

Hospitals Foundations Regulation 2015

Explanatory notes for SL 2015 No. 103

made under the

Hospitals Foundations Act 1982

General Outline

Short title

Hospitals Foundations Regulation 2015

Authorising law

Section 72 of the *Hospitals Foundations Act 1982*

Policy objectives and the reasons for them

The main objectives of the *Hospitals Foundations Act 1982* (the Act) are to provide for the establishment, incorporation and administration of bodies corporate known as hospital foundations.

Hospital foundations are constituted to help their associated hospitals to provide improved facilities, education opportunities for staff and research funding and opportunities, and to support the health and wellbeing of communities. Hospital foundations are administered by a Board appointed by the Governor in Council on recommendation of the Minister for Health. The general objects of hospital foundations are to acquire, manage and apply property and any other associated income to continuing projects within, or associated with, their respective hospitals.

Under section 54(1) of the *Statutory Instruments Act 1992*, the *Hospitals Foundations Regulation 2005* (the 2005 Regulation) will automatically expire on 1 September 2015. The *Hospitals Foundations Regulation 2015* (the Regulation) replaces the 2005 Regulation, prescribing certain matters to support the Act.

The 2005 Regulation prescribes hospital foundations established under the Act in schedule 1 and provides for the amalgamation of two hospital foundations, which occurred in 2012. The prescribed hospital foundations include the Children's Health Foundation Queensland, which has requested that its legal name be changed.

Achievement of policy objectives

The Regulation replaces the 2005 Regulation, prescribing matters necessary to support the Act. In particular, the Regulation:

- prescribes in schedule 1 the bodies corporate that are hospital foundations for the purpose of the Act
- provides that the hospital foundation previously known as the Children's Health Foundation Queensland is now the Children's Hospital Foundation Queensland, and
- provides that section 4 of the 2005 Regulation, which provided for the amalgamation of two hospital foundations, continues to have effect.

The Regulation will ensure the hospital foundations established under section 7 of the Act will continue after the 2005 Regulation expires.

Consistency with policy objectives of authorising law

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

Inconsistency with policy objectives of other legislation

The Regulation is consistent with the policy objectives of other legislation.

Alternative ways of achieving policy objectives

The Regulation is the only effective means of achieving the policy objectives.

Benefits and costs of implementation

Consistent with the objectives of hospital foundations, the Children's Hospital Foundation Queensland will continue to raise funds to support the Lady Cilento Children's Hospital.

The Regulation imposes no additional costs on the persons or organisations to which it applies. The Regulation, which is consistent with the 2005 Regulation, is policy neutral. The amendment to the name of the Children's Health Foundation Queensland relates to the internal management of a health statutory authority.

Consistency with fundamental legislative principles

The Regulation is consistent with the fundamental legislative principles in section 4 of the *Legislative Standards Act 1992*.

Consultation

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

There was no external consultation in relation to the Regulation as it is consistent with the 2005 Regulation. The change to the name of the Children's Health Foundation Queensland was made in consultation with the hospital foundation.

Notes on provisions

Part 1 Preliminary

Short title

Clause 1 provides that the short title is the *Hospitals Foundations Regulation 2015*.

Change of name of particular body corporate

Clause 2 provides that the hospital foundation previously known as ‘Children’s Health Foundation Queensland’ is now the ‘Children’s Hospital Foundation Queensland’.

Bodies corporate stated in sch 1

Clause 3 provides that the hospital foundations in existence at the commencement are prescribed in schedule 1.

Application of repealed regulation, s 4

Clause 4 provides that section 4 of the repealed *Hospitals Foundations Regulation 2005* will continue to have effect for the purposes of the amalgamation provided for in that section. Section 4 of the *Hospitals Foundations Regulation 2005* makes provision for the amalgamation of two hospital foundations, which occurred in 2012.

Repeal

Clause 5 provides that the *Hospitals Foundations Regulation 2005*, SL No. 117 is repealed.

Schedule 1 Bodies corporate

Schedule 1 prescribes the hospital foundations for the purposes of section 7 of the Act.