

TASMANIA

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**HEALTH COMPLAINTS (CODE OF CONDUCT)  
REGULATIONS 2026**

**STATUTORY RULES 2026, No. 30**

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**CONTENTS**

1. Short title
  2. Commencement
  3. Interpretation
  4. Code of conduct
  5. Prescribed offences
- Schedule 1 – National Code of Conduct for Health Care Workers



## **HEALTH COMPLAINTS (CODE OF CONDUCT) REGULATIONS 2026**

I, the Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, acting with the advice of the Executive Council, make the following regulations under the *Health Complaints Act 1995*.

Dated 25 May 2026.

B. BAKER  
Governor

By Her Excellency's Command,

GUY BARNETT  
Minister for Justice, Corrections and Rehabilitation

### **1. Short title**

These regulations may be cited as the *Health Complaints (Code of Conduct) Regulations 2026*.

### **2. Commencement**

These regulations take effect 21 days after the day on which their making is notified in the Gazette.

### **3. Interpretation**

In these regulations –

*Act* means the *Health Complaints Act 1995*;

*code* means the code of conduct set out in Schedule 1 to these regulations.

### **4. Code of conduct**

For the purposes of section 56AAA of the Act, the code of conduct set out in Schedule 1 is prescribed as a code of conduct for the provision of health services by health care workers.

### **5. Prescribed offences**

(1) In this regulation –

*another jurisdiction* means –

- (a) a State, other than this State; or
- (b) a Territory; or
- (c) the Commonwealth.

(2) For the purposes of section 56AAB(2)(a)(iii) and section 56AAC(2)(a)(iii) of the Act, the following offences are prescribed:

- (a) an offence against the *Australian Consumer Law (Tasmania) Act 2010* or an offence against the Australian Consumer Law of another jurisdiction;

- (b) an offence against a provision of the *Criminal Code Act 1924*, or a similar offence in another jurisdiction;
- (c) an indictable offence under the *Misuse of Drugs Act 2001*, or a similar offence in another jurisdiction;
- (d) an offence against the *Poisons Act 1971* where the offence has a maximum penalty of 50 penalty units or more, or a similar offence in another jurisdiction;
- (e) an offence against Part 2, Division 1 of Part 3 or Part 8 of the *Public Health Act 1997*, or a similar offence in another jurisdiction.

**SCHEDULE 1 – NATIONAL CODE OF CONDUCT FOR  
HEALTH CARE WORKERS**

Regulation 4

**1. Health care workers to provide services in safe and ethical manner**

- (1) A health care worker must provide health services in a safe and ethical manner.
- (2) Without limiting subclause (1), a health care worker –
  - (a) must maintain the necessary competence in the worker’s area of practice; and
  - (b) must not provide health care of a type that is outside the worker’s experience or training, or provide services that the worker is not qualified to provide; and
  - (c) must only prescribe or recommend treatments or appliances that serve the needs of clients; and
  - (d) must recognise the limitations of the treatment the worker can provide and refer clients to other competent health service providers in appropriate circumstances; and
  - (e) must –
    - (i) recognise the limitations of the treatment the worker can provide to clients in a facility that is not a

licensed establishment within the meaning of the *Health Service Establishments Act 2006*; and

- (ii) where relevant, refer clients that require procedures that may only be undertaken at a licensed establishment to such an establishment; and
- (f) must recommend to clients that additional opinions and services be sought, where appropriate; and
- (g) must assist clients to identify other appropriate health care services, if required and practicable; and
- (h) must encourage clients to inform their treating medical practitioner (if any) of the treatments or care being provided; and
- (i) must have a sound understanding of any possible adverse interactions between the therapies and treatments being provided or prescribed by the health care worker and any other medications or treatments, whether prescribed or not, that the worker is, or should be, aware that a client is taking or receiving, and advise the client of these interactions; and
- (j) must provide health services in a manner that is culturally sensitive to the needs of the worker's clients.

**2. Health care workers to obtain consent**

Before commencing a treatment or service, a health care worker must ensure that consent appropriate to that treatment or service has been obtained and complies with the laws of the jurisdiction.

**3. Appropriate conduct in relation to treatment advice**

- (1) A health care worker must accept the right of a client to make informed choices in relation to the client's health care.
- (2) A health care worker must not attempt to dissuade a client from seeking or continuing medical treatment.
- (3) A health care worker must communicate and cooperate with colleagues and other health service providers and agencies in the best interests of clients.

**4. Health care workers to report concerns about conduct of other health care workers**

A health care worker who, in the course of providing treatment or care, forms the reasonable belief that another health care worker has placed or is placing clients at serious risk of harm must refer the matter to the Health Complaints Commissioner.

**5. Health care workers to take appropriate action in response to adverse events**

- (1) A health care worker must take appropriate and timely measures to minimise harm to clients if an adverse event occurs in the course of providing treatment or care.
- (2) Without limiting subclause (1), a health care worker must –
  - (a) ensure that appropriate first aid is available to deal with any adverse event; and
  - (b) obtain appropriate emergency assistance in the event of any serious adverse event; and
  - (c) promptly disclose the adverse event to the client and take appropriate remedial steps to reduce the risk of recurrence; and
  - (d) report the adverse event to the relevant authority, where appropriate.

