

## #WeSpeechies in NSW: Key Compliance Obligations



Compliance Issue	Key enforcer(s)	Key rules – where are they?	Practical guides
<b>A. Client/public focused</b>			
Client safety	<p>Health Care Complaints Commission (NSW) (HCCC) <a href="http://tinyurl.com/y98qektl">http://tinyurl.com/y98qektl</a></p> <p>Speech Pathology Australia (SPA) <a href="http://tinyurl.com/yd662cl3">http://tinyurl.com/yd662cl3</a></p> <p>SafeWork NSW <a href="http://tinyurl.com/yd4w9cyo">http://tinyurl.com/yd4w9cyo</a></p>	<p>Code of Conduct for unregistered health practitioners: <a href="http://tinyurl.com/kns3urs">http://tinyurl.com/kns3urs</a></p> <p>National Code: <a href="http://tinyurl.com/m4z7qjv">http://tinyurl.com/m4z7qjv</a></p> <p>SPA Code of Ethics: <a href="http://tinyurl.com/la8phfv">http://tinyurl.com/la8phfv</a></p> <p>Work Health and Safety Act 2011 <a href="http://tinyurl.com/k43m7lz">http://tinyurl.com/k43m7lz</a></p>	<p>How to manage health and safety risks: Code of Practice: <a href="http://tinyurl.com/me3fgpw">http://tinyurl.com/me3fgpw</a></p>
Client information/ records/ confidentiality/ privacy	<p>HCCC Office of the Australian Information Commissioner (OAIC) <a href="http://tinyurl.com/hozphh7">http://tinyurl.com/hozphh7</a></p> <p>Information and Privacy Commission <a href="http://tinyurl.com/hosny8a">http://tinyurl.com/hosny8a</a></p>	<p>Privacy Act 1988 (Cth) <a href="http://tinyurl.com/6e5eeb">http://tinyurl.com/6e5eeb</a></p> <p>Health Records and Information Privacy Act 2002 (NSW) <a href="http://tinyurl.com/y85duvw8">http://tinyurl.com/y85duvw8</a></p>	<p>Privacy: OAIC Fact sheets <a href="http://tinyurl.com/l87htdw">http://tinyurl.com/l87htdw</a></p> <p>Health records: <a href="http://tinyurl.com/ksbxtzl">http://tinyurl.com/ksbxtzl</a> <a href="http://tinyurl.com/mvt2kkq">http://tinyurl.com/mvt2kkq</a> <a href="http://tinyurl.com/n3tk3e3">http://tinyurl.com/n3tk3e3</a></p> <p>If you are served a subpoena <a href="http://bit.ly/1SKgeva">http://bit.ly/1SKgeva</a></p>

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Compliance Issue	Key enforcer(s)	Key rules – where are they?	Practical guides
Clinical basis for treatment/EBP	HCCC	Code of Conduct for Unregistered Health Practitioners <a href="http://tinyurl.com/kns3urs">http://tinyurl.com/kns3urs</a>  SPA Code of Ethics <a href="http://tinyurl.com/la8phfv">http://tinyurl.com/la8phfv</a>	
Informed consent	State Courts Family and Federal Courts SPA	Common law (judge made) SPA Code of Conduct	HCCC: Consent for treatment <a href="http://tinyurl.com/kyrmatz">http://tinyurl.com/kyrmatz</a>  For children with separated/divorced parents: <a href="http://bit.ly/28PEzhK">http://bit.ly/28PEzhK</a>
Documentation	HCCC SPA	Code of Conduct for Unregistered Health Practitioners <a href="http://tinyurl.com/kns3urs">http://tinyurl.com/kns3urs</a>  SPA Code of Ethics <a href="http://tinyurl.com/la8phfv">http://tinyurl.com/la8phfv</a>	
No Exploitation	HCCC SPA	Code of Conduct for Unregistered Health Practitioners <a href="http://tinyurl.com/kns3urs">http://tinyurl.com/kns3urs</a>  SPA Code of Ethics <a href="http://tinyurl.com/la8phfv">http://tinyurl.com/la8phfv</a>	

