

Monday, 18 March 2019

## Greater powers for the Health and Community Services Complaints Commissioner

Greater powers to deal with unethical, unsafe and impaired health care workers in South Australia have come into effect today.

Changes to the *Health and Community Services Complaints Act 2004* (the Act) allow the Health and Community Services Complaints Commissioner to:

- Adopt prohibition orders imposed on individuals from across Australia.
- Investigate individual volunteers providing a health service.
- Restrict people who are subject to a prohibition order from advertising and promoting themselves as a health service.
- Issue a public statement to identify a person or warn the public when interim action has been taken.

Commissioner Dr Grant Davies said he welcomed the new laws that protect the health and safety of the public.

“Whilst most unregistered health care workers practice safely, these changes will mean a greater ability to crackdown on someone offering unsafe or unethical health services or who are impaired by drugs or alcohol,” Dr Davies said.

“One of the most important changes is that prohibition orders from other states and territories are now valid in South Australia, which effectively bans health care workers ‘jurisdiction-shopping’.

“Previously, South Australia would have needed to conduct its own investigation and then issue its own prohibition order to stop someone practising here if they had been banned in another state or territory.”

The Commissioner now has the power to investigate the actions of an individual volunteer who is providing a health service for another body.

Dr Davies said that the legislation previously placed responsibility solely on the body who engaged the volunteer if they acted improperly.

“Whilst the body can still be responsible for the actions of volunteers, we can now look into the conduct of a volunteer and stop them from offering their services to multiple organisations,” he said.

“The Act now provides for a ban on a person who has been prohibited, from advertising their service, promoting themselves or providing advice about the provision of a health service.

“Lastly, a public statement can now be published during interim action that identifies a person or gives a warning to the public.



“Previously, I could only make a public statement once a permanent prohibition order had been imposed. Now, I can issue one if I am sufficiently concerned about the conduct of an unregistered health care worker during the investigation phase.”

From today, South Australia has implemented the *Code of Conduct for Certain Health Care Workers* (new code), which replaces the *Code of Conduct for Unregistered Health Practitioners* (old code). This change aligns South Australia’s new Code with the *National Code of Conduct for Health Care Workers* (national code) approved by the COAG Health Council.

The old code was used as the basis for the national code which implements many of its clauses while expanding on them and giving greater protection to consumers.

Some of the changes to the new code include:

- A health care worker must now provide culturally sensitive services to the consumer.
- A health care worker undertaking skin penetration procedures needs to comply with State laws or regulations.
- A health care worker must not ask clients to give, lend or bequeath money or gifts that will benefit the health care worker directly or indirectly.

Dr Davies said while there were not an overwhelming number of changes for health care workers in the new code, they still needed to familiarise themselves with it to ensure they understand their responsibilities.

“The new code also strengthens the health and safety of consumers and improves their rights when accessing a health service,” he said.

“People offering a health service who act in a way that places the public at risk of harm should be held accountable and any consumers with concerns should speak with the HCSCC.”

South Australia now joins Victoria, New South Wales and Queensland in implementing the national code.

## **Background**

A copy of the new Code can be found [here](#). The *Code of Conduct for Certain Health Care Workers* forms part of the Regulations in the *Health and Community Services Complaints Act 2004*.

The Office of the HCSCC is a free, independent, statutory office. The HCSCC assists consumers, carers and service providers with complaints about health or community services in South Australia. This includes government, private and non-government health and community services.

