

1995—No. 498

MEDICAL PRACTICE ACT 1992—REGULATION

(Relating to infection control standards)

NEW SOUTH WALES



[Published in Gazette No. 105 of 1 September 1995]

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Medical Practice Act 1992, has been pleased to make the Regulation set forth hereunder.

ANDREW REFSHAUGE,
Deputy Premier and Minister for Health.

Commencement

1. This Regulation commences on 8 September 1995.

Amendment

2. The Medical Practice Regulation 1993 is amended by omitting clause 14 (as inserted by the Regulation made under the Medical Practice Act 1992 published in Gazette No. 74 of 16 June 1995 at pages 3166–3170) and by inserting instead the following clause:

Infection control standards

14. (1) A medical practitioner must not, without reasonable excuse, fail to comply with the infection control standards set out in Schedule 1 to the extent that they apply to the medical practitioner in the practice of medicine.

(2) In determining whether or not a medical practitioner has a reasonable excuse for failing to comply with a standard, particular consideration is to be given to the following:

(a) whether the circumstances involved the provision of emergency treatment;

1995—No. 498

(b) whether the medical practitioner's employer failed to provide the necessary equipment, including providing access to it and training in its use, that would have enabled the medical practitioner to comply with the standard (and whether the failure to provide such equipment was reported by the medical practitioner to the Director-General of the Department of Health).

EXPLANATORY NOTE

From 8 September 1995, medical practitioners will be required to comply with the infection control standards specified in the Medical Practice Regulation 1993. The object of this Regulation is to remove the monetary penalty specified in relation to this requirement, however failing to comply with a standard without a reasonable excuse may still constitute grounds for disciplinary action.

This Regulation is made under the Medical Practice Act 1992, including section 194 (the general regulation making power).
