



Queensland

# **Hospital and Health Boards Act 2011**

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Queensland

# Hospital and Health Boards Act 2011

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# Hospital and Health Boards Act 2011

**An Act to provide for the delivery of public sector health services and other health services in Queensland**

## **Part 1 Preliminary**

### **Division 1 Introduction**

#### **1 Short title**

This Act may be cited as the *Hospital and Health Boards Act 2011*.

#### **2 Commencement**

This Act commences on a day to be fixed by proclamation.

#### **3 Act binds all persons**

This Act binds all persons, including the State and, so far as the legislative power of the Parliament permits, the Commonwealth and all the other States.

#### **4 Principles and objectives of national health system**

This Act recognises and gives effect to the principles and objectives of the national health system agreed by Commonwealth, State and Territory governments, namely—

(a) the following Medicare principles—

- (i) eligible persons are to be given the choice to receive, free of charge as public patients, health

- and emergency services of a kind or kinds that are currently, or were historically, provided by hospitals;
- (ii) access to these services by public patients free of charge is to be on the basis of clinical need and within a clinically appropriate period;
  - (iii) arrangements are to be in place to ensure equitable access to the services for all eligible persons, regardless of their geographic location; and
- (b) the health system principles—Australia’s health system should—
- (i) be shaped around the health needs of individual patients, their families and communities; and
  - (ii) focus on the prevention of disease and injury and the maintenance of health and not simply on the treatment of illness; and
  - (iii) support an integrated approach to the promotion of healthy lifestyles, prevention of illness and injury, and diagnosis and treatment of illness across the continuum of care; and
  - (iv) provide all Australians with timely access to quality health services based on their needs, not ability to pay, regardless of where they live in the country; and
- (c) the following long-term objectives for Australia’s health system—
- (i) prevention—Australians are born and remain healthy;
  - (ii) primary and community health—Australians receive appropriate high quality and affordable primary and community health services;
  - (iii) hospital and related care—Australians receive appropriate high quality and affordable hospital and hospital-related care;

- (iv) aged care—older Australians receive appropriate high quality and affordable health and aged care services;
- (v) patient experience—Australians have positive health and aged care experiences which take account of individual circumstances and care needs;
- (vi) social inclusion and Indigenous health—Australia’s health system promotes social inclusion and reduces disadvantage, especially for Indigenous Australians;
- (vii) sustainability—Australians have a sustainable health system.

## **Division 2                      Object of Act**

### **5                      Object**

- (1) The object of this Act is to establish a public sector health system that delivers high quality hospital and other health services to persons in Queensland having regard to the principles and objectives of the national health system.
- (2) The object is mainly achieved by—
  - (a) strengthening local decision-making and accountability, local consumer and community engagement, and local clinician engagement; and
  - (b) providing for Statewide health system management including health system planning, coordination and standard setting; and
  - (c) balancing the benefits of the local and system-wide approaches.

## **Division 3                      Overview of Act**

### **6                      Purpose of div 3**

This division gives an overview of this Act.

### **7                      Establishment of Hospital and Health Services**

- (1) Hospital and Health Services are statutory bodies and are the principal providers of public sector health services.
- (2) Each Hospital and Health Service is independently and locally controlled by a Hospital and Health Board.
- (3) Each Hospital and Health Board appoints a health service chief executive.
- (4) Each Hospital and Health Board exercises significant responsibilities at a local level, including controlling—
  - (a) the financial management of the Service; and
  - (b) the management of the Service's land and buildings; and
  - (c) for a prescribed Service, the management of the Service's staff.

### **8                      Management of the public sector health system**

- (1) The public sector health system is comprised of the Hospital and Health Services and the department.
- (2) The overall management of the public sector health system is the responsibility of the department, through the chief executive (the *system manager role*).
- (3) In performing the system manager role, the chief executive is responsible for the following—
  - (a) Statewide planning;
  - (b) managing Statewide industrial relations;
  - (c) managing major capital works;

- (d) monitoring Service performance;
  - (e) issuing binding health service directives to Services.
- (4) The way in which the chief executive's responsibilities are exercised establishes the relationship between the chief executive and the Services.
- (5) The relationship between the chief executive and the Services is also governed by the service agreement between the chief executive and each Service.

#### **8A Funding of public sector health system**

- (1) The public sector health system is funded by the State and the Commonwealth.
- (2) The State pool account and State managed fund enhance the accountability and transparency of the funding of the public sector health system.
- (3) The administrator of the National Health Funding Pool publicly reports on funds paid into, and out of, the State pool account and the State managed fund.

#### **9 Management of health system performance**

- (1) Hospital and Health Services are individually accountable for their performance.
- (2) Services are required to report on their performance to the chief executive.
- (3) The chief executive is responsible for—
  - (a) collating and validating the data provided by Services; and
  - (b) providing the data to the Commonwealth and relevant Commonwealth entities.
- (4) Health service auditors may be appointed to examine the performance of Services and the department.

