

ATSA Newsletter

Message from ATSA's Executive Officer, David Sinclair

It was great to catch up with everyone who was able to attend in person to the AGM, which we marked another full year of successes. I congratulate the election to the ATSA Board Amin Akbarian (Mobility Engineering), Andrew Webster (Country Care Group), Jacinta Maurin (Ottobock Australia) and Matthew Butterworth (Sunrise Medical).

On a not so happy note, we have received information on activities that could bring the industry under an unwanted spotlight. Please refer to the Industry Joint Statement re business integrity and legal requirements in the Assistive Technology sector. It is important to note that the key associations who are involved in the selection and supply of AT are willing to join and sign this statement, demonstrating the importance of the matter. In recent meetings with both the NDIA and the NDIS Quality and Safeguard Commission, this matter has been front of mind.

There are some great articles for your reading covering 'What some of our ATSA Members have been up to' through to Cyber Security and staff Christmas parties.

With 2023 just around the corner, a simple reminder that if you have not already done so, book your stand for the upcoming ATSA Independent Living Expos. Melbourne, Perth and Canberra are all on sale now.

Yes, the rumour is true, it is time for me to retire and pass on the baton. However, I will be around for a little longer as the planned date is the 1st of July 2023. This is to allow the Board time to go through the selection process to find the new ATSA EO, along with a hand over period. If you have interest in this great role, please get in touch.



David Sinclair
Executive Office, ATSA

ATSA Board Members

Amin Akbarian (Mobility Engineering)

Philippa Bell (Board Appointed)

Matthew Butterworth (Sunrise Medical)

Michael Linke
(Vision Australia, Board Appointed)

Jacinta Maurin (Ottobock Australia)

Stewart McDonagh
(Independent Living Specialists)

Jeff Watters (Automobility)

Andrew Webster (Country Care Group)

Nikolas Witcombe (Total Ability)



WELCOME TO THE NEW ATSA BOARD



Late November saw ATSA Board hold the AGM in Adelaide for the first time. Many thanks to Iain Brown and the ARATA Conference team for allowing us to utilise one of their meeting rooms after their pre-show workshops were completed on Wednesday 23 November.

We had 25 members in attendance and another 12 on Zoom. Voting for four (4) board members was conducted and we are pleased to welcome Amin Akbarian (Mobility Engineering), Andrew Webster (Country Care Group), Jacinta Maurin (Ottobock Australia) and Matthew Butterworth (Sunrise Medical) to join Nikolas Witcombe (Total Ability), Philippa Bell (Board appointed), Michael Linke (Vision Australia, Board appointed) Stewart McDonagh (Independent Living Specialists) and Jeff Watters (Automobility).

We also wish to express heartfelt thanks to Sally Farrow (Vice Chair), Chris Jones (Financial Director) and George Ajaka who have all been on the board for a number of years. Their experience and guidance has been invaluable.



ATSA AWARDS DINNER, 31 MAY 2023, PERTH

Following on from the success of the inaugural ATSA Gala Dinner held in Sydney, ATSA is excited to be holding our first dinner in Perth. The iconic Frasers, King Park is the venue for 2023.

Award submissions will open in February 2023.

ATSA INDEPENDENT LIVING EXPO

Seminar programs for both Melbourne and Perth are now released and registrations are open - please check out www.atsaindependentlivingexpo.com.au for all the sessions and to register.

Call for papers for Canberra will open in early 2023



Important dates

2022

ATSA Christmas Closing Dates

Our office is closed from
23 December & we reopen again
on 3 January 2023

2023

ATSA Independent Living Expo, Melbourne
24 - 25 May 2023

ATSA Independent Living Expo, Perth
31 May – 1 June 2023

ATSA Awards Dinner, Perth
31 May 2023

Rehacare, Düsseldorf, Germany
13-16 September 2023

ATSA Independent Living Expo, Canberra
7 - 8 November 2023

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What ATSA members have been up to

AUSTRALIAN MOBILITY EQUIPMENT

Australian Mobility Equipment, located in Malaga, Western Australia has recently undergone major renovations throughout not only their showroom and clinic rooms but also their workshop and back of house.

AME's goal was to create a space for anyone that needed AT equipment to feel welcome, comfortable and not overwhelmed when having to make what we know as a big decision in someone's life.

Whether it be paediatric equipment, manual wheelchairs, standing power chairs or even off-road equipment. AME now has 3 dedicated clinic rooms, with the benefit of having electric plinths and recessed ceiling hoists.

