

#WeSpeechies in NSW: Key Compliance Obligations



Compliance Issue	Key enforcer(s)	Key rules – where are they?	Practical guides	Policy or Procedure
General				Compliance Policy Incident/ Escalation Policy
A. Client/public focused				
Client safety	Health Care Complaints Commission (NSW) (HCCC) http://tinyurl.com/y98qektl Speech Pathology Australia (SPA) http://tinyurl.com/yd662cl3 SafeWork NSW http://tinyurl.com/yd4w9cyo	Code of Conduct for unregistered health practitioners: http://tinyurl.com/kns3urs National Code: http://tinyurl.com/m4z7qjv SPA Code of Ethics: http://tinyurl.com/la8phfv Work Health and Safety Act 2011 http://tinyurl.com/k43m7lz	How to manage health and safety risks: Code of Practice: http://tinyurl.com/me3fgpw	Workplace Safety Policy Code of Conduct

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Compliance Issue	Key enforcer(s)	Key rules – where are they?	Practical guides	Policy or Procedure
Client information/ records/ confidentiality/ privacy	HCCC Office of the Australian Information Commissioner (OAIC) http://tinyurl.com/hozphh7 Information and Privacy Commission http://tinyurl.com/hosny8a	Privacy Act 1988 (Cth) http://tinyurl.com/6e5eeb Health Records and Information Privacy Act 2002 (NSW) http://tinyurl.com/y85duvw8	Privacy: OAIC Fact sheets http://tinyurl.com/l87htdw Health records: http://tinyurl.com/ksbxtzl http://tinyurl.com/mvt2kkq http://tinyurl.com/n3tk3e3 If you are served a subpoena http://bit.ly/1SKgeva	Client Intake and Onboarding Procedure Health Records and Privacy Policy
Clinical basis for treatment/EBP	HCCC	Code of Conduct for Unregistered Health Practitioners http://tinyurl.com/kns3urs SPA Code of Ethics http://tinyurl.com/la8phfv		Code of Conduct
Informed consent	State Courts Family and Federal Courts SPA	Common law (judge made) SPA Code of Conduct	HCCC: Consent for treatment http://tinyurl.com/kyrmatz For children with separated/divorced parents: http://bit.ly/28PEzhK	Client Intake and Onboarding Procedure

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Compliance Issue	Key enforcer(s)	Key rules – where are they?	Practical guides	Policy or Procedure
Documentation	HCCC SPA	Code of Conduct for Unregistered Health Practitioners http://tinyurl.com/kns3urs SPA Code of Ethics http://tinyurl.com/la8phfv		Code of Conduct Health Records and Privacy Policy
No Exploitation	HCCC SPA	Code of Conduct for Unregistered Health Practitioners http://tinyurl.com/kns3urs SPA Code of Ethics http://tinyurl.com/la8phfv		Code of Conduct
Family law issues (e.g. custody orders)	Family Law Courts and Federal Court (Cth)	Family Law Act 1975 (Cth) http://tinyurl.com/y88a38tt	Treating children with separated/divorced parents: http://bit.ly/28PEzhK Subpoenas: http://tinyurl.com/lcnyvg	Client Intake and Onboarding Procedure

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Child protection/ mandatory reporting	Department of Family and Community Services http://tinyurl.com/kkmlbjc	Children and Young Persons (Care and Protection) Act 1998 (NSW) http://tinyurl.com/kp3359u	Resources for mandatory reporters like us: http://tinyurl.com/kkemom5	Client Intake and Onboarding Procedure Code of Conduct
Fees (setting, disclosure, etc.)	SPA Australian Competition and Consumer Commission (ACCC) http://tinyurl.com/y8yqzmzy	SPA Code of Ethics http://tinyurl.com/la8phfv Competition and Consumer Act 2010 (Cth) http://tinyurl.com/maawpcg	ACCC resources for pricing: http://tinyurl.com/l7n5qsh	Client Intake and Onboarding Procedure Client Attendance Policy
No conflicts of interest	ACCC SPA	Competition and Consumer Act 2010 (Cth) http://tinyurl.com/maawpcg SPA Code of Ethics http://tinyurl.com/la8phfv		Referral Policy Code of Conduct
Referrals	ACCC SPA	Competition and Consumer Act 2010 (Cth) http://tinyurl.com/maawpcg SPA Code of Ethics http://tinyurl.com/la8phfv		Referral Policy Code of Conduct

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Complaints	ACCC HCCC SPA	Competition and Consumer Act 2010 (Cth) http://tinyurl.com/maawpcg Code of Conduct for Unregistered Health Professionals http://tinyurl.com/kns3urs SPA Code of Ethics http://tinyurl.com/la8phfv		Feedback and Complaints Policy
Non-discrimination	SPA Australian Human Rights Commission (AHRC) http://tinyurl.com/mbawxpr NSW Anti-Discrimination Board http://tinyurl.com/kz58xvd	Various – read this from AHRC: http://tinyurl.com/nyapc3l		Code of Conduct
Infection control	HCCC	Code of Conduct for Unregistered Health Practitioners http://tinyurl.com/kns3urs		Infection Control Policy

