



New South Wales

Health Administration Amendment (Serious Adverse Event Reviews) Regulation 2020

under the

Health Administration Act 1982

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

BRAD HAZZARD, MP
Minister for Health and Medical Research

Explanatory note

The object of this Regulation is to amend the *Health Administration Regulation 2020* (the **Regulation**) to—

- (a) update references in the Regulation, as a consequence of amendments made by the *Health Legislation Amendment Act 2018* Schedule 1, Part 2A, and
- (b) prescribe a type of review that is a serious adverse event review and a type of incident that is a reportable incident for the purposes of the *Health Administration Act 1982* by reference to documents adopted by the Regulation, and
- (c) prescribe the manner in which a relevant health services organisation may disclose an advice of an assessor or any information obtained from the advice for the purposes of the *Health Administration Act 1982*.

This Regulation is made under the *Health Administration Act 1982*, including sections 21A (definitions of **reportable incident** and **serious adverse event review**), 21B(b) and (c), 21F(1)(f), 21N(d) and 34 (the general regulation-making power).

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1 Name of Regulation

This Regulation is the *Health Administration Amendment (Serious Adverse Event Reviews) Regulation 2020*.

2 Commencement

This Regulation commences on 14 December 2020 and is required to be published on the NSW legislation website.

Schedule 1 Amendment of Health Administration Regulation 2020

[1] **Part 3, heading**

Omit the heading. Insert instead—

Part 3 Response to incidents

[2] **Clause 13 Relevant health services organisation**

Omit “paragraph (b) of the definition of *relevant health services organisation* in section 20L of the Act” in clause 13(1).

Insert instead “section 21B(b) of the Act”.

[3] **Clause 13(2)**

Omit “paragraph (c) of the definition of *relevant health services organisation* in section 20L of the Act”.

Insert instead “section 21B(c) of the Act”.

[4] **Clause 14**

Omit the clause. Insert instead—

14 Reportable incident

For the purposes of the definition of *reportable incident* in section 21A of the Act, a reportable incident means an incident of a type set out in Appendix D of the *Incident Management Policy*, published in the Gazette on 30 October 2020.

[5] **Clauses 14A and 14B**

Insert after clause 14—

14A Serious adverse event review

For the purposes of the definition of *serious adverse event review* in section 21A of the Act, the following types of review are prescribed—

- (a) NSW Health Concise Incident Analysis set out in Appendix E of the *Incident Management Policy*, published in the Gazette on 30 October 2020,
- (b) NSW Health Comprehensive Incident Analysis set out in Appendix F of the *Incident Management Policy*, published in the Gazette on 30 October 2020,
- (c) *Systems Analysis of Clinical Incidents: The London Protocol*, published in August 2004 by Imperial College London.

14B Disclosure of information—relevant health services organisations

- (1) For the purposes of section 21F(1)(f) of the Act, the following prescribe the manner in which advice or information may be disclosed—
 - (a) to obtain legal advice,
 - (b) to obtain legal representation,
 - (c) to notify an insurer, including Insurance and Care NSW, of an incident and to provide information in relation to an insurance claim.

(2) In this clause—

Insurance and Care NSW has the same meaning as in the *State Insurance and Care Governance Act 2015*.

[6] Clause 15, heading

Insert “—**incident reviewers**” after “**information**”.

[7] Clause 15(1)

Omit “section 20P(d)”. Insert instead “section 21N(d)”.

[8] Clause 15(1)

Omit “a member of an RCA team” wherever occurring.

Insert instead “an incident reviewer”.

[9] Clause 15(1)(a)

Omit “any of the following committees”.

Insert instead “a committee, appointed under section 20 of the Act”.

[10] Clause 15(1)(a)

Insert “, including the following committees” after “section 23(1) of the Act”.

[11] Clause 15(1)(b)

Omit “RCA team” wherever occurring. Insert instead “incident reviewer”.

[12] Clause 15(2)

Omit the definition of *RCA team*. Insert instead—

incident reviewer has the same meaning as in section 21L of the Act.