Having the option for clients to visit the showroom and use the clinic rooms, allows a user to trial a larger range than what they would through a home visit.

Visit Australian Mobility Equipment's new showroom at 40 Resource Way Malaga.



TOTAL ABILITY SPONSORS MEL HARRISON FROM SITTING LOW REACHING HIGH

In October 2022, Mel Harrison (Sitting Low Reaching High) was sponsored by Total Ability with getting hand controls (Corded Satellite Accelerator) fitted to her car so that she could participate in the Shitbox Rally. With Jacob Graham (Access Adventures) supporting her, they drove a car worth less than \$1500 from Mackay to Darwin in October. Mel was beyond stoked and was one of her absolute dreams to be able to do such an adventure. Mel is the first person with disability to drive a car with hand controls in the Shitbox Rally. She is breaking down barriers whilst raising funds for Cancer Council.

Congratulations to Mel and Jacob for raising more than \$11,200 as well as creating lasting memories.

Total Ability has also recently launched their latest NDIS Guide for Vehicle Modifications. This has been well received, particularly from Occupational Therapists in helping them when applying for vehicle modifications for their NDIS participants.

<https://totalability.com.au/ndis-guide-to-vehicle-modifications/>



Permobil: Into the world of SIM Racing



PERMOBIL PARTNERS WITH OCTANE ONLINE RACING & WHEEL 2 WHEEL

There is no doubt about the realism of SIM Racing. It's a place that mimics a real-world racing environment, whilst being inclusive for any person to be a part of. It's also a place for people to develop real-life skills that can be used to find a career path, social environment, or simply a new hobby.

Permobil became a part of this world through many of its customers and staff members, globally. Simply asking how their races went on any given week would end up in a lengthy and exciting discussion about the ins and outs of how they made it through each race.

"It was such a simple mistake. I had too much brake applied on a bump so it locked a wheel. But that is what I love about motorsport. You have to be accurate 100% of the time otherwise you can lose big time. Still a good start to the season though,"
Ben Piper, Permobil.

It made sense to delve into this community of committed and passionate people and into a world that was becoming more and more accessible for people with a disability.

In Sweden, Permobil sponsored a team of SIM racers, Lilmix Para, so that they could train with professionals in the lead-up to one of the world's biggest tournaments, Dreamhack.

In Australia, Permobil has recently partnered with two SIM racing organisations:

OCTANE ONLINE RACING

A competitive PC simulation-racing community that hosts league racing and weekly events.

"We are excited to have started work on a joint project with the team over at Permobil. A project that we are both extremely excited and passionate about and a project that we certainly hope makes a big difference to a lot of people in the future. We are all individuals that share a common interest in sim-racing. No matter where you come from or what limitations you might have inherited at birth, sim racing brings so many people together and we would really love to expand on this and help to get more people involved who might have found it hard to do so in the past." – Neale, Octane Online Racing

WHEEL 2 WHEEL RACING

A competitive simulation-racing community that hosts league racing and is centred around inclusivity for all SIM enthusiasts.

"Wheel 2 Wheel is excited to partner with Permobil, a market leader in assistive technology. We believe that accessibility to e-sports should not be hindered by disability and in this new partnership, together, we aim to make gaming inclusive and accessible to everyone." – Admin team, W2W Racing

Permobil is now looking to build its global e-sports community, which is open to all people who are interested. If you would like to join Permobil's e-sports community, just head to this link to learn more about what they have been up to and to register for news on upcoming e-sports events, programs, sponsorships, and initiatives.

Register here: <https://hub.permobil.com.au/permobil-esports>

Art Exhibition @ Ignite Gallery, Ballina NSW



DR THERESA HARADA REPORTS ON AN EXHIBITION OF ART WORKS BY PEOPLE WHO USE WHEELCHAIRS AND MOBILITY SCOOTERS

In August 2022 the Ignite Gallery (part of Northern Rivers Community Gallery) hosted an exhibition of art works by people who use wheelchairs and mobility scooters. This historic building was used as a fire station but now provides an accessible community space. The art works included black and white photographs, prints, paintings, video recordings and embroideries that reflected experiences of travelling around the Ballina area by wheelchair and scooter. For the people who produced the artwork it was important to communicate to the local community and highlight both the pleasures and the pains of having to rely on a mobility device.



