



AUSTRALIAN KINESIOLOGY ASSOCIATION INC.

Professional Conduct and Practice Rules



Code of Conduct

April 2015

Contents

1. APPLICATION.....	3
2. SCOPE OF THESE RULES	3
3. PURPOSE OF THESE RULES	3
4. VALUES & PRINCIPLES UNDERPINNING THESE RULES.....	3
5. STANDARDS OF PRACTICE	4
6. OBJECTS OF THE AKA.....	4
7. FUNDAMENTAL ETHICAL DUTIES.....	4
8. QUALITY OF SERVICE.....	4
9. CONFLICTS OF INTEREST	5
10. BRIBES, GIFTS & BENEFITS	6
11. RECOMMENDING SERVICES	6
12. PARTY POLITICAL PARTICIPATION.....	6
13. PARTICIPATION IN VOLUNTARY ORGANISATIONS, CHARITIES & PROFESSIONAL ASSOCIATIONS.....	6
14. PUBLIC COMMENT	6
15. USE OF OFFICIAL INFORMATION	6
16. PERSONAL HEALTH INFORMATION	6
17. SECURITY OF OFFICIAL INFORMATION	6
18. USING INTELLECTUAL PROPERTY	7
19. FAIRNESS IN DECISION MAKING	7
20. USE OF STATUTORY & DISCRETIONARY POWER	7
21. APPEALING DECISIONS	7
22. DISCRIMINATION, HARASSMENT, BULLYING & VIOLENCE.....	7
23. OCCUPATIONAL HEALTH & SAFETY	7
24. CHILD PROTECTION.....	7
25. COMPLAINTS	7



Code of Conduct

April 2015

1. APPLICATION

These Rules apply to all members of the Australian Kinesiology Association ("AKA"). The AKA may change these Rules and members are bound by any changes.

2. SCOPE OF THESE RULES

These Rules govern the relationship between:

- AKA and its members;
- members and other members;
- members and their clients (whether paying or non paying)
- members and other professionals
- members and the general public
- members as trainers and their students

3. PURPOSE OF THESE RULES

3.1 The purpose of these Rules is to:

- assist members to act ethically and in accordance with the principles of professional conduct established by law and these Rules; and
- promote public confidence and trust in the kinesiology profession.

3.2 In considering whether a member has engaged in unsatisfactory professional conduct or professional misconduct, these Rules apply in addition to general legal principles and the Constitution of the AKA.

3.3 A breach of these Rules is capable of constituting unsatisfactory professional conduct or professional misconduct, and may give rise to disciplinary action by the AKA, but cannot be enforced by a third party.

3.4 If the AKA is investigating an alleged breach of these Rules by a member, the rules of natural justice will apply so that the member is given procedural fairness. The AKA will determine the appropriate procedure.

3.5 The AKA's interpretation of these Rules is final and binding on all members. This Rule does not prevent a member from appealing a decision by the AKA under Rule 21.

3.6 The AKA may make, change and replace guidelines (whether called guidelines, by-laws, rulings or otherwise) from time to time as to matters concerning these Rules. Such guidelines are binding on members and are to be regarded as forming part of these Rules. The AKA must give members written notice of such guidelines.

4. VALUES & PRINCIPLES UNDERPINNING THESE RULES

These Rules are based on best industry practice. They include values and principles that are



Code of Conduct

April 2015

intended to enhance the reputation of the kinesiology industry.

5. STANDARDS OF PRACTICE

5.1 Kinesiology:

- encompasses holistic health disciplines which use the gentle art of muscle monitoring to access information about a person's well-being;
- identifies the elements which inhibit the body's natural healing processes;
- assists with stimulating a person's natural internal energies and accessing their life enhancing potential; and
- does not treat, diagnose or prescribe, but rather balances a person's energy.

Members must not make any claims or engage in any conduct that is inconsistent with those statements.

5.2 Members who are practitioners must comply with the training and competency standards required by the AKA.

6. OBJECTS OF THE AKA

The aims and objects of the AKA are set out in its website: www.kinesiology.org.au

7. FUNDAMENTAL ETHICAL DUTIES

Members must behave ethically. Without limiting that generality members must:

- Act competently and professionally;
- Be courteous, respectful and discrete;
- Be open, honest, transparent and accountable;
- Be sensitive to cultural differences;
- Act fairly and impartially;
- Act responsibly;
- Follow lawful directions from a person in authority; and
- Act in accordance with these Rules.

8. QUALITY OF SERVICE

Members must provide a high quality of service to clients. Without limiting that generality members must:

- Act in the best interests of their clients;
- Treat clients with care, compassion and empathy;
- Respect the religious, spiritual, political and social view of their clients;
- Encourage client self responsibility;
- Act impartially in the muscle monitoring process;
- Act efficiently and effectively;
- Present themselves for work in a fit and proper condition;
- Observe all laws, professional codes of conduct and ethics relevant to their profession;
- Not engage in any conduct that is deceptive or misleading - whether in relation to clients, the health fund rebate system, advertising, marketing or otherwise;
- Avoid any behaviour that may diminish the public confidence in kinesiology or bring the



Code of Conduct April 2015

kinesiology profession into disrepute;

