

Queensland



# **HEALTH PRACTITIONERS (SPECIAL EVENTS EXEMPTION) ACT 1998**

**Reprinted as in force on 7 June 2002  
(includes amendments up to Act No. 16 of 2001)**

**Reprint No. 2**

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# Information about this reprint

This Act is reprinted as at 7 June 2002. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 have also been made to use standard punctuation consistent with current drafting practice (s 27).

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of earlier reprints is included in the endnotes.

**Also see endnotes for information about—**

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

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# HEALTH PRACTITIONERS (SPECIAL EVENTS EXEMPTION) ACT 1998

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# **HEALTH PRACTITIONERS (SPECIAL EVENTS EXEMPTION) ACT 1998**

[as amended by all amendments that commenced on or before 7 June 2002]

**An Act to allow visiting health practitioners to provide health care services in the State for special events without becoming registered under State law, and for other purposes**

## **PART 1—PRELIMINARY**

### **1 Short title**

This Act may be cited as the *Health Practitioners (Special Events Exemption) Act 1998*.

### **2 Main purpose of Act**

The main purpose of this Act is to allow for exempting visiting health practitioners from having to register under State law when in the State for particular sporting, cultural or other events.

## **PART 2—INTERPRETATION**

### **3 Definitions**

The dictionary in the schedule defines particular words used in this Act.

### **4 Meaning of “visiting health practitioner”**

A person is a “visiting health practitioner” if—

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- (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) notification is given of the person's intention to provide the health care services in the State to the visitor under the procedure stated in the special event notice for the special event concerned.

## **5 Meaning of “visitor”**

A person is a “**visitor**” if—

- (a) the person is a resident of another country who is in the State to officially participate in, or prepare for, a special event; or
- (b) the person is a resident of Australia who is in the State for a purpose mentioned in paragraph (a) and is a member of a group the majority of the members of which are persons mentioned in paragraph (a) who are in the State for the same purpose.

## **PART 3—SPECIAL EVENTS EXEMPTION FOR VISITING HEALTH PRACTITIONERS**

## **6 Declaration of special events**

(1) A regulation may declare a sporting, cultural or other event to be a special event for this Act.

(2) The regulation must be for—

- (a) an event taking place, or to take place, in the State that will or is likely to attract a significant number of participants from other countries; or
- (b) an event taking place, or to take place, in another State that will or is likely to attract a significant number of participants from other countries some of whom are likely to come to this State to prepare for the event.

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(3) The regulation must state a period when an exemption under this Act has effect for the special event (the “**exemption period**”).

(4) The exemption period for the special event may include a period before or after the special event takes place.

## **7 Special event notice**

(1) The Minister may publish a notice in the gazette for a special event (a “**special event notice**”).

(2) The notice must state a procedure for section 4(c) by which notification is to be given of a person’s intention to provide health care services in the State to a visitor.

(3) The stated procedure may require the giving of information.

## **8 Provision of health care services by visiting health practitioners**

(1) A visiting health practitioner is authorised to provide health care services to a visitor if the health practitioner has been appointed, employed, contracted or otherwise engaged to provide the services for the visitor and the notification for the practitioner mentioned in section 4(c) relates to the visitor.

(2) Subsection (1) applies to a visiting health practitioner only—

- (a) during the exemption period for the special event to which the notification relates; and
- (b) while the health practitioner is complying with this Act and conditions imposed under this Act.

## **9 Conditions on provision of health care services by visiting health practitioners**

A special event notice may impose conditions on the provision of health care services by a visiting health practitioner.

## **10 Issue of prescriptions and supply of certain substances**

(1) A special event notice may—

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- (a) authorise a visiting health practitioner to issue prescriptions for a restricted or controlled drug in the course of providing health care services under this Act; and
- (b) authorise a dispenser to dispense a restricted or controlled drug on a prescription issued under paragraph (a); and
- (c) authorise a visiting health practitioner to be supplied with an S2 or S3 substance by wholesale for the practitioner to provide health care services under this Act; and
- (d) authorise a wholesaler to supply an S2 or S3 substance by wholesale to a visiting health practitioner authorised under paragraph (c).

(2) However a special event notice must not contain an authorisation under subsection (1) unless the Minister is satisfied adequate arrangements are in place to ensure the substance concerned will only be prescribed for and supplied to persons to whom visiting health practitioners are authorised to provide health care services under this Act.

(3) A special event notice may impose conditions on an authorisation under this section conferred by the notice.

## **11 Storage of restricted or controlled drugs**

A visiting health practitioner must ensure a restricted or controlled drug in the visiting health practitioner's possession is kept—

- (a) in a secure place under the visiting health practitioner's personal control; and
- (b) in accordance with written directions given to the practitioner by the chief executive.

