interacts with the Privacy Act 1988.

## AUSTRALIAN HUMAN RIGHTS COMMISSION

[www.humanrights.gov.au](http://www.humanrights.gov.au)

The Australian Human Rights Commission has information about human rights and people with special needs, including disability rights and access to premises. Refer to Access for all: Improving accessibility for consumers with disability 2016.

## DISABILITY DISCRIMINATION ACT 1992

<https://www.legislation.gov.au/Details/C2018C00125>

## WORK HEALTH AND SAFETY REGULATIONS 2011

<https://www.legislation.gov.au/Series/F2011L02664>

## NATIONAL DISABILITY INSURANCE SCHEME (NDIS)

[\*National Disability Insurance Scheme Act 2013 \(NDIS Act\)\*](#)

[NDIS Rules](#)

<https://www.ndis.gov.au/about-us/governance/legislation>