Health Practitioners (Special Events Exemption)  
Act 1999  
Act No. 51/1999

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NOTES 12
The Parliament of Victoria enacts as follows:

1. **Purpose**
   
   The main purpose of this Act is to allow visiting health practitioners to provide health care services in the State in connection with special events without becoming registered under State law.

2. **Commencement**
   
   (1) This Act (except section 20) comes into operation on 1 January 2000.
(2) Section 20 comes into operation on the day on which section 100 of the Dental Practice Act 1999 comes into operation.

3. Definitions

In this Act—

"exemption period" means a period or periods specified in a special event Order as an exemption period relating to a special event;

"health care service" means a service ordinarily provided by a person registered under a health registration Act;

"health registration Act" means any of the following Acts and includes any regulations made under those Acts—

(a) the Chiropractors Registration Act 1996;

(b) the Dental Technicians Act 1972;

(c) the Dentists Act 1972;

(d) the Medical Practice Act 1994;

(e) the Nurses Act 1993;

(f) the Optometrists Registration Act 1996;

(g) the Osteopaths Registration Act 1996;

(h) the Pharmacists Act 1974;

(i) the Physiotherapists Registration Act 1998;

(j) the Podiatrists Registration Act 1997;

(k) the Psychologists Registration Act 1987;
"Schedule 2 poison" has the same meaning as it has in the Drugs, Poisons and Controlled Substances Act 1981;

"Schedule 3 poison" has the same meaning as it has in the Drugs, Poisons and Controlled Substances Act 1981;

"Schedule 4 poison" has the same meaning as it has in the Drugs, Poisons and Controlled Substances Act 1981;

"Schedule 8 poison" has the same meaning as it has in the Drugs, Poisons and Controlled Substances Act 1981;

"special event" means a sporting, cultural or other event or class of events declared to be a special event by a special event Order;

"special event Order" means an Order made under section 6;

"visiting health practitioner" has the meaning given in section 4;

"visitor" has the meaning given in section 5.

4. Meaning of "visiting health practitioner"

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) notice is given, in accordance with the procedure specified in the special event Order for the special event concerned, of the person's intention to provide health care services in the State to a visitor.

5. Meaning of "visitor"
A person is a "visitor" if—

(a) the person is a resident of another country who is in the State for the purpose of—

(i) officially participating in a special event; or

(ii) preparing, training, practising, rehearsing or acclimatising for a special event; or

(b) the person is a resident of Australia who—

(i) is in the State for a purpose referred to in paragraph (a); and

(ii) is a member of a group, the majority of the members of which is comprised of persons referred to in paragraph (a) who are in the State for the same purpose.

6. Minister may make special event Order

(1) The Minister may, by Order published in the Government Gazette, declare an event or class of events specified in the Order to be a special event for the purposes of this Act.

(2) A special event Order may be made in relation to any sporting, cultural or other event that—

(a) is to take place or is taking place in the State; and

(b) in the opinion of the Minister, will attract a significant number of participants from other countries.

(3) A special event Order—

(a) may be of general or limited application; and

(b) may differ according to differences in time, place or circumstance; and
(c) may provide for any matter ancillary to any matter included in an Order.

(4) A special event Order may be revoked, varied, substituted or amended by a further Order or Orders made under this section.

7. Special event Order must specify exemption period

(1) A special event Order must specify a period or periods as an exemption period during which an exemption or authorisation under this Act has effect in respect of a special event.

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

8. Special event Order must specify notice procedure

A special event Order must specify a procedure by which notice of a person’s intention to provide health care services in the State to a visitor is to be given for the purposes of section 4.

9. Conditions, restrictions or limitations

(1) A special event Order may impose conditions, restrictions or limitations on the provision of health care services by a visiting health practitioner.

(2) A condition, restriction or limitation may apply—
   (a) generally; or
   (b) to a particular special event; or
   (c) to a particular class of persons.

10. Special event Order may authorise supply and use of certain poisons

(1) The Minister, in a special event Order, may—
(a) authorise a visiting health practitioner, all
visiting health practitioners or a class of
visiting health practitioners, in the course of
providing health care services to visitors—

(i) to prescribe, write prescriptions for or
supply Schedule 4 poisons or
Schedule 8 poisons; and

(ii) to sell or supply Schedule 2 poisons or
Schedule 3 poisons;

(b) authorise a visiting health practitioner, all
visiting health practitioners or a class of
visiting health practitioners to obtain any
Schedule 2 poison, Schedule 3 poison,
Schedule 4 poison or Schedule 8 poison by
wholesale;

(c) authorise any person or class of persons to
sell or supply Schedule 4 poisons or
Schedule 8 poisons on a prescription written
by a visiting health practitioner;

(d) authorise a person or class of persons
licensed or otherwise authorised under the
**Drugs, Poisons and Controlled Substances
Act 1981** to sell or supply any poison or
controlled substance by wholesale to sell or
supply by wholesale a Schedule 2 poison,
Schedule 3 poison, Schedule 4 poison or
Schedule 8 poison to any visiting health
practitioner authorised to obtain such poison
by wholesale.

