



Fringe Benefits Tax

The Government is introducing the Tax and Superannuation Laws Amendment (2015 Measures No. 5) into the House of Representatives next week. The amendments will cap “meals entertainment” to \$5000 per annum grossed up. The AMA has lobbied to stop these proposed changes: while the AMA is not opposed to legislative review in this area, the cap is too low, and hospital staff should be compensated for loss of benefits. We now need your help. We encourage all public hospital doctors to raise this matter with their local Senator by using one of the template letters ([Word documents](#)).

- Step 1: Choose one of the template letters below and alter as you see fit. Alternatively, you may wish to write your letter.
- Step 2: Follow this [link](#) to identify your local Senator. Follow the prompts by entering in either your postcode or Victoria. Remember to tick the Senator box (not Member).
- Step 3: Select the Senator(s) you wish to contact. Some Senators will have an email tab that you can select (it looks like a white envelope); others will have a "Contact" tab. Once selected, copy and paste (or attach) your Fringe Benefits Tax letter. Remember to include the Senator's name and also your name and contact details in the letter. These emails/letters must be sent to Senators as a matter of urgency if there is to be any chance of change.

For any queries, please contact Geoff O'Kearney, Director of Workplace Relations, geoffo@amavic.com.au.

Mandatory Reporting

Your Legal Obligations

Many health practitioners are uncertain about the Health Practitioner Regulation National Law (National Law). Similarly, many doctors are not clear on when they must make a mandatory report to the Australian Health Practitioner Regulation Agency (AHPRA).

Those who support mandatory reporting believe it enhances patient safety, allows poor performance to be addressed and enables identification of unsafe health practitioners. In contrast, those who criticise mandatory reporting believe it creates a culture of fear, prevents health practitioners from seeking help, and allows for vexatious and frivolous reporting (particularly against the backdrop of professional rivalries).

Whichever side of the debate you sit on, mandatory reporting is an area of law that needs to be better understood. The aim of mandatory reporting is to prevent the public from being placed at risk of harm. This is consistent with health practitioners' general ethical and professional obligations. However, the threshold to trigger a mandatory report is high.

All health practitioners registered under the National Law, employers of practitioners and education providers have an obligation to report "notifiable conduct". The Medical Board of Australia's *Guidelines for Mandatory Notifications*¹ state that the "practitioner or employer must have first formed a reasonable belief that the behaviour constitutes notifiable conduct or a notifiable impairment or, in the case of an education provider, a notifiable impairment".

"Notifiable conduct" is where the health practitioner has:

- practised the profession while intoxicated by alcohol or drugs
- engaged in sexual misconduct in connection with the practise of the profession
- placed the public at risk of substantial harm in the practise of the profession because of an impairment
- placed the public at risk of harm by practising in a way that constitutes a significant departure from accepted professional standards.

For those reporting notifiable conduct, a reasonable belief must be formed – this is a state of mind and involves a stronger level of knowledge than mere suspicion. The Medical Board has made it clear that mere speculation, rumour, gossip or innuendo is not "reasonable belief".

The National Law provides for categories of exemption from the requirement for mandatory notification. Currently, the exemptions include those practitioners who:

- reasonably believe that AHPRA has already been notified of the conduct by someone else
- are treating practitioners practising in Western Australia
- are exercising functions as a member of a quality assurance committee, council or other similar body approved or authorised under legislation which prohibits the disclosure of the information
- are employers or engaged by a professional indemnity insurer and form the belief because of a disclosure in the course of a legal proceeding or the provision of legal advice arising from the insurance policy.

The National Law has protection provisions for health practitioners, employers and education providers making notifications in good faith under the National Law. The protection is from civil, criminal and administrative liability including defamation.

In addition to the mandatory reporting requirements of the National Law, any entity that believes a health practitioner's behaviour presents a risk to the public (but that behaviour does not meet the threshold for notifiable conduct) is able to make a voluntary notification to AHPRA. This is based on the ethical obligation to notify concerns about a practitioner placing the public at risk of harm.

Health practitioners need to better understand what does and does not trigger mandatory reporting. Making a mandatory notification is a serious step in preventing the public from being placed at risk of harm and should only be taken on serious grounds. You should seek advice from your medical defence organisation to discuss your obligations before making a mandatory notification.

Those doctors who are unwell should be able to access their own health care and seek support from their colleagues. One such support service is MDA National's 'Doctors for Doctors' program aimed at providing MDA National Members with additional support during a medico-legal matter and enabling them to share their experience confidentially with another medical practitioner.

Puja Menon

Claims Manager (Solicitor), MDA National

Reference

- [Medical Board of Australia: Guidelines for Mandatory Notifications](https://www.medicalboard.gov.au/Codes-Guidelines-Policies/Guidelines-for-mandatory-notifications.aspx). Available at: [medicalboard.gov.au/Codes-Guidelines-Policies/Guidelines-for-mandatory-notifications.aspx](https://www.medicalboard.gov.au/Codes-Guidelines-Policies/Guidelines-for-mandatory-notifications.aspx).

This article is provided by MDA National. They recommend that you contact your indemnity provider if you need specific advice in relation to your insurance policy.

TasCAHRD 30th Anniversary & World AIDS Day events across Tasmania include the illumination of Parliament House to honour the Red Ribbon



Tasmania's Parliament House will be illuminated in red over the weekend of TasCAHRD'S gala fundraiser on Nov 29th, 2015 at 6 pm The Brick Factory during one of the busiest weekends at Salamanca of the year. There are substantial silent auction, raffle and lucky door prizes including fine art, jewellery, travel, accommodation, restaurant meals, VIP tickets to Elton John at Rod Laver (sold out) on Dec 11, signed memorabilia from Games of Thrones author George RR Martin, cartoonist FirstDogOnTheMoon, author of "The Long The Way Home" Saroo Brierley, Island magazine subscriptions, and even a signed portrait painting of Senior of Australia nominee Uncle Jack Charles.

Honouring the 30th anniversary of the passing of Rock Hudson (the first celebrity to confirm his HIV positive status) whose close friend Liz Taylor went on to become one of the world's most famous AIDS/HIV charitable and research ambassadors (pictured here with Hudson and Liza Minelli in his last public appearance as her escort to The Golden Globes).

The theme will be Old Hollywood and assisted in hosting duties by cult cabaret comedians and Faux Mo starlets Matt Stolp & Cathy Allen, as well as Barry Bothways, who will all be "dragging" out some very special celebrity guests. There also be an exclusive performance by National Drag Nation finalist, Launceston's own Layla Mann, who represents Tasmania in the 2016 Drag Nation heats.

Tickets to the Nov 29th cocktail-style event (including cocktail on arrival, food platters and entertainment) are only \$35, as well as a new opportunity for others (including those who may not be able to attend on the night) to provide a "Pay It Forward" tax-deductible donated ticket to clients whose treatment needs may otherwise make attendance a cost-prohibitive consideration. Tickets are available

through the tasCAHRD website or eventbrite.com directly by clicking on the logo below.



For further information, media opportunities or donations, please contact

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