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THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

**HOUSE OF REPRESENTATIVES**

**NATIONAL HEALTH REFORM AMENDMENT (NATIONAL HEALTH  
PERFORMANCE AUTHORITY) BILL 2011**

EXPLANATORY MEMORANDUM

(Circulated by authority of the Minister for Health and Ageing,  
the Hon. Nicola Roxon, MP)



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**NOTES**

In this Explanatory Memorandum, a reference to a section in bold italics (***section 60***) is a reference to a section as it will appear in the *National Health Reform Act 2011* as amended by this Bill.

A reference to an item in bold type (**item 120**) is a reference to an item in Schedule 1 of this Bill.

A reference to “the States” includes the Australian Capital Territory and the Northern Territory, and a reference to “State” includes a reference to either of the Territories.

## NATIONAL HEALTH REFORM AMENDMENT (NATIONAL HEALTH PERFORMANCE AUTHORITY) BILL 2011

### INTRODUCTION

This Bill is intended to establish the National Health Performance Authority (“Performance Authority”) envisaged by the National Health and Hospitals Network Agreement as settled by the Council of Australian Governments (COAG) meeting in April 2010 and reconfirmed in the Heads of Agreement – National Health Reform of 13 February 2011. Clause 68 of the Heads of Agreement – National Health Reform provides that the Heads of Agreement will lapse after all parties sign the National Health Reform Agreement.

The National Health Reform Bill 2010 will establish the Australian Commission on Safety and Quality in Health Care (“the Commission”). If it is enacted it will become the *National Health and Hospitals Network Act 2011*. The current Bill amends that Act to change the title, divide the Act into Chapters and add several new Chapters. Broadly the changes will involve:

- changing the title of the Act to the *National Health Reform Act 2011*, reflecting the outcomes of the COAG meeting of 13 February 2011;
- amending Chapter 1 to change the objects of the Act to include reference to the Performance Authority, and to include a number of new definitions related to the new authority;
- amending Chapter 2 dealing with the Commission to distinguish between provisions relating to the members and Chief Executive Officer of the Commission and the new authority, and to introduce provisions relating to secrecy and disclosure of information by the Commission;
- adding a new Chapter 3 to establish the Performance Authority;
- adding a new Chapter 4 with miscellaneous machinery provisions.

The Government intends to introduce further legislation to amend the Act to establish the Independent Hospital Pricing Authority after further consultation with the States.

### FINANCIAL IMPACT

In the 2010-11 Budget the Government allocated funding of \$118.6 million for the Performance Authority over four years as shown in the table below.

Expense (\$m)	2010-11	2011-12	2012-13	2013-14
Performance Authority	22.3	23.6	29.4	34.2

The Government also decided to offset part of the cost of the new arrangements by adjusting funding for the existing Hospital Accountability and Performance Program to ensure there is no duplication. This offset will provide a saving of \$9.1 million (\$5.1 million in 2011-12 and \$3.9 million in 2012-13), resulting in an estimated net cost of the Performance Authority of \$109.5 million over four years.

**REGULATORY IMPACT**

These measures will not have a regulatory impact on business and individuals or the economy.

**COMMENCEMENT**

**Clause 2** in the Bill provides that the Bill, apart from the schedules, commences on the day the Bill receives Royal Assent.

Schedule 1, which contains the substance of the amendments and new provisions in the Bill, commences on proclamation on a day which must be later than the day on which section 3 (the first substantive section) of the *National Health and Hospitals Network Act 2011* commences. A contingent commencement provision of this nature is required as the Act to be amended has not yet achieved passage through Parliament.

However, if the Schedule is not proclaimed within six months of the later of:

- the day after the Bill receives Royal Assent, or
- the day on which section 3 of the *National Health and Hospitals Network Act 2011* commences,

then the amendments commence on the next day.

The Government intends to set a date by proclamation which will allow the members of the Performance Authority to be appointed (under section 4 of the *Acts Interpretation Act 1901*) before the authority comes into being.

**SCHEDULE 1 –AMENDMENTS**  
***National Health and Hospitals Network Act 2011***

**AMENDMENTS TO THE LONG AND SHORT TITLES**

**Items 1 and 2** amend the long title of the Act to remove the reference to the National Health and Hospitals Network, and amend the short title to *National Health Reform Act 2011*, consistent with the outcome of the COAG meeting of 13 February 2011.

