



Aboriginal and Torres Strait
Islander health practice
Chinese medicine
Chiropractic
Dental
Medical
Medical radiation practice
Nursing and Midwifery
Occupational therapy
Optometry
Osteopathy
Paramedicine
Pharmacy
Physiotherapy
Podiatry
Psychology

Australian Health Practitioner Regulation Agency

Q13.

Guidelines for advertising regulated health services: public consultation

National Boards and the Australian Health Practitioner Regulation Agency (AHPRA) are seeking feedback about the revised *Guidelines for advertising regulated health services*.

Please ensure you have read the [public consultation papers](#) before providing feedback as the questions are specific to the revised guidelines.

Q23.

Privacy

Your response will be anonymous unless you choose to provide your name and/or the name of your organisation.

Privacy notice

This consultation is being conducted by AHPRA and is hosted on a third-party website, provided by Qualtrics. The information collected will be used by AHPRA to evaluate the revised guidelines. The information will be handled in accordance with the privacy policies of AHPRA accessible [here](#) and Qualtrics [here](#).

Q25.

Publication of responses

National Boards and AHPRA publish responses at their discretion. We generally publish responses on our websites to encourage discussion and inform the community and stakeholders.

We will not publish responses that contain offensive or defamatory comments or which are outside the scope of the consultation. Before publication, we may remove personally-identifying information, including contact details.

We can accept responses made in confidence. These responses will not be published. Responses may be confidential because they include personal experiences or other sensitive information. Any request for access to a confidential response will be determined in accordance with the Freedom of Information Act 1982 (Cth), which has provisions to protect personal information and information given in confidence.

You must let us know if you do **not** want us to publish your responses.

Published responses will include the name (if provided) of the individual and/or the organisation that made the response.

Q25.

Contact details

We may contact you about your response.

Please write your name and contact details.

(Skip if you wish to be anonymous)

on behalf of the Queensland Nurses and Midwives' Union.

Q24. Publication of responses

Please select the box below if you do **not** want your response to be published.

Please do **not** publish my response

Q15. About your response

Q23. Are you responding on behalf of an organisation?

- Yes
 No

Q24. Which of the following best describes your organisation?

- Health services provider
 Professional indemnity insurer
 Legal services provider
 Professional body (e.g. College or association)

Education provider

Regulator

Government

Other

Q22. Please write the name of your organisation

Queensland Nurses and Midwives' Union

Q17.

Which of the following best describes you?

This question was not displayed to the respondent.

Q19.

Which of the following health profession/s are you registered in, in Australia?

You may select more than one answer

This question was not displayed to the respondent.

Q8.

Before you answer questions about the guidelines

Please ensure you have read the [public consultation papers](#) before providing feedback as the questions are specific to the revised guidelines for advertising regulated health services.

The following questions will help us to gather feedback about the revised guidelines.

Q9.

How clear are the revised guidelines?

The QNMU supports AHPRA in their preferred option of Option 2 – Proposed reviewed guidelines. We ask AHPRA to read our submission in conjunction with that of our peak body, the Australian Nursing and Midwifery Federation (ANMF). Responsible advertising helps to protect public safety and uphold professional responsibilities when advertising regulated health services. We believe that AHPRA's proposed amendments will improve the clarity and guidance of the guidelines, whilst setting a clear benchmark for compliance and enforcement of advertising requirements. The QNMU believes that the revised guidelines will assist our members to understand their obligations and encourage compliance when advertising regulated health services. In our view, the following recommendations will strengthen the relevancy and effectiveness of the guidelines for our members and the greater public. The QNMU believes that the revised amendments provide a clear direction for advertisers regarding their obligations and supports compliance through improving the accessibility and readability of the guidelines.

Q10.

How relevant is the content of the revised guidelines?

The QNMU believes that the title of the guidelines does not adequately represent the broad context to which advertising applies. The singular use of the word 'advertising' has the potential to mislead or be overlooked by advertisers who are not aware of how the guideline is relevant to them. We believe that a title such as 'the guidelines for advertising, promoting and endorsing regulated health services' provides a more inclusive, explanatory title.

Q12.
Please describe any content that needs to be changed or deleted in the revised guidelines.

The QNMU believes that the definition of 'social media' used in the guidelines could lead to confusion and ambiguity and fails to adequately guide advertisers using social media towards compliance. We believe that providing a clear definition will assist advertisers to comply with their obligations and uphold their professional responsibilities. In addition, including realistic and practically relevant case studies will provide further context and understanding for advertisers using social media.

Q27.
Should some of the content be moved out of the revised guidelines to be published in the advertising resources section of the AHPRA website instead?

- Yes
- No

Q29.
If yes, please describe what should be moved and your reasons why.

Q22.
How helpful is the structure of the revised guidelines?

No further considerations.

Q32. Are the flow charts and diagrams helpful?

- Yes
- No

Q34.
Please explain your answer.

Q16.
Is there anything that needs to be added to the revised guidelines?

Whilst the QNMU supports the improved clarity and guidance of the guidelines, we believe that an opportunity exists to reinforce the professional responsibility and public safety involved in advertising regulated health services. The QNMU believes that including this message in an introduction or preamble will strengthen the guidelines and promote responsible advertising. The QNMU supports AHPRA's consideration how the guidelines operate in conjunction with other regulatory bodies. We believe that further clarification should be provided within the guidelines to ensure that advertisers comply with the Health Practitioner Regulation National Law Act 2009 (the national law) provisions as well as other relevant Australian legislation, such as Australian Consumer Law, the Therapeutic Goods Act 1989 and Therapeutic Goods Regulations 1990. The guidelines are particularly valuable for Nurses and Midwives working in independent and private practice settings and may utilise advertising. The QNMU recommends that AHPRA include examples that are relevant to advertising services provided by Nurses and Midwives.

Q38. It is proposed that the guidelines will be reviewed every five years, or earlier if required.

Is this reasonable?

Yes

No

Q40.

Please explain your answer.

The QNMU does not support the proposed review period of five-years. We believe that it does not adequately consider the changing landscape of advertising, particularly with regards to online advertising, the evolving social media landscape, and the potential for contravention. The QNMU considers that undertaking a three-year review period would be more appropriate.

Q24.

Please describe anything else the National Boards should consider in the review of the guidelines.

The QNMU believes that strengthening section 91(1) of the National Law will further protect the public safety by requiring compliance and improving transparency around the programs to meet accreditation standards according to the Australian Nursing and Midwifery Accreditation Council (ANMAC) and approval by the Nursing and Midwifery Board of Australia (NMBA). Clarifying the approved accreditation standards for practice, particularly with regards to Diploma of Nursing programs, will assist health practitioners to comply with their obligations to advertise their qualifications and title appropriately. Strengthening section 91(1) will provide greater confidence for the public in nursing and midwifery educational standards and uphold responsible advertising standards. The QNMU believes that further clarification is required to address the use of testimonials on health practitioner's social media platforms. For instance, Homebirth Midwives often enable testimonials on their Facebook pages when advertising health services. In our view, the third example provided in table 4.3.3 of the guidelines and the related paragraph underneath the table are unclear. We believe that all provisions related to online testimonials should be reviewed, so that our members and other advertisers are made aware of their obligations. A comprehensive communication strategy should be implemented after the guidelines have been published to ensure that Nurses and Midwives are aware of their obligations.

Q36.

Please add any other comments or suggestions for the revised guidelines.

Q27.

Thank you!

Thank you for participating in the consultation.

Your answers will be used by the National Boards and AHPRA to improve the *Guidelines for advertising regulated health services*.