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Compliance Issue	Key enforcer(s)	Key rules – where are they?	Practical guides	Policy or Procedure
Advertising	ACCC SPA	Competition and Consumer Act 2010 (Cth) http://tinyurl.com/maawpcg SPA Code of Ethics - Advertising	ACCC Advertising Guide http://tinyurl.com/l79btsm Tips for complying with SPA's Advertising Rules http://bit.ly/1RgR3dH	Advertising and Social Media Policy
Use of qualifications	ACCC SPA	Competition and Consumer Act 2010 (Cth) http://tinyurl.com/maawpcg SPA Code of Ethics – Advertising		Advertising and Social Media Policy
Competition	ACCC	Competition and Consumer Act 2010 (Cth) (CCA) http://tinyurl.com/maawpcg	ACCC Competing Fairly in Professional Services: http://tinyurl.com/lxk5d8 ACCC Professions and the CCA: http://tinyurl.com/l72rnkr	Referral Policy Code of Conduct
Pricing disclosure	ACCC SPA	Competition and Consumer Act 2010 (Cth) http://tinyurl.com/maawpcg	ACCC resources for pricing and consumer guarantees: http://tinyurl.com/l7n5qsh http://tinyurl.com/lrynuz7	Client Intake and Onboarding Procedure
Quality and timely services	ACCC SPA	Competition and Consumer Act http://tinyurl.com/maawpcg		Code of Conduct

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		SPA Code of Ethics http://tinyurl.com/la8phfv		
Insurance	HCCC	Code of Conduct for Unregistered Health Practitioners http://tinyurl.com/kns3urs		
B. Staff-focused				
Workplace safety	SafeWork NSW http://tinyurl.com/yd4w9cyo SPA	Work Health and Safety Act 2011 (NSW) http://tinyurl.com/k43m7lz SPA Code of Ethics http://tinyurl.com/la8phfv	Work Health & Safety Code of Practice http://tinyurl.com/me3fgpw	Workplace Safety Policy
Industrial/employment/contracting arrangements	Fair Work Ombudsman http://tinyurl.com/htwjgh5	National Employment Standards http://tinyurl.com/mg9r3e4 Fair Work Act 2009 (Cth) http://tinyurl.com/mm5mdqh Health Professionals and Support Services Award 2010 http://tinyurl.com/l6wxt7x	Small business and the Fair Work Act http://tinyurl.com/kqv2wvh Employment Law Overview for Speech Pathologists: http://bit.ly/2aHhxX9 http://bit.ly/2nn6g8M	Staff and Training Policy

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

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Performance appraisals	SPA	SPA Code of Ethics http://tinyurl.com/la8phfv	Managing performance: Fair Work Australia (including online courses): http://tinyurl.com/muy2zly	Staff and Training Policy
C. Profession focused				
Capacity to practice safely	HCCC SPA	Code of Conduct for Unregistered Health Professionals http://tinyurl.com/kns3urs SPA Code of Ethics http://tinyurl.com/la8phfv		Code of Conduct
Qualifications to enter profession	SPA	SPA Membership Rules http://tinyurl.com/n4xg72b Competency-Based Occupational Standards (2011) http://tinyurl.com/m7ns5rf		Code of Conduct
Competence for scope of services (and	State Courts HCCC SPA	Civil Liability Act 2002 (NSW) http://tinyurl.com/yd4gqoln	A user's guide to the Civil Liability Act: http://tinyurl.com/n3pmfv8	Code of Conduct

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not being negligent)		Code of Conduct for Unregistered Health Professionals http://tinyurl.com/kns3urs SPA Code of Ethics http://tinyurl.com/la8phfv		
Licensing conditions to keep practising	SPA	Code of Ethics http://tinyurl.com/la8phfv SPA Professional Self-Regulation Program	Membership application form and eligibility requirements for certified members: http://tinyurl.com/lwplktr Re-entering the profession: http://tinyurl.com/n4luptr	Code of Conduct
Mandatory notification requirements	SPA	Code of Ethics http://tinyurl.com/la8phfv		Incident/Escalation Policy
Co-accreditation requirements for publicly	Department of Health (Medicare) Department of Human Services	Health Insurance Act 1973 (Cth) http://tinyurl.com/msre3gh	Medicare provider number http://tinyurl.com/ma62udc	Code of Conduct

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funded services/ rebates	Department of Veterans' Affairs (DVA) National Disability Insurance Agency Australian Taxation Office (GST)	Veterans' Entitlements Act 1986 http://tinyurl.com/mdvn78n Safety Rehabilitation and Compensation Act 1988 http://tinyurl.com/mkb4kku Military Rehabilitation and Compensation Act 2004 http://tinyurl.com/kukfk9d National Disability Insurance Scheme 2013 (Cth) http://tinyurl.com/n62xnx9 Private Health Insurance (Accreditation) Rules (Cth): Rule 9 (eligibility for private health insurance payments) http://tinyurl.com/ka7raz3 A New Tax System (GST) Act 1999 (Cth) http://tinyurl.com/kmcmw4f	Department of Veterans' Affairs Providers http://tinyurl.com/n2uq4qg DVA notes for allied health providers: http://tinyurl.com/m5g4eoa NDIS registration http://tinyurl.com/n4dshkm GST http://tinyurl.com/mmx2q8	

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