



AUSTRALIAN CAPITAL TERRITORY

# Health Professionals (Special Events Exemptions) Act 2000

No 25 of 2000

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AUSTRALIAN CAPITAL TERRITORY

## **Health Professionals (Special Events Exemptions) Act 2000**

**No 25 of 2000**

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### **An Act to allow visiting health professionals to provide health services in connection with certain special events without being registered under Territory laws**

*[Notified in ACT Gazette No. 24: 15 June 2000]*

The Legislative Assembly for the Australian Capital Territory enacts as follows:

#### **1 Name of Act**

This Act is the *Health Professionals (Special Events Exemptions) Act 2000*.

#### **2 Commencement**

This Act commences on the day it is notified in the Gazette.

#### **3 Definitions**

In this Act, the following definitions apply:

***Drug Regulation Act*** means any of the following Acts:

- (a) the *Poisons Act 1933*;
- (b) the *Poisons and Drugs Act 1978*;
- (c) the *Drugs of Dependence Act 1989*.

**exemption period**—see subsection 5 (2).

**health care services** means—

- (a) services ordinarily provided by doctors, nurses, dentists, dental technicians, dental prosthetists, pharmacists, podiatrists, chiropractors, osteopaths, optometrists, physiotherapists or psychologists; or
- (b) any other service prescribed by the regulations.

**Health Registration Act** means any of the following Acts:

- (a) *Chiropractors and Osteopaths Act 1983*;
- (b) *Dental Technicians and Dental Prosthetists Registration Act 1988*;
- (c) *Dentists Act 1931*;
- (d) *Medical Practitioners Act 1930*;
- (e) *Nurses Act 1988*;
- (f) *Optometrists Act 1956*;
- (g) *Pharmacy Act 1931*;
- (h) *Physiotherapists Act 1977*;
- (i) *Podiatrists Act 1994*;
- (j) *Psychologists Act 1994*.

**notification procedure**, for a special event—see subsection 5 (4).

**registered** includes licensed and enrolled.

**restricted substance** means—

- (a) a Schedule 4 substance for the *Poisons and Drugs Act 1978*, subsection 3 (3); or
- (b) a restricted substance for the *Poisons Act 1933*, subsection 5 (1); or
- (c) a drug of dependence for the *Drugs of Dependence Act 1989*, subsection 3 (1).

**special event**—see subsection 5 (1).

**special event notice** means a notice under subsection 5 (1).

**supply** has the same meaning as in the *Poisons and Drugs Act 1978*.

**visiting health professional**, for a visitor to a special event—see section 7.

**visitor**, to a special event—see section 6.

#### 4 Notes

A note included in this Act is explanatory and is not part of this Act.

*Note* See *Interpretation Act 1967*, s 12 (1), (4) and (5) for the legal status of notes.

#### 5 Declaration of a special event

(1) The Minister may, by notice published in the Gazette, declare an event to be a ***special event*** for this Act if the Minister is satisfied that a significant number of persons from outside Australia will come to the Territory to participate in, or to prepare, train, practice, rehearse or acclimatise for, the event.

(2) The notice must specify, for the special event, the period or periods (the ***exemption period***) during which an exemption under this Act will apply.

(3) An exemption period may include periods before or after the special event takes place.

(4) The notice must specify a ***notification procedure*** for giving notice within the Territory that a person will be a visiting health professional for a visitor to the special event.

(5) The notice is a disallowable instrument for the *Subordinate Laws Act 1989*.

*Note* See *Interpretation Act 1967*, s 26A, s 27 and s 27A, for provisions on how a power of this kind may be exercised.

#### 6 Meaning of visitor

A person is a ***visitor*** to a special event if—

- (a) the person is a resident of another country who is in the Territory for the purpose of officially participating in, or preparing, training, practising, rehearsing or acclimatising for, a special event; or
- (b) the person is a resident of Australia who—
  - (i) is in the Territory for the purpose mentioned in paragraph (a); and
  - (ii) is a member of a group the majority of which is comprised of persons who are residents of other countries and are in the Territory for the same purpose.

#### 7 Meaning of visiting health professional

A person is a ***visiting health professional*** for a visitor, if—

- (a) the person is a resident of another country; and

- (b) notice has been given, in accordance with the notification procedure for the relevant special event, that the person will be providing health care services to the visitor, or to a group that includes the visitor; and
- (c) the person is currently appointed, employed, contracted or otherwise engaged to provide health care services to the visitor.

