

**AREA HEALTH SERVICES ACT 1986—REGULATION**

(Area Health Services (Visiting Practitioners) Regulation 1995)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Area Health Services Act 1986, has been pleased to make the Regulation set forth hereunder.

ANDREW REFSHAUGE,  
Minister for Health.

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**Citation**

1. This Regulation may be cited as the Area Health Services (Visiting Practitioners) Regulation 1995.

**Commencement**

2. This Regulation commences on 1 September 1995.

**Application**

3. This Regulation applies to the appointment of persons as visiting practitioners to one or more hospitals under the control of an area health service.

**Definitions**

4. In this Regulation:

“**appointment**” includes re-appointment;

“**clinical privileges**”, in relation to a visiting practitioner to a hospital or hospitals under the control of an area health service, means the kind and extent of work which the area health board for the service determines the visiting practitioner is to be allowed to perform at the hospital or hospitals;

**“medical appointments advisory committee”**, in relation to an area health service, means a committee established by the area health board for the service and having the function of advising the board in relation to the appointment of persons as visiting practitioners to a hospital or hospitals under the control of the service and the clinical privileges that should be allowed to those persons.

### **Advertising of available appointments**

**5. (1)** If an area health board decides to make available an appointment as a visiting practitioner, it must advertise the availability of the appointment in at least one newspaper circulating generally in New South Wales. The board may in addition advertise the availability in other ways.

**(2)** An application for appointment as a visiting practitioner is to be made in writing to the area health board for the relevant service and is to include:

- (a) a statement setting out the clinical privileges sought by the applicant; and
- (b) an authority for the medical appointments advisory committee for the service to obtain information as to the applicant’s past performance as a medical practitioner or dentist, as the case may be.

**(3)** On receipt of the application, the board is to refer the application to that committee for advice.

**(4)** Subclauses (1)–(3) do not apply:

- (a) to an appointment as a visiting practitioner which is to be held as part of the duties of a person who is to be or has been appointed to a teaching position at a tertiary institution; or
- (b) to an appointment as a visiting practitioner which is to be held by a person for a period of not more than 3 months; or
- (c) to any appointment as a visiting practitioner, to the extent that the Director-General of the Department of Health has determined that the provisions of those subclauses are not to apply.

**(5)** A determination under subclause (4) (c):

- (a) may be made in respect of a particular appointment or in respect of appointments of any specified kind or description; and
- (b) must be made in writing; and
- (c) must not be made except on the recommendation of the medical appointments advisory committee for the relevant service and at the request of the area health board for that service.

**Appointment and conditions to be in written agreement**

6. (1) A person is to be appointed as a visiting practitioner by written agreement between the person and the relevant area health service.

(2) The written agreement must specify the conditions to which the appointment is subject, including the clinical privileges of the visiting practitioner.

(3) However, subclause (2) does not require conditions prescribed by or under the Public Hospitals Act 1929 or the Area Health Services Act 1986 to be included in the written agreement.

**Term of appointment**

7. (1) The period for which a person may be appointed as a visiting practitioner is such period (not exceeding 5 years) as the relevant area health board determines.

(2) A person is, if otherwise qualified, eligible for re-appointment from time to time.

(3) Despite subclause (1), a person may be appointed as a visiting practitioner for the duration of the person's appointment to a teaching position at a tertiary institution (or for such lesser period as the relevant area health board may determine) if the board has first obtained the advice of the relevant medical appointments advisory committee about the length of the appointment.

**Resignation**

8. (1) A person may resign an appointment as a visiting practitioner by giving 3 months' written notice of resignation to the relevant area health board.

(2) However, a board may waive that requirement for notice or accept a lesser period of time for the giving of such notice if, in the opinion of the board, it is reasonable to do so.

**Repeal**

9. (1) The Area Health Services (Visiting Practitioners) Regulation 1989 is repealed.

(2) Any act, matter or thing that was done for the purposes of, or immediately before that repeal had effect under, that Regulation is taken to have been done for the purposes of, or to have effect under, this Regulation.

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## NOTES

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**EXPLANATORY NOTE**

The object of this Regulation is to repeal and remake, with one change in substance, the provisions of the Area Health Services (Visiting Practitioners) Regulation 1989.

The one substantial change is the omission of the provision for an age limit on visiting practitioners, as this provision would now be inconsistent with the Anti-Discrimination Act 1979.

The new Regulation deals with the following matters:

- (a) the advertising of available appointments;
- (b) written agreements for appointments;
- (c) the terms of appointments;
- (d) the notice to be given of resignation.

This Regulation is made under section 38 (Regulations) of the Area Health Services Act 1986, and in particular sections 32 (1)(c) (by-laws with respect to the appointment of visiting practitioners) and 38 (2) (regulations with respect to matters for which a by-law may be made).

This Regulation comprises or relates to matters that are not likely to impose an appreciable burden, cost or disadvantage on any sector of the public.

This Regulation is made in connection with the staged repeal of subordinate legislation under the Subordinate Legislation Act 1989.

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