## AMENDMENTS TO CHAPTER 1 – PRELIMINARY

A new objects section [*section 3*] and simplified outline [*section 4*] are added by **items 4 and 5** in Schedule 1 of the Bill. (**Item 3** inserts a Chapter heading for Chapter 1.)

A series of largely self-explanatory amendments to existing definitions and insertions of new definitions are made to *section 5* by **items 6 to 35**.

The definition of “local hospital network” inserted by **item 15** includes a capacity for the Minister to declare entities and facilities to be local hospital networks even if they are not a body corporate established by a State and known as a local hospital network. This is because some States have indicated a desire to use different terminology, or establish local hospital networks on a non-statutory basis. In at least one jurisdiction the State proposes to treat a network of hospitals established by a religious order on the same basis as hospital networks created under State law. Without this amendment that network could not be treated as a local hospital network under the Act.

**Items 26 and 29** insert definitions of “private hospital” and “public hospital” as facilities specified by the Minister in a legislative instrument.

These definitions will mainly be used by the Performance Authority in determining the scope of their work. However, they will also apply in *subsection 20(3)*, which sets out the qualifications for appointment of members of the Commission Board, and provides for members with expertise in the general management of public or private hospitals. To ensure the validity of an appointment by the Minister of Commission Board members using section 4 of the *Acts Interpretation Act 1901* after Royal Assent to the *National Health and Hospitals Network Act 2011* but before this Schedule comes into effect, transitional **item 131** provides that the terms “private hospital” and “public hospital” are taken to have had their ordinary meanings.

The definitions of “protected Commission information” and “protected Performance Authority information” at **items 27 and 28** are used in the secrecy and information disclosure provisions relating to these bodies.

Amendments made to *section 6* dealing with vacancies have the effect of setting the minimum number of members of the Performance Authority at seven (including the Chair and Deputy Chair) (**items 36 to 39**).

## AMENDMENTS TO CHAPTER 2 – AUSTRALIAN COMMISSION ON SAFETY AND QUALITY IN HEALTH CARE

A new *section 7A* is added setting out a simplified outline of the Chapter (**item 40** of Schedule 1 to the Bill).

A series of other mainly technical amendments are made by **items 41 to 129** of Schedule 1 to the Bill to divide the Chapter into Parts and to change references to Chair, Board, board member and CEO to “Commission Chair” etc, to distinguish them from the Chair, members and CEO of the new Performance Authority.

**Item 125** repeals subsections 52(5) and (6) in the Act, which provide that reports and information prepared by the Commission in response to a request from the Minister are not legislative instruments. This is because the provisions are unnecessary, as the documents are clearly not legislative instruments.

**Item 127** adds a new Part 2.7 dealing with secrecy and disclosure of information in relation to the Commission. This Part provides that a person that is or has been an official of the Commission (including members, the CEO, staff and consultants) and has obtained information in the course of their work relating to another person (“protected information”) commits an offence if they disclose or use the information, unless the disclosure or use is authorised by Part 2.7 or is compliant with another Commonwealth or a prescribed State law [*subsections 54A(1) and (2)*].

It also provides that a person who is a member of a committee established by the Commission under *section 50* and who receives protected Commission information under *subsection 54C(1)* commits an offence if they disclose or use the information, unless the disclosure or use is for the purposes of the Act, including the performance of the functions of the committee, or is in the course of the person’s service on the committee [*subsections 54C(2) and (3)*].

The penalty for the offences (two years imprisonment or 120 penalty units or both) is consistent with penalties for similar offences under other health legislation such as the *National Health Act 1953*, *Health Insurance Act 1973* and *Private Health Insurance Act 2007* and reflects the potential seriousness of improper use or disclosure of protected information.

Under subsection 13.3(3) of the Criminal Code a defendant being prosecuted for this offence and wishing to rely on an exception is required to demonstrate that disclosure was covered by one of the exceptions to the offence. It would be difficult for the prosecution to bear the burden of demonstrating that the disclosure was not covered by one of the exceptions, whereas a person disclosing information should reasonably be aware of the basis for their disclosure.

An official of the Commission is not to be required to produce or disclose protected information to a court or tribunal except where it is necessary for giving effect to the Act [*subsection 54A(3)*].



