

Interim Prohibition Orders

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

This fact sheet is designed to provide information for consumers and service providers during this process.

If the HCSCC is conducting an investigation into a person/s or entity, it can issue an IPO 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 an IPO only if an investigation has started but it can be at any point during an investigation – not necessarily at the start or at a specified period.

It is important to note that an IPO is not a final decision.

Once an IPO has been issued, the HCSCC has up to 12 weeks to finalise a decision about whether a Prohibition Order (PO) against the person/s or entity is required.

While this may seem a drawn out process, this time is necessary to gather information, interview relevant people, obtain expert advice, draft a report and receive feedback on that report from the parties involved.

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

- Providing the health service or specified aspects of the health service;
- Place 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 IPO or they could be prosecuted with a fine of up to \$10,000 or be sentenced by the courts to up to two years jail or both.

A PO can either ban the person or entity for a specific period of time or indefinitely.

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

An IPO or PO issued in South Australia also applies in other States or Territories that have

implemented the National Code of Conduct for Health Care Workers.

You can view all IPOs and POs issued by the HCSCC on our website – hcsc.sa.gov.au

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