The exhibition was opened by Mayor Sharon Cadwalader and over 90 people visited the gallery in 10 days. Visitors were invited to complete a survey (approved by UOW Ethics) that asked them to rate the exhibition and to indicate if they agreed or disagreed to a number of statements. From the 59 surveys collected, 83% of people indicated that they were moved by the personal stories told through the art. Overall, the result was positive with average visitor ratings of 9.1 out of 10. As well, 81% of visitors reported being moved by the stories and the artworks, and 62% of visitors indicating that they better appreciated the reasons why people used mobility devices.

Some of the survey responses indicated that communicating about disability through art was an effective means of communication:

'You hear about disabilities from the individual who is being affected. This has been expressed through emotion which is a more human experience for the artist and viewer'

'The visual images together with written captions provided depth and so much meaning (mostly new to me). I loved the beauty, intelligence, humour, freedom (on multiple levels) while living with constant restrictions, ignorance (from council and the 'norms') and the brilliant, critical voices of all creators, giving back to me and anyone who cares.'

The collection was also displayed at the University of Wollongong during October on the third floor of the Jillian Broadbent building. With perhaps a more critical, academic audience the surveys still indicated an appreciation for how the exhibition communicated understandings of the lived experience of disability. Survey responses included:

'I felt moved and momentarily 'taken away' from my daily tasks and routine. I was surprised but also felt a greater sense of awareness/understanding/identification with people using mobility devices. I felt changed'

'The exhibition spoke powerfully and reminded me to question my own perceptions and predispositions towards people who use mobility aids. It felt humanising and provided a safe space to reflect and make connections. The exhibition also positioned the artists as innately equal- that felt important.'

Thanks to the generosity of our corporate sponsors who supported the exhibition by covering costs of printing, framing and hosting at the gallery. Sponsors included: Ottobock, Invacare, Paragon mobility, Quantum rehab, Permobil, Sunrise Medical, Merits Australia, Pride Mobilty.

Thanks also to the amazing efforts of the participants who took part in this stage of the research project. This was a great achievement in the light of Covid-19 and the flooding events in Northern NSW where many people had a lot on their minds. I am really grateful for the generosity of everyone who contributed their stories and feel privileged to have been able to help provide a platform for your voices.

FREE Business Education for ATSA Members

FOLLOWING ON FROM THE ATSA BUSINESS SESSION, THE FUTURE OF YOUR BUSINESS, ON THE 17TH NOVEMBER WE HAVE ANOTHER THREE SESSIONS TO START IN EARLY 2023.

Webinar Series Session 1

**Thursday 16 February 2023
9:00 am AEST | 10:00 AEDT**

[Click here to register](#)

How can I attract and retain the best people in my team – as business owners, what strategies do I need to have in place?

As business owners, we all want to have the best people on our team. But how do we attract them in the first place? And once we have them, how do we make sure they stay? In this session, we'll explore some strategies you can use to attract and retain the best talent for your business.

Webinar Series Session 2

**Thursday 16 March 2023
9:00 am AEST | 10:00 AEDT**

[Click here to register](#)

Business Contingency Planning – Create your 25-point business contingency plan to help you get through times of crisis.

No one likes to think about crisis situations, but they can happen to any business at any time. That's why it's so important to have a contingency plan in place. The purpose of a contingency plan is to prepare for the unforeseeable. In session 2, we will help you create a 25-point checklist to help you keep your business running, even in the most difficult of times.

Webinar Series Session 3

**Thursday 20 April 2023
10:00 am AEST**

[Click here to register](#)

Doing more with less – Growing busy doesn't always mean adding more people. How can we achieve more with less in our business?

We all know the feeling of being too busy. Our to-do lists are never-ending, and it seems like we're constantly playing catch-up. But what if we told you that you can actually achieve more by doing less? In the third of our webinar series, we'll share strategies to help you find ways to be leaner and more efficient in your business.

These sessions are provided by Your Business Momentum in conjunction with ATSA

Questions? Please email events@atsa.org.au

If there is a business topic or education session you would like to see in the 2023 calendar please let us know.

• MERRY •
Christmas

**Thank you for your support
in 2022 from
all the team at ATSA**

Our office is closed from 23 December &
we reopen again on 3 January 2023



La Trobe University needs your help

THEY NEED PHOTOS AND THEY'RE WILLING TO PAY FOR THEM!



La Trobe University needs evidence of train platform gaps from stations all over Australia so they can convince investors to further investigate and test solutions which will improve safety when boarding or leaving a train. So, no more falling into the gap, tripping or having to coordinate with staff at peak rush hour to lug a ramp to the carriage you need to board. Let's do better Australia!

