

Senate Community Affairs References Committee

ANSWERS TO QUESTIONS ON NOTICE

HEALTH AND AGEING PORTFOLIO

Inquiry into the Regulatory Standards for the Approval of Medical Devices
27 September 2011

Question No: 15

Topic: CODE OF ETHICS FOR HEALTH WORKFORCE

Written Question on Notice:

The Committee asked:

- 1) Is the department aware of the various codes of ethics surgeons and hospitals operate under in Australia?
- 2) If so, can it provide details on the numbers of these codes?
- 3) Are these codes legally enforceable?
- 4) How many of these codes cover financial inducements, and the declaration of inducements?
- 5) What is the department's position on surgeons or hospitals accepting financial inducements?
- 6) What is the department's position on a single, legally enforceable code of ethics to cover all medical practitioners licensed to practice and hospitals licensed to operate in Australia?

Answer:

1) The Department is aware that there are codes of professional conduct for all health professionals regulated under the National Registration and Accreditation Scheme (NRAS) for health professions. The *Health Practitioner Regulation National Law* (Queensland) (known as the National Law), as applied in the various states and territories, provides for the full operation of the scheme. Oversight of the operation of the NRAS is provided jointly by state, territory and Commonwealth Health Ministers through the Australian Health Workforce Ministerial Council (Ministerial Council).

Under the National Law the Medical Board of Australia (MBA) is primarily responsible for regulating the medical profession and the codes of the MBA, including its *Good Medical Practice: A Code of Conduct for Doctors in Australia*, apply to all surgeons registered in Australia.

The Department is aware that individual health professional bodies may also choose to develop discipline specific codes of conduct for their members.

Licensing of hospitals, both public and private, is undertaken by the states and territories.

2) Under Section 39 of the National Law, codes relating to health professionals including surgeons working in hospitals are the responsibility of the relevant national board established under NRAS. Codes and guidelines are available for each of the ten professions currently regulated under NRAS. The websites of the national boards contain information for each profession about the current guidelines for best practice. The websites of the national boards for the professions already included in the NRAS are:

Chiropractic Board of Australia	www.chiropracticboard.gov.au
Dental Board of Australia	www.dentalboard.gov.au
Medical Board of Australia	www.medicalboard.gov.au
Nursing and Midwifery Board of Australia	www.nursingmidwiferyboard.gov.au
Optometry Board of Australia	www.optometryboard.gov.au
Osteopathy Board of Australia	www.osteopathyboard.gov.au
Pharmacy Board of Australia	www.pharmacyboard.gov.au
Physiotherapy Board of Australia	www.physiotherapyboard.gov.au
Podiatry Board of Australia	www.podiatryboard.gov.au
Psychology Board of Australia	www.psychologyboard.gov.au

3) Codes and guidelines developed by National Boards under NRAS are admissible in proceedings against a practitioner as evidence of what constitutes appropriate professional conduct or practice for the relevant profession.

4) The *Good Medical Practice: A Code of Conduct for Doctors in Australia*, provides advice to medical practitioners about conflicts of interest that may affect or be seen to affect the way in which they prescribe for, treat or refer patients.

5) The regulation of the conduct of medical practitioners and hospitals remains a matter for the Medical Board of Australia and their employer.

6) The regulation of the medical profession, including the professional conduct of medical practitioners, is a matter for the Medical Board of Australia. The Commonwealth, as a member of the Ministerial Council, supports the NRAS.