(2) The Minister must not make a special event Order
containing any authorisation referred to in sub-
section (1) unless the Minister is satisfied that
adequate arrangements are in place to ensure that
the Schedule 2 poisons, Schedule 3 poisons,
Schedule 4 poisons or Schedule 8 poisons
concerned will only be prescribed for and
supplied to visitors to whom visiting health practitioners are authorised to provide health care services under this Act.

(3) A special event Order may impose conditions, restrictions or limitations on any authorisation referred to in this section.

(4) Without limiting sub-section (3), a special event Order may impose conditions, restrictions or limitations on a visiting health practitioner, all visiting health practitioners or a class of visiting health practitioners in relation to the security of storage of any Schedule 4 poison or Schedule 8 poison in the practitioner's possession.

(5) A condition, restriction or limitation imposed on an authorisation made under this section may apply—

(a) generally; or

(b) to a particular special event; or

(c) to a particular class of persons.

11. Provision of health care services by visiting health practitioner

(1) A visiting health practitioner is authorised to provide health care services to visitors for whom the visiting health practitioner has been appointed, employed, contracted or otherwise engaged to provide those services.

(2) This section has effect in relation to a visiting health practitioner only—

(a) during the exemption period for the relevant special event; and

(b) while the health practitioner is complying with—

(i) the relevant special event Order; and
(ii) this Act; and

(iii) any applicable conditions, restrictions or limitations imposed in accordance with this Act.

12. Prescribing of certain poisons

Despite section 11(1), a visiting health practitioner may only prescribe, write a prescription for or supply a Schedule 4 poison or a Schedule 8 poison if authorised to do so by a special event Order.

13. Visiting health practitioner exempt from certain offences

(1) A visiting health practitioner does not commit an offence under a health registration Act for—

(a) providing health care services authorised by this Act; or

(b) holding himself or herself out as being able to provide health care services authorised by this Act; or

(c) using any name, initials, description, word, symbol, addition or title that he or she ordinarily uses.

(2) A visiting health practitioner does not commit an offence under the Drugs, Poisons and Controlled Substances Act 1981 or any regulations under that Act for—

(a) obtaining, possessing, selling or supplying any Schedule 2 poison, Schedule 3 poison, Schedule 4 poison or Schedule 8 poison in the course of providing health care services authorised by this Act; or

(b) administering or using any Schedule 2 poison, Schedule 3 poison, Schedule 4 poison or Schedule 8 poison in the course of
providing health care services authorised by this Act; or

(c) prescribing or writing a prescription for any Schedule 4 poison or Schedule 8 poison in accordance with this Act.

14. **Visitor exempt from certain drug offences**

A visitor does not commit an offence under the *Drugs, Poisons and Controlled Substances Act 1981* or any regulations under that Act for possessing or using any Schedule 2 poison, Schedule 3 poison, Schedule 4 poison or Schedule 8 poison as a result of being prescribed or supplied with that poison by a visiting health practitioner in accordance with this Act.

15. **Wholesale suppliers exempt from certain drug offences**

A person who is licensed or otherwise authorised under the *Drugs, Poisons and Controlled Substances Act 1981* to sell or supply by wholesale any Schedule 2 poison, Schedule 3 poison, Schedule 4 poison or Schedule 8 poison does not commit an offence under that Act or any regulations under that Act for selling or supplying any Schedule 2 poison, Schedule 3 poison, Schedule 4 poison or Schedule 8 poison by wholesale to a visiting health practitioner if the visiting health practitioner is authorised in accordance with this Act to be supplied with the poison by wholesale.

16. **Pharmacists exempt from certain offences**

(1) A pharmacist does not commit an offence under the *Drugs, Poisons and Controlled Substances Act 1981* or any regulations under that Act for selling or supplying or dispensing a Schedule 4 poison or a Schedule 8 poison in accordance with
a prescription written by a visiting health practitioner if—

(a) the visiting health practitioner is authorised in accordance with this Act to write the prescription; and

(b) the visiting health practitioner has written the prescription for a visitor.

(2) In this section "pharmacist" means a person registered as a pharmacist under the Pharmacists Act 1974.

17. Complaints about visiting health practitioners

(1) No complaint may be made about a visiting health practitioner under the Health Services (Conciliation and Review) Act 1987 or a health registration Act and no disciplinary action may be taken against a visiting health practitioner under those Acts.

(2) This section does not prevent the bringing of proceedings for an offence under any Act referred to in sub-section (1).

18. Act does not limit the practice of registered health practitioners

This Act does not prejudice or affect the lawful occupation, trade or business of any person who is registered under a health registration Act.

19. Regulations

The Governor in Council may make regulations for or with respect to any matter or thing that is required or permitted by this Act to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.

20. Amendment of definitions
In section 3, in the definition of "health registration Act", for paragraphs (b) and (c) substitute—

"(b) the Dental Practice Act 1999;".
NOTES

† Minister's second reading speech—

Legislative Assembly: 11 November 1999

Legislative Council: 30 November 1999

The long title for the Bill for this Act was "to allow visiting health practitioners to provide health care services in the State in connection with special events without becoming registered under State law and for other purposes."