

# **Private Health Facilities (Standards) Notice 2016**

Explanatory notes for SL 2016 No. 127

made under the

*Private Health Facilities Act 1999*

## **General Outline**

### **Short title**

*Private Health Facilities (Standards) Notice 2016*

### **Authorising law**

Section 12 of the *Private Health Facilities Act 1999*

### **Policy objectives and the reasons for them**

In accordance with part 7 of the *Statutory Instruments Act 1992*, the *Private Health Facilities Notice 2000* (the 2000 Notice) will expire on 31 August 2016. The *Private Health Facilities Notice 2016* (the Notice) replaces the 2000 Notice to notify the making of the standards made under the *Private Health Facilities Act 1999* (the Act).

Section 12 of the Act provides that the Chief Health Officer may make standards under the Act for the protection of the health and wellbeing of patients receiving health services at private health facilities. A standard made by the Chief Health Officer has no effect unless the Minister notifies the making of the standard.

### **Achievement of policy objectives**

The Notice notifies the making of a range of standards under the Act for the protection of the health and wellbeing of patients receiving health services at private health facilities.

The Notice is remade without substantive change. The version numbers of the standards have been updated. The current version of the standards, made by the Chief Health Officer on 4 May 2016, have been updated to reflect relevant references and to modernise formatting.

## **Consistency with policy objectives of authorising law**

The Notice is consistent with the policy objectives of the Act.

## **Inconsistency with policy objectives of other legislation**

No inconsistencies with the policy objectives of other legislation have been identified.

## **Alternative ways of achieving policy objectives**

There are no alternative ways of achieving the policy objectives.

## **Benefits and costs of implementation**

The Notice is consistent with the 2000 Notice and accordingly imposes no additional costs on persons or organisations.

## **Consistency with fundamental legislative principles**

The Notice notifies the making of a range of standards under the Act, which have been updated to reflect relevant references and to modernise formatting. The standards are not included in the Notice. This may be seen as a minor breach of the fundamental legislative principles in section 4(5)(e) of the *Legislative Standards Act 1992*, which require subordinate legislation to have sufficient regard to the institution of Parliament by allowing the subdelegation of a power delegated by an Act only in appropriate cases and to appropriate persons and if authorised by an Act. To address this, the standards will be tabled in the Legislative Assembly to enhance the visibility of the documents to members of the Legislative Assembly and allow members to fully consider the implications of any proposed changes. The standards are also available to view on the Queensland Health website.

The Notice is otherwise consistent with fundamental legislative principles.

## **Consultation**

No external consultation was undertaken on the Notice as it is largely consistent with the 2000 Notice and the changes are minor and technical in nature.

The Office of Best Practice Regulation was consulted on the Notice and has advised that a Regulatory Impact Statement is not required.

# Notes on provisions

## Short Title

*Clause 1* provides that the short title of the Notice will be the *Private Health Facilities Notice 2016*.

## Commencement

*Clause 2* provides that the Notice commences on 1 September 2016.

## Notice of making of standards—Act, s 12

*Clause 3* provides that the standards set out in schedule 1 have been made by the Chief Health Officer as a standard under the Act.

## Where copies of standards etc. are available for inspection

*Clause 4* sets out, in accordance with section 12(4) of the Act, that copies of the standard and the provisions of any document applied, adopted or incorporated by the standard are available for inspection, without charge, at the office of the Chief Health Officer during normal business hours.

## Schedule 1

Schedule 1 sets out the standards that have been made by the Chief Health Officer as standards under the Act.

The standards are:

- Continuous quality improvement standard (version 3)
- Credentials and clinical privileges standard (version 4)
- Ethics standard (version 2)
- Infection control standard (version 3)
- Information management standard (version 4)
- Management and staffing standard (version 6)
- Minimum patient throughput standard (version 5)
- Patient care standard (version 5)
- Physical environment standard (version 5)
- Specialty health services standard (version 5).