How you can help:

Upload an image of a platform gap

Take a picture using your phone of a train platform gap that concerns you and upload it as a post into <https://www.facebook.com/groups/nomoreplatformgap>

What they'll do:

Organise a \$25 gift voucher as payment

As a thank you for taking the photo and uploading it, the Australian Federation of Disability Organisations (<http://www.afdo.org.au>), La Trobe University's research partner, will contact you for your address details to send a \$25 prepaid credit card to you.

Each unique qualifying photo taken at a different location makes you eligible for a \$25 voucher



(ie: two different stations, or two different platforms would earn you TWO \$25 vouchers!) You can send in as many photos as you like of different locations.

Conditions: You must be over 18 years old.

By uploading a photo you consent to participate in this study. The required photo details MUST be provided. The picture must be unique (not a picture of a platform gap from a station that has already been photographed and upload). No identifiable faces in the photo.

ACCC INTERNET SWEEPS TARGET 'GREENWASHING', FAKE ONLINE REVIEWS

In early October the ACCC launched two internet sweeps to identify misleading environmental and sustainability marketing claims and fake or misleading online business reviews.

The sweeps are being conducted as part of the ACCC's compliance and enforcement priorities for 2022-23, with the broad aim of identifying deceptive advertising and marketing practices by businesses or industries.

At least 200 company websites will be reviewed in the sweep for misleading environmental claims across a range of targeted sectors including energy, vehicles, household products and appliances, food

and drink packaging, cosmetics, clothing and footwear.

"As consumers become increasingly interested in purchasing sustainable products, there are growing concerns that some businesses are falsely promoting their environmental or green credentials. Misleading claims about products or services undermine consumer trust and confidence in the market," ACCC Deputy Chair Delia Rickard said.

[Read more here....](#)

<https://www.accc.gov.au/media-release/accc-internet-sweeps-target-greenwashing-fake-online-reviews>

You are invited to have your say

YOUR FEEDBACK IS IMPORTANT

NDIS know how important the National Disability Insurance Scheme (NDIS) is to you. It's important to us too. We are very pleased to invite you to have your say about the NDIS.

NDIS have put together a paper, '[Our Approach](#)' to the Independent Review of the NDIS. This paper is the start of a conversation. It covers the background to the NDIS and a summary of past reviews, and then lets you know how you can get involved in the Review and have your say.

NDIS have set up a website so that you can have your say in a number of ways, these include:

- Sending your views in writing, in a video or by audio
- Filling in a set of questions online
- Speaking to NDIS on the telephone

NDIS are happy to hear from you in any way you wish and look forward to hearing from you.

You can read more on the NDIS website:

<https://www.ndisreview.gov.au/have-your-say>



atsa
independent living
expo



**REGISTER
NOW**

MELBOURNE 24-25 MAY 2023
Melbourne Showgrounds

PERTH 31 MAY-1 JUN 2023
Claremont Showground

CANBERRA 7-8 NOV 2023
Exhibition Park (Epic)

Australia's foremost assistive technology event
BY THE INDUSTRY FOR THE INDUSTRY

events@atsa.org.au

www.atsaindependentlivingexpo.com.au

Organised by

Media Partners



Cyber attack & ransom – a better return on investment than illegal drugs

THE INCREASING CYBER ATTACK RISK TO BUSINESS

Recent Medibank & Optus cyber attacks have placed the spotlight on this increasing risk to business. Personal data of customers being offered for sale on the dark web, imagine the payouts from the inevitable class actions that will follow considering the personal details of 40% of the Australian population are involved.

Cyber experts offer reasons for increases in cyber attacks with varying degrees of merit. Statistics are presented confirming the increased number, severity & cost of cyber attacks. Depending on who is trying to scare you and what figures are being manipulated annual increases in cyber crime are between 13% & 600%. From an insurance perspective cyber crime has roughly cost the industry twice as much this year as last year with the trend set to continue.

Why? It's about business & return on investment.

In the early days of cyber crime we simply had to overcome our feelings of greed and not reply with our bank details to an African dictator or prince's email wanting to deposit millions of Euro into said account. Things have moved on and so has the business model, they learnt how to hack into your system and encrypt one computer, progressing to encrypting an entire network. Now they exfiltrate data then encrypt the network & data your business depends on and holds them both for ransom.

During one Cyber seminar a speaker cited an academic paper that Ransomware offers a better return on investment than the international drug trade to criminal organisations. They are also paid in virtually untraceable crypto currency. Expect growth in this market.

