

Queensland



# HEALTH PRACTITIONERS (SPECIAL EVENTS EXEMPTION) ACT 1998

**Reprinted as in force on 3 November 2000  
(includes amendments up to Act No. 46 of 2000)**

**Reprint No. 1A**

This reprint is prepared by  
the Office of the Queensland Parliamentary Counsel  
Warning—This reprint is not an authorised copy

# Information about this reprint

This Act is reprinted as at 3 November 2000. 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.

This page is specific to this reprint. See previous reprint 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 reprint.**

Queensland



# HEALTH PRACTITIONERS (SPECIAL EVENTS EXEMPTION) ACT 1998

## TABLE OF PROVISIONS

Section		Page
<b>PART 1—PRELIMINARY</b>		
1	Short title .....	3
2	Main purpose of Act .....	3
<b>PART 2—INTERPRETATION</b>		
3	Definitions .....	3
4	Meaning of “visiting health practitioner” .....	4
5	Meaning of “visitor” .....	4
<b>PART 3—SPECIAL EVENTS EXEMPTION FOR VISITING HEALTH PRACTITIONERS</b>		
6	Declaration of special events .....	4
7	Special event notice .....	5
8	Provision of health care services by visiting health practitioners .....	5
9	Conditions on provision of health care services by visiting health practitioners .....	6
10	Issue of prescriptions and supply of certain substances .....	6
11	Storage of restricted or controlled drugs .....	6
12	Exemptions relating to offences .....	7
<b>PART 4—MONITORING</b>		
13	Monitoring the prescribing and supplying of certain substances .....	8
14	Dispensers to forward copies of prescriptions .....	8
<b>PART 5—MISCELLANEOUS</b>		
15	Complaints about visiting health practitioners .....	9
16	Act does not limit the practice of local health practitioners .....	9
17	Proceedings for offences .....	9

*Health Practitioners (Special Events  
Exemption) Act 1998*

---

18 Regulation-making power ..... 9

**SCHEDULE** ..... 10

**DICTIONARY**

**ENDNOTES**

1 Index to endnotes ..... 13

2 Date to which amendments incorporated ..... 13

3 Key ..... 14

4 Table of earlier reprints ..... 14

5 List of legislation ..... 14

6 List of annotations ..... 15

*Health Practitioners (Special Events  
Exemption) Act 1998*

---

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

[as amended by all amendments that commenced on or before 3 November 2000]

**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.

*Health Practitioners (Special Events  
Exemption) Act 1998*

---

**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

*Health Practitioners (Special Events  
Exemption) Act 1998*

---

(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.

*Health Practitioners (Special Events  
Exemption) Act 1998*

---

### **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



*Health Practitioners (Special Events  
Exemption) Act 1998*

---

- (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* 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

---

<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*.

*Health Practitioners (Special Events  
Exemption) Act 1998*

---

- (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.

*Health Practitioners (Special Events  
Exemption) Act 1998*

---

(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*

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

---

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

See footnote 4 for meaning of “S8”.

*Health Practitioners (Special Events  
Exemption) Act 1998*

---

SCHEDULE (continued)

- *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—

- have custody or control of the substance; or
- have an ability or right to obtain custody or control of the substance.

**“prepare”** includes the following—

- train;
- practise;
- rehearse;
- 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>

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

---

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

**“restricted drug”** means—

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

See footnote 4 for meaning of “S4”.

*Health Practitioners (Special Events  
Exemption) Act 1998*

---

SCHEDULE (continued)

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.

---

<sup>4</sup> *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

### 1 Index to endnotes

		Page
2	Date to which amendments incorporated . . . . .	13
3	Key . . . . .	14
4	Table of earlier reprints . . . . .	14
5	List of legislation . . . . .	14
6	List of annotations . . . . .	15

### 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 3 November 2000. 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.

*Health Practitioners (Special Events  
Exemption) Act 1998*

---

### 3 Key

Key to abbreviations in list of legislation and annotations

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

### 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

### 5 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



*Health Practitioners (Special Events  
Exemption) Act 1998*

---

ss 1–2 commenced on date of assent  
remaining provisions commenced 21 December 1998 (1998 SL No. 346)

**Statute Law (Miscellaneous Provisions) Act 2000 No. 46 ss 1, 3 sch**  
date of assent 25 October 2000  
commenced on date of assent

## **6 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)

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

**s 15** amd 2000 No. 46 s 3 sch