

Prohibition Orders

The Health and Community Services Complaints Commissioner (HCSCC) has the power to issue a Prohibition Order (PO) against a person or persons or an entity providing a health service.

If the HCSCC is conducting an investigation into a person/s or entity, it can issue a PO if there is a reasonable belief that:

- the Code of Conduct has been breached; or
- a prescribed offence has been committed; and
- in the HCSCC's opinion, there is a danger to the health or safety of the public.

The HCSCC can issue a PO at the conclusion of an investigation.

A PO can be an indefinite ban or for a specific period, but the Commissioner does have the power to vary or revoke the order.

An PO can prohibit the person/s or entity from:

- providing the health service or specified aspects of the health service;
- placing conditions on providing that service; and
- offering, advertising, promoting or providing advice about the health service.

The person or entity must legally abide by the PO. Failure to comply could result in prosecution with a fine of up to \$10,000, or a custodial sentence of up to two years, or both.

Any person/s or entity that has a PO issued against them has a right of appeal.

A PO issued in South Australia also applies in other States or Territories that have implemented the National Code of Conduct for Health Care Workers.

POs issued by the HCSCC are listed on www.hcsc.sa.gov.au.