



Queensland

Mater Public Health Services Act 2008

Act No. 60 of 2008



Queensland

Mater Public Health Services Act 2008

Contents

		Page
Part 1	Preliminary	
1	Short title	4
2	Commencement	4
3	Main object	4
4	Guiding principles	5
5	Definitions	5
Part 2	Agreement	
6	Authority to enter into agreement	6
Part 3	Disclosure of information	
7	Definitions for pt 3.	7
8	Who may disclose information	7
Part 4	Transitional provision	
9	Existing agreement	8
Part 5	Amendment of Child Protection Act 1999	
10	Act amended in pt 5	9
11	Amendment of s 159D (Other definitions for ch 5A)	9
12	Amendment of s 159H (Chief executive may ask particular prescribed entities to provide a service)	9
13	Amendment of s 159M (Particular prescribed entities giving and receiving relevant information)	9
Part 6	Amendment of Health Services Act 1991	
14	Act amended in pt 6	10
15	Omission of s 65 (Mater Misericordiae Public Hospitals)	10
Part 7	Amendment of Private Health Facilities Act 1999	
16	Act amended in pt 7	10
17	Insertion of new pt 14.	10
	Part 14 Transitional provisions for Mater public hospitals	

Contents

	166	Definitions for pt 14.	10
	167	Mater public hospitals are private hospitals	11
	168	Chief health officer may issue licence	11
18		Amendment of sch 3 (Dictionary).	12
Schedule		Dictionary	13



Queensland

Mater Public Health Services Act 2008

Act No. 60 of 2008

An Act to provide for the department and the Mater to enter into arrangements about the funding and delivery of public patient health services by Mater hospitals

[Assented to 25 November 2008]

The Parliament of Queensland enacts—

Part 1 Preliminary

1 Short title

This Act may be cited as the *Mater Public Health Services Act 2008*.

2 Commencement

This Act commences on a day to be fixed by proclamation.

3 Main object

- (1) The main object of this Act is to provide a statutory framework for the department and the Mater to enter into arrangements (the *arrangements*) about the delivery of public patient health services by the Mater hospitals and their funding.
- (2) It is Parliament's intention that the arrangements—
 - (a) recognise the major contribution made by the Mater and the Corporation of the Trustees of the Order of the Sisters of Mercy of Queensland to the delivery of public patient health services; and
 - (b) take account of the quantity and quality of public patient health services delivered by the Mater hospitals by—
 - (i) maintaining funding for the services while ensuring the most efficient and effective use of the funding; and
 - (ii) maintaining the clinical viability of delivering the services as part of all the health services delivered by the Mater hospitals; and

- (c) recognise the value of the Mater hospitals as teaching hospitals; and
- (d) have regard to the corporate governance and public accountability requirements of the department and the Mater.

4 Guiding principles

The principles intended to guide the achievement of this Act's main object include the following—

- (a) the department and the Mater should use their best endeavours to ensure that public patient health services are funded and delivered in a way that serves the best interests of patients receiving the services;
- (b) the department and the Mater should be committed to maintaining and enhancing a special relationship for giving effect to the arrangements;
- (c) the philosophy underpinning the delivery of health services by the Mater hospitals should be acknowledged;
- (d) the delivery of public patient health services by the Mater hospitals should be funded by the State in a way that is consistent with the funding of public sector health services;
- (e) the Mater, and not the department, is responsible for the delivery of public patient health services by the Mater hospitals;
- (f) the department and the Mater should cooperate in the development of the department's plan and key initiatives relating to the delivery of public patient health services by the Mater hospitals.

5 Definitions

The dictionary in the schedule defines particular words used in this Act.

Part 2 Agreement

6 Authority to enter into agreement

- (1) The chief executive, acting on behalf of the State, and the Mater may enter into an agreement for the arrangements.
- (2) The agreement may include matters relating to the following—
 - (a) the period of the agreement;
 - (b) reviewing and varying the agreement;
 - (c) the department's obligation to allocate funds to the Mater for the delivery of public patient health services by the Mater hospitals;
 - (d) details of the department's funding allocation to the Mater for each financial year;
 - (e) providing extraordinary or emergency funding by the department to the Mater;
Example of extraordinary funding—
funding for capital works
 - (f) initiatives, performance targets, priorities, strategies, undertakings and other measures (the *measures*) relating to the delivery of the services;
 - (g) the Mater's obligations to deliver the services under the measures;
 - (h) assessing the Mater's performance against the measures;
 - (i) the rights and obligations of the department and the Mater relating to matters of privacy and access to medical records;
 - (j) reporting by the Mater to the department about the delivery of the services;
 - (k) resolving disputes between the department and the Mater.

- (3) Subsection (2) does not limit the matters that may be included in the agreement.
- (4) A regulation may prescribe matters that must be included in the agreement relating to the funding that the department must provide for the purpose of staff entitlements.

Part 3 Disclosure of information

7 Definitions for pt 3

In this part—

confidential information see the *Health Services Act 1991*, section 60.

designated person see the *Health Services Act 1991*, section 60.

health professional see the *Health Services Act 1991*, section 60.

officer, of the Mater, means an employee of the Mater, or a health professional engaged to deliver a health service by a Mater hospital.

personal information, about an individual, means information or an opinion, whether true or not, about the individual from which the individual's identity is apparent or can reasonably be ascertained.

