



New South Wales

Health Administration Regulation 2000

under the

Health Administration Act 1982

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Health Administration Act 1982*.

CRAIG KNOWLES, M.P.,

Minister for Health

Explanatory note

Section 20E of the *Health Administration Act 1982* provides that the Minister for Health may declare that a specified committee established by a public hospital or public health organisation, or by an establishment, college, association or other body prescribed by the regulations, is an approved quality assurance committee for the purposes of Division 6B of Part 2 of the Act. The functions of a quality assurance committee are to assess and evaluate services provided by one or more hospitals, organisations or other prescribed establishments (whether or not provided by the hospital, organisation or other prescribed establishment that established the committee), to report and make recommendations concerning those services and to monitor the implementation of its recommendations.

This Regulation replaces the *Health Administration (General) Regulation 1995* which is repealed on 1 September 2000 under section 10 (2) of the *Subordinate Legislation Act 1989*. The new Regulation:

- (a) makes provision for the procedure of quality assurance committees and the manner in which they exercise their functions, and

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Explanatory note

- (b) prescribes certain establishments as prescribed establishments (in addition to public hospitals or public health organisations, which are specified in the definition of *prescribed establishment* in section 20D of the Act), and
- (c) prescribes the circumstances in which the disclosure of information obtained in connection with the administration or execution of the Act (or certain other Acts relating to health administration) will not constitute an offence under the Act.

This Regulation is made under the *Health Administration Act 1982*, including section 20K (Regulations relating to Committees), section 34 (the general regulation-making power) and the sections referred to in the Regulation.

This Regulation comprises matters of a machinery nature and matters that are not likely to impose an appreciable burden, cost or disadvantage on any sector of the public.

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Clause 1 Health Administration Regulation 2000

Part 1 Preliminary

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Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Health Administration Regulation 2000*.

2 Commencement

This Regulation commences on 1 September 2000.

Note. This Regulation replaces the *Health Administration (General) Regulation 1995* which is repealed on 1 September 2000 under section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definitions

(1) In this Regulation:

Committee means a committee declared to be an approved quality assurance committee under section 20E of the Act.

the Act means the *Health Administration Act 1982*.

(2) The explanatory note, table of contents and notes in the text of this Regulation do not form part of this Regulation.

Part 2 Quality assurance committees

4 Quorum

- (1) The quorum for a meeting of a Committee is to be:
 - (a) if there is an odd number of members—a majority of the number of members, or
 - (b) if there is an even number of members—one half of the number of members plus one.
- (2) Despite subclause (1), a meeting of a Committee at which a quorum is present may decide on a different number of members as the quorum for future meetings of the Committee.

5 Chairperson

Of the members of a Committee, one is to be elected as chairperson by a majority of those members.

6 Presiding member

- (1) The chairperson of a Committee or, in the absence of the chairperson, another member elected to chair the meeting by the members present is to preside at a meeting of the Committee.
- (2) The person presiding at any meeting of a Committee has a deliberative vote and, in the event of an equality of votes, has a second or casting vote.

7 Voting

A decision supported by a majority of the votes cast at a meeting of a Committee at which a quorum is present is the decision of the Committee.

8 General procedure

The procedure for the calling of meetings of a Committee and for the conduct of business at those meetings is, subject to the Act, this Regulation and any rules of the prescribed establishment that established the Committee, to be as determined by that Committee.

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Clause 9 Health Administration Regulation 2000

Part 2 Quality assurance committees

9 Information available to the public

- (1) The Committee is to make the following information publicly available in the form of a written report:
 - (a) general details of the services that have been assessed and evaluated by the Committee during the period to which the report relates,
 - (b) any action taken (described in general terms) as a result of the assessment and evaluation process referred to in paragraph (a).
- (2) The report is to be in such form as the Committee determines and may be in the same form as the report provided to the Minister under clause 10.
- (3) The report is to be made at least annually or more often if the Committee so determines.
- (4) The report is to be available for public inspection free of charge during normal business hours at the principal place of administration of the prescribed establishment that established the Committee.

10 Reports to the Minister

- (1) Each Committee must, on or before 1 September in each year, furnish a report to the Minister of its activities during the year ending on the preceding 30 June.
- (2) The Minister may request that the Committee report at more frequent intervals.
- (3) A report furnished to the Minister is to include the following information:
 - (a) the information required to be made publicly available under clause 9 and a statement indicating whether or not the requirements of that clause have been satisfied by inclusion of that information in the report,
 - (b) a statement indicating whether or not the relevant experience of the members of the Committee are appropriate to the services assessed or evaluated by the Committee (that is, whether the requirements of section 20E (2) (c) of the Act are satisfied in relation to that experience),

- (c) a statement indicating whether or not the exercise of the functions of the Committee has been and will continue to be facilitated by the provision of immunities and protections afforded by Division 6B of Part 2 of the Act,
- (d) a statement indicating whether or not it has been and will continue to be in the public interest to restrict the disclosure of information compiled by the Committee in the course of the exercise of the Committee's functions.

