



February 2015

Dear members,

Upon release of the revised Code of Ethics in 2014, there was a call for more clarification around updated Clause 5.7 stating:

Registered Music Therapists do not use testimonials from Clients for use in advertising, or any other form of promoting professional services. It is the Registered Music Therapists responsibility to take any necessary steps to remove unsolicited testimonials.

To address these queries, we have provided below some information to help give further definition and limitations around this new clause. The fact sheet will also be available on the AMTA website for future reference.

### ***What is a testimonial?***

As defined in the national law 133 (1)(c), a testimonial is a 'positive statement' that can include a client's personal experience with a health service or practitioner.

An example of a testimonial would be:

*Sandra\* at Music for Life\* is a fantastic music therapist  
and helped me to overcome depression.*

### ***Can registered music therapists use testimonials?***

The AMTA Code of Ethics states that RMTs cannot use testimonials to promote their services, including the use of testimonials on social media.

Although AMTA is a self-regulated profession, in order to uphold our status as allied health professionals, AMTA aims to maintain or exceed the requirements and standards of regulated professions.

The Australian Health Practitioners Regulation Agency's (AHPRA) code of ethics states:

*"Under the National Accreditation and Registration Scheme (the National Scheme), registered health practitioners must adhere to the advertising requirements of the Health Practitioner Regulation National*

*Law Act, as in force in each state and territory (the National Law). The advertising provisions of the National Law apply to any person who advertises a regulated health service, including registered health practitioners, **non-registered health practitioners**, individuals and bodies corporate. Regulated health service refers to a service provided by, or usually provided by, a health practitioner.”*

Advertising that is not acceptable as defined by the National Law includes:

- Making misleading claims
- Offering an inducement, such as a gift or discount (unless the relevant terms and conditions are included)
- Using testimonials
- Creating unreasonable expectations of beneficial treatment
- Encouraging the indiscriminate or unnecessary use of a service

Regulations around the use of testimonials refer to advertising material specifically. If one of the purposes of a document or web page you create is to advertise and promote the use of services, it should not include testimonials. If you are unsure about this distinction you can contact the AMTA ethics committee for clarification.

### ***What is the difference between fundraising and advertising?***

AHPRA defines the difference as follows:

“Fundraising and advertising have different purposes, but there is a potential overlap. Advertising involves promoting a product or service to increase sales or use. Fundraising involves seeking donations or financial support for a charity, cause or other enterprise. If the overriding purpose of fundraising is to raise money, then the fundraising material is unlikely to be advertising and the National Law ban on using testimonials in advertising a regulated health service is unlikely to apply.”

### ***Am I responsible for things said about me on the internet?***

Yes, yet only for sites for which you have control, for example, your business website or Facebook site. You are not responsible for content that is published on other sites such as forums and practitioner rating websites.

### ***What are some other ways to promote my services?***

- Have a well designed website which has maximum search potential, is easy to navigate, informative, and appealing
- Ensure you are listed on the AMTA website for ‘Find a Music Therapist’
- Participate in community events
- Develop high quality logos and branding
- Write articles for local magazines, newspapers etc
- Offer promotional activities within the community

***I have seen some content that does not seem to be compliant with the National Law. What should I do?***

If you have concerns about advertising you have seen, you should notify the AMTA.

***I may have accidentally broken the advertising requirements set out by AMTA. What are the consequences?***

There is no financial penalty applicable to AMTA members, however, it is viewed as a breach of the AMTA's Code of Ethics that all members have agreed to abide to. If a breach is brought to AMTA's attention, there will initially be a written warning. If persistent breaches continue and a formal complaint made, the steps as outlined in the Grievance Procedure of the AMTA's Cod of Ethics will be applied.

***What if I am unsure?***

There are a number of different avenues you can take in seeking advice. If you are concerned your advertising content may be an offence under the National Law, it might be worthwhile considering getting your own legal advice before using the material. Consultation with colleagues might also be helpful but should not replace legal advice. For clarification of the above points you can contact the AMTA Ethics Committee ([ethics@austmta.org.au](mailto:ethics@austmta.org.au)) for guidance on advertising content based on the above guidelines as well as information on the AHPRA website. To read this document, please visit AHRPAs FAQ's page at the following:

<http://www.ahpra.gov.au/Publications/AHPRA-FAQ-and-Fact-Sheets.aspx>