

**Subordinate legislation tabled between
2 April 2014 and 6 May 2014**

Report No. 54

Health and Community Services Committee

August 2014

Health and Community Services Committee

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1 Introduction

1.1 Role of the committee

The Health and Community Services Committee is responsible for examining subordinate legislation within its portfolio areas and considering the policy effect, the application of fundamental legislative principles, and the lawfulness of the subordinate legislation (section 93(1) of the *Parliament of Queensland Act 2001*). The committee's responsibilities include monitoring the operation of the *Statutory Instruments Act 1992* as it relates to subordinate legislation. The committee reports to the Legislative Assembly on all subordinate legislation it has considered.

1.2 Aim of this report

This report summarises the committee's examination of the SL 49 - Hospital and Health Boards Amendment Regulation (No.1) 2014 tabled on 6 May 2014, with a disallowance date of 27 August 2014.

2 Hospital and Health Boards Amendment Regulation (No. 1) 2014 – SL 49

The Explanatory Notes state that the objective of the Hospital and Health Boards Amendment Regulation (No. 1) 2014 is to:

- amalgamate the Cape York Hospital and Health Service and the Torres Strait-Northern Peninsula Hospital and Health Service, to form the Torres and Cape Hospital and Health Service
- ensure the amalgamated Torres and Cape Hospital and Health Service is able to fully commence functions under the *Hospital and Health Boards Act 2011*, from 1 July 2014.¹

The *Hospital and Health Boards Act 2011* provides for the establishment of Hospital and Health Services, which are prescribed in Schedule 1 of the Hospital and Health Boards Regulation 2012. The Explanatory Notes state that amalgamation of the two health services into a single larger organisation, the Torres and Cape Hospital and Health Service, will allow for improved governance, greater efficiencies to be achieved and, ultimately, improved patient outcomes.²

Section 282 of the *Hospital and Health Boards Act 2011*, contains a regulation-making power, which includes provision for a regulation to be made about the amalgamation of a Hospital and Health Service.

The Hospital and Health Boards Amendment Regulation (No.1) 2014:

- prescribes the Torres and Cape Hospital and Health Service in Schedule 1 of the Hospital and Health Boards Regulation 2012
- enables the appointment of a Board; and for the persons comprising the Board to appoint a new Health Service Chief Executive; and that these appointments take effect at 1 July 2014
- provides for transitional issues including employment matters, transfer of asset and liabilities, continuation of pending legal proceedings by the amalgamated Hospital and Health Services, continuation of Quality Assurance Committees, Root Cause Analysis teams and investigations, continuation of information applications under the *Privacy Act 2009* and the *Right to Information Act 2009*, and transfer and ownership of records, and
- makes consequential amendments to Schedules and definitions to replace references to the two existing Hospital and Health Services with a reference to the Torres and Cape Hospital and Health Service.

1 Explanatory Notes, Hospital and Health Boards Amendment Regulation (No. 1) 2014, p.1

2 Explanatory Notes, Hospital and Health Boards Amendment Regulation (No. 1) 2014, p.2

3 Explanatory Notes

The Explanatory Notes state that affected staff members have been informed of the impact and progress of the amalgamation through internal communication processes.³

The committee notes that section 24(2) of the *Legislative Standards Act 1992* states that Explanatory Notes for subordinate legislation must provide information about the way the consultation took place on the subordinate legislation or, if there was no consultation, a statement of the reason.⁴

4 Fundamental Legislative Principles

The committee did not identify any issues regarding consistency with fundamental legislative principles or the lawfulness of the Regulation.

5 Recommendation

The committee has examined the policy to be given effect by the subordinate legislation, the application of fundamental legislative principles, and lawfulness, and has not identified any significant fundamental legislative principle or lawfulness issues.

Recommendation 1

The committee recommends that the Legislative Assembly note the content of this report and the committee's conclusion that the subordinate legislation does not raise any significant issues regarding the application of fundamental legislative principles, and is lawful and within power.



Trevor Ruthenberg MP

Chair

3 Explanatory Notes, Hospital and Health Boards Amendment Regulation (No. 1) 2014, p.3

4 Section 24(2), *Legislative Standards Act 1992*