11 Reports to prescribed establishments

- (1) At the completion of an assessment and evaluation of a particular service, a Committee is to submit a report to the prescribed establishment that provided the service and to the prescribed establishment that established the Committee.
- (2) The report is to include the following information:
 - (a) a description of the service assessed and evaluated,
 - (b) the general findings of the Committee,
 - (c) any specific recommendations made by the Committee, including details of how such recommendations are to be implemented if adopted.
- (3) If a Committee recommends that certain action be taken with respect to a particular service provided by a prescribed establishment and that recommendation is adopted by that prescribed establishment and by the prescribed establishment that established the Committee, the Committee is to monitor the implementation of that recommendation and report to both establishments on the progress and outcome of that implementation.

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Clause 12 Health Administration Regulation 2000

Part 3 Miscellaneous

Part 3 Miscellaneous

12 Prescribed establishments

Each of the following bodies is prescribed as a prescribed establishment (in addition to those specified in the definition of *prescribed establishment* in section 20D of the Act):

- (a) an establishment within the meaning of the *Private Hospitals and Day Procedure Centres Act 1988*,
- (b) a nursing home within the meaning of the *Nursing Homes Act 1988*,
- (c) a pathology laboratory operating at premises approved as an accredited pathology laboratory under section 23DN of the *Health Insurance Act 1973* of the Commonwealth,
- (d) the bodies listed in Schedule 1 to this Regulation.

13 Disclosure of information

- (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 disclosure is approved in writing by the Chief Health Officer of the Department (in the case of information that is epidemiological data that does not identify any individual to whom the information relates) or by the Director-General (in any case), and
 - (b) the disclosure is made in accordance with such approval.
- (3) The Director-General is not to approve under this clause the disclosure of information that may identify an individual to whom the information relates unless:
 - (a) the Director-General is satisfied that the individual consents to the disclosure of the information, or

- (b) the Director-General is satisfied that the disclosure is urgently required in the interests of public health, or
 - (c) the information is required for the purpose of medical research and the Director-General is satisfied that the research is being conducted in accordance with any guidelines of the National Health and Medical Research Council the Director-General considers relevant, in particular any guidelines relating to the circumstances where the consent of an individual the subject of research need not be obtained and the protection of individual privacy.
- (4) 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.

14 Savings provision

Any act, matter or thing that, immediately before the repeal of the *Health Administration (General) Regulation 1995*, had effect under that Regulation is taken to have effect under this Regulation.

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Schedule 1

Prescribed establishments

Schedule 1 Prescribed establishments

(Clause 12)

Association of Medical Directors of the Australian Pharmaceutical Industry
Association of Medical Superintendents of New South Wales and A.C.T.
Australasian College of Dermatologists
Australasian College of Occupational Medicine
Australasian Society of Nephrology
Australian and New Zealand Association of Physicians in Nuclear Medicine
Australian and New Zealand College of Anaesthetists
Australian and New Zealand Intensive Care Society
Australian Association of Clinical Biochemists
Australian Association of Community Physicians
Australian Association of Gerontology
Australian Association of Neurologists
Australian Association of Occupational Therapists Inc
Australian Association of Physical and Rehabilitation Medicine
Australian Association of Speech and Hearing
Australian Association of Social Workers
Australian Association of Surgeons
Australian College of Allergy
The Australian College of Clinical Psychologists
Australian College of Health Service Administrators
The Australian College of Paediatrics
Australian College of Rehabilitation Medicine
Australian Epidemiological Association
Australian Geriatrics Society
Australian Hospital Association
Australian Institute of Health Surveyors

Australian Institute of Hospital Administrators
Australian Institute of Medical Laboratory Scientists
Australian Institute of Radiography
Australian Optometrical Association
Australian Orthopaedic Association
Australian Physiotherapy Association
Australian Postgraduate Federation in Medicine
The Australian Red Cross Blood Society in respect of the Australian Red Cross
Blood Service in New South Wales
The Australian Society of Otolaryngology Head and Neck Surgery Limited
Australian Society of Plastic Surgeons Inc
Cardiac Society of Australia and New Zealand
General Practitioners' Society in Australia
Haematology Society of Australia
Institute of Hospital Engineers (Australia)
Institute of Nursing Administrators of New South Wales and A.C.T.
Medical Record Association of Australia
National Association of General Practitioners of Australia
National Association of Medical Specialists
New South Wales Neurosurgical Association
N.S.W. Institute of Dietitians
N.S.W. Institute of Psychiatry
N.S.W. Medical Record Association
N.S.W. Operating Theatre Association
Pharmaceutical Society of Australia (New South Wales) Ltd
Private Doctors of Australia
Public Health Association of Australia
Royal Australasian College of Medical Administrators
Royal Australasian College of Obstetricians and Gynaecologists

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Schedule 1

Prescribed establishments

Royal Australasian College of Physicians
Royal Australasian College of Radiologists
Royal Australasian College of Surgeons
Royal Australian and New Zealand College of Psychiatrists
Royal Australian College of General Practitioners
Royal Australian College of Ophthalmologists
The Royal College of Pathologists of Australia
Society of Hospital Pharmacists
The Thoracic Society of Australia and New Zealand
Transplantation Society of Australia and New Zealand
Urological Society of Australasia

BY AUTHORITY