

South Australia

Health Professionals (Special Events Exemption) Act 2000

An Act to allow visiting health professionals to provide health care services in the State in connection with special events without becoming registered under State law; and for other purposes.

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Legislative history

The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Health Professionals (Special Events Exemption) Act 2000*.

3—Interpretation

In this Act, unless the contrary intention appears—

exemption period, in relation to a special event, means a period specified in a special event order that applies to the event;

health care services means—

- (a) services ordinarily provided by medical practitioners, nurses, dentists, dental technicians, dental prosthetists, pharmacists, chiropodists, chiropractors, osteopaths, optometrists, physiotherapists, psychologists or optical dispensers; or
- (b) any other service prescribed by the regulations;

prescription drug means a substance that is a prescription drug for the purposes of the *Controlled Substances Act 1984*;

registration includes the licensing, approval, admission, certification (including by way of practising certificates), or any other form of authorisation, of a person required by or under legislation for carrying on an occupation;

relevant special event, in relation to a visiting health professional, means the special event in respect of which notice is given by the health professional under section 5(c);

special event means a specified event, or an event of a specified class, that is declared to be a special event by a special event order;

special event order means an order made by the Minister under section 4;

supply has the same meaning as in the *Controlled Substances Act 1984*;

visiting health professional—see section 5;

visitor—see section 6.

Part 2—Special events exemption for visiting health professionals

4—Special events

- (1) The Minister may, by order published in the Gazette, declare a specified event or an event of a specified class to be a special event for the purposes of this Act.
- (2) An order under subsection (1) may be made in relation to any sporting, cultural or other event that is to take place or is taking place in the State and that, in the opinion of the Minister, will attract or involve a significant number of participants from another country or other countries.
- (3) An order under subsection (1) must specify—
 - (a) the period or periods during which an exemption under this Act is to have effect in respect of a special event (which may include any period or periods before or after the special event takes place); and
 - (b) a procedure for the purposes of section 5(c) by which notice is to be given of a person's intention to provide health care services in the State to a visitor.

- (4) An order under subsection (1) may be of general or limited application and may vary in operation according to factors stated in the order.
- (5) The Minister may, by order published in the Gazette, vary or revoke an order published under subsection (1).

5—Definition of visiting health professional

For the purposes of this Act, a person is a *visiting health professional* if—

- (a) the person is an individual who is a resident of another country; and
- (b) the person is appointed, employed, contracted or otherwise engaged to provide health care services to a visitor; and
- (c) notice has been given, in accordance with the procedure specified in the relevant special event order, of the person's intention to provide health care services in the State to a visitor; and
- (d) the person is not registered under the *Health Practitioner Regulation National Law* in respect of the provision of those services.

6—Definition of visitor

For the purposes of this Act, a person is a *visitor* if—

- (a) the person is a resident of another country who is in the State for the purpose of officially participating in a special event, or for preparing, training, practising, rehearsing or acclimatising for a special event; or
- (b) the person is a resident of Australia who is in the State for such a purpose and is a member of a group the majority of members of which are residents of another country who are in the State for the same purpose.

7—Provision of health care services to visitors by visiting health professionals

- (1) A visiting health professional who has been appointed, employed, contracted or otherwise engaged to provide health care services to visitors is authorised to provide those services.
- (2) This section operates in relation to a visiting health professional only—
 - (a) during an exemption period for the relevant special event; and
 - (b) while the health professional is complying with the provisions of this Act and any relevant conditions imposed in accordance with this Act.

8—Conditions on practice by visiting health professionals

- (1) A special event order may impose conditions on the provision of health care services by a visiting health professional.
- (2) A condition imposed by a special event order may apply generally or to a particular special event or to persons or events of a particular class.
- (3) The regulations may also make provision for or with respect to conditions to be imposed on the provision of health care services by a visiting health professional.

9—Issue of prescriptions and supply of certain substances

- (1) A visiting health professional may give a prescription for a prescription drug only if authorised to do so by a special event order.
- (2) The Minister may, by a special event order—
 - (a) authorise a specified visiting health professional, all visiting health professionals or visiting health professionals of a specified class to give prescriptions for prescription drugs in the course of providing health care services in accordance with this Act; and
 - (b) authorise a specified person or persons of a specified class to supply prescription drugs on such a prescription; and
 - (c) authorise a specified visiting health professional, all visiting health professionals or visiting health professionals of a specified class to be supplied with any substance by wholesale; and
 - (d) authorise a specified person or a person of a specified class to supply any substance by wholesale to any visiting health professional, but only if the person is licensed or otherwise authorised under the *Controlled Substances Act 1984* to supply the substance by wholesale to a medical practitioner.
- (3) The Minister must not make a special event order containing an authorisation referred to in subsection (2) unless the Minister is satisfied that adequate arrangements are in place to ensure that the drugs or substances concerned will only be prescribed for and supplied to persons to whom visiting health professionals are authorised to provide health care services under this Act.
- (4) A special event order may impose conditions on any authorisation referred to in this section that is conferred by the order.
- (5) A condition imposed under subsection (4) may apply generally or to a particular special event or a particular class of persons.