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## 12 Exemptions relating to offences

(1) A visiting health practitioner does not commit an offence under a health registration Act, the *Health (Drugs and Poisons) Regulation 1996*, or the *Drugs Misuse Act 1986* by<sup>1</sup>—

- (a) providing health care services authorised under this Act; or
- (b) if a substance is a substance that may be lawfully possessed, supplied or administered by a local health practitioner—possessing, supplying or administering the substance in the course of providing the authorised health care services; or
- (c) prescribing under this Act a restricted or controlled drug in the course of providing the authorised health care services; or
- (d) holding himself or herself out as being able to provide the authorised health care services; or
- (e) using a title, reference to a qualification, description, word, letter or symbol the visiting health practitioner ordinarily uses.

(2) A visitor does not commit an offence under the *Health (Drugs and Poisons) Regulation 1996* or the *Drugs Misuse Act 1986*, by doing any thing, or possessing a substance, as a result of being provided with health care services under this Act.

(3) A dispenser does not commit an offence under the *Health (Drugs and Poisons) Regulation 1996* by, under a prescription issued by a visiting health practitioner, dispensing a restricted or controlled drug if—

- (a) the dispenser believes, on reasonable grounds, the health practitioner is authorised under this Act to issue the prescription; and
- (b) the dispenser is authorised under this Act to dispense the drug on the prescription of a visiting health practitioner authorised under this Act to issue the prescription.

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<sup>1</sup> A visiting health practitioner who provides health care services otherwise than in accordance with section 8 of this Act loses the exemption given by section 12 in relation to the commission of offences under a health registration Act, the *Health (Drugs and Poisons) Regulation 1996* or the *Drugs Misuse Act 1986*.

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(4) A wholesaler does not commit an offence under the *Health (Drugs and Poisons) Regulation 1996* or the *Drugs Misuse Act 1986*, by supplying an S2 or S3 substance by wholesale to a visiting health practitioner if—

- (a) the wholesaler believes, on reasonable grounds, the visiting health practitioner is authorised under this Act to be supplied with the substance by wholesale; and
- (b) the wholesaler is authorised under this Act to supply the substance by wholesale to a visiting health practitioner authorised under this Act to be supplied with the substance by wholesale; and
- (c) the wholesaler is complying with the conditions to which the person's licence is subject under the *Health (Drugs and Poisons) Regulation 1996*.

## **PART 4—MONITORING**

### **13 Monitoring the prescribing and supplying of certain substances**

The chief executive must monitor the prescribing of restricted and controlled drugs by visiting health practitioners, and the supplying of S2 and S3 substances by wholesalers, under a special event notice.

### **14 Dispensers to forward copies of prescriptions**

(1) This section applies to a dispenser who, under a special event notice, dispenses a restricted or controlled drug.

(2) The dispenser must, within 14 days of dispensing the drug, give to the chief executive a copy of the prescription on which the drug was dispensed.

Maximum penalty—40 penalty units.

(3) For subsection (2), the copy of the prescription must clearly show the type and quantity of the drug to which the prescription relates.

## **PART 5—MISCELLANEOUS**

### **15 Complaints about visiting health practitioners**

(1) A complaint may not be made about a visiting health practitioner under the *Health Rights Commission Act 1991*.

(2) However, subsection (1) does not apply to a complaint for an offence or prevent the bringing of proceedings for an offence.

(3) Subsection (1) does not apply to a visiting health practitioner who is registered under a health registration Act.

### **16 Act does not limit the practice of local health practitioners**

This Act does not prejudice or affect the lawful occupation, trade or business of a person in the person's capacity as a local health practitioner.

### **17 Proceedings for offences**

A proceeding for an offence against this Act may be taken in a summary way under the *Justices Act 1886*.

### **18 Regulation-making power**

The Governor in Council may make regulations under this Act.

## SCHEDULE

### DICTIONARY

section 3

**“administer”**, a substance, means give a person a single treatment dose of the substance.

**“controlled drug”** has the meaning given in the *Health (Drugs and Poisons) Regulation 1996*.<sup>2</sup>

**“dispense”** means sell or offer to sell on prescription.

**“dispenser”** means a person who, under the *Health (Drugs and Poisons) Regulation 1996*, may dispense a restricted or controlled drug.

**“exemption period”** see section 6(3).

**“health care services”** means services ordinarily provided by chiropractors, dental prosthetists, dental technicians, dentists, medical practitioners, nurses, occupational therapists, optometrists, osteopaths, pharmacists, physiotherapists, podiatrists, psychologists and speech pathologists.