Whilst Ransomware claims generally cost the industry the most in dollar terms, the most common claim is theft of funds.

IT security & staff education are "best practice" preventative actions, however just as locks, bars & alarms are there to deter a physical break in they don't always work. We hold insurance just in case. The insurance industry has developed Cyber cover to allow business to transfer the risk.

Beware the Jargon.

Both IT & Insurance industries are prolific users of Jargon and Terms & Conditions. With the increase in claims a number of Cyber insurers have been introducing conditions on cover. Do you update all software patches as soon as they become available? are all your systems compliant? do you

change passwords every 30 days? do you use dual step authentication for all logins? are mobile phones password protected? do you ban the use of free wifi on all devices? do you conduct social engineering/phishing/phreaking & IT training for staff & provide a procedures manual? Is your backup system compliant? The list of measures can be quite daunting.

From experience renewing cyber covers this year a surprising number of businesses did not meet the increasing requirements of some cyber insurers. An alarming development demanding an immediate solution!

A solution for ATSA members

We have teamed with specialist underwriters to offer a comprehensive Cyber cover for ATSA members devoid of onerous security requirements & questionnaires.

Cover is market leading with 4 key unique benefits.

- A short form application consisting of 7 simple questions
- No warranties or conditions that require ATSA members to have certain cyber security measures in place
- No excess for incident response. (Brisbane Based response team)
- Free Risk Management. Including employee phishing training & Dark Web monitoring service (Looks to see if your information is for sale on the Dark Web) conducted by a dedicated Cyber Threat Analysis Team



Need a quote? Simply email Brendon.watson@oraclegroup.com.au with answers to the following 7 questions or call 0433 166 036 to discuss.

- 1) Company Name
- 2) Address
- 3) Website
- 4) ABN and confirmation they are registered for GST
- 5) Number of full time employees
- 6) Annual gross revenue (last complete financial year)
- 7) Main activity

Regulatory Body Updates

TGA PERSONALISED MEDICAL DEVICES UPDATE

New notification form for custom-made and patient-matched medical devices

Please find below guidance on how to use the new, improved custom-made medical device database. This new database has been developed for manufacturers and sponsors to notify the TGA of:

- the manufacture, supply or import of a kind of custom-made medical device; and/or
- your intention to access the transition arrangement for a patient-matched medical device that needs to transition to inclusion in the Australian Register of Therapeutic Goods (ARTG)

This new database is hosted on the TGA's eBusiness (TBS) website and replaces the two separate databases previously used to notify the TGA of custom-made and patient-matched medical devices.

FREQUENTLY ASKED QUESTIONS

Why is there a new custom-made medical device database?

The new database responds to feedback from stakeholders asking for improvements. TGA have introduced new functions to support our clients, which means you will be able to:

- view all of your previously submitted notifications
- edit or modify information about your devices
- withdraw notifications that are no longer in use so you don't have to submit annual reports
- grant access to others in your organisation so they can also see, modify or withdraw notifications (depending on [the role assigned to them by you](#) in your client account)
- in-built support to help ensure you have correctly classified your medical device before submitting your notification.

These new functions enable you to keep your records up-to-date, support business continuity, and provides TGA with better information about your devices in order to help us support you with the right information at the right time.

What if I have already submitted a notification(s) on the old databases?

If you've previously submitted a notification(s) on one of the old databases, you're not legally required to re-submit the same notification in the new database, but you should be mindful that TGA will be archiving the information previously submitted

and it will no longer be used.

TGA therefore strongly recommend you resubmit notifications into the new database, so that you can keep your information up-to-date, and they can support you with updates and information that will impact you.

How do I access this new database and submit my notification?

Please note, you'll need to become a client of the TGA with access to the TBS online portal before you can access the database. There are [instructions on the TGA website](#) for becoming a client of the TGA.

If your organisation is already a client of the TGA, please contact the Administrator of your organisation's account and ask them to provide you with access to your organisation's account.

How much does it cost?

There are no costs associated with becoming a client of the TGA, submitting or varying notifications using this form.

Can I submit annual reports for custom-made medical devices using this new database?

The new custom-made medical device database cannot be used to submit annual reports for custom-made medical devices. To submit an annual report, you will still need to:

1. Download the custom-made medical device annual report spreadsheet template: [Annual Reporting Form - Custom-made medical devices \(Excel,13kb\)](#)
2. Submit the report using the online form: [Annual Reporting Form - Custom-made medical devices\(link is external\)](#)

Please note: You don't need to submit an annual report if your device meets the definition of a patient-matched medical device and has been registered for transition.

