

AUSTRALIAN CAPITAL TERRITORY

Public Health Act 1997

Declaration of operation, management or control of a business, charity or service that is a Health Care Facility to be a Public Health Risk Activity

INSTRUMENT NO. 183 OF 2001

EXPLANATORY STATEMENT

Subsection 18(1) of the *Public Health Act 1997* (the Act) provides that the Minister may, by instrument, declare an activity that may result in the transmission of disease, or that may otherwise adversely affect the health of individuals in the context of the wider health of the community, to be a public health risk activity. Section 18(3) of the Act provides that a declaration under Subsection 18(1) shall indicate whether the declared activity is licensable, registerable or non-licensable activity.

This instrument declares the operation, management or control of a business, charity or service, upon whose premises a prescribed medical procedure is carried out and/or over night patient stays are provided a public health risk activity under subsection 18(1) of the Act. The operation of an aged care facility is specifically exempt from the requirement of this declaration.

The instrument further declares operation, management or control of a business, charity or service, upon whose premises a prescribed medical procedure is carried out and/or over night patient stays are provided a licensable public health risk activity under subsection 18(3) of the Act.

A prescribed medical procedure is any procedure undertaken for medical or cosmetic reasons by a health care professional that involves:

- (a) the administration of a general, spinal, epidural or major regional block anaesthetic or intravenous sedative for the purpose of performing an elective procedure, but does not include mandibular blocks;
- (b) endoscopy;
- (c) dialysis, haemofiltration or haemoperfusion;
- (d) prolonged intravenous infusion of a single cytotoxic agent or sequential intravenous infusion of more than one cytotoxic agent; or
- (e) cardiac catheterisation.

This instrument specifically excludes those minor procedures that are normally carried out in the rooms of general practitioners and do not involve the procedures outlined above.

This instrument revokes the previous declaration of the operation of a Private Hospital as a public health risk activity (Instrument No. 346 of 2000). This instrument is revoked because it is intended that all health care facilities be licensed under one scheme to ensure uniform standards are applied across the health care industry, regardless of public or private ownership.

Holders of a Private Hospital or Skin Penetration Procedures licence at the time this instrument is declared will be assumed to hold a Health Care Facilities licence until the expiration of the Private Hospital or Skin Penetration Procedures licence. This will allow for a smooth transition from the previous regulatory system to the new health care facilities regulatory system.