

AUSTRALIAN CAPITAL TERRITORY

Public Health Act 1997

Determination of a Health Care Facilities Code of Practice

INSTRUMENT NO. 185 OF 2001

Explanatory Statement

Section 133(1) of the *Public Health Act 1997* (the Act) provides that the Minister may, by instrument, determine Codes of Practice setting minimum standards or guidelines for the purposes of the Act.

This instrument repeals the *Skin Penetration Procedures Code of Practice* determined (No. 94 of 1995) under the *Skin Penetration Procedures Act 1994* (repealed) and commences on the day after the day this declaration is notified in the Gazette.

The *Skin Penetration Procedures Code of Practice* was transferred to the *Public Health Act 1997* for enforcement through the commencement of section 33 of the *Public Health (Miscellaneous Provisions) Act 1997*.

Section 27D of the *Interpretation Act 1967* provides that the power to make an instrument includes the power to amend or repeal the instrument.

The *Skin Penetration Procedures Code of Practice* determined under the *Skin Penetration Procedures Act 1994* does not represent current industry best practice and its enforcement is therefore considered inappropriate for modern infection control businesses. The *Public Health Act 1997* will provide adequate general regulatory and enforcement power until a new *Code of Practice* can be determined.

A determination under Section 133 of the Act is a disallowable instrument for the purposes of Section 10 of the *Subordinate Laws Act 1989*.