

1994—No. 421

HEALTH ADMINISTRATION ACT 1982—REGULATION

(Renaming the Health Administration (Quality Assurance Committees) Regulation 1990, repealing the Health Administration Regulation 1983 and expanding and transferring to the renamed Regulation a provision of the repealed Regulation concerning the disclosure of information)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Health Administration Act 1982, has been pleased to make the Regulation set forth hereunder.

RON PHILLIPS
Minister for Health.

Commencement

1. This Regulation commences on 1 September 1994.

Amendments

2. The Health Administration (Quality Assurance Committees) Regulation 1990 is amended:

(a) by inserting before clause 1 the following heading:

PART 1—PRELIMINARY

(b) by omitting clause 1 and by inserting instead the following clause:

Citation

1. This Regulation may be cited as the Health Administration (General) Regulation 1990.

(c) by inserting before clause 4 the following heading:

PART 2—QUALITY ASSURANCE COMMITTEES

(d) by inserting before clause 12 the following heading:

PART 3—MISCELLANEOUS

(e) by inserting after clause 12 the following clauses:

Disclosure of information

13. (1) The object of this clause is to prescribe certain circumstances in which the disclosure of information obtained in connection with the administration or execution of the Act (or any other Act conferring or imposing responsibilities or functions on the Minister, Department, Director-General, Corporation or Foundation) will not constitute an offence under the Act.

(2) For the purposes of section 22 (e) of the Act, the prescribed circumstances are that:

- (a) the Chief Health Officer of the Department (if the information to be disclosed is epidemiological data); or
- (b) the Director-General (in the case of any information to be disclosed, whether epidemiological data or not),

approves in writing of the disclosure, and the disclosure is made in accordance with the approval.

(3) An approval:

- (a) must describe the information authorised to be disclosed; and
- (b) must name the person or body to whom the disclosure is authorised; and
- (c) may be given subject to conditions specified in it.

Saving consequent on repeal of Health Administration Regulation 1983

14. Any act, matter or thing that, immediately before the repeal of the Health Administration Regulation 1983, had effect under that Regulation and could have had effect under clause 13 of this Regulation (if clause 13 had been in force at that time) is taken to have effect under this Regulation.

Repeal

3. The Health Administration Regulation 1983 is repealed.

EXPLANATORY NOTE

This Regulation does the following:

- (a) it repeals the Health Administration Regulation 1983 (which would otherwise be repealed on 1 September 1994 under the Subordinate Legislation Act 1989) (clause (3));
- (b) it changes the name of the Health Administration (Quality Assurance Committees) Regulation 1990 to the Health Administration (General) Regulation 1990 (clause (2) (b));
- (c) it divides the renamed Regulation into Parts (clause (2) (a). (c) and (d));
- (d) it inserts into the renamed Regulation a new clause 13 (similar to clause 30 of the repealed Regulation) prescribing certain circumstances in which disclosure of information obtained in connection with the administration of the Act will not constitute an offence (clause (2) (e));
- (e) it inserts a savings provision consequent on the repeal.

This Regulation is made under the Health Administration Act 1982, in particular sections 34 (the general regulation making power) and 22.

This Regulation is made in connection with the staged repeal of subordinate legislation under the Subordinate Legislation Act 1989.
