



Australian Capital Territory

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

**A2000-25**

**Republication No 10**

**Effective: 21 September 2011 – 30 November 2015**

Republication date: 21 September 2011

Last amendment made by [A2011-28](#)

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 21 September 2011. It also includes any commencement, amendment, repeal or expiry affecting this republished law to 21 September 2011.

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, the symbol **U** appears immediately before the provision heading. Any uncommenced amendments that affect this republished law are accessible on the ACT legislation register ([www.legislation.act.gov.au](http://www.legislation.act.gov.au)). For more information, see the home page for this law on the register.

### 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 the [Legislation Act 2001](#), section 95.

### Penalties

At the republication date, the value of a penalty unit for an offence against this law is \$110 for an individual and \$550 for a corporation (see [Legislation Act 2001](#), s 133).



Australian Capital Territory

# Health Professionals (Special Events Exemptions) Act 2000

## Contents

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	Page
<b>Part 1</b>	<b>Preliminary</b>
1	Name of Act 2
2	Dictionary 2
4	Notes 2
<b>Part 2</b>	<b>Special events</b>
5	Declaration of a special event 3
6	Meaning of <i>visitor</i> 3
7	Meaning of <i>visiting health professional</i> 4
8	Provision of health care services by visiting health professionals 4
9	Conditions on practise by visiting health professionals 5
10	Issue of prescriptions and supply of prescription medicines 5

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R10	Health Professionals (Special Events Exemptions) Act	contents 1
21/09/11	2000	
	Effective: 21/09/11-30/11/15	

## Contents

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11	Exemptions relating to offences	Page 6
<b>Part 3                      Miscellaneous</b>		
12	Complaints about visiting health professionals	8
13	Regulation-making power	8
<b>Dictionary</b>		10
<b>Endnotes</b>		
1	About the endnotes	12
2	Abbreviation key	12
3	Legislation history	13
4	Amendment history	15
5	Earlier republications	17



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 *Health Practitioner Regulation National Law (ACT)*, 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*, the *Health Practitioner Regulation National Law (ACT)* or the *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*, the *Health Practitioner Regulation National Law (ACT)* or the *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
- 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 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 are not included in the republished law. The details of these laws are underlined in the legislation history. Uncommenced expiries are underlined in the legislation history and amendment history.

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

A = Act	NI = Notifiable instrument
AF = Approved form	o = order
am = amended	om = omitted/repealed
amdt = amendment	ord = ordinance
AR = Assembly resolution	orig = original
ch = chapter	par = paragraph/subparagraph
CN = Commencement notice	pres = present
def = definition	prev = previous
DI = Disallowable instrument	(prev...) = previously
dict = dictionary	pt = part
disallowed = disallowed by the Legislative Assembly	r = rule/subrule
div = division	reloc = relocated
exp = expires/expired	renum = renumbered
Gaz = gazette	R[X] = Republication No
hdg = heading	RI = reissue
IA = Interpretation Act 1967	s = section/subsection
ins = inserted/added	sch = schedule
LA = Legislation Act 2001	sdiv = subdivision
LR = legislation register	SL = Subordinate law
LRA = Legislation (Republication) Act 1996	sub = substituted
mod = modified/modification	<u>underlining</u> = whole or part not commenced or to be expired



### 3 Legislation history

**Health Professionals (Special Events Exemptions) Act 2000 A2000-25**

notified 15 June 2000 ([Gaz 2000 No 24](#))

commenced 15 June 2000 (s 2)

as amended by

**[Legislation \(Consequential Amendments\) Act 2001 A2001-44 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 \(No 2\) A2002-49 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](#).

**[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))

## Endnotes

3      Legislation history

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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)

### **[Health Practitioner Regulation National Law \(ACT\) Act 2010](#) A2010-10**

#### **sch 2 pt 2.10**

notified LR 31 March 2010

s 1, s 2 commenced 31 March 2010 (LA s 75 (1))

sch 2 pt 2.10 commenced 1 July 2010 (s 2 (1) (a))

### **[Statute Law Amendment Act 2011 \(No 2\)](#) A2011-28 sch 3 pt 3.19**

notified LR 31 August 2011

s 1, s 2 commenced 31 August 2011 (LA s 75 (1))

sch 3 pt 3.19 commenced 21 September 2011 (s 2 (1))

## 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 [A2001-44](#) 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 [A2001-44](#) 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 [A2001-44](#) amdt 1.2036

### Issue of prescriptions and supply of prescription medicines

s 10 am [A2001-44](#) 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  
am [A2010-10](#) amdt 2.52

### 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  
am [A2010-10](#) amdt 2.53

### Regulation-making power

s 13 am [A2001-44](#) amdt 1.2037, amdt 1.2038

### Modification of Act

pt 4 hdg ins [A2004-39](#) amdt 1.33  
exp 9 January 2009 (s 16)

## Endnotes

4 Amendment history

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### 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  
am [A2011-28](#) amdt 3.131  
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 [A2002-49](#) 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  
am [A2011-28](#) amdt 3.132  
def ***Health Professionals Act*** ins [A2004-39](#) amdt 1.34  
om [A2008-26](#) amdt 2.111  
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 [A2002-49](#) 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 [A2001-44](#) 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 replications

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

Since 12 September 2001 every authorised replication has been published in electronic pdf format on the ACT legislation register. A selection of authorised replications have also been published in printed format. These replications are marked with an asterisk (\*) in column 1. Electronic and printed versions of an authorised replication are identical.

Replication No	Amendments to	Replication date
1	not amended	24 July 2000
2	<a href="#">A2001-44</a>	18 July 2002
3	<a href="#">A2002-49</a>	17 January 2003
4	<a href="#">A2003-56</a>	19 December 2003
5	<a href="#">A2004-39</a>	7 July 2005
6	<a href="#">A2006-3</a>	1 November 2006
7	<a href="#">A2008-26</a>	10 January 2009
8	<a href="#">A2008-26</a>	14 February 2009
9*	<a href="#">A2010-10</a>	1 July 2010

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