

Hospitals Foundations (HIVFQ) Amendment Regulation 2018

Explanatory notes for SL 2018 No. 73

made under the

Hospitals Foundations Act 1982

General Outline

Short title

Hospitals Foundations (HIVFQ) Amendment Regulation 2018

Authorising law

Sections 59 and 72 of the *Hospitals Foundations Act 1982*

Policy objectives and the reasons for them

The *Hospitals Foundations Act 1982* (the Act) provides for the establishment, administration and dissolution of hospital foundations. In 2013, the HIV Foundation Queensland (HIVFQ) was established under section 7 of the Act by the *Hospitals Foundations Amendment Regulation (No. 1) 2013*.

Section 9 of the Act requires the department to keep a register of hospital foundations established under the Act, which the Act refers to as the 'register of bodies corporate'. On 30 June 2017, HIVFQ applied to be removed from the register of bodies corporate under section 56(1) of the Act. HIVFQ ceased operating in September 2017.

The Act sets out the process for dissolving a hospital foundation:

- section 56(2) – following an application under section 56(1), the Governor in Council may make an order, by gazette notice, approving the removal of the hospital foundation from the register of bodies corporate, and
- section 59 – if the Governor in Council is satisfied that the affairs of the hospital foundation are such that there is no need for it to be wound-up, the Governor in Council may make a regulation to dissolve the foundation.

The Governor in Council may order that a hospital foundation be dissolved if the solvency of the foundation is transparent and not disputed and all outstanding liabilities of the foundation have been satisfied.

As a result of HIVFQ's application under section 56(1) and in accordance with section 56(2), the Governor in Council ordered the removal of HIVFQ from the register of bodies corporate as part of the same process as making this regulation. The Governor in Council was provided with information about HIVFQ's financial affairs and solvency to satisfy it that the foundation could be dissolved rather than wound up. As such, it is proposed to dissolve HIVFQ.

Achievement of policy objectives

This regulation dissolves HIVFQ under section 59 of the Act. It also removes HIVFQ from the list of hospital foundations in schedule 1 of the *Hospitals Foundations Regulation 2015*.

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

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

Alternative ways of achieving policy objectives

The regulation is the only way of dissolving HIVFQ, in accordance with section 59 of the Act.

Benefits and costs of implementation

The regulation dissolves HIVFQ, which ceased operating in September 2017. Dissolving HIVFQ before 30 June 2018 means it will not incur additional reporting costs for the 2018-19 financial year.

The costs associated with dissolving HIVFQ are administrative in nature and will be met by Queensland Health.

Consistency with fundamental legislative principles

The regulation is consistent with fundamental legislative principles.

Consultation

The dissolution of HIVFQ was requested by HIVFQ and is administrative in nature. No stakeholder consultation was considered necessary.

The amendments were assessed by Queensland Health, in accordance with *The Queensland Government Guide to Better Regulation*, as being excluded from further regulatory impact assessment, as they are machinery in nature and for the internal management of a statutory authority. Therefore, consultation with the Office of Best Practice Regulation, Queensland Productivity Commission, was not required.

Notes on provisions

Short Title

Clause 1 provides the short title of the regulation is the *Hospitals Foundations (HIVFQ) Amendment Regulation 2018*.

Regulation amended

Clause 2 provides that the regulation amends the *Hospitals Foundations Regulation 2015*.

Amendment of s 3A (Dissolution of body corporate—Act, s 59)

Clause 3 amends section 3A to provide that HIVFQ is dissolved under section 59 of the Act.

Amendment of sch 1 (Bodies corporate)

Clause 4 amends schedule 1 by removing HIVFQ from the list of hospital foundations.