Does my custom-made medical device meet the new definition of a patient-matched medical device?

Custom-made medical devices are exempt from inclusion in the ARTG, but they are not exempt from regulation. Manufacturers and sponsors of custom-made medical devices still need to comply with TGA regulatory requirements including ensuring that the device meets the [Essential Principles](#) and [reporting adverse events](#).

Regulatory Body Updates

New definitions for medical devices that are personalised to suit an individual patient or health professional commenced on 25 February 2021. Under these changes the majority of devices that would previously have met the definition of a custom-made medical device will now meet the definition of a patient-matched medical device.

Custom-made medical devices that meet the new definition of patient-matched will no longer be exempt from inclusion in the ARTG. Transitional arrangements are in place to allow manufacturers and sponsors to continue supplying custom-made devices that meet the new patient-matched definition and are not included on the ARTG until 1 November 2024.

You can check if your custom-made medical device meets the new definition for a patient-matched medical device [here](#).

How do I notify the TGA and access the transition arrangements for my patient-matched medical device?

To notify the TGA, use the form for the new custom-made [medical device database](#).

Once the form is submitted, you will have until the 1 November 2024 to submit an application for inclusion in the ARTG. More information about the inclusion process can be found on our website: <https://www.tga.gov.au/publication/medical-device-inclusion-process>.

ACCC WELCOMES NEW PENALTIES AND EXPANSION OF THE UNFAIR CONTRACT TERMS LAWS

1 November 2022

Companies that breach the competition and consumer laws could face new and higher penalties under legal changes which passed Parliament last week.

The changes consist of two parts; the introduction of penalties and other changes relating to unfair contract terms, and significant increases in maximum penalties for breaches of certain provisions of the Competition and Consumer Act including the Australian Consumer Law.

Penalties for unfair contract terms will come into effect the day after 12 months have passed after the bill receives Royal Assent. The higher CCA penalties will apply the day after Royal Assent is granted.

Maximum penalties increased five-fold

Under the changes increasing penalties for some

conduct, maximum penalties for companies that breach those provisions have increased to the greater of \$50 million or three times the value derived from the relevant breach, or, if the value derived from the breach cannot be determined, 30 per cent of the company's turnover during the period it engaged in the conduct.

"The increase in penalties should serve as a strong deterrent message to companies that they must comply with their obligations to compete and not mislead or act unconscionably towards consumers," ACCC Chair Gina Cass-Gottlieb said.

"These maximum penalty changes will allow the Courts to ensure that the penalties imposed for competition and consumer law breaches are not seen as a cost of doing business, but rather as a significant impost and something likely to raise the serious attention of owners or shareholders."

[Read more here...](#)

CODE OF CONDUCT FOR PEOPLE WORKING IN THE AGED CARE

From the 1st of December 2022, a Code of Conduct for people working in the Aged Care sector will be introduced to improve the safety and wellbeing of older Australians. The Department of Health and Aged Care has released a draft of the Aged Care Quality and Safety Commission Amendment (Code of Conduct and Banning Orders) Rules for public review and consultation.

The link to this draft is [Exposure draft of the Aged Care Quality and Safety Commission Amendment \(Code of Conduct and Banning Orders\) Rules 2022 | Australian Government Department of Health and Aged Care](#)

The new Code applies equally to:

- approved aged care providers
- governing persons (e.g. board members and Chief Executive Officers)
- aged care workers who are employed or otherwise engaged (including on a voluntary basis) by the provider or employed or otherwise engaged (including on a voluntary basis) by a contractor or subcontractor of the provider to provide care or other services to consumers.

The Code will apply to approved providers of residential, home care and flexible care services. Flexible care includes the Transition Care Program, Multi-Purpose Services Program and Short-Term Restorative Care Program.

Workplace Confidence with EmploySURE

AS WORKPLACES AROUND AUSTRALIA WIND DOWN FOR ANOTHER YEAR, EMPLOYERS ARE TURNING THEIR ATTENTION TOWARDS...

The Office Christmas Party



As workplaces around Australia wind down for another year, employers are turning their attention towards the office Christmas party.

Some Christmas Parties are a simple, effortless get-together amongst colleagues. However, unfortunately, others are not.

They can turn into a horror story littered with alcohol-fuelled incidents. It can be a challenge to organise an event without unruly staff behaviour causing long term consequences for the business, professional relationships, and individual careers.

