



Australian Capital Territory

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

**A2000-25**

**Republication No 8**

**Effective: 14 February 2009 – 30 June 2010**

Republication date: 14 February 2009

Last amendment made by A2008-26

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 14 February 2009. It also includes any amendment, repeal or expiry affecting the republished law to 14 February 2009.

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](http://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

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| 14/02/09 | 2000   |            |
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Australian Capital Territory

# Health Professionals (Special Events Exemptions) Act 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

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## Part 1 Preliminary

### 1 Name of Act

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

### 2 Dictionary

The dictionary at the end of this Act is part of this Act.

*Note 1* The dictionary at the end of this Act defines certain terms used in this Act, and includes references (*signpost definitions*) to other terms defined elsewhere.

For example, the signpost definition ‘*supply*—see the *Medicines, Poisons and Therapeutic Goods Act 2008*, section 24.’ means that the term ‘supply’ is defined in that section and the definition applies to this Act.

*Note 2* A definition in the dictionary (including a signpost definition) applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see Legislation Act, s 155 and s 156 (1)).

### 4 Notes

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

*Note* See Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.

## Part 2                      Special events

### 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.

### 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 within the meaning of the *Medicines, Poisons and Therapeutic Goods Act 2008*.



**9 Conditions on practise 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 prescription medicines**

- (1) A visiting health professional may be authorised under this section to issue a written prescription for a prescription medicine.
- (2) An authorisation under this section does not authorise a visiting health professional to issue a prescription unless the prescription could be issued by an authorised person under the *Medicines, Poisons and Therapeutic Goods Act 2008*.
- (3) The Minister may, in a special event declaration—
  - (a) authorise a visiting health professional, whom the Minister is satisfied should be regarded as qualified to issue prescriptions, to issue written prescriptions for a prescription medicine in the course of providing health care services in accordance with this Act; and
  - (b) authorise a supplier to supply a prescription medicine on the prescription.

*Note* A power given under an Act to make a statutory instrument about particular matters includes power to make a statutory instrument about any 1 or more of the matters or a particular class of the matters (see Legislation Act, s 48 (2)).

- (4) The Minister must not make a special event declaration containing an authorisation under subsection (3) unless satisfied that adequate arrangements are in place to ensure that prescription medicines will be prescribed only for, and supplied only to, visitors to whom

visiting health professionals are authorised to provide health care services under this Act.

- (5) A special event declaration may impose conditions on an authorisation under subsection (3), including a visiting health professional's authority to issue prescriptions.
- (6) In this section:

*supplier*, of a prescription medicine, means a person who is authorised under the *Medicines, Poisons and Therapeutic Goods Act 2008* to supply the medicine.

## 11 Exemptions relating to offences

- (1) A visiting health professional does not commit an offence against the *Health Professionals Act 2004*, the *Medicines, Poisons and Therapeutic Goods Act 2008* or the *Skin Penetration Procedures Act 1994* by—
  - (a) providing health care services authorised under this Act; or
  - (b) possessing or supplying a prescription medicine in the course of providing the health care services; or
  - (c) prescribing a prescription medicine in accordance with this Act; or
  - (d) holding himself or herself out as being able to provide the health care services mentioned in paragraphs (a), (b) and (c); or
  - (e) using any name, initials, description, word, symbol, addition or title that the health professional ordinarily uses.
- (2) A visitor to a special event does not commit an offence against the *Medicines, Poisons and Therapeutic Goods Act 2008* by doing anything, or possessing a prescription medicine, because of being provided with health care services in accordance with this Act.

- (3) A person does not commit an offence against the *Medicines, Poisons and Therapeutic Goods Act 2008* by supplying a prescription medicine 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 medicine on the prescription.
- (4) A regulation 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.

## **Part 3                      Miscellaneous**

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

- (1) A complaint may not be made about, nor may disciplinary action be taken against, a visiting health professional under the *Health Professionals Act 2004* or *Human Rights Commission Act 2005* in relation to anything done by the health professional in—
  - (a) providing health care services authorised under this Act; or
  - (b) possessing or supplying a prescription medicine in the course of providing the health care services; or
  - (c) prescribing a prescription medicine in accordance with this Act; or
  - (d) holding himself or herself out as being able to provide the health care services mentioned in paragraphs (a), (b) and (c); or
  - (e) using any name, initials, description, word, symbol, addition or title that the health professional ordinarily uses.
- (2) This section does not prevent the bringing of proceedings for an offence against the *Health Professionals Act 2004* or *Human Rights Commission Act 2005*.
- (3) This section does not apply to a complaint about a person who is registered under the *Health Professionals Act 2004*.