**6. Health care workers to adopt standard precautions for infection control**

- (1) A health care worker must adopt standard precautions for the control of infection in the course of providing treatment or care.
- (2) Without limiting subclause (1), a health care worker who carries out skin penetration or another invasive procedure must comply with the *Public Health Act 1997*.

sch. 1

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**7. Health care workers diagnosed with infectious medical conditions**

- (1) A health care worker who has been diagnosed with a medical condition that can be passed on to clients must ensure that the worker practises in a manner that does not put clients at risk.
- (2) Without limiting subclause (1), a health care worker who has been diagnosed with a medical condition that can be passed on to clients must take and follow advice from a suitably qualified registered health practitioner on the necessary steps to be taken to modify the worker's practice to avoid the possibility of transmitting that condition to clients.

**8. Health care workers not to make claims to cure certain serious illnesses**

- (1) A health care worker must not claim or represent that the worker is qualified, able or willing to cure cancer or other terminal illnesses.
- (2) A health care worker who claims to be able to treat or alleviate the symptoms of cancer or other terminal illnesses must be able to substantiate such claims.

**9. Health care workers not to misinform clients**

- (1) A health care worker must not engage in any form of misinformation or misrepresentation in relation to the products or services that the

worker provides or the qualifications, training or professional affiliations that the worker holds.

- (2) Without limiting subclause (1) –
  - (a) a health care worker must not use the possession of a particular qualification to mislead or deceive clients or the public as to the worker’s competence in an area of practice or ability to provide treatment; and
  - (b) a health care worker must provide truthful information as to the worker’s qualifications, training or professional affiliations; and
  - (c) a health care worker must not make claims either directly to clients or in advertising or promotional materials about the efficacy of treatment or services that the worker provides if those claims cannot be substantiated.

**10. Health care workers not to practise under influence of alcohol or unlawful substances**

- (1) A health care worker must not provide treatment or care to clients while the health care worker is under the influence of alcohol or unlawful substances.
- (2) A health care worker who is taking prescribed medication must –

*Health Complaints (Code of Conduct) Regulations 2026*  
*Statutory Rules 2026, No. 30*

sch. 1

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- (a) obtain advice from the prescribing registered health practitioner or dispensing pharmacist on the impact of the medication on the worker's ability to practise; and
- (b) refrain from treating or caring for clients in circumstances where the worker's capacity is, or may be, impaired.

**11. Health care workers with certain mental or physical impairment**

- (1) A health care worker must not provide treatment or care to clients while the health care worker is suffering from a physical or mental impairment, disability, condition or disorder (including an addiction to alcohol or a drug, whether or not prescribed) that places or is likely to place clients at risk of harm.
- (2) Without limiting subclause (1), if a health care worker has a mental or physical impairment that could place clients at risk, the health care worker must seek advice from a suitably qualified registered health practitioner to determine whether, and in what ways, the worker should modify the worker's practice, including stopping practice if necessary.

**12. Health care workers not to financially exploit clients**

- (1) A health care worker must not financially exploit clients.

(2) Without limiting subclause (1) –

- (a) a health care worker must only provide services or treatments to clients that are designed to maintain or improve clients' health or wellbeing; and
- (b) a health care worker must not accept or offer financial inducements or gifts as a part of client referral arrangements with other health care workers; and
- (c) 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.

**13. Health care workers not to engage in sexual misconduct**

- (1) A health care worker must not engage in behaviour of a sexual or close personal nature with a client.
- (2) A health care worker must not engage in a sexual or other inappropriate close personal, physical or emotional relationship with a client.
- (3) A health care worker must ensure that a reasonable period of time has elapsed since the conclusion of the therapeutic relationship before engaging in a sexual relationship with a client.

**14. Health care workers to comply with relevant privacy laws**

A health care worker must comply with the relevant privacy laws that apply to clients' health information, including but not limited to the *Privacy Act 1988* of the Commonwealth and the *Personal Information Protection Act 2004*.

**15. Health care workers to maintain appropriate records**

- (1) A health care worker must maintain accurate, legible and up-to-date health records for each client consultation and ensure that those records are held securely and are not subject to unauthorised access.
- (2) A health care worker must take necessary steps to facilitate a client's access to information contained in the client's health records if requested.
- (3) A health care worker must facilitate the transfer of a client's health record in a timely manner when requested to do so by the client or the client's legal representative.

**16. Health care workers to be covered by appropriate insurance**

A health care worker must ensure that appropriate indemnity insurance arrangements are in place in relation to the worker's practice.

**17. Health care workers to display code and other information**

- (1) A health care worker must ensure that a copy of each of the following documents is displayed or made available at all premises at which the health care worker carries on the worker's practice:
  - (a) this code of conduct;
  - (b) a document that gives information about the way in which clients may make a complaint to the Health Complaints Commissioner.
- (2) Copies of these documents must be displayed or made available in a manner that makes them easily visible or accessible to clients.

*Health Complaints (Code of Conduct) Regulations 2026*  
*Statutory Rules 2026, No. 30*

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Printed and numbered in accordance with the *Rules Publication Act 1953*.

Notified in the *Gazette* on 3 June 2026.

These regulations are administered in the Department of Justice.

**EXPLANATORY NOTE**

*(This note is not part of the regulations)*

These regulations, for the purposes of the *Health Complaints Act 1995*, prescribe –

- (a) a code of conduct for health care workers; and
- (b) certain offences in relation to which a conviction or finding of guilt is grounds for the making of a prohibition order, or interim prohibition order, under that Act.