

## FACT SHEET

### *Health Complaints (Code of Conduct) Amendment Bill 2018*

The purpose of this Bill is to introduce a Code of Conduct for Health Care Workers that are not registered under the National Health Practitioner Regulation Law. A Code of Conduct has been under consideration for a number of years at the national level and subject to extensive national consultation. A statutory code of conduct scheme already operates in New South Wales and South Australia, Queensland and Victoria and is in the process of being implemented in other jurisdictions.

The proposed implementation for the Code is via amendments to the *Health Complaints Act 1995*. This will be done by including the Code in regulations so that any future changes to the Code can be made by amendment regulations.

The Code will not restrict entry to practice, but will allow action to be taken against an unregistered health care worker who fails to comply with proper standards of conduct or practice.

The Code will establish a negative licensing regulation scheme which sets out minimum practice and ethical standards, and enhances statutory powers to investigate a complaint and permits new actions to be taken in relation to a complaint where a risk to the public exists. These actions include public warning statements and orders to prohibit the practice of non-registered health practitioners who have been found in breach of the Code.

It allows the vast majority of ethical and competent members of a non-registered health profession and their professional associations to self-regulate. However, it gives an additional level of public protection through national prohibition of health workers found to be in breach of the Code where the breach presents a immediate risk to public health and safety.

The Bill provides rights of appeal for affected health care workers in relation to actions taken in response to breaches of the code.

As the code of conduct is a national scheme, the Bill provides for recognition of interstate orders by making it an offence to provide a health service in Tasmania if the person is prohibited from providing that service in another jurisdiction, and provides for information sharing with other jurisdictions.

For the preparation of the Bill, Tasmania undertook public and stakeholder consultation on the implementation issues in respect of scope of professions covered and administrative arrangements to support the Code. There is widespread stakeholder support for the introduction of the Code in Tasmania.

As agreed by COAG Health Council, an independent review of the national code regulation regime is to be initiated by Health Ministers no later than five years after implementation.