

[Act 1997 No 90]



New South Wales

Health Professionals (Special Events Exemption) Bill 1997

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to provide exemptions from the registration requirements of certain health legislation for health professionals who accompany overseas visitors participating in or training for declared sporting, cultural and other events. The exemptions may be subject to conditions and only operate in relation to the provision of health care services to the overseas visitors who engage the services of the health care professionals concerned and other visitors if certain arrangements are observed.

Outline of provisions

Part 1 Preliminary

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

Clause 3 defines certain words and expressions used in the proposed Act.

Clause 4 states that notes used in the proposed Act are explanatory only and do not form part of the proposed Act.

Part 2 Special events exemption for visiting health professionals

Clause 5 enables the Minister, by order published in the Gazette, to declare a sporting, cultural or other event to be a special event for the purposes of the proposed Act and to specify a period for which the declaration will operate.

Clause 6 provides that a person is a visitor for the purposes of the proposed Act if the person is a resident of another country and is in the State to participate in, train for or acclimatise for a declared special event or is a member of a group the majority of which comprises such persons and is in the State for those purposes, even though not a resident of another country.

Clause 7 provides that a person is a visiting health professional for the purposes of the proposed Act if the person is a resident of another country and is engaged to provide health care services to a visitor. Notice of the person's intention to provide health care services must be given.

Clause 8 authorises a visiting health professional to provide the health care services that he or she was engaged to provide. The authorisation operates only during the exemption period declared for the relevant special event and if the visiting health professional is complying with the Act, the regulations and any conditions placed on the authorisation.

Clause 9 enables conditions to be placed on the provision of health care services by visiting health professionals.

Clause 10 provides that a visiting health professional may issue a written prescription for a substance classified as a restricted substance or drug of addiction under the *Poisons and Therapeutic Goods Act 1966* only if authorised to do so by an order under clause 5. The Minister may by such an

order authorise the issuing of written prescriptions for such substances by certain visiting health professionals or by all visiting health professionals and may authorise a person or class of persons to fill such a prescription. The clause also enables the Minister to authorise certain suppliers to supply substances by wholesale to certain visiting health professionals.

Clause 11 provides that visiting health professionals do not commit an offence under the following Health Registration Acts or under the *Poisons and Therapeutic Goods Act 1966* or the *Drug Misuse and Trafficking Act 1985* by providing health care services in accordance with the proposed Act:

Chiropractors and Osteopaths Act 1991
Dental Technicians Registration Act 1975
Dentists Act 1989
Medical Practice Act 1992
Nurses Act 1991
Optical Dispensers Act 1963
Optometrists Act 1930
Pharmacy Act 1964
Physiotherapists Registration Act 1945
Podiatrists Act 1989
Psychologists Act 1989

The clause provides that a visitor does not commit an offence under the *Poisons and Therapeutic Goods Act 1966* or the *Drug Misuse and Trafficking Act 1985* by doing any thing or possessing any substance as a result of receiving health care services from a visiting health professional.

The clause enables authorised persons to fill prescriptions issued in accordance with the proposed Act or to supply substances by wholesale in accordance with the proposed Act without committing offences under the *Poisons and Therapeutic Goods Act 1966* or the *Drug Misuse and Trafficking Act 1985*.

The clause enables regulations to be made prescribing other offences from which such persons will be exempt in relation to the provision of health services in accordance with the proposed Act.

Part 3 Miscellaneous

Clause 12 prevents the making of a complaint or the taking of disciplinary action against a visiting health professional under the *Health Care Complaints Act 1993* or a Health Registration Act. This provision will not prevent the taking of proceedings against a visiting health professional for the commission of an offence against those Acts.

Clause 13 enables the Minister, by order published in the Gazette, to declare that the proposed Act or specified provisions of the proposed Act do not apply to certain persons or classes of persons.

Clause 14 makes it clear that a person who is already registered under a Health Registration Act is not limited by the proposed Act in the practice of his or her profession.

Clause 15 enables regulations to be made for the purposes of the proposed Act. The regulations may create offences punishable by a penalty of up to 10 penalty units (currently \$1,000).

Clause 16 provides for the taking of proceedings for an offence against the regulations.

Clause 17 requires the Minister to review the proposed Act after a period of 5 years.