The exceptions from the offence set out in the Part include:

- disclosure or use for the purposes of the Act, for the performance of the Commission's functions, or in the course of the official's employment or service with the Commission [*section 54B*];
- disclosure to a Commission committee [*section 54C*];
- disclosure to the Minister [*section 54D*];
- disclosure to the Treasurer [*section 54E*];
- disclosure to the Secretary or an APS employee of the Department authorised to receive it [*section 54F*];
- disclosure to a Royal Commission (in which case the Chair of the Commission can impose conditions on the use of the information) [*section 54G*];
- disclosure of information about the affairs of a person if the person has consented [*section 54K*];
- disclosure of information that is already lawfully publicly available [*section 54L*].

The conditions that may be imposed under *section 54G* are not a legislative instrument as they are limited to the particular case, and are not a general statement of the law.

There are two other exceptions. If the Chair of the Commission is satisfied that particular protected information will assist one of a number of specified agencies, bodies or individuals to perform or exercise their powers or functions an authorised officer may disclose that information. However, the recipient of the protected information must not use it for a purpose other than that for which it was given [*section 54H*].

Similarly, if the Chair of the Commission is satisfied that particular protected information will assist an agency, body or person to conduct research an authorised officer may disclose that information, providing that the information is not likely to enable the identification of a particular patient [*section 54J*].

The Chair of the Commission may delegate any function or powers under this Part to the Commission CEO, who must comply with any directions from the Chair in exercising the delegation [*section 54M*].

## **ADDITION OF CHAPTER 3 – NATIONAL HEALTH PERFORMANCE AUTHORITY**

### **Outline of Chapter**

The Chapter (added by **item 130** of Schedule 1 to the Bill) establishes the National Health Performance Authority (the “Performance Authority”), and provides for its functions, powers, membership, committees, staffing and some elements of its procedures.

The Performance Authority is an important part of the national health reform agenda, and will provide independent monitoring and reporting of the performance of important elements of the health system.

### **Detailed Explanation**

**Part 3.1 – Introduction** provides an outline of the Chapter *[section 58]*.

### **Part 3.2 – Performance Authority’s establishment, functions, powers and liabilities**

This Part establishes the Performance Authority as a statutory authority *[section 59]* and sets out its functions *[section 60]*.

These functions include monitoring and reporting on the performance of local hospital networks, public and private hospitals, primary health care organisations and other bodies that provide health care services, and publishing such reports.

Other functions include formulating performance indicators, collecting, analysing and interpreting performance information, and promoting, supporting, encouraging, conducting and evaluating research. The Minister may also specify functions for the Performance Authority, and request advice about particular matters *[paragraphs 60(1)(f) and (g)]*.

The Minister may make a legislative instrument setting out rules for the Performance Authority in monitoring performance and preparing and publishing reports *[section 65]*.

**Subsection 60(2)** clarifies that hospital services provided in a hospital are taken to be provided by a hospital. This ensures that services provided by doctors who are not employed by a hospital are taken into account in reporting on the hospital’s performance.

**Subsection 60(3)** clarifies that the Performance Authority may make use of performance indicators and standards other than those it has formulated itself in monitoring and reporting on performance. The performance indicators it formulates may draw on any other specified material, as it exists at a particular time or as it is varied *[section 63]*. This will ensure that the Performance Authority can draw on the work of other bodies working in the area, and avoid the administrative burden of reformulating indicators as they are varied by other bodies.

The Minister may make a legislative instrument directing the Performance Authority to formulate performance indicators about a particular matter [*section 66*].

*Subsection 60(4)* clarifies that formulations of performance indicators by the Performance Authority are not legislative instruments. This is because they do not state the law, in that they do not impose duties or obligations on any person.

*Subsection 60(5)* provides that instruments made by the Minister specifying functions for the Performance Authority are not subject to the operation of the *Legislative Instruments Act 2003*. While these instruments do impose legal obligations on the Performance Authority, they are not general statements of the law applying to any other person. It is expected that the Minister will usually be making these instruments at the request of the Australian Health Ministers' Conference or to give effect to COAG agreements. It is not appropriate that instruments giving effect to intergovernmental agreements to confer additional functions on the Performance Authority should be subject to disallowance.

