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## **Consultation on Draft Health Practitioner Regulation (NSW) Regulation 2016**

Thank you for the opportunity to provide submissions on NSW Ministry of Health's consultation on the Draft Health Practitioner Regulation (NSW) Regulation 2016 ("the regulation") and regulatory impact statement.

We have focused our comments on two aspects of the draft regulation:

1. Infection control
2. Record keeping requirements for medical practitioners.

### **Infection Control**

Avant supports a nationally consistent approach to the regulation of health care. As a matter of general health policy, we believe that all health practitioners should comply with the same standards for infection control, and that those standards should be consistent around the country.

We therefore prefer option 2, whereby the regulation would require relevant professions to comply with current national infection control standards, such as the National Health and Medical Research Council guidelines.

An alternative is to have the requirement to comply with infection control standards contained within public health legislation rather than regulations under the National Law.

### **Record keeping requirements for medical practitioners**

The requirements about the content of medical records in schedule 4 set the bar very high, and perfect compliance can be a challenge for practitioners, and is often unachievable. Under section 139(1)(b) of the *Health Practitioner Regulation National Law (NSW)* a contravention of the regulations amounts to unsatisfactory professional conduct. This means that any breach of the regulation, no matter how minor, will amount to unsatisfactory professional conduct and can lead to disciplinary action. The overriding principles, that the level of detail must be appropriate to the particular case, and that there must be sufficient information to allow another practitioner to take over care, are contained in clause 3, but can be overlooked.



If the record keeping requirements are to remain in the regulation, clause 3 should be moved to the beginning of clause 1 so that the overriding principles in clause 3 come before the specific content requirements in clause 1.

Please contact me on the details below if you require any further information or clarification of the matters raised in this letter.

Yours sincerely



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## About Avant

Avant Mutual Group Limited ("Avant") is Australia's leading medical defence organisation. It is a mutual organisation, owed by its members, and offers a range of insurance products and expert legal advice and assistance to over 68,000 medical and allied health practitioners and students in Australia. Our insurance products include medical indemnity insurance for individuals and practices, as well as private health insurance, which is offered through our subsidiary The Doctors' Health Fund Pty Limited.

Our members have access to medico-legal assistance via our Medico Legal Advisory Service. We have offices throughout Australia, and provide extensive risk advisory and education services to our members with the aim of reducing medico-legal risk and promoting good medical practice and patient safety.

