



Australian Capital Territory

Health Professionals (Special Events Exemptions) Act 2000 No 25

Republication No 3

Effective: 17 January 2003

Republication date: 17 January 2003

Last amendment made by Act 2002 No 49

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Health Professionals (Special Events Exemptions) Act 2000* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 17 January 2003. It also includes any amendment, repeal or expiry affecting the republished law to 17 January 2003.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



Australian Capital Territory

Health Professionals (Special Events Exemptions) Act 2000

Contents

| | Page |
|--|------|
| 1 Name of Act | 2 |
| 3 Definitions for Act | 2 |
| 4 Notes | 4 |
| 5 Declaration of a special event | 4 |
| 6 Meaning of <i>visitor</i> | 4 |
| 7 Meaning of <i>visiting health professional</i> | 5 |
| 8 Provision of health care services by visiting health professionals | 5 |
| 9 Conditions on practice by visiting health professionals | 6 |
| 10 Issue of prescriptions and supply of certain substances | 6 |
| 11 Exemptions relating to offences | 7 |
| 12 Complaints about visiting health professionals | 8 |
| 13 Regulation-making power | 9 |

Contents

| | Page |
|--------------------------|------|
| Endnotes | |
| 1 About the endnotes | 10 |
| 2 Abbreviation key | 10 |
| 3 Legislation history | 11 |
| 4 Amendment history | 11 |
| 5 Earlier republications | 12 |



Australian Capital Territory

Health Professionals (Special Events Exemptions) Act 2000

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

1 Name of Act

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

3 Definitions for Act

In this Act:

Note A definition applies except so far as the contrary intention appears (see *Legislation Act 2001*, s 155).

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*.

drugs and poisons standard—see the *Poisons and Drugs Act 1978*, dictionary.

exemption period—see section 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 section 5 (4).

registered includes licensed and enrolled.

restricted substance means—

- (a) a substance mentioned in the drugs and poisons standard, schedule 4;
- (b) a restricted substance under the *Poisons and Drugs Act 1978*;
or
- (c) a drug of dependence under the *Drugs of Dependence Act 1989*.

special event—see section 5 (1).

special event declaration means a declaration under section 5 (1).

supply—see 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 *Legislation Act 2001*, s 127 (1), (4) and (5) for the legal status of notes.

5 Declaration of a special event

- (1) The Minister may, in writing, 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 ACT to participate in, or to prepare, train, practice, rehearse or acclimatise for, the event.
- (2) A declaration must specify, for the special event, the period or periods (the ***exemption period***) when an exemption under this Act will apply.
- (3) An exemption period may include periods before or after the special event takes place.
- (4) A declaration must specify a ***notification procedure*** for giving notice within the ACT that a person will be a visiting health professional for a visitor to the special event.
- (5) A declaration is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

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 ACT 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 ACT 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 ACT 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*, section 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 declaration 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 declaration—
 - (a) authorise an individual visiting health professional, or a class of visiting health professionals, whom the Minister 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 declaration, 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 declaration 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 declaration 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 against 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 against 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 against 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 against 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.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (2) The regulations may prescribe offences for contraventions of the regulations and may prescribe maximum penalties of not more than 10 penalty units for offences against the regulations.

Endnotes

1 About the endnotes

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

If the republished law includes penalties, current information about penalty unit values appears on the republication inside front cover.

2 Abbreviation key

| | |
|---|---|
| am = amended | ord = ordinance |
| amdt = amendment | orig = original |
| ch = chapter | p = page |
| cl = clause | par = paragraph |
| def = definition | pres = present |
| dict = dictionary | prev = previous |
| disallowed = disallowed by the Legislative Assembly | (prev...) = previously |
| div = division | prov = provision |
| exp = expires/expired | pt = part |
| Gaz = Gazette | r = rule/subrule |
| hdg = heading | reg = regulation/subregulation |
| IA = Interpretation Act 1967 | renum = renumbered |
| ins = inserted/added | reloc = relocated |
| LA = Legislation Act 2001 | R[X] = Republication No |
| LR = legislation register | RI = reissue |
| LRA = Legislation (Republication) Act 1996 | s = section/subsection |
| mod = modified / modification | sch = schedule |
| No = number | sdiv = subdivision |
| num = numbered | sub = substituted |
| o = order | SL = Subordinate Law |
| om = omitted/repealed | <u>underlining</u> = whole or part not commenced or to be expired |

3 Legislation history

Health Professionals (Special Events Exemptions) Act 2000 No 25

notified 15 June 2000 (Gaz 2000 No 24)

commenced 15 June 2000 (s 2)

as amended by

Legislation (Consequential Amendments) Act 2001 No 44 pt 177

notified 26 July 2001 (Gaz 2001 No 30)

s 1, s 2 commenced 26 July 2001 (IA s 10B)

pt 177 commenced 12 September 2001 (s 2 and see Gaz 2001 No S65)

Statute Law Amendment Act 2002 (No 2) No 49 pt 3.8

notified LR 20 December 2002

s 1, s 2 taken to have commenced 7 October 1994 (LA s 75 (2))

pt 3.8 commenced 17 January 2003 (s 2 (1))

4 Amendment history

Commencement

s 2 om R1 LRA

Definitions for Act

s 3 def **drugs and poisons standard** ins 2002 No 49 amdt 3.55

def **restricted substance** sub 2002 No 49 amdt 3.56

def **special event notice** om 2001 No 44 amdt 1.2032

def **special event declaration** ins 2001 No 44 amdt 1.2032

Declaration of a special event

s 5 am 2001 No 44 amdt 1.2033-1.2035

Conditions on practice by visiting health professionals

s 9 am 2001 No 44 amdt 1.2036

Issue of prescriptions and supply of certain substances

s 10 am 2001 No 44 amdt 1.2036

Regulation-making power

s 13 am 2001 No 44 amdt 1.2037, amdt 1.2038

Endnotes

5 Earlier republications

5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (*) in column 1. Except for the footer, electronic and printed versions of an authorised republication are identical.

| Republication No | Amendments to | Republication date |
|------------------|----------------|--------------------|
| 1 | not amended | 24 July 2000 |
| 2 | Act 2001 No 44 | 18 July 2002 |

Authorised when accessed at www.legislation.act.gov.au or in authorised printed form

© Australian Capital Territory 2003