### **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.

- (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.

## Dictionary

(see s 2)

*Note 1* The Legislation Act contains definitions and other provisions relevant to this Act.

*Note 2* For example, the Legislation Act, dict, pt 1, defines the following terms:

- ACT
- dental prosthetist
- dental technician
- dentist
- doctor
- Minister (see s 162)
- notifiable instrument (see s 10)
- nurse
- penalty unit (see s 133)
- pharmacist.

***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.

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

***prescription medicine*** means a controlled medicine, or prescription only medicine, within the meaning of the *Medicines, Poisons and Therapeutic Goods Act 2008*.

***registered*** includes licensed and enrolled.

***special event*** means an event that is declared to be a special event under section 5 (1).

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

***supply***—see the *Medicines, Poisons and Therapeutic Goods Act 2008*, section 24.

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

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

## Endnotes

1 About the endnotes

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## 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.

### 2 Abbreviation key

|   |   |
|---|---|
| am = amended  | ord = ordinance   |
| amdt = amendment                                    | orig = original   |
| ch = chapter  | par = paragraph/subparagraph                                      |
| def = definition                                    | pres = present  |
| dict = dictionary                                   | prev = previous   |
| disallowed = disallowed by the Legislative Assembly | (prev...) = previously  |
| div = division                                      | pt = part   |
| exp = expires/expired                               | r = rule/subrule  |
| Gaz = gazette                                       | renum = renumbered  |
| hdg = heading                                       | reloc = relocated   |
| IA = Interpretation Act 1967                        | R[X] = Republication No   |
| ins = inserted/added                                | RI = reissue  |
| LA = Legislation Act 2001                           | s = section/subsection  |
| LR = legislation register                           | sch = schedule  |
| LRA = Legislation (Republication) Act 1996          | sdiv = subdivision  |
| mod = modified/modification                         | 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))

**Statute Law Amendment Act 2003 (No 2) A2003-56 sch 3 pt 3.12**

notified LR 5 December 2003  
s 1, s 2 commenced 5 December 2003 (LA s 75 (1))  
sch 3 pt 3.12 commenced 19 December 2003 (s 2)

**Health Professionals Legislation Amendment Act 2004 A2004-39  
sch 1 pt 1.6 (as am by A2005-28 amdt 1.59)**

notified LR 8 July 2004  
s 1, s 2 commenced 8 July 2004 (LA s 75 (1))  
sch 1 pt 1.6 commenced 7 July 2005 (s 2 and see Health Professionals Act 2004 A2004-38, s 2 and CN2005-11)

**Health Legislation Amendment Act 2005 A2005-28 amdt 1.59**

notified LR 6 July 2005  
s 1, s 2 commenced 6 July 2005 (LA s 75 (1))  
amdt 1.59 commenced 7 July 2005 (s 2)

*Note* This Act only amends the Health Professionals Legislation Amendment Act 2004 A2004-39.

## Endnotes

4 Amendment history

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### **Human Rights Commission Legislation Amendment Act 2005 A2005-41 sch 1 pt 1.5 (as am by A2006-3 amdt 1.3)**

notified LR 1 September 2005

s 1, s 2 commenced 1 September 2005 (LA s 75 (1))

sch 1 pt 1.5 commenced 1 November 2006 (s 2 (3) (as am by A2006-3 amdt 1.3) and see Human Rights Commission Act 2005 A2005-40, s 2 (as am by A2006-3 s 4) and CN2006-21)

### **Human Rights Commission Legislation Amendment Act 2006 A2006-3 amdt 1.3**

notified LR 22 February 2006

s 1, s 2 commenced 22 February 2006 (LA s 75 (1))

amdt 1.3 commenced 23 February 2006 (s 2)

*Note* This Act only amends the Human Rights Commission Legislation Amendment Act 2005 A2005-41

### **Medicines, Poisons and Therapeutic Goods Act 2008 A2008-26 sch 2 pt 2.15**

notified LR 14 August 2008

s 1, s 2 commenced 14 August 2008 (LA s 75 (1))

sch 2 pt 2.15 commenced 14 February 2009 (s 2 and LA s 79)

