



# **Mater Public Health Services Act 2008**

**Reprinted as in force on 12 December 2008**

**Reprint No. 1**

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# Information about this reprint

This Act is reprinted as at 12 December 2008.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 mentioned in the following list have also been made to—

- omit provisions that are no longer required (s 40)
- omit the enacting words (s 42A)
- make all necessary consequential amendments (s 7(1)(k)).

This page is specific to this reprint. A table of reprints is included in the endnotes.

**Also see endnotes for information about when provisions commenced.**

## Spelling

The spelling of certain words or phrases may be inconsistent in this reprint or with other reprints because of changes made in various editions of the Macquarie Dictionary (for example, in the dictionary, ‘lodgement’ has replaced ‘lodgment’).

## Dates shown on reprints

**Reprints dated at last amendment** All reprints produced on or after 1 July 2002, authorised (that is, hard copy) and unauthorised (that is, electronic), are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If an authorised reprint is dated earlier than an unauthorised version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of an authorised reprint is the same as the date shown for an unauthorised version previously published, it merely means that the unauthorised version was published before the authorised version. Also, any revised edition of the previously published unauthorised version will have the same date as that version.

**Replacement reprint date** If the date of an authorised reprint is the same as the date shown on another authorised reprint it means that one is the replacement of the other.



Queensland

# Mater Public Health Services Act 2008

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# Mater Public Health Services Act 2008

[reprinted as in force on 12 December 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**

## 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

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- (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;

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- (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.



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*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 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.

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*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.

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# 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).

# Endnotes

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## 2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). However, no amendments have commenced operation on or before that day. Future amendments of the Mater Public Health Services Act 2008 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

## 3 Key

### Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No. [X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
num	= numbered	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

## 4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments included	Effective	Notes
1	none	12 December 2009	

## 5 List of legislation

### **Mater Public Health Services Act 2008 No. 60**

date of assent 25 November 2008

ss 1–2 commenced on date of assent

remaining provisions commenced 12 December 2008 (2008 SL No. 447)

## 6 List of annotations

### **PART 5—AMENDMENT OF CHILD PROTECTION ACT 1999**

**pt 5 (ss 10–13)** om R1 (see RA ss 7(1)(k) and 40)

### **PART 6—AMENDMENT OF HEALTH SERVICES ACT 1991**

**pt 6 (ss 14–15)** om R1 (see RA ss 7(1)(k) and 40)

### **PART 7—AMENDMENT OF PRIVATE HEALTH FACILITIES ACT 1999**

**pt 7 (ss 16–18)** om R1 (see RA ss 7(1)(k) and 40)