

# CEO's Report



Tricia Hughes  
Chief Executive Officer



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The Association received a very positive and solid response to our request for feedback about the draft version of the Code of Ethics with two hundred members responding throughout March. Generally, 90 per cent agreed with all sections in the draft.

Some responses raised some key points: it seems that many members and employers may not fully appreciate the extent of their legal responsibilities when working as health service providers. There is nothing you shouldn't already have been taught during your professional training or have learned through updates provided to you from Massage & Myotherapy Australia or previous associations, if applicable. As the Romans said: *ignorantia legis neminem excusat* is a legal principle holding that a person who is unaware of a law may not escape liability for violating that law merely because one was unaware of its content. In other words, ignorance is no excuse.

As indicated in the Preface of the Consultation Document, the draft essentially merges the current Code and Standards and the National Code of Conduct into one reference document. There are areas where some further explanation and guidelines are to be developed, but the aim is to ensure members are working towards best practice at all times.

It is important to note that the Code is not going to advise members to 'not turn over towels' - this is basic hygiene. Other prescriptive matters such as relationships/treating family members have to be applied with both common sense and within the rules of the health funds. Some members do refuse to treat family members to ensure a clear boundary of the professional from the personal.

There were several areas that members should be very clear about. Primary in these areas is the legal requirement to hold your clients' records for a minimum time. Two or five years does not meet the legal minimum of seven years for audits whether you see the client once or more and there is no small business exemption. If you find too much paper onerous, we suggest you have older records scanned and stored on a secure hard drive to delete post the minimum period.

There were also many employment issues. It is important to understand that the Association is not a union, and it would be improper to provide employment advice. Access to free legal advice is provided through your Aon insurance policy, please refer to page 34 in this issue. There is also the Department of Fair Trading if you feel your employer is not providing you with the legal requirements on contractual arrangements under the law, such as whether you should be paid superannuation. These situations are not all the same and cannot be treated with one blanket statement by the Association.

As indicated, there will be Guidelines and website recommendations in the final document where members can find information to support their practices. There are already many Policies and Guidelines on the website. For example, if you are concerned about sporting events, check the Clinical Setting Policy on the web and see where you can amend your practice. Provide the Policy to the event organiser if you feel it does not meet minimum standards. Massage & Myotherapy Australia is also looking at developing some webinars and YouTube segments on the topics to assist members to understand their legal compliance.

The consultation for members has now closed and the Code of Ethics and Standards will go through a second redraft as well as a second legal review ready to be put forward to the Board in June of this year. The document will be launched in July and it will be distributed to all members and followed with supporting information to assist with interpretation.

There was a lot of material to absorb and many thanks to the members who made the time to respond. Responder #40 summed it up when they stated: 'A lot of these particular points are straightforward and should already be in place long before now!'

## Tricia Hughes

BA(SocSci), DipHRManagement, DipQualityAudit, CertGovt, CertGovt Investigations, CSA, MAICD.

CHIEF EXECUTIVE OFFICER & COMPANY SECRETARY  
MESSAGE & MYOTHERAPY AUSTRALIA