



Queensland

Hospital and Health Boards Amendment Regulation (No. 1) 2014

Subordinate Legislation 2014 No. 49

made under the

Hospital and Health Boards Act 2011

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1 Short title

This regulation may be cited as the *Hospital and Health Boards Amendment Regulation (No. 1) 2014*.

2 Commencement

Sections 11 and 13 commence on 1 July 2014.

3 Regulation amended

This regulation amends the *Hospital and Health Boards Regulation 2012*.

4 Insertion of new pt 2, div 1 hdg

After part 2 heading—

insert—

Division 1 Establishment

5 Amendment of s 3 (Establishment of Hospital and Health Services—Act, s 17)

Section 3, ‘the schedule’—

omit, insert—

schedule 1

6 Insertion of new pt 2, div 2

Part 2, after section 3—

insert—

Division 2 Changes to Services

3A Amalgamation of Hospital and Health Services—Act, s 282(2)(a)

(1) On 1 July 2014—

[s 7]

- (a) the merging Services are amalgamated as a Hospital and Health Service (the *new Service*); and
 - (b) the transitioned service area is declared to be the health service area for the new Service; and
 - (c) the name Torres and Cape Hospital and Health Service is assigned to the new Service.
- (2) In this section—
- merging Service* means—
- (a) the Cape York Hospital and Health Service; or
 - (b) the Torres Strait-Northern Peninsula Hospital and Health Service.

transitioned service area means the health service area consisting of the health service areas that are, on the commencement of this section, the health service areas for the merging Services.

7 Replacement of pt 9, div 1 hdg

Part 9, division 1, heading—

omit, insert—

Division 1 Transitional provisions for 2012 SL No. 90

Subdivision 1 Preliminary

8 Amendment of s 38 (Definition for pt 9)

- (1) Section 38, heading, ‘pt 9’—

omit, insert—

div 1

- (2) Section 38, ‘part’—
omit, insert—
division

9 Replacement of pt 9, div 2 hdg

Part 9, division 2, heading—
omit, insert—

Subdivision 2 General

10 Insertion of new pt 9, div 2

After section 41—
insert—

**Division 2 Transitional provision for
Hospital and Health
Boards Amendment
Regulation (No. 1) 2014**

42 Application of sch 5A

- (1) Schedule 5A applies for the amalgamation of the merging Services as the new Service under section 3A.
- (2) In this section and schedule 5A, as it applies under subsection (1)—

amalgamation day means 1 July 2014.

merging Service see section 3A(2).

new Service see section 3A(1)(a).

11 Amendment of sch 1 (Hospital and Health Services)

- (1) Schedule 1, entries for Cape York Hospital and Health Service and Torres Strait-Northern Peninsula Hospital and Health Service—

[s 12]

omit.

(2) Schedule 1—

insert—

Torres and Cape

the local government areas of—

- Aurukun Shire Council
- Cook Shire Council
- Hope Vale Shire Council
- Kowanyama Shire Council
- Lockhart River Shire Council
- Mapoon Shire Council
- Napranum Shire Council
- Northern Peninsula Area
Regional Council
- Pormpuraaw Shire Council
- Torres Shire Council
- Torres Strait Island Regional
Council
- Town of Weipa
- Wujal Wujal Shire Council

12 Insertion of new sch 5A

After schedule 5—

insert—

Schedule 5A General provisions for amalgamation of Hospital and Health Services

section 42

Part 1 Preliminary

1 Definition for sch 5A

In this schedule—

new health service chief executive see section 2(2).

Part 2 Appointments

2 Appointment of new health service chief executive

- (1) This section applies if—
 - (a) before the amalgamation day, a Hospital and Health Board is appointed for the new Service under section 23 of the Act; and
 - (b) the appointment is to take effect on the amalgamation day.
- (2) The persons who are to constitute the board may, before the amalgamation day, appoint a health service chief executive (the *new health service chief executive*) for the new Service.
- (3) An appointment made under subsection (2)—

- (a) takes effect on the amalgamation day; and
- (b) subject to paragraph (a), is taken to have been made by the board under section 33 of the Act.

3 Continued appointment as authorised person or security officer

- (1) This section applies to a person appointed to a relevant office by the health service chief executive for a merging Service, if the appointment is in force immediately before the amalgamation day.
- (2) On and from the amalgamation day, the person continues to be appointed to the relevant office for the new Service—
 - (a) until the appointment ends; and
 - (b) on the same terms of appointment that applied to the person immediately before the amalgamation day.
- (3) In this section—

relevant office means either or both of the following—

 - (a) an authorised person;
 - (b) a security officer.

4 Continued appointments to relevant offices to undertake official functions

- (1) This section applies if—
 - (a) the health service chief executive for a merging Service has appointed a person to any of the following offices (each a *relevant office*)—
 - (i) health service auditor;

-
- (ii) clinical reviewer;
 - (iii) health service investigator; and
 - (b) the person has not finished undertaking the person's official function before the amalgamation day.
- (2) Subject to subsections (3) and (4), on and from the amalgamation day, the person continues to be appointed to the relevant office in the new Service on the same terms of appointment that applied to the person immediately before the amalgamation day.
- (3) Subsection (2) applies only until—
- (a) the person gives the new health service chief executive a relevant report for the person's official function; or
 - (b) the person's appointment to the relevant office sooner ends.
- (4) On and from the amalgamation day, the new health service chief executive is taken to be the appointer of the person to the relevant office.
- (5) Subsections (2) and (3) do not prevent the new health service chief executive from reappointing the person to the relevant office to finish undertaking the person's official function.
- (6) In this section—

official function means—

- (a) for a health service auditor—a health service audit; or
- (b) for a clinical reviewer—a clinical review under part 6, division 3 of the Act; or
- (c) for a health service investigator—a health service investigation under part 9 of the Act.

relevant report means—

[s 12]

- (a) for a health service audit—a report under section 64 of the Act; or
- (b) for a clinical review under part 6, division 3 of the Act—a report under section 135 or 136 of the Act; or
- (c) for a health service investigation under part 9 of the Act—a report under section 199 of the Act.

