

## Explanatory Statement

# Health Professionals Exemption 2007 (No 1)

### Disallowable instrument DI2007–36

made under the

### Health Professionals Act 2004, s 130 (Exemptions from Act)

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The *Health Professionals Act 2004* (the Act) is an Act to protect the public from risk of harm by ensuring that the people who provide health services regulated by this Act are competent to provide health services, and for other purposes.

Section 130 of the Act provides the Minister with the power to exempt a health professional from a provision of the Act if satisfied that it is in the public interest to do so. This instrument exempts some health professionals from the requirement to register in certain circumstances.

Section 72 of the *Health Professionals Act 2004* makes it an offence for a person to provide a regulated health service when the person is not registered in a health profession. This instrument exempts health professionals who are registered in a local jurisdiction as a physiotherapist or as a chiropractor or as an osteopath from the requirement to register in the ACT when that person is visiting the ACT to provide services to a visiting sporting team or when that person is visiting the ACT to attend a training activity. The exemption does not apply to services provided to persons who are not members of the visiting sporting team or who are not participants in the training activity.

Section 43 of *The Physiotherapists Act 1977*, which was repealed by the *Health Professionals Act 2004*, provided that visiting physiotherapists could provide a physiotherapy service to a member of a visiting sporting body, association or organisation from a place outside the ACT for the purpose of assisting the member to participate in a sporting event or sporting activity; and the service could lawfully have been provided in his or her place of residence.

The Council of Australian Governments has agreed that national registration will be implemented in July 2008 and this will remove the need for health professionals to register in more than one jurisdiction.