10—Exemptions relating to offences

- (1) A visiting health professional does not commit an offence under the *Health Practitioner Regulation National Law* or the *Controlled Substances Act 1984* by—
 - (a) providing health care services authorised by this Act; or
 - (b) possessing or supplying any substance in the course of providing those authorised health care services; or
 - (c) giving a prescription for any substance in accordance with this Act; or
 - (d) holding himself or herself out as being able to provide those authorised health care services; or
 - (e) using any name, initials, description, word, symbol or title that he or she ordinarily uses.
- (2) A visitor does not commit an offence under the *Controlled Substances Act 1984* by doing anything, 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 under the *Controlled Substances Act 1984* by—
- (a) supplying a prescription drug in accordance with a written prescription given by a visiting health professional if—
 - (i) the health professional is authorised in accordance with this Act to give the prescription; and
 - (ii) the person is authorised in accordance with this Act to supply the substance on such a prescription; or
 - (b) supplying any substance by wholesale to a visiting health professional if—
 - (i) the person is authorised in accordance with this Act to supply the substance by wholesale; and
 - (ii) the visiting health professional is authorised in accordance with this Act to be supplied with the substance by wholesale; and
 - (iii) the person is complying with any conditions to which the person's authorisation under the *Controlled Substances Act 1984* is subject.
- (4) The regulations may prescribe other offences to which subsection (1), (2) or (3) applies.

Part 3—Miscellaneous

11—Complaints about visiting health professionals

- (1) A complaint cannot be made about a visiting health professional under the *Health Practitioner Regulation National Law* and no disciplinary action can be taken against a visiting health professional under such an Act.
- (2) However, this section does not prevent the bringing of proceedings for an offence against the *Health Practitioner Regulation National Law*.

12—Application of Act to particular persons

- (1) The Minister may, by order published in the Gazette, declare that this Act or a specified provision of this Act does not apply to or in relation to a specified person or persons of a specified class.
- (2) An order under subsection (1) has effect according to its terms.
- (3) The Minister may, by order published in the Gazette, vary or revoke an order published under subsection (1).

13—Regulations

- (1) The Governor may make such regulations as are contemplated by, or necessary or expedient for the purposes of, this Act.
- (2) The regulations may prescribe penalties not exceeding a \$1 250 fine for breach of, or non-compliance with, a regulation.

14—Review of Act

- (1) The Minister must review this Act to determine whether the policy objectives of this Act remain valid and whether the terms of this Act remain appropriate for securing those objectives.

- (2) The review must be undertaken as soon as practicable after the period of 5 years from the date of assent to this Act.
- (3) A report on the outcome of the review must be prepared and the Minister must cause a copy of the report to be tabled in each House of Parliament within 12 months after the end of the period referred to in subsection (2).

Legislative history

Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Principal Act and amendments

New entries appear in bold.

Year	No	Title	Assent	Commencement
2000	12	<i>Health Professionals (Special Events Exemption) Act 2000</i>	11.5.2000	10.8.2000 (<i>Gazette</i> 10.8.2000 p445)
2010	5	<i>Health Practitioner Regulation National Law (South Australia) Act 2010</i>	1.7.2010	Sch 1 (cll 17—20)—1.7.2010 (<i>Gazette</i> 1.7.2010 p3338)

Provisions amended

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
Pt 1		
s 2	<i>omitted under Legislation Revision and Publication Act 2002</i>	
s 3		
	<i>Health Registration deleted by 5/2010 Sch 1 cl 17 Act</i>	1.7.2010
Pt 2		
s 5	amended by 5/2010 Sch 1 cl 18	1.7.2010
s 10		
s 10(1)	amended by 5/2010 Sch 1 cl 19	1.7.2010
Pt 3		
s 11		
s 11(1)	amended by 5/2010 Sch 1 cl 20(1)	1.7.2010
s 11(2)	amended by 5/2010 Sch 1 cl 20(2)	1.7.2010