



New South Wales

Health Care Liability Amendment (Exemption) Regulation 2002

under the

Health Care Liability Act 2001

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following Regulation under the *Health Care Liability Act 2001*.

CRAIG KNOWLES, M.P.,

Minister for Health

Explanatory note

Under section 19 of the *Health Care Liability Act 2001*, a person is not entitled to practise as a medical practitioner unless the person is covered by approved professional indemnity insurance. However, the regulations under that Act may exempt medical practitioners from this requirement. For example, clause 7 of the *Health Care Liability Regulation 2001* currently provides that if a medical practitioner ceases to be covered because of the cessation of the insurer's business, the medical practitioner is exempt from the approved insurance requirement for a period of 3 months.

The objects of this Regulation are:

- (a) to enable the Minister to extend the 3 month period by order published in the Gazette, and
- (b) to provide that the interim exemption for medical practitioners who do not have any insurance cover is extended to 30 June 2002 or such later date as specified by the Minister by order published in the Gazette, and
- (c) to remove a superfluous interpretative provision relating to the existing exemption in respect of medical practitioners who are covered by an indemnity arrangement established or entered into by the State or the Commonwealth to cover civil liability.

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Explanatory note

This Regulation is made under the *Health Care Liability Act 2001*, including sections 19 (4) (b) and 34 (the general power to make regulations).

Health Care Liability Amendment (Exemption) Regulation 2002

1 Name of Regulation

This Regulation is the *Health Care Liability Amendment (Exemption) Regulation 2002*.

2 Amendment of Health Care Liability Regulation 2001

The *Health Care Liability Regulation 2001* is amended as set out in Schedule 1.

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Schedule 1 Amendments

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(Clause 2)

[1] Clause 5 Exemption from approved insurance requirement

Omit clause 5 (3).

[2] Clause 7 Exemption for limited period after cessation of insurer's business

Insert "(or such longer period as the Minister may specify by order published in the Gazette)" after "3 months" in clause 7 (1).

[3] Clause 8

Omit the clause. Insert instead:

8 Interim exemption for medical practitioners without insurance

A medical practitioner who is not covered by professional indemnity insurance of any kind is, in accordance with section 19 (4) (b) of the Act, exempt from the approved insurance requirement until 30 June 2002 (or such later date as the Minister may specify by order published in the Gazette).

BY AUTHORITY