In carrying out its functions the Performance Authority is to have regard to relevant intergovernmental agreements and COAG decisions, but may have regard to other matters [*section 61*]. Once the National Health Reform Agreement foreshadowed at the COAG meeting on 13 February 2011 is concluded, this section will require the Performance Authority to have regard to the Agreement.

If the Performance Authority prepares a report which shows poor performance by a local hospital network, a public or a private hospital, a primary health care organisations or another body that provides health care services it must give a draft to the manager of the entity or facility and invite written comments within 30 days before finalising the report. This is intended to ensure that managers of health entities or facilities are aware of any potential adverse reports by the Performance Authority, and have an opportunity to provide mitigating information [*section 62*].

The Constitutional limits for the Performance Authority's functions are set out in *section 64*.

The Performance Authority is given the power to do all things necessary or convenient to be done in performing its functions. As a Commonwealth body it contracts, holds assets and incurs liabilities, and receives money on behalf of the Commonwealth, and has the privileges and immunities of the Crown in right of the Commonwealth [*sections 67 to 69*].

### **Part 3.3 – Constitution and membership of the Performance Authority**

This part establishes the Performance Authority as a body corporate with a seal, able to deal with property and sue and be sued. Judicial bodies and officers are to take judicial notice of the seal [*section 70*].

The Performance Authority is to consist of a Chair, a Deputy Chair and five other members [*section 71*].

The Minister is responsible for appointing all the Board members, including the Chair. The Deputy Chair must be appointed with the agreement of the State Premiers.

The five other members must be appointed with the agreement of the Prime Minister and the State Premiers. At least one member of the Performance Authority must have substantial experience or knowledge of, and significant standing in, regional or rural health care. Members of the Performance Authority can be appointed on either a full-time or part-time basis *[section 72]*.

A member can be appointed for up to a maximum five year period *[section 73]*, but may be re-appointed.

The Minister may appoint persons to act as Chair, Deputy Chair or member of the Performance Authority during vacancies or when appointed members are absent *[section 74]*.

### **Part 3.4 – Terms and conditions for members of the Performance Authority**

Persons appointed to the Performance Authority are to receive remuneration as determined by the Remuneration Tribunal, and allowances as prescribed in the regulations *[section 75]*. Full-time members are entitled to recreation leave as determined by the Tribunal, and other leave as determined by the Minister, and part-time members may be granted leave of absence by the Chair *[section 79]*.

Members are required to disclose to the Minister all interests that conflict or may conflict with their role as a member *[section 76]*. A member must also inform other Performance Authority members as soon as they become aware of an interest in a matter being considered by the Performance Authority, and may not be present or take part in consideration of the matter unless the other members determine otherwise. The affected member must not be present or take part in deliberations surrounding a question of their participation in matters which involve a conflict of interest *[section 77]*. Full-time members of the Performance Authority may not take other paid employment except with the approval of the Minister, and part-time members may not take part in paid employment if it may conflict with their appointment *[section 78]*.

Members may resign by writing to the Minister *[section 80]*, and the Minister may terminate a Performance Authority member's appointment *[section 81]*.

The Minister may determine terms and conditions for Performance Authority members in relation to matters not dealt with in the Act *[section 82]*.

### **Part 3.5 – Decision-making by the Performance Authority**

The Performance Authority is to hold the meetings necessary to perform its functions, and the Chair may convene a meeting at any time *[section 83]*. The Performance Authority may determine the conduct of meetings subject to this Part, and meetings must be minuted *[sections 88 and 89]*.

The Chair, or if the Chair is absent, the Deputy Chair, is to preside at meetings. If both are absent, the members present must appoint a member to preside. Four members constitute a quorum, and a question is decided by a majority of members present and voting. The person presiding at the meeting has a casting vote as well as a deliberative vote *[sections 84 to 86]*.

The Performance Authority may make a decision outside a meeting if it has decided on a method for making such decisions in relation to particular matters. Members who would not have been entitled to take part in such a decision at a meeting, because of a conflict of interest, are not entitled to take part in an out of meeting decision *[section 87]*. This ensures the Performance Authority is able to operate flexibly and respond rapidly.

**Part 3.6 – Delegation by the Performance Authority**

The Performance Authority may delegate any or all of its powers and functions (other than dealing with legislative instruments or advising the Minister) to a member, the CEO, or an SES or acting SES employee. The delegate must comply with any directions from the Performance Authority *[section 90]*.