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Family law issues (e.g. custody orders)	Family Law Courts and Federal Court (Cth)	Family Law Act 1975 (Cth) <a href="http://tinyurl.com/y88a38tt">http://tinyurl.com/y88a38tt</a>	Treating children with separated/divorced parents: <a href="http://bit.ly/28PEzhK">http://bit.ly/28PEzhK</a>  Subpoenas: <a href="http://tinyurl.com/lcnnnyvg">http://tinyurl.com/lcnnnyvg</a>
Child protection/ mandatory reporting	Department of Family and Community Services <a href="http://tinyurl.com/kkmlbje">http://tinyurl.com/kkmlbje</a>	Children and Young Persons (Care and Protection) Act 1998 (NSW) <a href="http://tinyurl.com/kp3359u">http://tinyurl.com/kp3359u</a>	Resources for mandatory reporters like us: <a href="http://tinyurl.com/kkemom5">http://tinyurl.com/kkemom5</a>
Fees (setting, disclosure, etc.)	SPA Australian Competition and Consumer Commission (ACCC) <a href="http://tinyurl.com/y8yqgmzjy">http://tinyurl.com/y8yqgmzjy</a>	SPA Code of Ethics <a href="http://tinyurl.com/la8phfv">http://tinyurl.com/la8phfv</a>  Competition and Consumer Act 2010 (Cth) <a href="http://tinyurl.com/maawpcg">http://tinyurl.com/maawpcg</a>	ACCC resources for pricing: <a href="http://tinyurl.com/l7n5qsh">http://tinyurl.com/l7n5qsh</a>
No conflicts of interest	ACCC SPA	Competition and Consumer Act 2010 (Cth) <a href="http://tinyurl.com/maawpcg">http://tinyurl.com/maawpcg</a>  SPA Code of Ethics <a href="http://tinyurl.com/la8phfv">http://tinyurl.com/la8phfv</a>	

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Referrals	ACCC SPA	Competition and Consumer Act 2010 (Cth) <a href="http://tinyurl.com/maawpcg">http://tinyurl.com/maawpcg</a>  SPA Code of Ethics <a href="http://tinyurl.com/la8phfv">http://tinyurl.com/la8phfv</a>	
Complaints	ACCC HCCC SPA	Competition and Consumer Act 2010 (Cth) <a href="http://tinyurl.com/maawpcg">http://tinyurl.com/maawpcg</a>  Code of Conduct for Unregistered Health Professionals <a href="http://tinyurl.com/kns3urs">http://tinyurl.com/kns3urs</a>  SPA Code of Ethics <a href="http://tinyurl.com/la8phfv">http://tinyurl.com/la8phfv</a>	
Non-discrimination	SPA Australian Human Rights Commission (AHRC) <a href="http://tinyurl.com/mbawxpr">http://tinyurl.com/mbawxpr</a>  NSW Anti-Discrimination Board <a href="http://tinyurl.com/kz58xvd">http://tinyurl.com/kz58xvd</a>	Various – read this from AHRC: <a href="http://tinyurl.com/nyapc3l">http://tinyurl.com/nyapc3l</a>	

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Compliance Issue	Key enforcer(s)	Key rules – where are they?	Practical guides
Infection control	HCCC	Code of Conduct for Unregistered Health Practitioners <a href="http://tinyurl.com/kns3urs">http://tinyurl.com/kns3urs</a>	
Advertising	ACCC SPA	Competition and Consumer Act 2010 (Cth) <a href="http://tinyurl.com/maawpcg">http://tinyurl.com/maawpcg</a>  SPA Code of Ethics - Advertising	ACCC Advertising Guide <a href="http://tinyurl.com/l79btm">http://tinyurl.com/l79btm</a> Tips for complying with SPA's Advertising Rules <a href="http://bit.ly/1RgR3dH">http://bit.ly/1RgR3dH</a>
Use of qualifications	ACCC SPA	Competition and Consumer Act 2010 (Cth) <a href="http://tinyurl.com/maawpcg">http://tinyurl.com/maawpcg</a>  SPA Code of Ethics – Advertising	
Competition	ACCC	Competition and Consumer Act 2010 (Cth) (CCA) <a href="http://tinyurl.com/maawpcg">http://tinyurl.com/maawpcg</a>	ACCC Competing Fairly in Professional Services: <a href="http://tinyurl.com/lxk5d8">http://tinyurl.com/lxk5d8</a>  ACCC Professions and the CCA: <a href="http://tinyurl.com/l72rnkr">http://tinyurl.com/l72rnkr</a>
Pricing disclosure	ACCC SPA	Competition and Consumer Act 2010 (Cth) <a href="http://tinyurl.com/maawpcg">http://tinyurl.com/maawpcg</a>	ACCC resources for pricing and consumer guarantees: <a href="http://tinyurl.com/l7n5qsh">http://tinyurl.com/l7n5qsh</a> <a href="http://tinyurl.com/lrynuz7">http://tinyurl.com/lrynuz7</a>

