

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL  
ADMINISTRATIVE DIVISION  
REVIEW AND REGULATION LIST

VCAT Reference: Z442/2018

CATCHWORDS

**APPLICANT:** Sparadise Medical & Cosmetic Clinic  
**RESPONDENT:** Health Complaints Commissioner  
**WHERE HELD:** Melbourne  
**BEFORE:** Deputy President H. Lambrick  
**HEARING TYPE:** Directions Hearing  
**DATE OF HEARING:** 15 June 2018  
**DATE OF ORDER:** 15 June 2018

ORDERS

**Orders by consent**

1. Pursuant to sections 50 and 130(1) of the *Victorian Civil and Administrative Tribunal Act 1998* (Vic), the operation of the respondent's decisions the subject of the applicant's application for review dated 31 May 2018 is stayed, subject to the conditions set out in paragraphs 2 to 8 below.

**Permissible Treatments**

2. The applicant may only provide a cosmetic, surgical or medical procedure if the procedure is specified in paragraph 3 or 4 below.

**Procedures to be performed by a qualified and registered medical practitioner**

3. Only a qualified medical practitioner registered under *the Health Practitioner Regulation National Law (Victoria) Act 2009* may:
  - 3.1 inject or infuse any substance into a patient; or
  - 3.2 perform any thread face lifting; or
  - 3.3 perform any gynaecological procedure; or
  - 3.4 perform any procedure involving fat transfer.

### Procedures to be performed by a qualified laser therapist

4. Only a qualified laser therapist may perform a laser treatment on a patient (other than a gynaecological laser treatment, which is the subject of paragraph 3.3 above).

### Monitoring and Compliance

5. With respect to each treatment referred to in paragraphs 3 and 4 above, the applicant must send a daily email to the respondent that records the following information for the previous 24 hours:
  - 5.1 the details of the treatment provided, including the date and time of its provision;
  - 5.2 the name of the person who performed the treatment;
  - 5.3 the qualifications of the person who performed the treatment; and
  - 5.4 the name and contact details of the patient.
6. The applicant consents to the respondent conducting compliance audits with respect to the matters set out in paragraphs 3 to 5 above.

### Storage and use of Schedule 4 substances

7. The applicant must store securely all substances listed in Schedule 4 to the *Drugs, Poisons and Controlled Substances Act 1981* (Vic) ("Schedule 4 Medicine").
8. Only the registered practitioner who has prescribed a Schedule 4 Medicine to a patient may administer that substance to the patient.


### Publication

9. The respondent is directed to publish paragraphs 1 to 8 of the Tribunal's orders on her website: [www.hcc.vic.gov.au](http://www.hcc.vic.gov.au).

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H. Lambrick  
Deputy President



### APPEARANCES:

For the Applicant:

Mr S. Reid of Counsel

For the Respondent:

Mr J. Pizer QC with Mr B. Jellis of Counsel