

Health Practitioner Regulation National Law and Other Legislation Amendment Bill 2022

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Committee Secretary
Health and Environment Committee
Parliament House
George Street
Brisbane Qld 4000

Submitted electronically

1 June 2022

To whom it may concern,

Re: Health Practitioner Regulation National Law and Other Legislation Amendment Bill 2022

Speech Pathology Australia (the Association) is the national peak body for speech pathologists in Australia, representing more than 13,000 members. Speech pathologists are university-trained allied health professionals with expertise in the assessment, diagnosis and treatment of communication and swallowing disabilities. Speech pathologists provide services across the lifespan, and work across a range of business structures, including large companies, multi-disciplinary organisations, and small or sole private practices.

Speech Pathology Australia welcomes the opportunity to provide feedback on the Health Practitioner Regulation National Law and Other Legislation Amendment Bill 2022. Whilst speech pathology is not a profession regulated by the Australian Health Professions Regulation Authority (AHPRA), it is a self-regulated profession, and Speech Pathology Australia is a full member of the National Alliance Of Self Regulating Health Professions (NASRHP). A robust self-regulation program is in place to govern and monitor the ethical, clinical and professional practice of members of Speech Pathology Australia.

The Association has a commitment to protect the public through robust self regulation processes and quality standards of professional practice. This includes an annual declaration of minimum hours of professional development, with random audits conducted by the Association. Members must also adhere to the Speech Pathology Australia Code of Ethics (2020). In the case of a potential breach of this code, there is a formal complaints process managed by the Ethics Board which was established in 2000 to promote ethical practice, manage and, when necessary, to enforce the Code.

The Association supports many of the amendments to protect the public and ensure public safety with regards to health services, such as Section 136. Nevertheless, even in the pursuit of public safety, the privacy of individuals and businesses who may not go on to be found guilty should still be protected. Speech Pathology Australia would caution the committee from releasing the names of individuals or businesses whilst still under investigation, as the effects upon their reputation and ability to practice would be catastrophic.

The membership of Speech Pathology Australia, and indeed the speech pathology profession is strongly female dominated, therefore the option to have two potential names, such as a married name and professional name is supported by the Association. Additionally, within a multi-cultural nation, such as Australia, this would also be a supportive practice for health professionals who may have a name associated with one language or cultural background, and another they wish to use professionally. Allowing this to be reflected on the register goes towards public safety, but is concurrently a welcome option to streamline registration paperwork.



Speech Pathology Australia strongly agrees with the decision to enshrine the need for culturally sensitive and safe practices for Aboriginal and Torres Strait Islander people within the legislation. This should be a part of every health worker's practice, and aligns with Speech Pathology Australia's Professional Standards and Code of Ethics. Speech pathologists who are members with the Association must demonstrate ongoing learning within the area of cultural responsiveness, in addition to ensuring their services are culturally sensitive and safe for Aboriginal and Torres Strait Islander peoples.

One significant change to the legislation that the Association wishes to raise grave concerns about, is the decision to allow testimonials. Health services are different to products, with greater potential risk, therefore in the interests of public safety advertising rules should also be different, with health practitioners held to a higher standard. Testimonials are by their very nature subjective, they are not substantiated or robust evidence, and therefore have the potential to be misleading, particularly to those seeking health services who may be considered to be vulnerable due to their need.

A testimonial may elicit emotional reactions resulting in potential clients making a choice about their health care needs based on this emotion, rather than objective information about what is best for their individual needs. Testimonials relate to one person and therefore are not an objective depiction of how a service may or may not provide benefit to a different person. Whilst advertising of certain products may involve the use of testimonials, those products are less likely to have such extensive impacts on a user's life, when compared with health services.

Speech Pathology Australia does not believe that health professionals should be permitted to use this type of advertising. This would pose a significant risk to the public where the testimonial may raise false expectations of services and outcomes, resulting in not only a financial cost but also that of lost opportunity of accessing more evidence-based interventions instead. By pursuing one treatment pathway that may not be appropriate, this may cost valuable time, effort and potentially public funding that could have been spent in a more efficacious way - this is a particular risk with regards to health services for children, when the early years are so vital for later outcomes.

Additionally, by allowing testimonials, particularly with no guidelines around their use, it would be very unclear to health professionals what would be considered to be misleading information and open to interpretation. Given the concurrent increase in the penalties for providing misleading information, the Association proposes that allowing testimonials poses significant risks to both health providers and the public, for no gain.

The Association would like to thank you for the opportunity to discuss these important issues. Should you wish to discuss this any further you can contact the Association via email

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Yours faithfully,



Gail Mulcair
Chief Executive Officer
Speech Pathology Australia