

Health Administration Regulation 2005

[2005-481]



New South Wales

Status Information

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Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Does not include amendments by**
[Private Health Facilities Act 2007 No 9](#) (not commenced)

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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Health Administration Regulation 2005



New South Wales

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Health Administration Regulation 2005*.

2 Commencement

This Regulation commences on 1 September 2005.

Note—

This Regulation replaces the *Health Administration Regulation 2000* which is repealed on 1 September 2005 by section 10 (2) of the *Subordinate Legislation Act 1989*.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) Notes in 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.

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 is 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.

Part 3 Root cause analysis teams

12 Relevant health services organisation

- (1) Each of the following statutory health corporations is prescribed as a relevant health

services organisation for the purpose of Division 6C (Root cause analysis teams) of Part 2 of the Act:

- (a) Justice Health,
- (b) The Royal Alexandra Hospital for Children.

(2) Each of the following affiliated health organisations is prescribed as a relevant health services organisation for the purpose of Division 6C of Part 2 of the Act:

- (a) Calvary Health Care Sydney Limited,
- (b) Catholic Health Care Services Limited,
- (c) Hope HealthCare Ltd,
- (d) Karitane,
- (e) Mercy Care Centre, Young,
- (f) Mercy Health Care (Newcastle) Limited,
- (g) Mercy Health Service Albury Limited,
- (ga) Royal Flying Doctor Service of Australia (South Eastern Section),
- (h) Royal Rehabilitation Centre Sydney,
- (i) Royal Society for the Welfare of Mothers and Babies,
- (j) Sacred Heart Hospice Limited,
- (k) St Joseph's Hospital Ltd,
- (l) St Vincent's Hospital Sydney Ltd,
- (m) The Trustees of the Roman Catholic Church for the diocese of Lismore,
- (n) Uniting Church in Australia.

Note—

Section 62 (1) of the [Health Services Act 1997](#) provides that an organisation or institution whose name is included in column 1 of Schedule 3 to that Act is an affiliated health organisation in respect of any of its recognised establishments and recognised services (these being included in column 2 of Schedule 3 to that Act).

13 Reportable incident

(1) For the purpose of Division 6C of Part 2 of the Act, a reportable incident means an incident of a type set out in the document entitled *NSW Department of Health Policy Directive PD2005_634 Reportable Incident Definition under section 20L of the Health Administration Act*, as published in the Gazette on 23 December 2005.

(2) (Repealed)

14 Disclosure of information

For the purposes of section 20P of the Act, a person who is or was a member of an RCA team may divulge or communicate information acquired by him or her as a member of an RCA team if the information is divulged or communicated to any of the following committees in connection with any research or investigation the committee is authorised to conduct under section 23 (1) of the Act:

- (a) Special Committee Investigating Deaths Under Anaesthesia (SCIDUA),
- (b) Special Committee Investigating Deaths Associated with Surgery (SCIDAWS),
- (c) The NSW Maternal and Perinatal Committee,
- (d) The NSW Mental Health Sentinel Events Review Committee.

Part 4 Miscellaneous

15 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 [Public Health Act 1991](#),
- (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.

16 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 Director-General or 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 other 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 that 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 disclosure of the information is authorised to be made, and

(c) may be given subject to conditions specified in it.

17 Savings provision

Any act, matter or thing that, immediately before the repeal of the [Health Administration Regulation 2000](#), had effect under that Regulation is taken to have effect under this Regulation.

Schedule 1 Prescribed establishments

(Clause 15 (d))

Australasian College of Dermatologists

Australasian College for Emergency Medicine

Australasian Epidemiological Association

Australasian Faculty of Occupational Medicine

Australasian Faculty of Rehabilitation Medicine

Australasian Society of Clinical Immunology and Allergy Inc.

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 and New Zealand Society of Nephrology

Australian Association of Clinical Biochemists

Australian Association of Gerontology

Australian Association of Neurologists

Australian Association of Occupational Therapists Inc

Australian Association of Social Workers

Australian Association of Speech and Hearing

Australian Association of Surgeons

The Australian College of Clinical Psychologists

Australian College of Health Service Executives

The Australian College of Paediatrics

Australian Dental Association (NSW Branch)

Australian Faculty of Public Health Medicine

Australian Hospitals Association

Australian Institute of Health Surveyors

Australian Institute of Medical Laboratory Scientists

Australian Institute of Radiography

Australian Orthopaedic Association

Australian Physiotherapy Association

Australian Postgraduate Federation in Medicine

The Australian Red Cross Society in respect of the Australian Red Cross Blood Service in New South Wales

Australian Society for Geriatric Medicine Inc

The Australian Society of Otolaryngology Head and Neck Surgery Limited

Australian Society of Plastic Surgeons Inc

Cardiac Society of Australia and New Zealand
Dietitians Association of Australia
Haematology Society of Australia and New Zealand
Health Information Management Association of Australia (NSW Branch)
Institute of Hospital Engineering, Australia
Institute of Nursing Administrators of New South Wales and A.C.T.
New South Wales Neurosurgical Association
N.S.W. Institute of Psychiatry
N.S.W. Institute of Trauma and Injury Management
N.S.W. Operating Theatre Association
Optometrists Association Australia (NSW Division)
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 Physicians
Royal Australasian College of Surgeons
Royal Australian and New Zealand College of Obstetricians and Gynaecologists
Royal Australian and New Zealand College of Ophthalmologists
Royal Australian and New Zealand College of Psychiatrists
The Royal Australian and New Zealand College of Radiologists
Royal Australian College of General Practitioners
The Royal College of Pathologists of Australia
Society of Hospital Pharmacists of Australia
The Thoracic Society of Australia and New Zealand
Transplantation Society of Australia and New Zealand
Urological Society of Australasia