- Not use any unsafe or improper practice;
- Only act within the scope of their registration, qualifications and competence, and if necessary refer clients to other health practitioners and share appropriate information with them about their clients (with their client's informed written consent);
- Maintain appropriate professional levels of hygiene and safety, including adopting standard precautions for the control of infection;
- Honour their financial obligations, including payment of tax;
- Refrain from criticising other professions or modalities;
- Undertake appropriate continuing professional education;
- Report to an appropriate person or authority any situations that may affect clinical or professional standards;
- Inform clients of known possible adverse interactions between kinesiology and other treatments and medications being taken by their clients;
- Obtain appropriate informed consents for services, explain to clients the services planned, including any risks involved, and allow clients to refuse services;
- Ensure that their conduct does not constitute discrimination, sexual harassment or bullying;
- Ensure that sexual or emotional relationships are not formed with current clients, and that those formed with former clients are subject to a reasonable time delay (being not less than 2 years since the conclusion of the professional relationship with the former client) and do not take advantage of any client vulnerability;
- Comply with relevant privacy laws that apply to client health information and record keeping, including the Privacy Act to ensure appropriate levels of discretion, security, privacy, and confidentiality of information;
- Ensure that their professional kinesiology activities are restricted to balancing the client's energy and not, in their capacity as a kinesiologist, claim to "treat" "diagnose" or "prescribe" or make therapeutic claims;
- Facilitate, in a timely manner, client access to their information, and transfer of client records upon request by the client or their legal representative;
- Maintain appropriate Indemnity insurance in relation to their professional practice;
- Carry out duties within the agreed time frames;
- Exercise a duty of care when treating minors and disabled persons, including, without limiting their obligations under Rule 24, informing relevant child protection or other appropriate authorities if they have reasonable grounds to believe their client has suffered abuse or neglect;
- Unless expressly instructed otherwise by their client, inform relevant authorities if they have reasonable grounds to believe their client is the victim of domestic violence; and
- Take appropriate and timely measure to minimise any physical, emotional or mental harm to clients.
- Provide the quality of services required by these Rules regardless of whether a client pays for the services in money or money's worth. A Member is guilty of sexual harassment if he or she requests or accepts sexual favours from a client as a form of payment for services.

9. CONFLICTS OF INTEREST

Members must avoid conflicts of interests with clients. Without limiting that generality members must:

- Ensure that their decisions are not influenced by self-interest or personal gain; or
- If they become aware that a worker has a real, potential or perceived conflict of interest, report the matter to their immediate supervisor.



Code of Conduct April 2015

10. BRIBES, GIFTS & BENEFITS

Members must not accept or allow any family member, friend or other related person to accept any:

- inappropriate gift, gratuity or favour from or on behalf of a client; or
- gift, gratuity or favour from or on behalf of a client if to do so might be prejudicial to, or diminish the public confidence in kinesiology or bring the kinesiology profession into disrepute.

11. RECOMMENDING SERVICES

When recommending other service providers to clients, members must avoid any conflict of interests. Without limiting that generality members must ensure that their referral decisions are not influenced by self-interest or personal gain.

12. PARTY POLITICAL PARTICIPATION

Members must not express any view on a political matter in a way that suggests the view is that of the AKA.

13. PARTICIPATION IN VOLUNTARY ORGANISATIONS, CHARITIES & PROFESSIONAL ASSOCIATIONS

Members must not express any view regarding any other organisation in a way that suggests the view is that of the AKA.

14. PUBLIC COMMENT

Members must not express any public view on a matter in a way that suggests the view is that of the AKA unless authorised in writing by the AKA or required by law.

15. USE OF OFFICIAL INFORMATION

Members must not use or disclose any information regarding a client, the AKA or any other person in a manner that would constitute a breach of privacy or confidential information.

16. PERSONAL HEALTH INFORMATION

Members must not use or disclose any health information regarding a client or any other person in a manner that would constitute a breach of privacy or confidential information.

17. SECURITY OF OFFICIAL INFORMATION

Members must ensure that any health or other confidential information regarding a client or any other person is kept in a secure manner in line with Australian privacy law and which is adequate for the management of a healthcare clinic.



Code of Conduct

April 2015

18. USING INTELLECTUAL PROPERTY

Members must not infringe the intellectual property rights of their clients or any other person.

19. FAIRNESS IN DECISION MAKING

Members must act consistently, promptly, openly and fairly in all matters concerning their professional practice.

20. USE OF STATUTORY & DISCRETIONARY POWER

Members who have a statutory power must exercise it consistently, promptly, openly and fairly, and for proper purposes.

21. APPEALING DECISIONS

The AKA must promptly inform any person who is affected by their decision concerning any matter of the right to have that decision reviewed.

22. DISCRIMINATION, HARASSMENT, BULLYING & VIOLENCE

Members must ensure that their conduct does not constitute discrimination of any nature, sexual harassment or bullying.

23. OCCUPATIONAL HEALTH & SAFETY

Members who are employers must ensure that their workplace is safe for employees, clients and visitors.

24. CHILD PROTECTION

Members must act lawfully and responsibly regarding children. Without limiting that generality members must:

- Report criminal conduct against a child;
- Obtain a Working with Children check when working with children and keep it current.

25. COMPLAINTS

If the AKA is dealing with a complaint against a member, the member must cooperate with the AKA, provide timely, accurate and complete information to the AKA, abide by the AKA's complaints procedure policy and abide by any disciplinary measure imposed by the AKA (subject to the member's rights under Rule 21).