

## **Part 10—Quality assurance confidentiality**

### **Division 1—Quality assurance activities—application for declaration**

#### **84 Application for declaration that quality assurance activity is activity to which Part VC of the Act applies**

- (1) A person who wants the Minister to declare that a quality assurance activity is an activity to which Part VC of the Act applies must apply to the Minister using the form approved by the Minister for the purposes of this section.
- (2) The form must require the applicant to give:
  - (a) an undertaking that the applicant will inform the Minister of a change to the purposes of the quality assurance activity to which the application relates as soon as practicable after the change occurs; and
  - (b) if the quality assurance activity to which the application relates is to be engaged in by a body of persons—an undertaking that the applicant will inform the Minister of any significant change to the composition or purposes of the body that is likely to affect the activity as soon as practicable after the change occurs.

## **Division 2—Quality assurance activities—public interest criteria**

### **85 Purpose of Division**

For the purposes of paragraph 124X(3)(b) of the Act, this Division prescribes criteria to which the Minister must have regard in deciding whether it is in the public interest that Part VC of the Act should apply to a quality assurance activity.

### **86 Disclosure of information about quality assurance activities**

- (1) A quality assurance activity must include the disclosure (without identifying particular individuals expressly or by implication) of information that concerns:
  - (a) the quality of the health services assessed, evaluated or studied; or
  - (b) the conditions or circumstances affecting the quality of the services;unless it is not appropriate to disclose such information.
- (2) The disclosure of information must take place at appropriate times and in an appropriate manner.

### **87 Quality assurance activities engaged in in a single State or Territory**

If a quality assurance activity is engaged in in only one State or Territory, one of the following paragraphs must apply to the activity:

- (a) the government of the State or Territory has advised the Minister that:
  - (i) the activity is not subject to legislation of the State or Territory that is similar to Part VC of the Act; and
  - (ii) in the opinion of the government of the State or Territory, it is in the public interest that Part VC of the Act should apply to the activity;
- (b) the activity includes a methodology that has not been used previously in Australia;
- (c) the activity is a pilot study for the purpose of investigating whether a methodology of a particular kind can be used in Australia;
- (d) the activity addresses a subject matter that has not previously been addressed in Australia;
- (e) the activity has the potential to affect the quality of health care on a national scale;
- (f) the activity is a pilot study for the purpose of investigating whether the activity has the potential to affect the quality of health care on a national scale;
- (g) the activity is of national importance.

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**88 Quality assurance activities of a kind that has not previously been engaged in in Australia**

If a quality assurance activity is of a kind that has not previously been engaged in in Australia, application of Part VC of the Act to the activity must be likely to encourage:

- (a) participation in the activity by persons who provide health services; and
- (b) if the activity involves the making of a recommendation about the provision of health services—the acceptance and implementation of the recommendation by persons who provide health services; and
- (c) if the activity involves monitoring of the implementation of a recommendation about the provision of health services—the participation of persons who provide health services in monitoring the implementation.

**89 Quality assurance activities of a kind that has previously been engaged in in Australia**

If a quality assurance activity (the *current activity*) is of the same kind as an activity that has previously been engaged in in Australia (the *previous activity*), application of Part VC of the Act to the current activity must be likely to encourage:

- (a) participation in the current activity by persons who provide health services, to an extent greater than the extent to which such persons participated in the previous activity; and
- (b) if the activity involves the making of a recommendation about the provision of health services—the acceptance and implementation of the recommendation by persons who provide health services, to an extent greater than the extent to which such persons accepted and implemented recommendations made during the previous activity; and
- (c) if the activity involves monitoring of the implementation of a recommendation about the provision of health services—the participation of persons who provide health services in monitoring the implementation, to an extent greater than the extent to which such persons participated in monitoring the implementation of recommendations during the previous activity.