



Mater Public Health Services Act 2008

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Queensland

Mater Public Health Services Act 2008

Contents

		Page
Part 1	Preliminary	
1	Short title	3
2	Commencement	3
3	Main object	3
4	Guiding principles	4
5	Definitions	5
Part 2	Agreement	
6	Authority to enter into agreement	5
Part 3	Disclosure of information	
7	Definitions for pt 3	6
8	Who may disclose information	7
Part 4	Transitional provision	
9	Existing agreement	7
Schedule	Dictionary	8

Mater Public Health Services Act 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
 - (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;

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- (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 *Hospital and Health Boards Act 2011*, schedule 2.

designated person see the *Hospital and Health Boards Act 2011*, schedule 2.

health professional see the *Hospital and Health Boards Act 2011*, schedule 2.

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 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.

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 *Hospital and Health Boards Act 2011*, schedule 2.

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 *Hospital and Health Boards Act 2011*, schedule 2.

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