



Australian Capital Territory

# **Health Professionals (Special Events Exemptions) Act 2000 No 25**

## **Republication No 2**

Republication date: 18 July 2002

Last amendment made by Act 2001 No 44

Amendments incorporated to 12 September 2001

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 18 July 2002. It also includes any amendment, repeal or expiry affecting the republished law to 12 September 2001.

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 includes 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.

Amendments incorporated to  
12 September 2001



Australian Capital Territory

# Health Professionals (Special Events Exemptions) Act 2000

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Amendments incorporated to  
12 September 2001



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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**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*.

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

**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

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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.

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	s = section/subsection
LRA = Legislation (Republication) Act 1996	sch = schedule
mod = modified / modification	sdiv = subdivision
No = number	sub = substituted
num = numbered	SL = Subordinate Law
o = order	<u>underlining</u> = whole or part not commenced or to be expired
om = omitted/repealed	

### 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)

### 4 Amendment history

#### **Commencement**

s 2 om R1 LRA

#### **Definitions for Act**

s 3 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 amdts 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 replications

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### 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. Except for the footer, electronic and printed versions of an authorised replication are identical.

Replication No	Amendments to	Replication date
1	not amended	24 July 2000

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