5 Continuation of quality assurance committees

- (1) This section applies if a merging Service has established a quality assurance committee that is in existence immediately before the amalgamation day.
- (2) On and from the amalgamation day—
 - (a) the quality assurance committee continues; and
 - (b) the committee is taken to have been established by the new Service; and
 - (c) for applying section 22(a) of the regulation, any procedures that were decided for the committee by the merging Service before the amalgamation day are taken to have been decided by the new Service.

6 Continuation of RCA teams and RCAs

- (1) This section applies if—
 - (a) the health service chief executive for a merging Service has appointed persons to be members of an RCA team to conduct an RCA of a reportable event; and
 - (b) the RCA team has not finished conducting the RCA before the amalgamation day.

-
- (2) Subject to subsection (3), on and from the amalgamation day—
 - (a) the appointment of the RCA team continues in force; and
 - (b) the RCA continues; and
 - (c) unless the context otherwise requires, the new health service chief executive is taken to be the commissioning authority who appointed the RCA team members.
 - (3) Subsection (2) applies to the RCA team only until—
 - (a) the RCA team gives the new health service chief executive an RCA report about the reportable event; or
 - (b) the conduct of the RCA is sooner stopped.

Part 3 Information applications

7 Application for internal review

- (1) This section applies if, before the amalgamation day, a merging Service had started dealing with, but had not finally dealt with, an application under—
 - (a) the *Information Privacy Act 2009*, section 43, 44 or 94; or
 - (b) the *Right to Information Act 2009*, section 24 or 80.
- (2) On and from the amalgamation day, the new Service must continue to deal with the application as if the application had been made to the new Service.

8 Application for external review

- (1) This section applies if, before the amalgamation day, the information commissioner had started dealing with, but had not finally dealt with, an application for external review, under the *Information Privacy Act 2009* or *Right to Information Act 2009*, of a decision made by a merging Service.
- (2) On the amalgamation day, the new Service becomes a participant in the external review.
- (3) In this section—
participant—
 - (a) in an external review of a decision under the *Information Privacy Act 2009*—see schedule 5 of that Act; or
 - (b) for an external review of a decision under the *Right to Information Act 2009*—see schedule 6 of that Act.

9 Persons affected by reviewable decisions

- (1) This section applies if—
 - (a) a person was affected by a reviewable decision made by a merging Service under the *Information Privacy Act 2009* or *Right to Information Act 2009* before the amalgamation day; and
 - (b) the period in which the person may apply for a review of the decision under the *Information Privacy Act 2009*, section 94 or 99 or the *Right to Information Act 2009*, section 80 or 85, has not ended before the amalgamation day; and

Note—

For the relevant period, see the *Information Privacy Act 2009*, section 96(c) or 101(1)(d), or

- (2) Without limiting subsection (1)—
- (a) any right, title, interest or liability arising under or relating to a merging Service instrument is taken to be transferred from the merging Service to the new Service; and
 - (b) a merging Service instrument, including a benefit or right provided by a merging Service instrument, or given to, by or in favour of, a merging Service is taken to have been given to, by or in favour of, the new Service; and
 - (c) the new Service is taken to be a party to each merging Service instrument in place of the merging Service to which it applied; and
 - (d) a reference to a merging Service in a merging Service instrument is taken to be a reference to the new Service; and
 - (e) an application for a merging Service instrument made in the merging Service's name is taken to have been made in the new Service's name; and
 - (f) a merging Service instrument under which an amount is, or may become, payable to or by a merging Service is taken to be an instrument under which the amount is, or may become, payable to or by the new Service in the way the amount was, or might have become, payable to or by the merging Service; and
 - (g) a merging Service instrument under which property, other than money, is or may become liable to be transferred, conveyed or assigned to or by a merging Service is taken to be an instrument under which property is or may become liable to be transferred, conveyed or assigned to or by the new Service in the way the property was or

might have become liable to be transferred, conveyed or assigned to or by the merging Service.

(3) In this section—

merging Service instrument means an instrument applying to a merging Service.

13 Particular health service employees

- (1) This section applies to a person who, immediately before the amalgamation day, was employed as a health executive or contracted senior health service employee in a merging Service.
- (2) On and from the amalgamation day, the person continues to be employed as a health executive or contracted senior health service employee in the new Service—
 - (a) until the term of the person's employment ends or the employment otherwise ends; and
 - (b) on the same conditions of employment that applied to the person immediately before the amalgamation day.

14 Pending legal proceedings

On and from the amalgamation day, a legal proceeding by or against a merging Service that is not finished before the amalgamation day must be continued and finished by or against the new Service.

15 Transfer of records

On the amalgamation day, the records of a merging Service become the records of the new Service.

[s 13]

13 Amendment of sch 6 (Dictionary)

- (1) Schedule 6, definition *rural Service*, paragraph (a)—
omit.
- (2) Schedule 6, definition *rural Service*, paragraph (e)—
omit, insert—
 - (e) Torres and Cape.
- (3) Schedule 6, definition *rural Service*, paragraphs (b) to (e)—
renumber as paragraphs (a) to (d).

ENDNOTES

- 1 Made by the Governor in Council on 24 April 2014.
- 2 Notified on the Queensland legislation website on 24 April 2014.
- 3 The administering agency is Queensland Health.

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