

1995—No. 486

**HEALTH ADMINISTRATION ACT 1982—REGULATION**

(Health Administration (General) Regulation 1995)

NEW SOUTH WALES



*[Published in Gazette No. 105 of 1 September 1995]*

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.

ANDREW REFSHAUGE,  
Deputy Premier and Minister for Health.

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**PART 1—PRELIMINARY**

**Citation**

1. This Regulation may be cited as the Health Administration (General) Regulation 1995.

**Commencement**

2. This Regulation commences on 1 September 1995.

**Definitions**

3. 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.

**PART 2—QUALITY ASSURANCE COMMITTEES****Quorum**

4. (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.

**Chairperson**

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

**Presiding member**

6. (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.

**Voting**

7. 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.

**General procedure**

8. 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.

**Information available to the public**

**9. (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.

**Reports to the Minister**

**10. (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;
- (b) a statement indicating whether or not the relevant experience of the members of the Committee is such that the requirements of section 20E (2) (c) of the Act are satisfied;
- (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.

### **Reports to prescribed establishments**

**11. (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.

## **PART 3—MISCELLANEOUS**

### **Prescribed establishments**

**12.** 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) the bodies listed in Schedule 1.

**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 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 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.

### Repeal and savings

14. (1) The Health Administration (General) Regulation 1990 is repealed.

(2) Any act, matter or thing that, immediately before the repeal of the repealed Regulation, had effect under that Regulation is taken to have effect under this Regulation.

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### SCHEDULE 1—PRESCRIBED ESTABLISHMENTS

(Cl. 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 Therapist 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

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

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## NOTES

### TABLE OF PROVISIONS

#### PART 1—PRELIMINARY

1. Citation
2. Commencement
3. Definitions

#### PART 2—QUALITY ASSURANCE COMMITTEES

4. Quorum
5. Chairperson
6. Presiding member

7. Voting
8. General procedure
9. Information available to the public
10. Reports to the Minister
11. Reports to prescribed establishments

PART 3—MISCELLANEOUS

12. Prescribes establishments
  13. Disclosure of information
  14. Repeal and savings
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**EXPLANATORY NOTE**

The object of this Regulation is to repeal and remake, with minor changes, the provisions of the Health Administration (General) Regulation 1990 under the Health Administration Act 1982.

The Regulation sets out the following:

- the procedure of Quality Assurance Committees and matters relating to the exercise of their functions (including reporting and disclosure requirements);
- establishments that are “prescribed establishments”, for the purposes of the Act (under the Act the Minister may declare a committee established by a prescribed establishment to be a Quality Assurance Committee);
- the circumstances in which the disclosure of information obtained in connection with the Act will not constitute an offence.

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

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

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