

South Australia

Health Practitioner Regulation National Law (South Australia) (Remote Area Attendance) Variation Regulations 2019

under the *Health Practitioner Regulation National Law (South Australia) Act 2010*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Health Practitioner Regulation National Law (South Australia) (Remote Area Attendance) Variation Regulations 2019*.

2—Commencement

These regulations come into operation on the day on which section 4 of the *Health Practitioner Regulation National Law (South Australia) (Remote Area Attendance) Amendment Act 2017* comes into operation.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *Health Practitioner Regulation National Law (South Australia) Regulations 2010*

4—Insertion of regulations 11A, 11B, 11C, 11D, 11E and 11F

After regulation 11AA insert:

11A—Definitions in Part 5A (section 77A)

- (1) For the purposes of paragraph (b) of the definition of *health practitioner* in section 77A(1) of the Act, a health service provider within the meaning of the *Health Practitioner Regulation National Law (South Australia)* (other than a health practitioner within the meaning of the *Health Practitioner Regulation National Law (South Australia)*) is prescribed.

Note—

Health practitioners (within the meaning of the *Health Practitioner Regulation National Law (South Australia)*) are already included in the definition of *health practitioner* in section 77A(1) of the Act.

- (2) For the purposes of section 77A(2)(d) of the Act, the following areas are included in the ambit of the definition of *remote area*:
 - (a) the area of the District Council of Coober Pedy;
 - (b) the area of the Municipal Council of Roxby Downs.

11B—Application of Part 5A Division 2 of Act

For the purposes of section 77C(1)(d) of the Act, the following health practitioners are prescribed:

- (a) a health practitioner registered under the *Health Practitioner Regulation National Law (South Australia)* to practise in the medical profession;
- (b) a health practitioner registered under the *Health Practitioner Regulation National Law (South Australia)* to practise in the midwifery profession as a midwife;
- (c) a health practitioner registered under the *Health Practitioner Regulation National Law (South Australia)* to practise as a nurse in the registered nurses division of the nursing profession;
- (d) a health practitioner employed by, or otherwise providing a health service on behalf of, a person or body wholly or partly funded (by grant, service agreement or other such arrangement) by the Commonwealth Government.

11C—Second responders for remote area attendance

- (1) For the purposes of section 77D(1) of the Act, a health practitioner engages a person as a second responder for the purposes of a particular callout by—
 - (a) contacting the person by telephone or in person; and
 - (b) advising the person of—
 - (i) the general nature of the callout including the location and an estimate of the time required; and
 - (ii) the designated time and place for the health practitioner and the person to meet for the purposes of the callout; and
 - (c) confirming the eligibility, availability and agreement of the person to attend the callout as a second responder; and
 - (d) advising that the person is engaged as a second responder for the callout.
- (2) For the purposes of section 77D(2) of the Act, a second responder—
 - (a) must hold a current Australian driver's licence; and
 - (b) must have been subject to a working with children check (within the meaning of the *Child Safety (Prohibited Persons) Act 2016*) within the preceding 5 years; and
 - (c) must not be prohibited from working with children under the *Child Safety (Prohibited Persons) Act 2016* or a law of the Commonwealth or of another State or Territory.
- (3) Pursuant to section 77D(3)(a) of the Act, a person is engaged to act as a second responder from the time that a health practitioner advises the person that they are engaged as a second responder pursuant to subregulation (1)(d).
- (4) Pursuant to section 77D(3)(b) of the Act, a callout is completed in respect of a second responder when, after leaving the location of the callout or any other place at which the second responder attended in relation to the callout, the second responder arrives at their place of residence or other destination nominated by the second responder and advised to the health practitioner.

11D—Prescribed circumstances for remote area attendance

- (1) For the purposes of section 77E(3)(a) of the Act, premises approved by the Minister are prescribed premises.
- (2) For the purposes of section 77E(3)(b) of the Act, the following circumstances relating to a callout by a health practitioner are prescribed:
 - (a) where the callout is to a police station at which the health practitioner reasonably believes at least 1 police officer or special constable is present;

- (b) where—
 - (i) the callout is to a public place at which the health practitioner reasonably believes other persons are present; and
 - (ii) the health practitioner has, in accordance with policies and procedures under section 77H of the Act, undertaken a risk management assessment and determined that it is safe to attend the callout without a second responder;
- (c) where the callout is in response to an emergency at which the health practitioner reasonably believes at least 1 emergency services worker (other than the health practitioner) is present;
- (d) where the callout is to a health clinic or health facility and—
 - (i) the movement of members of the public into and throughout the clinic or facility is minimised and controlled by security measures (such as locks on doors, security gates and alarms); and
 - (ii) the health practitioner has, in accordance with policies and procedures under section 77H of the Act, undertaken a risk management assessment and determined that it is safe to attend the callout without a second responder;
- (e) where—
 - (i) the callout is to a place in a location for which there is a risk management plan approved by the Minister; and
 - (ii) the nature of the health services that, in the opinion of the health practitioner, are likely to be required at the callout are covered by or otherwise consistent with the approved risk management plan; and
 - (iii) the health practitioner has, in accordance with policies and procedures under section 77H of the Act and the risk management plan, undertaken a risk assessment and determined that it is safe to attend the callout without a second responder.

(3) In this regulation—

emergency services worker means any of the following persons:

- (a) a police officer;
- (b) a member of an emergency services organisation within the meaning of the *Fire and Emergency Services Act 2005*;
- (c) persons engaged in the provision of emergency ambulance services authorised under the *Health Care Act 2008*;

- (d) any other person, or person of a class, approved by the Minister to be an emergency services worker;

public place includes—

- (a) a place to which free access is permitted to the public, with the express or tacit consent of the owner or occupier of that place; and
- (b) a place to which the public are admitted on payment of money, the test of admittance being the payment of money only; and
- (c) a road, street, footway, court, alley or thoroughfare which the public are allowed to use, notwithstanding that the road, street, footway, court, alley or thoroughfare is on private property;

special constable has the same meaning as in the *Police Act 1998*.

11E—Application of Part 5A Division 3 of Act

- (1) For the purposes of section 77G(d) of the Act, the following persons and bodies are prescribed:
 - (a) if a designated person provides a health service on behalf of another person or body—that other person or body;
 - (b) in any other case—a designated person.
- (2) The following persons are *designated persons* for the purposes of subregulation (1):
 - (a) a person registered under the *Health Practitioner Regulation National Law (South Australia)* to practise in the medical profession;
 - (b) a person registered under the *Health Practitioner Regulation National Law (South Australia)* to practise in the midwifery profession as a midwife;
 - (c) a person registered under the *Health Practitioner Regulation National Law (South Australia)* to practise as a nurse in the registered nurses division of the nursing profession.

11F—Policies and procedures for remote area attendance

For the purposes of section 77H(2)(c) of the Act, the following provisions, and kinds of provisions, are required to be included in policies and procedures under section 77H of the Act:

- (a) provisions specifying the processes and content of risk assessment for health practitioners determining whether to attend a callout;
- (b) provisions to assist in assessing the eligibility and selection of persons to be second responders;
- (c) provisions to ensure appropriate security measures referred to in regulation 11D(2)(d).

Health Practitioner Regulation National Law (South Australia) (Remote Area Attendance) Variation Regulations 2019

Part 2—Variation of *Health Practitioner Regulation National Law (South Australia) Regulations 2010*

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 16 May 2019

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