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Compliance Issue	Key enforcer(s)	Key rules – where are they?	Practical guides
Quality and timely services	ACCC SPA	Competition and Consumer Act <a href="http://tinyurl.com/maawpcg">http://tinyurl.com/maawpcg</a>  SPA Code of Ethics <a href="http://tinyurl.com/la8phfv">http://tinyurl.com/la8phfv</a>	
Insurance	HCCC	Code of Conduct for Unregistered Health Practitioners <a href="http://tinyurl.com/kns3urs">http://tinyurl.com/kns3urs</a>	
<b>B. Staff-focused</b>			
Workplace safety	SafeWork NSW <a href="http://tinyurl.com/yd4w9cyo">http://tinyurl.com/yd4w9cyo</a>  SPA	Work Health and Safety Act 2011 (NSW) <a href="http://tinyurl.com/k43m7lz">http://tinyurl.com/k43m7lz</a>  SPA Code of Ethics <a href="http://tinyurl.com/la8phfv">http://tinyurl.com/la8phfv</a>	Work Health & Safety Code of Practice <a href="http://tinyurl.com/me3fgpw">http://tinyurl.com/me3fgpw</a>
Industrial/employment/contracting arrangements	Fair Work Ombudsman <a href="http://tinyurl.com/htwjgh5">http://tinyurl.com/htwjgh5</a>	National Employment Standards <a href="http://tinyurl.com/mg9r3e4">http://tinyurl.com/mg9r3e4</a>  Fair Work Act 2009 (Cth) <a href="http://tinyurl.com/mm5mdqh">http://tinyurl.com/mm5mdqh</a>  Health Professionals and Support Services Award 2010 <a href="http://tinyurl.com/l6wxt7x">http://tinyurl.com/l6wxt7x</a>	Small business and the Fair Work Act <a href="http://tinyurl.com/kqv2wvh">http://tinyurl.com/kqv2wvh</a>  Employment Law Overview for Speech Pathologists: <a href="http://bit.ly/2aHhxX9">http://bit.ly/2aHhxX9</a> <a href="http://bit.ly/2nn6g8M">http://bit.ly/2nn6g8M</a>

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Compliance Issue	Key enforcer(s)	Key rules – where are they?	Practical guides
Supervision and delegation (including staff, volunteers, "interns", students)	Fair Work Ombudsman SPA	Fair Work Act 2009 <a href="http://tinyurl.com/mm5mdqh">http://tinyurl.com/mm5mdqh</a>  Independent Contractors Act 2006 <a href="http://tinyurl.com/mxot3rm">http://tinyurl.com/mxot3rm</a> Code of Ethics <a href="http://tinyurl.com/la8phfv">http://tinyurl.com/la8phfv</a>	Fair Work Ombudsman Contractors v employees: <a href="http://tinyurl.com/j5oz2el">http://tinyurl.com/j5oz2el</a>  Volunteers and unpaid work: <a href="http://tinyurl.com/l34qn4e">http://tinyurl.com/l34qn4e</a> <a href="http://bit.ly/2kuNu9W">http://bit.ly/2kuNu9W</a>
Equipment and use of resources	SPA	SPA Code of Ethics <a href="http://tinyurl.com/la8phfv">http://tinyurl.com/la8phfv</a>	
Non-discrimination	Fair Work Australia AHRC NSW Discrimination Board	Various (see above)	AHRC quick guide to discrimination laws: <a href="http://tinyurl.com/nyapc3l">http://tinyurl.com/nyapc3l</a>
Training/ professional development	SPA	SPA Code of Ethics <a href="http://tinyurl.com/la8phfv">http://tinyurl.com/la8phfv</a>  SPA Professional Self-Regulation (PSR) Program <a href="http://tinyurl.com/ka6qj77">http://tinyurl.com/ka6qj77</a>	PSR Booklet: <a href="http://tinyurl.com/l2e49xd">http://tinyurl.com/l2e49xd</a>
Performance appraisals	SPA	SPA Code of Ethics <a href="http://tinyurl.com/la8phfv">http://tinyurl.com/la8phfv</a>	Managing performance: Fair Work Australia (including online courses): <a href="http://tinyurl.com/muy2zly">http://tinyurl.com/muy2zly</a>