**Part 3.7 – Chief Executive Officer of the Performance Authority**

There is to be a Chief Executive Officer (CEO) for the Performance Authority (referred to as the Performance Authority CEO) responsible for the day to day administration of the Performance Authority, acting in accordance with the policies and directions of the Performance Authority *[sections 91 and 92]*.

However, the Performance Authority cannot direct the Performance Authority CEO in performing functions or exercising powers under the *Financial Management and Accountability Act 1997* and *Public Service Act 1999* *[section 126]*.

The Minister is to appoint the Performance Authority CEO after consulting the Performance Authority *[section 93]*. If appointments have been made to the Performance Authority under section 4 of the *Acts Interpretation Act 1901* before this section commences, and the Minister consults the people who have been appointed, the Minister is taken to have consulted the Performance Authority in appointing the CEO (**item 132** in the transitional provisions in Part 2 of Schedule 1 of the Bill).

The Minister may also appoint an acting CEO *[section 94]*, and may determine other terms and conditions not specified in the Act *[section 101]*. The Performance Authority CEO must not engage in other paid employment without approval from the Minister *[section 95]* and material personal interests that conflict or may conflict with her or his position must be disclosed to the Minister and the Performance Authority *[section 98]*.

The Performance Authority CEO's remuneration and recreation leave conditions will be determined by the Remuneration Tribunal and allowances will be set in the regulations. The Minister may grant leave for other reasons *[sections 96 and 97]*.

After consulting the Performance Authority the Minister may terminate the CEO's appointment in the event of misbehaviour, incapacity, bankruptcy, frequent absence without leave, concealing a conflict of interest or engaging in unapproved employment *[section 100]*.

The Minister CEO may resign in writing to the Minister, who must then notify the Performance Authority *[section 99]*.

### **Part 3.8 – Staff and Consultants**

Performance Authority staff are to be engaged under the *Public Service Act 1999*, and the Performance Authority CEO and staff together constitute a Statutory Agency under that Act [section 102].

The Performance Authority may also utilise the services of other Commonwealth and State public servants or employees [section 103]. Similarly, consultants may also be engaged to assist the Performance Authority [section 104]. The use of personnel engaged by the Performance Authority, but not directly employed by the Performance Authority, will enable it to meet different work cycles and scheduling demands, and is likely to be particularly useful during the establishment phase.

### **Part 3.9 – Committees**

The Performance Authority may establish committees to provide advice or assistance to the Performance Authority in the performing its functions. The committees may be made up wholly of Performance Authority members, wholly of persons who are not members, or a combination of members and non-members. The Performance Authority may determine terms of reference and procedures for a committee [section 105] and may assist the subcommittee by providing information and making available resources and facilities [section 107].

Persons appointed to a committee are to receive remuneration as determined by the Remuneration Tribunal, and allowances as prescribed in the regulations. However, members are not entitled to remuneration if they are employed full-time by a State government [section 106].

### **Part 3.10 – Reporting obligations of the Performance Authority**

The Minister may require the Performance Authority to prepare reports and documents on particular matters, and may publish these [section 108]. The Performance Authority is also required to keep the Minister informed of its work, and provide reports, documents and information regarding its operations to the Minister as appropriate [section 109].

If the Performance Authority gives advice to the Minister about a particular matter under *paragraph 60(1)(g)* the Authority must publish on its website within twelve months a statement that advice about a matter was provide to the Minister, and when it was provided [section 110]. This is intended to provide transparency around the sorts of advice that are sought and provided. It is not intended to require the Performance Authority to publish the substance of the advice, as this may include confidential material.

The Performance Authority is to prepare and provide to the Minister an annual report for presentation to the Parliament [section 111].

### **Part 3.11 – Planning**

The Performance Authority is required to prepare and provide to the Minister a strategic plan covering the next three years at least once every three years. The plan must set out the strategies and policies the Performance Authority will follow to achieve its objectives, as well as any other matters required by the Minister. The first plan must be prepared in the first year of the Authority's operations.

The Performance Authority must keep the Minister informed of changes to the plan, and any matters that might impact on achieving its objectives.

The Minister may give the Performance Authority guidelines on the matters to be covered by the plan, and the matters that should be reported as affecting achievement of the Authority's objectives. These guidelines are not legislative instruments, as they are administrative in character [*section 112*].

