

Fact Sheet

Gayle's Law

The *Health Practitioner Regulation National Law (South Australia) (Remote Area Attendance) Amendment Act 2017*, more commonly referred to as "Gayle's Law", was passed by Parliament to provide better protection for health practitioners working in remote areas of South Australia.

Under Gayle's Law, any health practitioner who attends an out of hours or unscheduled callout in a remote area of South Australia must be accompanied by a second responder.

The second responder accompanies the health practitioner on these types of callouts to reduce the chances of personal attack.

Who does Gayle's Law apply to?

Any **health practitioner** who provides a *health service* in response to an **out of hours or unscheduled callout** in a **remote area** of South Australia must be accompanied by a second responder.

In terms of the legislation the following definitions are important:

health practitioner – is taken to include any person registered under the *Health Practitioner Regulation National Law* and any person who provides a health service as defined under the *Health Practitioner National Law*.

This includes a practitioner in the following health professions:

- Aboriginal and Torres Strait Islander health practice;
- Chinese medicine;
- chiropractic;
- dental;
- medical;
- medical radiation practice;
- nursing;
- midwifery;
- occupational therapy;
- optometry;
- osteopathy;
- paramedicine;
- pharmacy;
- physiotherapy;
- podiatry; and
- psychology.

In addition any person who provides the following health services:

- services provided by registered health practitioners;
- hospital services;
- mental health services;
- pharmaceutical services;
- ambulance services;
- community health services;
- health education services;
- welfare services necessary to implement any services referred to above;
- services provided by dietitians, masseurs, naturopaths, social workers, speech pathologists, audiologists or audiometrists; and
- pathology services.



When does Gayle's Law apply?

Gayle's Law applies when a health practitioner as defined above is requested to attend an out of hours or unscheduled call out.

out of hours callout – request for attendance of a health practitioner between 5:00pm and 8:00am, or anytime on a Saturday, Sunday or public holiday.

unscheduled callout – request for the attendance of a health practitioner within 24 hours of the request.

remote area – Gayle's Law applies to any out of hours or unscheduled callout if it is within the part of South Australia that covers:

- an area not covered by a local council under the *Local Government Act 1999*;
- the lands within the meaning of the *Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1981*;
- the lands within the meaning of the *Maralinga Tjarutja Land Rights Act 1984*;
- the area of the District Council of Coober Pedy; and
- the area of the Municipal Council of Roxby Downs.

The map below shows the parts of South Australia where Gayle's Law applies.



Gayle's Law applies to health services provided by:

1. the South Australian Government;
2. any person or organisation contracted to provide the service on behalf of the South Australian Government;
3. any person or organisation funded, wholly or in part, by the South Australian or Commonwealth Governments to provide the service;
4. local councils providing services in remote areas;
5. privately practising doctors, nurses, or midwives.

When did Gayle's Law commence?

Gayle's Law came into operation on 1 July 2019.

Health service providers must now have arrangements in place for the engagement of second responders and policies and procedures to reflect the legislation.

Gayle's Law Regulations:

Gayle's Law Regulations were made on 7 November 2019. These regulations replace those made on 1 July 2019 which were disallowed on 16 October 2019.

Circumstances where a second responder is not required:

The regulations prescribe two circumstances under which a health practitioner may attend an out of hours or unscheduled callout in a remote area without a second responder. These circumstances are:

1. when the callout is to a police station and at least one police officer or special constable will be present at all times while the health practitioner attends the callout; and
2. when the callout is in response to an emergency, e.g. highway vehicle accident, where at least one emergency services worker (other than the health practitioner) will be present at the location of the emergency while the health practitioner is attending.

Who is a second responder?

The Act does not define a second responder but it is taken to mean a trusted community member. It could be a person from the local community, another employee of a health service, or another Government employee.

Second responders may be paid employees or volunteers.

Under the regulations a second responder must:

- a) have a current driver's licence; and
- b) have a working with children check; and
- c) not be prohibited from working with children.

There are circumstances where these requirements do not apply. A health practitioner may engage an alternative second responder where:

- a) a designated second responder is not available;
- b) the alternative second responder is known to the health practitioner and is, in the opinion of the health practitioner, a suitable person to be engaged on a one-off basis as a second responder;
- c) the risk to the health of the patient is high – i.e. attendance/treatment cannot be delayed until normal operating hours of an available clinic, or for more than 24 hours.

What policies and procedures are required?

Under Gayle's Law, health service providers must have policies and procedures in place to ensure the safety and security of health practitioners.

Under Gayle's Law these policies and procedures must:

- (a) require the provider and any person employed by them to comply with the requirements of Gayle's Law;

- (b) include a provision preventing anyone from directing or requiring a health practitioner to attend a callout without a second responder;
- (c) include provisions to assist in assessing the eligibility and selection of someone to be a second responder;
- (d) include provisions to manage any risks to the safety and security of health practitioners that have been identified in relation to the delivery of health services at, or from a particular location,
- (e) include provisions to manage any risks to the safety and security of health practitioners that have been identified in relation to the delivery of health services by a specific health service provider.

Further information

Should you require further information about Gayle's Law please telephone (08) 8226 7392 or email HealthPolicyLegislation@sa.gov.au.



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