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Compliance Issue	Key enforcer(s)	Key rules – where are they?	Practical guides
<b>C. Profession focused</b>			
Capacity to practice safely	HCCC SPA	Code of Conduct for Unregistered Health Professionals <a href="http://tinyurl.com/kns3urs">http://tinyurl.com/kns3urs</a>  SPA Code of Ethics <a href="http://tinyurl.com/la8phfv">http://tinyurl.com/la8phfv</a>	
Qualifications to enter profession	SPA	SPA Membership Rules <a href="http://tinyurl.com/n4xg72b">http://tinyurl.com/n4xg72b</a>  Competency-Based Occupational Standards (2011) <a href="http://tinyurl.com/m7ns5rf">http://tinyurl.com/m7ns5rf</a>	
Competence for scope of services (and not being negligent)	State Courts HCCC SPA	Civil Liability Act 2002 (NSW) <a href="http://tinyurl.com/yd4gqoln">http://tinyurl.com/yd4gqoln</a>  Code of Conduct for Unregistered Health Professionals <a href="http://tinyurl.com/kns3urs">http://tinyurl.com/kns3urs</a>  SPA Code of Ethics <a href="http://tinyurl.com/la8phfv">http://tinyurl.com/la8phfv</a>	A user's guide to the Civil Liability Act: <a href="http://tinyurl.com/n3pmfv8">http://tinyurl.com/n3pmfv8</a>

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Compliance Issue	Key enforcer(s)	Key rules – where are they?	Practical guides
Licensing conditions to keep practising	SPA	Code of Ethics <a href="http://tinyurl.com/la8phfv">http://tinyurl.com/la8phfv</a>  SPA Professional Self-Regulation Program	Membership application form and eligibility requirements for certified members: <a href="http://tinyurl.com/lwplktr">http://tinyurl.com/lwplktr</a>  Re-entering the profession: <a href="http://tinyurl.com/n4luptr">http://tinyurl.com/n4luptr</a>
Mandatory notification requirements	SPA	Code of Ethics <a href="http://tinyurl.com/la8phfv">http://tinyurl.com/la8phfv</a>	
Co-accreditation requirements for publicly funded services/ rebates	Department of Health (Medicare)  Department of Human Services  Department of Veterans' Affairs (DVA)  National Disability Insurance Agency  Australian Taxation Office (GST)	Health Insurance Act 1973 (Cth) <a href="http://tinyurl.com/msre3gh">http://tinyurl.com/msre3gh</a>  Veterans' Entitlements Act 1986 <a href="http://tinyurl.com/mdvn78n">http://tinyurl.com/mdvn78n</a>  Safety Rehabilitation and Compensation Act 1988 <a href="http://tinyurl.com/mkb4kku">http://tinyurl.com/mkb4kku</a>  Military Rehabilitation and Compensation Act 2004 <a href="http://tinyurl.com/kukfk9d">http://tinyurl.com/kukfk9d</a>	Medicare provider number <a href="http://tinyurl.com/ma62udc">http://tinyurl.com/ma62udc</a>  Department of Veterans' Affairs Providers <a href="http://tinyurl.com/n2uq4qg">http://tinyurl.com/n2uq4qg</a>  DVA notes for allied health providers: <a href="http://tinyurl.com/m5g4eoa">http://tinyurl.com/m5g4eoa</a>  NDIS registration <a href="http://tinyurl.com/n4dshkm">http://tinyurl.com/n4dshkm</a>

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		<p>National Disability Insurance Scheme 2013 (Cth)  <a href="http://tinyurl.com/n62xnx9">http://tinyurl.com/n62xnx9</a></p> <p>Private Health Insurance (Accreditation) Rules (Cth); Rule 9 (eligibility for private health insurance payments)  <a href="http://tinyurl.com/ka7raz3">http://tinyurl.com/ka7raz3</a></p> <p>A New Tax System (GST) Act 1999 (Cth)  <a href="http://tinyurl.com/kmcmw4f">http://tinyurl.com/kmcmw4f</a></p>	<p>GST  <a href="http://tinyurl.com/mmx2q8">http://tinyurl.com/mmx2q8</a></p>

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