

South Australia

**Landlord and Tenant (Distress for Rent—Health
Records Exemption) Amendment Bill 2008**

A BILL FOR

An Act to amend the *Landlord and Tenant Act 1936*.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Landlord and Tenant (Distress for Rent—Health Records Exemption) Amendment Act 2008*.

5 2—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

Part 2—Amendment of *Landlord and Tenant Act 1936*

3—Amendment of section 13—Interpretation

10 Section 13—after definition of *immediate tenant* insert:

health practitioner means a person registered under the—

- (a) *Chiropractors Act 1991*; or
- (b) *Dental Practice Act 2001*; or
- (c) *Medical Practice Act 2004*; or
- 15 (d) *Optometry Practice Act 2007*; or
- (e) *Physiotherapy Practice Act 2005*; or
- (f) *Podiatry Practice Act 2005*; or
- (g) *Psychological Practices Act 1973*,

and includes a person formerly registered under an Act listed in paragraphs (a) to (g) (inclusive);

20 *record* means—

- (a) a documentary record; or
- (b) a record made by electronic, electromagnetic, photographic or optical process; or

- (c) any other kind of record.

4—Insertion of section 43A

After section 43 insert:

43A—Exemption of records of health practitioner

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- (1) A record of a health practitioner prepared or held in the course of, or for the purpose of, that practitioner's work as a practitioner is exempted from distress for rent.
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- (2) If, prior to the commencement of this section, a landlord distrained for rent a record of the kind referred to in subsection (1), the landlord must—
- (a) unless a direction is given under paragraph (b), take reasonable steps to return the record to the health practitioner to whose practice the record relates; or
- 15
- (b) if directed to do so by the Minister for Health, deliver the record to a person nominated by the Minister for Health.