

National Consultation
Options for regulation of unregistered health practitioners
Reiki Australia's position

National consultation has commenced to seek feedback from the community about regulatory protections available to consumers who use the services of unregistered health practitioners. This includes Reiki Treatment Practitioners offering treatments to the public

The purpose of the national consultation is to seek comment on whether existing protections for consumers who use the services of unregistered health practitioners are adequate and if further public protection measures are required. The results of the consultation will inform a report to the Australian Health Ministers' Conference, a Ministerial Council made up of State, Territory and Commonwealth Health Ministers.

In 2008 the NSW government introduced the NSW Code of Conduct to better regulate unregistered health practitioners; this includes Reiki treatment practitioners. The two main elements of the scheme are:

- A statutory code of conduct that sets standards that apply to all unregistered health practitioners; and
- An avenue for dealing with complaints from consumers about practitioners who breach the code of conduct.

The problem:

The vast majority of unregistered health practitioners practise safely, professionally and ethically. A small number however, act in ways that can range from causing discomfort to clients, to harmful and/or illegal actions.

Examples include:

- sexual misconduct, in the guise of legitimate treatment;
- encouraging clients to cease conventional treatments for serious conditions;
- failing to recognise the limitations of their practice, and to refer on appropriately;
- Practising under the influence of alcohol or drugs.
- Cancer care – combining a range of financially exploitative, misleading and deceptive conduct

Civil and criminal remedies are available in some states and territories. However, no nationally uniform or consistent legally enforceable qualifications or probity checks are required before an unregistered health practitioner can commence practice. There is also no mechanism for prohibiting or limiting practice when an unregistered health practitioner is impaired, incompetent or unprofessional and not “fit and proper” to practise - except in NSW.

During the last year, Reiki Australia has worked with law enforcement agencies in two states and provided expert witness statements in relation to sexual assault charges against individuals claiming to be Reiki practitioners. Currently, unless a law has been broken, there are no effective means of controlling the actions of practitioners who act inappropriately or unethically.

Reiki Australia has anticipated that the NSW initiative would eventually be broadened to include other states and territories, and has taken stepsⁱ to help prepare members for such a change.

National consultation

A consultation paper, “Options for Regulation of Unregistered Health Practitioners”ⁱⁱ has been released by the AHWMC, setting out the costs and benefits of three options. Consultation forums will be held in each state and territory during March 2011, and written submissions commenting on the paper have also been invited.

Reiki Australia is preparing a submission, and is also working together with a number of other Reiki organisations to speak with one voice on behalf of the Reiki treatment Industry. Members of Reiki Australia’s Professional Development Team, Board of Directors and inducted Project Team members who are experienced practitioners will also be attending discussion forums around Australia wherever this can be arranged.

The three options proposed in the discussion paper are:

1. Option 1: No change; rely on existing regulatory and non-regulatory mechanisms
2. Option 2: Strengthen self-regulation – a voluntary code of practice
3. Option 3: Strengthen health complaints mechanisms – a statutory code of conduct

Reiki Australia’s position on the proposed options:

Option 3, a nationally implemented code of conduct, is Reiki Australia’s preferred option, for the following reasons:

- This option provides a basis for implementing minimum standards nationally across the health care industry and raising the standard of client safety. If all practitioners are required to comply with a uniform code of conduct, this will over time contribute to raised practitioner standards and compliance with appropriate conduct, and a raised public awareness of the right to receive safe, accountable treatment, and public awareness of a complaints mechanism and the means of accessing this.
- A statutory code provides a non-negotiable standard for professional organisations to implement for their members. The professional organisation also has the support of legislation to enforce standards that are required to provide public safety, and to implement disciplinary action for members who have complaints brought against them.
- Reiki Australia supports the introduction for unregistered health practitioners of mandatory membership of a professional organisation representing their industry. This will provide a mechanism for supervision and continuing

professional education, and will assist practitioners to remain up-to-date with industry standards and issues.

- A national statutory code of conduct for unregistered health practitioners with an accompanying complaints mechanism makes it much easier for members of the public to lodge a complaint when a practitioner breaches the code of conduct, it provides a streamlined avenue for authorities to investigate a complaint, and if necessary, to issue legally enforceable penalties for proven breaches.

It must be stressed that Reiki Australia's support for this option ***does not imply support for the regulation of Masters teaching Reiki or for practitioners who give Reiki treatment to their family, friends, pets as part of their personal practice.*** Support for this option relates purely and solely to the regulation of conduct of Reiki treatment practitioners who provide Reiki treatment services to the public.

ⁱ Steps include: Revision of Reiki Australia's Code of Conduct for Reiki Treatment Practitioners, to be compatible with the NSW standards; Introduction of the Accredited Reiki Treatment Practitioner membership category; Development of training to address new practitioner standards.

ⁱⁱ The discussion paper and FAQ's, as well as relevant history may be found on our Practitioner Issues and Resources page: <http://reikiaustralia.com.au/1985>