8 Who may disclose information

- (1) A designated person may disclose confidential information about an individual to a health professional engaged to deliver a public patient health service for a Mater hospital if the disclosure is for the care or treatment of the individual.
- (2) An officer of the Mater may disclose personal information about an individual who is or was a patient of a Mater hospital

[s 9]

to a health professional engaged to deliver a public sector health service on behalf of the department if the disclosure is for the care or treatment of the individual.

Part 4 Transitional provision

9 Existing agreement

- (1) The existing agreement—
 - (a) is taken to have been made under section 6; and
 - (b) continues in force until it expires under its terms or is otherwise terminated.
- (2) The annual agreement continues in force until it expires under its terms or is otherwise terminated.
- (3) In this section—

annual agreement means the agreement, made under clause 7 of the existing agreement as in force immediately before the commencement and includes that agreement as subsequently varied.

commencement means the commencement of this section.

existing agreement means the Mater Hospital Funding Agreement made between the State and the Mater on 16 December 2002 as in force immediately before the commencement and includes that agreement as subsequently varied.

Part 5 **Amendment of Child Protection
Act 1999**

10 **Act amended in pt 5**

This part amends the *Child Protection Act 1999*.

11 **Amendment of s 159D (Other definitions for ch 5A)**

Section 159D, definition *prescribed entity*, after paragraph (d)—

insert—

‘(da) the chief executive officer of the Mater Misericordiae Health Services Brisbane Ltd (ACN 096 708 922);’.

12 **Amendment of s 159H (Chief executive may ask particular prescribed entities to provide a service)**

After section 159H(1)(b)—

insert—

‘(ba) the chief executive officer of the Mater Misericordiae Health Services Brisbane Ltd (ACN 096 708 922);’.

13 **Amendment of s 159M (Particular prescribed entities giving and receiving relevant information)**

After section 159M(1)(c)—

insert—

‘(ca) the chief executive officer of the Mater Misericordiae Health Services Brisbane Ltd (ACN 096 708 922);’.

[s 14]

Part 6 **Amendment of Health Services Act 1991**

14 **Act amended in pt 6**

This part amends the *Health Services Act 1991*.

15 **Omission of s 65 (Mater Misericordiae Public Hospitals)**

Section 65—
omit.

Part 7 **Amendment of Private Health Facilities Act 1999**

16 **Act amended in pt 7**

This part amends the *Private Health Facilities Act 1999*.

17 **Insertion of new pt 14**

After section 165—
insert—

‘Part 14 **Transitional provisions for Mater public hospitals**

‘166 **Definitions for pt 14**

In this part—

existing licences means the licences held by the Mater for the Mater private hospitals immediately before the commencement of this part.

Mater private hospitals means the following hospitals located at South Brisbane—

- Mater Misericordiae Private Hospital
- Mater Misericordiae Women’s and Children’s Private Health Service.

Mater public hospitals means the following hospitals located at South Brisbane—

- Mater Adult Hospital
- Mater Children’s Hospital
- Mater Mothers’ Hospital.

the Mater means Mater Misericordiae Health Services Brisbane Ltd (ACN 096 708 922).

‘167 Mater public hospitals are private hospitals

To remove any doubt, it is declared that the Mater public hospitals are private hospitals for this Act.

‘168 Chief health officer may issue licence

- (1) Subject to subsection (2), the chief health officer must, under this part, issue a licence (the ***new licence***) to the Mater for the Mater private hospitals and the Mater public hospitals.
- (2) To allow the chief health officer to issue the new licence, the Mater must, within 30 days after the commencement of this section, give the chief health officer an application for a licence, in the approved form mentioned in section 42(b), relating to the Mater private and public hospitals.
- (3) Sections 43 to 46 do not apply to the application.
- (4) The chief health officer must issue the new licence within 30 days after receiving the application.
- (5) The new licence replaces the existing licences and is taken to have been issued under part 6.
- (6) Without limiting subsection (5)—

[s 18]

- (a) part 6, divisions 4 to 7 apply to the new licence; and
- (b) for applying section 48, a reference in section 48(6), definition *prescribed change*, paragraph (a) to an application under this Act includes a reference to the application mentioned in subsection (2); and
- (c) section 48(1)(e) is not limited by anything in the existing agreement mentioned in the *Mater Public Health Services Act 2008*, section 9.’.

18 Amendment of sch 3 (Dictionary)

Schedule 3—

insert—

‘existing licences, for part 14, see section 166.

Mater private hospitals, for part 14, see section 166.

Mater public hospitals, for part 14, see section 166.

the Mater, for part 14, see section 166.’.

Schedule Dictionary

section 5

arrangements see section 3(1).

confidential information, for part 3, see section 7.

designated person, for part 3, see section 7.

health professional, for part 3, see section 7.

health service see the *Health Services Act 1991*, section 3.

Mater hospitals means the following hospitals located at South Brisbane—

- Mater Adult Hospital
- Mater Children’s Hospital
- Mater Mothers’ Hospital
- Mater Misericordiae Private Hospital
- Mater Misericordiae Women’s and Children’s Private Health Service.

officer, of the Mater, for part 3, see section 7.

personal information, for part 3, see section 7.

public patient, in relation to a patient receiving a health service delivered by a Mater hospital, means an individual who, as a patient of the hospital, is not the patient of a medical practitioner in private practice.

public patient health services means health services delivered to public patients.

public sector health service, see the *Health Services Act 1991*, section 2.

the Mater means Mater Misericordiae Health Services Brisbane Ltd (ACN 096 708 922).

© State of Queensland 2008