

## House of Assembly

As passed all stages and awaiting assent.

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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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## Contents

### Part 1—Preliminary

- 1 Short title
- 2 Amendment provisions

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

- 3 Amendment of section 13—Interpretation
  - 4 Insertion of section 43A
    - 43A Exemption of records of health practitioner
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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*.

### 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

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

- (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);

**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**

- (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.
- (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
  - (b) if directed to do so by the Minister for Health, deliver the record to a person nominated by the Minister for Health.