## 4 Amendment history

### **Preliminary**

pt 1 hdg ins A2004-39 amdt 1.28

### **Dictionary**

s 2 om R1 LRA  
ins A2003-56 amdt 3.153  
am A2008-26 amdt 2.106

### **Definitions for Act**

s 3 defs reloc to dict A2003-56 amdt 3.152  
def **special event notice** om 2001 No 44 amdt 1.2032  
om A2003-56 amdt 3.153

### **Special events**

pt 2 hdg ins A2004-39 amdt 1.29

### **Declaration of a special event**

s 5 am 2001 No 44 amdt 1.2033-1.2035

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

s 8 am A2008-26 amdt 2.107

**Conditions on practice by visiting health professionals**

s 9 am 2001 No 44 amdt 1.2036

**Issue of prescriptions and supply of prescription medicines**s 10 am 2001 No 44 amdt 1.2036  
sub A2008-26 amdt 2.108**Exemptions relating to offences**s 11 am A2004-39 amdt 1.30  
sub A2008-26 amdt 2.108**Miscellaneous**

pt 3 hdg ins A2004-39 amdt 1.31

**Complaints about visiting health professionals**s 12 am A2004-39 amdt 1.32; A2005-41 amdt 1.91  
sub A2008-26 amdt 2.109**Regulation-making power**

s 13 am 2001 No 44 amdt 1.2037, amdt 1.2038

**Modification of Act**pt 4 hdg ins A2004-39 amdt 1.33  
exp 9 January 2009 (s 16)**Application of pt 4**s 14 ins A2004-39 amdt 1.33  
exp 9 January 2009 (s 16)**Dictionary, definition of *Health Professionals Act***s 15 ins A2004-39 amdt 1.33 (as am by A2005-28 amdt 1.59)  
exp 9 January 2009 (s 16)**Expiry of pt 4**s 16 ins A2004-39 amdt 1.33  
exp 9 January 2009 (s 16)**Dictionary**dict ins A2003-56 amdt 3.154  
def ***Drug Regulation Act*** reloc from s 3 A2003-56 amdt 3.152  
om A2008-26 amdt 2.111  
def ***drugs and poisons standard*** ins 2002 No 49 amdt 3.55  
reloc from s 3 A2003-56 amdt 3.152  
om A2008-26 amdt 2.111  
def ***exemption period*** reloc from s 3 A2003-56 amdt 3.152  
def ***health care services*** reloc from s 3 A2003-56 amdt 3.152  
def ***Health Professionals Act*** ins A2004-39 amdt 1.34  
om A2008-26 amdt 2.111

## Endnotes

### 5 Earlier republishings

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def **Health Registration Act** reloc from s 3 A2003-56  
amdt 3.152  
om A2004-39 amdt 1.34  
def **notification procedure** reloc from s 3 A2003-56  
amdt 3.152  
def **prescription medicine** ins A2008-26 amdt 2.112  
def **registered** reloc from s 3 A2003-56 amdt 3.152  
def **restricted substance** sub 2002 No 49 amdt 3.56  
am A2003-56 amdt 3.149  
reloc from s 3 A2003-56 amdt 3.152  
om A2008-26 amdt 2.113  
def **special event** sub A2003-56 amdt 3.150  
reloc from s 3 A2003-56 amdt 3.152  
def **special event declaration** ins 2001 No 44 amdt 1.2032  
reloc from s 3 A2003-56 amdt 3.152  
def **supply** sub A2003-56 amdt 3.151  
reloc from s 3 A2003-56 amdt 3.152  
sub A2008-26 amdt 2.114  
def **visiting health professional** reloc from s 3 A2003-56  
amdt 3.152  
def **visitor** reloc from s 3 A2003-56 amdt 3.152

## 5 Earlier republishings

Some earlier republishings 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 republishings have also been published in printed format. These republishings are marked with an asterisk (\*) in column 1. 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       |
| 3                | A2002-49       | 17 January 2003    |
| 4                | A2003-56       | 19 December 2003   |
| 5                | A2004-39       | 7 July 2005        |
| 6                | A2006-3        | 1 November 2006    |

## Endnotes

Earlier republications 5

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| Republication No | Amendments to   | Republication date |
|------------------|-----------------|--------------------|
| 7                | <u>A2008-26</u> | 10 January 2009    |

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