**“health registration Act”** means any of the following Acts—

- *Chiropractors Registration Act 2001*
- *Dental Practitioners Registration Act 2001*
- *Dental Technicians and Dental Prosthetists Registration Act 2001*
- *Medical Practitioners Registration Act 2001*
- *Medical Radiation Technologists Registration Act 2001*
- *Nursing Act 1992*
- *Occupational Therapists Registration Act 2001*

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<sup>2</sup> *Health (Drugs and Poisons) Regulation 1996*, appendix 9—

**“controlled drug”** means an S8 substance.

See footnote 4 for meaning of “S8”.

SCHEDULE (continued)

- *Optometrists Registration Act 2001*
- *Osteopaths Registration Act 2001*
- *Pharmacists Registration Act 2001*
- *Physiotherapists Registration Act 2001*
- *Podiatrists Registration Act 2001*
- *Psychologists Registration Act 2001*
- *Speech Pathologists Registration Act 2001.*

**“local health practitioner”** means a person registered under a health registration Act.

**“possess”**, a substance, includes—

- (a) have custody or control of the substance; or
- (b) have an ability or right to obtain custody or control of the substance.

**“prepare”** includes the following—

- (a) train;
- (b) practise;
- (c) rehearse;
- (d) acclimatise.

**“prescription”** means a written direction authorising a dispenser to dispense a stated restricted or controlled drug.

**“restricted drug”** has the meaning given in the *Health (Drugs and Poisons) Regulation 1996*.<sup>3</sup>

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<sup>3</sup> *Health (Drugs and Poisons) Regulation 1996*, appendix 9—

**“restricted drug”** means a drug in appendix 7A of this regulation.

SCHEDULE (continued)

**“S2 substance”** or **“S3 substance”** means a substance classified S2 or S3 under the *Health (Drugs and Poisons) Regulation 1996*.<sup>4</sup>

**“special event”** means an event declared to be a special event under section 6(1).

**“special event notice”** see section 7(1).

**“supply”** includes—

- (a) distribute, give or sell; and
- (b) offer or agree to distribute, give or sell; and
- (c) cause or permit to be distributed, given or sold; and
- (d) attempt to supply or do an act mentioned in paragraphs (a) to (c).

**“visiting health practitioner”** see section 4.

**“visitor”** see section 5.

**“wholesaler”**, in relation to the supply of an S2 or S3 substance, means a person who, under the *Health (Drugs and Poisons) Regulation 1996*, is licensed to supply the substance by wholesale.

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4 *Health (Drugs and Poisons) Regulation 1996*, section 5, the expression **“S2”**, **“S3”**, **“S4”**, **“S5”**, **“S6”**, **“S7”**, **“S8”** or **“S9”** means—

- (a) if followed by a controlled drug, restricted drug or a poison—the drug or poison in the schedule to the standard with the number given in the expression; or
- (b) if followed by ‘poison’ without naming a poison or substance—any poison in the schedule to the standard with the number given in the expression.

*Examples—*

1. If a provision mentions ‘S2 fluorides’, it means fluorides in schedule 2 to the standard, i.e., fluorides in preparations for topical human therapeutic use.
2. If a provision mentions ‘S3 fluorides’, it means fluorides in schedule 3 to the standard, i.e., fluorides in dentifrices containing more than 1 000 mg/kg of fluoride ion. Fluorides may also be included in other schedules, for example as S4, S5 or S6 poisons.
3. If a provision mentions ‘S7 poison’, it means any poison in schedule 7 to the standard.

## ENDNOTES

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### 2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 7 June 2002. Future amendments of the Health Practitioners (Special Events Exemption) Act 1998 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

### 3 Key

#### Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	prev	= previous
amd	= amended	(prev)	= previously
amdt	= amendment	proc	= proclamation
ch	= chapter	prov	= provision
def	= definition	pt	= part
div	= division	pubd	= published
exp	= expires/expired	R[X]	= Reprint No.[X]
gaz	= gazette	RA	= Reprints Act 1992
hdg	= heading	reloc	= relocated
ins	= inserted	renum	= renumbered
lap	= lapsed	rep	= repealed
notfd	= notified	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 1992
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered

## 4 Table of earlier reprints

### TABLE OF EARLIER REPRINTS

[If a reprint number includes a roman letter, the reprint was released in unauthorised, electronic form only.]

Reprint No.	Amendments included	Reprint date
1	to Act No. 41 of 1998	18 May 1999
1A	to Act No. 46 of 2000	3 November 2000
1B	to Act No. 16 of 2001	11 January 2002
1C	to Act No. 16 of 2001	8 February 2002
1D	to Act No. 16 of 2001	15 March 2002
1E	to Act No. 16 of 2001	1 May 2002
1F	to Act No. 16 of 2001	21 May 2002