### **Part 3.12 – Secrecy**

A person that is or has been an official of the Performance Authority (including members, the CEO, staff and consultants) and has obtained information in the course of their work relating to another person (“protected information”) commits an offence if they disclose or use the information, unless the disclosure or use is authorised by Part 4.12 or is compliant with another Commonwealth or a prescribed State law [*subsections 113(1) and (2)*].

In addition, a person who is a member of a committee established by the Commission under *section 105* and who receives protected Commission information under *subsection 115(1)* commits an offence if they disclose or use the information, unless the disclosure or use is for the purposes of the Act, including the performance of the functions of the committee, or is in the course of the person's service on the committee [*subsections 115(2) and (3)*].

The penalty for the offence (two years imprisonment or 120 penalty units or both) is consistent with penalties for similar offences under other health legislation such as the *National Health Act 1953*, *Health Insurance Act 1973* and *Private Health Insurance Act 2007* and reflects the potential seriousness of improper use or disclosure of protected information.

Under subsection 13.3(3) of the Criminal Code a defendant being prosecuted for this offence and wishing to rely on an exception is required to demonstrate that disclosure was covered by one of the exceptions to the offence. It would be difficult for the prosecution to bear the burden of demonstrating that the disclosure was not covered by one of the exceptions, whereas a person disclosing information should reasonably be aware of the basis for their disclosure.

An official of the Performance Authority is not to be required to produce or disclose protected information to a court or tribunal except where it is necessary for giving effect to the Act [*subsection 113(3)*].

The exceptions from the offence set out in the Part include:

- disclosure or use for the purposes of the Act, for the performance of the Authority's functions, or in the course of the official's employment or service with the Authority [*section 114*];
- disclosure to a committee established by the Performance Authority [*section 115*];
- disclosure to the Minister [*section 116*];
- disclosure to the Treasurer [*section 117*];

- disclosure to the Secretary or an APS employee of the Department authorised to receive it *[section 118]*;
- disclosure to a Royal Commission (in which case the Chair of the Performance Authority can impose conditions on the use of the information) *[section 119]*;
- disclosure of information about the affairs of a person if the person has consented *[section 122]*;
- disclosure of information that is already lawfully publicly available *[section 123]*.

The conditions that may be imposed under *section 119* are not a legislative instrument as they are limited to the particular case, and are not a general statement of the law.

There are two other exceptions. If the Chair of the Performance Authority is satisfied that particular protected information will assist one of a number of agencies, bodies or individuals to perform or exercise their powers or functions an authorised officer may disclose that information. However, the recipient of the protected information must not use it for a purpose other than that for which it was given *[section 120]*.

Similarly, if the Chair of the Performance Authority is satisfied that particular protected information will assist an agency, body or person to conduct research an authorised officer may disclose that information, providing that the information is not likely to enable the identification of a particular patient *[section 121]*.

The Chair of the Performance Authority may delegate any function or powers under this Part to the Performance Authority CEO, who must comply with any directions from the Chair in exercising the delegation *[section 124]*.

### **Part 3.13 – Other matters**

The Minister may by legislative instrument give general directions to the Performance Authority in relation to the performance of its functions and the exercise of its powers *[section 125]*. The Government intends to use this power to ensure that the Performance Authority carries out the any detailed tasks specified in the National Health Reform Agreement once it is concluded.

To the extent to which reports prepared or published by the Performance Authority under the Act contain personal information, the disclosure or use of this personal information is taken to be authorised by law for the purposes of the *Privacy Act 1988* *[section 127]*. However, *section 128* in Chapter 4 (see below) prevents the Performance Authority from publishing information that is likely to enable the identification of a particular patient without consent.



## **ADDITION OF CHAPTER 4 - MISCELLANEOUS**

This Chapter includes a provision relating to privacy and confidentiality, a statement of the relation between this Act and State laws, and a regulation making power.

The Commission or the Performance Authority must not publish or disseminate information likely to lead to the identification of a particular patient without consent. Consent may be given by

- the patient, if the patient is aged 18 or more; or
- the patient's surviving partner, if the patient is dead; or
- a person authorised under the regulations to give consent [*section 128*].

The Act is intended to operate concurrently with State law to the extent possible [*section 129*].

Regulations can be made prescribing matters required or permitted to be prescribed under the Act, or necessary or convenient to give effect to the Act [*section 130*].