



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.

