

Queensland



HEALTH PRACTITIONERS (SPECIAL EVENTS EXEMPTION) ACT 1998

**Reprinted as in force on 18 May 1999
(includes amendments up to Act No. 41 of 1998)**

Reprint No. 1

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the Office of the Queensland Parliamentary Counsel
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Information about this reprint

This Act is reprinted as at 18 May 1999. 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 mentioned in the following list have also been made to—

- use standard punctuation consistent with current drafting practice (s 27)
- omit the enacting words (s 42A).

Also see endnotes for information about when provisions commenced.

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HEALTH PRACTITIONERS (SPECIAL EVENTS EXEMPTION) ACT 1998

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*Health Practitioners (Special Events
Exemption) Act 1998*

HEALTH PRACTITIONERS (SPECIAL EVENTS EXEMPTION) ACT 1998

[as amended by all amendments that commenced on or before 18 May 1999]

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

Short title

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

Main purpose of Act

2. 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

Definitions

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

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Meaning of “visiting health practitioner”

4. A person is a “visiting health practitioner” 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) 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.

Meaning of “visitor”

5. 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

Declaration of special events

6.(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

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(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.

(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.

Special event notice

7.(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.

Provision of health care services by visiting health practitioners

8.(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.

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Conditions on provision of health care services by visiting health practitioners

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

Issue of prescriptions and supply of certain substances

10.(1) A special event notice may—

- (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.

Storage of restricted or controlled drugs

11. 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

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- (b) in accordance with written directions given to the practitioner by the chief executive.

Exemptions relating to offences

12.(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* by¹—

- (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

¹ 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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- (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.

(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

Monitoring the prescribing and supplying of certain substances

13. 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.

Dispensers to forward copies of prescriptions

14.(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.

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(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

Complaints about visiting health practitioners

15.(1) A complaint may not be made about a visiting health practitioner under the *Health Rights Commission Act 1991* or a health registration Act and no disciplinary action may be taken against a visiting health practitioner under the Act.

(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.

Act does not limit the practice of local health practitioners

16. 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.

Proceedings for offences

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

Regulation-making power

18. 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*.²

“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 and Osteopaths Act 1979*
- *Dental Act 1971*
- *Dental Technicians and Dental Prosthetists Act 1991*
- *Medical Act 1939*
- *Nursing Act 1992*
- *Occupational Therapists Act 1979*

² *Health (Drugs and Poisons) Regulation 1996*, appendix 9—
“controlled drug” means an S8 substance.

See footnote 4 for meaning of “S8”.

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- *Optometrists Act 1974*
- *Pharmacy Act 1976*
- *Physiotherapists Act 1964*
- *Podiatrists Act 1969*
- *Psychologists Act 1977*
- *Speech Pathologists Act 1979.*

“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*.³

“S2 substance” or **“S3 substance”** means a substance classified S2 or S3

³ *Health (Drugs and Poisons) Regulation 1996*, appendix 9—

“restricted drug” means—

- (a) an S4 substance other than solasodine; and
- (b) alkaloids and alkaloidal glycosides of plants of the genus solanum for human therapeutic use.

See footnote 4 for meaning of “S4”.

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under the *Health (Drugs and Poisons) Regulation 1996*.⁴

“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.

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.

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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 18 May 1999. 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

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
p	=	page	SIA	=	Statutory Instruments Act 1992
para	=	paragraph	SL	=	subordinate legislation
prec	=	preceding	sub	=	substituted
pres	=	present	unnum	=	unnumbered

4 List of legislation

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

date of assent 27 November 1998

commenced on date of assent

as amended by—

Health and Other Legislation Amendment Act 1998 No. 41 ss 1, 2(2), 14(1) sch 1 (as amd 1999 No. 19 ss 1–3 sch (as from 27 November 1998))

date of assent 27 November 1998

ss 1–2 commenced on date of assent

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

5 List of annotations

Storage of restricted or controlled drugs

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

Dispensers to forward copies of prescriptions

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