

**HEALTH ADMINISTRATION (QUALITY ASSURANCE  
COMMITTEES) AMENDMENT ACT 1989 No. 207**

NEW SOUTH WALES



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**HEALTH ADMINISTRATION (QUALITY ASSURANCE  
COMMITTEES) AMENDMENT ACT 1989 No. 207**

NEW SOUTH WALES



**Act No. 207, 1989**

An Act to amend the Health Administration Act 1982 to make provision for quality assurance committees; and for related purposes.  
[Assented to 21 December 1989]

**The Legislature of New South Wales enacts:**

**Short title**

1. This Act may be cited as the Health Administration (Quality Assurance Committees) Amendment Act 1989.

**Commencement**

2. This Act commences on a day to be appointed by proclamation.

**Amendment of Health Administration Act 1982 No. 135**

3. The Health Administration Act 1982 is amended by inserting after Division 6A of Part 2 the following Division:

**Division 6B - Quality assurance committees**

**Definitions**

20D. In this Division:

"**Committee**" means a committee declared to be an approved quality assurance committee under section 20E;

"**prescribed establishment**" means:

- (a) a hospital within the meaning of the Public Hospitals Act 1929; or
- (b) an area health service within the meaning of the Area Health Services Act 1986; or
- (c) an establishment, college, association or other body (other than an industrial or trade union) prescribed by the regulations;

"**service**" means a health service, and includes any administrative or other service related to a health service.

**Approved quality assurance committees**

20E. (1) The Minister may, by order published in the Gazette, declare that a specified committee established by a prescribed establishment is an approved quality assurance committee for the purposes of this Division.

(2) The Minister is not to make such a declaration unless the Minister is satisfied that:

- (a) the committee is established by or within a prescribed establishment in accordance with the rules or official procedures of the establishment; and
- (b) its functions are to assess and evaluate services provided by one or more prescribed establishments (whether or not provided by the establishment which established the committee), to report and make recommendations concerning those services and to monitor the implementation of its recommendations; and
- (c) the committee comprises individuals with training and experience appropriate to the services to be assessed and evaluated by the committee; and
- (d) the exercise of those functions would be facilitated by the provision of immunities and protections afforded by this Division; and
- (e) it is in the public interest to restrict the disclosure of information compiled by the committee in the course of the exercise of those functions.

#### **Restrictions on Committees**

20F. (1) A Committee does not have authority to conduct an investigation relating to the competence of an individual in providing services.

(2) A report furnished or information made available by a Committee must not disclose the identity of an individual who is a provider or recipient of services unless the individual has consented in writing to that disclosure.

(3) A Committee is to have regard to the rules of natural justice in so far as they are relevant to the functions of a Committee.

#### **Disclosure etc. of information**

20G. A person who is or was a member of a Committee must not make a record of, or divulge or communicate to any person, any information acquired by the person as such a member, except:

- (a) for the purpose of exercising the functions of a member; or
- (b) in accordance with the provisions of the regulations as to the furnishing of reports to the Minister or to a prescribed

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establishment or the making available of information to the public.

Maximum penalty: 50 penalty units.

**Information not to be given in evidence**

20H. (1) A person who is or was a member of a Committee is neither competent nor compellable:

- (a) to produce before any court, tribunal, board or person any document in his or her possession or under his or her control that was created by, at the request of or solely for the purpose of the Committee; or
- (b) to divulge or communicate to any court, tribunal, board or person any matter or thing that came to the person's notice as such a member.

(2) Subsection (1) does not apply to a requirement made in proceedings in respect of any act or omission by a Committee or by a member of a Committee as a member.

**Findings of Committee not evidence of certain matters**

20I. A finding or recommendation by a Committee as to the need for changes or improvements in relation to a procedure or practice is not admissible as evidence in any proceedings that the procedure or practice is or was careless or inadequate.

**Personal liability of members etc.**

20J. (1) Anything done by a Committee, a member of a Committee or any person acting under the direction of a Committee, in good faith for the purposes of the exercise of the Committee's functions, does not subject such a member or person personally to any action, liability, claim or demand.

(2) Without limiting subsection (1), a member of a Committee has qualified privilege in proceedings for defamation in respect of:

- (a) any statement made orally or in writing in the exercise of the functions of a member; or
- (b) the contents of any report or other information published by the Committee.

(3) The members of a Committee are, and are entitled to be, indemnified by the prescribed establishment that established the

Committee in respect of any costs incurred in defending proceedings in respect of a liability against which they are protected by this section.

**Regulations relating to Committees**

- 20K. The regulations may make provision for or with respect to:
- (a) the procedure of Committees and the manner in which they are to exercise their functions; and
  - (b) permitting or requiring Committees to make specified information available to the public; and
  - (c) permitting or requiring Committees to furnish reports concerning their activities to the Minister and to prescribed health establishments.
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*[Minister's second reading speech made in -  
Legislative Assembly on 23 November 1989  
Legislative Council on 29 November 1989]*