Business owners must always be mindful that their primary duty of care to their employees extends to work-related events, and this includes the annual Christmas party.

Employers should have clear documented policies outlining employee obligations and expected standards of conduct at work related events.

In the lead up to the party, employers must ensure that staff are reminded of the standards of acceptable behaviour and their obligations to comply with company policies; particularly bullying and harassment, drugs and alcohol, and health and safety.

Ways to minimise risk at your Christmas Party can include:

- Make sure your workplace policies are up to date.
- Remind your staff that a Christmas party is still a work function.
- Enforce start and end times for the party and advise that any activities conducted after these times are NOT an extension of the Christmas party.
- Offer a variety of food, drinks & entertainment options so everyone can participate.
- Be mindful that an Open Bar policy can be a



recipe for over-indulgence. (I.e. consider drink tokens or smaller bar tabs)

- Designate a responsible “sober staff” – typically a senior staff member who can observe staff conduct and act to quell any “boozy” behaviour.

Every business owner should be prepared and know their obligations. Incidents can happen at any given time, and some of them can result in serious consequences for all involved.

And, while it can feel like an instant termination is warranted; dismissing an employee for poor misconduct is not an open and shut case.

To avoid any Christmas party disasters, employers should plan ahead and stay prepared.

At EmploySURE, we support over 30,000 businesses across Australia & NZ with their Workplace Relations and Health & Safety obligations.

Please reach out to me direct (mobile or email) to discuss how we can support YOUR business with any of the above.

Kind Regards

Brett Winduss

BRETT WINDUSS

EmploySURE

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Business integrity and legal requirements in the Assistive Technology sector

24TH OCTOBER 2022

The undersigned peak bodies, member organisations, and Organisations of Persons with disability are committed to the highest standards of use, assessment and advice regarding, as well as selection, supply, support and maintenance of assistive technology (AT).

AT users should expect to be able to make informed decisions based on the highest standards of assistive technology provision to meet their AT goals and needs. We thus encourage AT product suppliers and advisory service providers to work collaboratively with the user of AT to deliver the best participation outcomes, aligned with each person's individual needs and goals. The selected AT solutions should be of quality and value that reflects these goals and needs.

To achieve this end, business integrity in the provision of AT is fundamental. This includes the dealings between customers, allied health professionals (AHPs) or other AT advisors (e.g. AT mentors), suppliers of AT, and other stakeholders. All involved in the delivery of the AT solution should conduct themselves according to the highest expected standards of honesty, fairness and personal integrity.

It has come to our attention that there are a small number of operators within the AT industry whose business practices and actions are likely to contravene good practice provision of AT, be they in breach of specific associations' codes of conduct, and/or potentially in breach of the law. For this reason, the signatories have assembled the following guidance for professional stakeholders in the AT industry.

This guidance is provided across five core areas of AT product and/or service practice:

- Referral fees, sales commissions and rebates
- Gifts and hospitality
- Consumer protection
- Insurance risks
- Industry/professional codes of practice.

We strongly encourage AT stakeholders nationally who advise on or assess AT use, or develop and/or supply AT products, to reflect on and uphold these values in the interest

of good AT practice (see page 16 of the World Health Organization's Global Report on Assistive Technology¹) and the best possible outcomes for all Australians who use AT. If you have questions or concerns in this area, please contact your relevant professional association, peak body or Disabled Persons' Organisation directly. If you are aware of or concerned regarding potential suspicious or illegal activities relating to the NDIS, you can use the following link to report: [Report suspicious behaviour | NDIS](#)

1. World Health Organization (2022). Global Report on Assistive Technology. Geneva, CH: Author. Accessed via <https://www.who.int/publications-detail-redirect/9789240049451>



Bronwyn Morris-Donovan
Allied Health Professions
Australia CEO



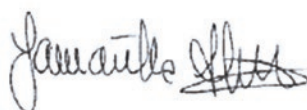

Libby Callaway
ARATA President




David Sinclair
ATSA Executive Officer
and Company Secretary




Anja Nikolic
Australian Physiotherapy
Association CEO and
National President

Samantha Hunter
Occupational Therapy
Australia CEO




Michael Bleasdale
Rights & Inclusion
Australia




Gail Mulcair
Speech Pathology
Australia CEO



Guidelines

REFERRAL FEES, SALES COMMISSIONS & REBATES

Referral fees, sales commissions, rebates or 'spotter's fees' are payments service providers make to third parties in return for recommending their services or sending customers to them. Allied Health Providers (AHPs) or AT mentors, AT suppliers, support coordinators and funding plan managers (including but not limited to: Aged Care providers, NDIS and third-party service providers) must be open and transparent when entering into such arrangements for the sale or supply of goods and/or services. Individuals or businesses who are engaged in referral, commissions, spotter's fees, and rebate arrangements with a third party that are not disclosed to the consumer could breach the prohibitions on misleading and deceptive conduct, or engaging in misleading representations, in breach of the Australia Consumer Law (ACL).

