



New South Wales

Public Health Amendment (Deaths Involving Anaesthetics) Regulation 2009

under the

Public Health Act 1991

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Public Health Act 1991*.

CARMEL TEBBUTT, MP
Minister for Health

Explanatory note

The objects of this Regulation are:

- (a) to amend the *Public Health Act 1991* to include certain deaths involving the administration of an anaesthetic in the list of Category 1 medical conditions in Schedule 1 to that Act that must be notified by medical practitioners, and
- (b) to amend the *Public Health (General) Regulation 2002* to provide for medical practitioners who must notify such deaths to record the particulars that are required for the completion of the “Report of Death Associated with Anaesthesia/Sedation” published by the Clinical Excellence Commission.

Other kinds of deaths included in the list of Category 1 medical conditions from the enactment of the Act are perinatal death and sudden infant death syndrome.

This Regulation is made under the *Public Health Act 1991*, including sections 14 (2) (a), 80 and 82 (the general regulation-making power).

2009 No 568

Clause 1 Public Health Amendment (Deaths Involving Anaesthetics) Regulation 2009

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1 Name of Regulation

This Regulation is the *Public Health Amendment (Deaths Involving Anaesthetics) Regulation 2009*.

2 Commencement

This Regulation, which is required to be published on the NSW legislation website, commences:

- (a) if section 108 of the *Coroners Act 2009* commences on or before the day on which this Regulation is published on the website—on the day on which this Regulation is published, or
- (b) if that section commences after the day on which this Regulation is published—on the day on which the section commences.

**Schedule 1 Amendment of Public Health Act 1991
No 10**

Schedule 1 Scheduled medical conditions

Insert in alphabetical order in Category 1:

Death while under, or as a result of, or within 24 hours after the administration of, an anaesthetic administered in the course of a medical, surgical or dental operation or procedure or an operation or procedure of a like nature (other than a local anaesthetic administered solely for the purpose of facilitating a procedure for resuscitation from apparent or impending death)

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Schedule 2 Amendment of Public Health (General) Regulation 2002

Schedule 2 Amendment of Public Health (General) Regulation 2002

Clause 6 Records of scheduled medical conditions

Insert after clause 6 (f):

- (g) in relation to death while under, or as a result of, or within 24 hours after the administration of, an anaesthetic administered in the course of a medical, surgical or dental operation or procedure or an operation or procedure of a like nature (other than a local anaesthetic administered solely for the purpose of facilitating a procedure for resuscitation from apparent or impending death)—the particulars required for the completion of the “Report of Death Associated with Anaesthesia/Sedation” published by the Clinical Excellence Commission.