*Note* A visiting health professional may provide services to other visitors to the event only after giving a further notification in accordance with the notification procedure.

## **8 Provision of health care services by visiting health professionals**

- (1) A visiting health professional for a visitor is authorised by this section to provide health care services to the visitor.
- (2) This section—
  - (a) applies only during the exemption period for the relevant special event; and
  - (b) ceases to apply if the health professional does not comply with conditions imposed under this Act.
- (3) This section does not authorise a visiting health professional to possess, or supply to a visitor, a prohibited substance for the *Drugs of Dependence Act 1989*, subsection 3 (1).

## **9 Conditions on practice by visiting health professionals**

- (1) The regulations may impose conditions on the provision of health care services by a visiting health professional.
- (2) A special event notice may impose further conditions on the provision of health care services by a visiting health professional.

## **10 Issue of prescriptions and supply of certain substances**

- (1) A visiting health professional may be authorised under this section to issue a written prescription for a restricted substance.
- (2) An authorisation under this section does not authorise a visiting health professional to issue a prescription that could not be issued by an appropriate person under a Drug Regulation Act.
- (3) The Minister may, in a special event notice—
  - (a) authorise an individual visiting health professional, or a class of visiting health professionals, whom he or she is satisfied should be regarded as qualified to issue prescriptions, to issue written

prescriptions for a restricted substance in the course of providing health care services in accordance with this Act; and

- (b) authorise a particular supplier or class of suppliers to supply a restricted substance on such a prescription.

(4) The Minister may, in a special event notice, specify requirements for a visiting health professional to be regarded by the Minister as being qualified to issue prescriptions.

(5) The Minister must not make a notice containing an authorisation under this section unless satisfied that adequate arrangements are in place to ensure that the substances concerned will be prescribed for and supplied only to visitors to whom visiting health professionals are authorised to provide health care services under this Act.

(6) A special event notice may impose conditions on any authorisation made under this section.

(7) In this section—

*supplier*, of a substance, means a person who is authorised under a Drug Regulation Act to supply the substance to a doctor.

## **11 Exemptions relating to offences**

(1) A visiting health professional does not commit an offence under a Health Registration Act, a Drug Regulation Act or the *Skin Penetration Procedures Act 1994*, by—

- (a) providing health care services authorised under this Act; or
- (b) possessing or supplying any substance in the course of providing such health care services; or
- (c) prescribing any substance in accordance with this Act; or
- (d) holding himself or herself out as being able to provide such health care services; or
- (e) using any name, initials, description, word, symbol, addition or title that he or she ordinarily uses.

(2) A visitor does not commit an offence under a Drug Regulation Act by doing any thing, or possessing any substance, as a result of being provided with health care services in accordance with this Act.

(3) A person does not commit an offence under a Drug Regulation Act by supplying a restricted substance in accordance with a written prescription issued by a visiting health professional if—

- (a) the health professional is authorised under this Act to issue the prescription; and
  - (b) the person is authorised under this Act to supply the substance on such a prescription.
- (4) The regulations may prescribe other offences to which exemptions under this section apply.

*Note* A visiting health professional who provides health care services otherwise than in accordance with this Act loses the exemption.

## **12 Complaints about visiting health professionals**

- (1) A complaint may not be made about a visiting health professional, and no disciplinary action may be taken against him or her, under the *Community and Health Services Complaints Act 1993* or a Health Registration Act in relation to anything done by him or her in—
- (a) providing health care services authorised under this Act; or
  - (b) possessing or supplying any substance in the course of providing such health care services; or
  - (c) prescribing any substance in accordance with this Act; or
  - (d) holding himself or herself out as being able to provide such health care services; or
  - (e) using any name, initials, description, word, symbol, addition or title that he or she ordinarily uses.
- (2) This section does not prevent the bringing of proceedings for an offence under the *Community and Health Services Complaints Act 1993* or a Health Registration Act.
- (3) This section does not apply to a complaint about a person who is registered under a Health Registration Act.

## **13 Regulation-making power**

- (1) The Executive may make regulations for this Act.
- (2) The regulations may create offences punishable by maximum penalties of not more than 10 penalty units.

*[Presentation speech made in Assembly on 2 March 2000]*