The ACL prohibits businesses from making representations that are incorrect or likely to create a false impression. To avoid breaching the ACL, businesses should be transparent about the commissions and payments that they receive where non-disclosure may mislead AT users. The non-disclosure of commercial relationships can distort consumer choices, as consumers may not realise that a business is being recommended to them because the recommender is receiving a commission, rather than because they are endorsing the business' standard of service.

Penalties for misleading representations for breach of the ACL can be up to \$10 million per breach.

GIFTS AND HOSPITALITY

Providers of AT services and products (including their employees) must not offer, promise or provide a gift, favour, hospitality and/or entertainment for the purpose of obtaining favourable treatment from customers including AT funders, AT advisors or assessors, and AT suppliers. Gifts and hospitality may be provided in certain circumstances as long as the gift or benefit is not having the effect of distorting choices, or creating a conflict of interest (including a perception of such a conflict).

Gifts or benefits may be permissible provided they also conform with the gift provider's professional Code of Practice. If the issue is not covered by the relevant Code of Practice, then the following guidelines are offered:

- The total value of the gift or benefit, including hospitality, is no more than \$100 per year;
- The gift or benefit is disclosed, and would not influence the business or the beneficiary of the gift/benefit;
- The gift/benefit is reasonable and appropriate and consistent with an individual/association Code of Practice.

CONSUMER PROTECTION

Under the Australian Consumer Law (ACL), supplied services or goods are required to meet consumer guarantees, including being safe, of an acceptable quality, being fit for purpose, and matching any sample or description. Due to the multiple parties involved in

the advice and assessment, measurement, selection and supply of AT, all parties involved are responsible for ensuring that the AT solution meets consumer guarantees.

In addition, the NDIS Code of Conduct, article 50 states

“For clients to be informed consumers they need accurate information about their service providers, the service they receive, and any real or perceived conflicts of interest of the people working with them; and they should be able to make decisions in their best interest, free from inducements or pressure”

When consumer guarantees are not met, AT users are entitled to a repair, replacement, or a refund, depending on the severity of the failure. To ensure compliance with the NDIS Code, all parties involved in the supply of the AT, from the assessment and advice, measurement, selection, and delivery, will need to demonstrate that the best interests of the user were upheld, and the supplied AT solution was free of bias or undue influence.

For these reasons, it is strongly recommended not to engage in business-to-business spotter's fees, commissions or rebate arrangements for the sale or supply of goods and services to consumers to strengthen a businesses' position (see #1 above). This will remove any doubt concerning undue influence applied or conflict of interest in the final supplied AT solution.

In 2021, the ACCC, the National Disability Insurance Agency and the NDIS Quality and Safeguards Commission released joint guidance in this area. For details, go to <https://www.accc.gov.au/system/files/Joint%20ACCC%20NDIA%20NDIS%20Commission%20letter%20-%20January%202021.pdf>

INSURANCE RISKS

Professional indemnity policies are intended to provide cover for the insured as a result of an **unintended** act, error or omission, that results in legal action or enquiry costs and expenses. However, the policy is not intended to provide indemnity when the insured's **conduct is intentional or deliberate**. For an AT advisor, assessor or supplier to be able to call on professional indemnity insurance as required, it is imperative they comply with the individual policy agreement they enter into.

INDUSTRY CODES OF PRACTICE

Professional peak bodies and associations have codes of practice in place for a reason, and they often go beyond legal requirements to address ethical matters. It is important to be aware of and comply with relevant industry Code of Practice where applicable, as in some cases, a breach may lead to disciplinary actions.

Below are two examples of Professional Codes of Practice:

The AHPRA Code of Conduct for Registered Health Practitioners:

Access via <https://www.ahpra.gov.au/Resources/Code-of-conduct/Shared-Code-of-conduct.aspx>

ATSA Code of Practice:

Access via <https://www.atsa.org.au/wp-content/uploads/2022/01/ATSA-Code-Of-Practice-Booklet-A5-2022.pdf>