## 5 List of legislation

### **Health Practitioners (Special Events Exemption) Act 1998 No. 40**

date of assent 27 November 1998

commenced on date of assent

amending legislation—

### **Health and Other Legislation Amendment Act 1998 No. 41 ss 1, 2(2), 14(1) sch 1 (this Act is amended, see amending legislation below)**

date of assent 27 November 1998

ss 1–2 commenced on date of assent

remaining provisions commenced 21 December 1998 (1998 SL No. 346)

amending legislation—

### **Statute Law (Miscellaneous Provisions) Act 1999 No. 19 ss 1–3 sch (amends 1998 No. 41 above)**

date of assent 30 April 1999

ss 1–2 commenced on date of assent

remaining provisions commenced 27 November 1998 (see s 2, sch)

### **Statute Law (Miscellaneous Provisions) Act 2000 No. 46 ss 1, 3 sch**

date of assent 25 October 2000

commenced on date of assent

### **Chiropractors Registration Act 2001 No. 3 ss 1–2, 241 sch 2**

date of assent 11 May 2001

ss 1–2 commenced on date of assent

remaining provisions 1 May 2002 (2002 SL No. 73)

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**Dental Practitioners Registration Act 2001 No. 4 ss 1–2, 267 sch 2**

date of assent 11 May 2001

ss 1–2 commenced on date of assent

remaining provisions commenced 1 January 2002 (2001 SL No. 258)

**Dental Technicians and Dental Prosthetists Registration Act 2001 No. 5 ss 1–2, 247 sch 2**

date of assent 11 May 2001

ss 1–2 commenced on date of assent

remaining provisions commenced 1 May 2002 (2002 SL No. 74)

**Medical Practitioners Registration Act 2001 No. 7 ss 1–2, 302 sch 2**

date of assent 11 May 2001

ss 1–2 commenced on date of assent

remaining provisions commenced 1 March 2002 (2002 SL No. 30)

**Medical Radiation Technologists Registration Act 2001 No. 8 ss 1–2, 237 sch 2**

date of assent 11 May 2001

ss 1–2 commenced on date of assent

remaining provisions commenced 12 May 2002 (automatic commencement under AIA s 15DA(2))

**Occupational Therapists Registration Act 2001 No. 9 ss 1–2, 239 sch 2**

date of assent 11 May 2001

ss 1–2 commenced on date of assent

remaining provisions commenced 1 February 2002 (2001 SL No. 259)

**Optometrists Registration Act 2001 No. 10 ss 1–2, 237 sch 2**

date of assent 11 May 2001

ss 1–2 commenced on date of assent

remaining provisions commenced 1 February 2002 (2001 SL No. 260)

**Pharmacists Registration Act 2001 No. 12 ss 1–2, 245 sch 2**

date of assent 11 May 2001

ss 1–2 commenced on date of assent

remaining provisions commenced 1 February 2002 (2001 SL No. 261)

**Physiotherapists Registration Act 2001 No. 13 ss 1–2, 242 sch 2**

date of assent 11 May 2001

ss 1–2 commenced on date of assent

remaining provisions commenced 1 February 2002 (2001 SL No. 262)

**Podiatrists Registration Act 2001 No. 14 ss 1–2, 238 sch 2**

date of assent 11 May 2001

ss 1–2 commenced on date of assent

remaining provisions commenced 1 May 2002 (2002 SL No. 76)

**Psychologists Registration Act 2001 No. 15 ss 1–2, 255 sch 2**

date of assent 11 May 2001

ss 1–2 commenced on date of assent

remaining provisions commenced 1 May 2002 (2002 SL No. 77)

**Speech Pathologists Registration Act 2001 No. 16 ss 1–2, 236 sch 2**

date of assent 11 May 2001

ss 1–2 commenced on date of assent

remaining provisions commenced 1 February 2002 (2001 SL No. 263)

## 6 List of annotations

**Storage of restricted or controlled drugs**

s 11 amd 1998 No. 41 s 14(1) sch 1 (amd 1999 No. 19 s 3 sch)

**Monitoring the prescribing and supplying of certain substances**

s 13 amd 1998 No. 41 s 14(1) sch 1 (amd 1999 No. 19 s 3 sch)

**Dispensers to forward copies of prescriptions**

s 14 amd 1998 No. 41 s 14(1) sch 1 (amd 1999 No. 19 s 3 sch)

**Complaints about visiting health practitioners**

s 15 amd 2000 No. 46 s 3 sch

**SCHEDULE—DICTIONARY**

def “**health registration Act**” amd 2001 No. 3 s 241 sch 2; 2001 No. 4 s 267 sch 2; 2001 No. 5 s 247 sch 2; 2001 No. 7 s 302 sch 2; 2001 No. 8 s 237 sch 2; 2001 No. 9 s 239 sch 2; 2001 No. 10 s 237 sch 2; 2001 No. 12 s 245 sch 2; 2001 No. 13 s 242 sch 2; 2001 No. 14 s 238 sch 2; 2001 No. 15 s 255 sch 2; 2001 No. 16 s 236 sch 2