

# Pathology Services Accreditation (Amendment) Bill

## EXPLANATORY MEMORANDUM

### Outline

The purpose of this Bill is to make a number of unrelated amendments to the *Pathology Services Accreditation Act 1984*.

In particular, the Bill will—

- (a) enable the Pathology Services Accreditation Board to enter into arrangements with agencies to undertake initial as well as subsequent inspections of pathology services on its behalf;
- (b) authorise the making of regulations prescribing a code of ethical conduct for persons working in a pathology service;
- (c) revise the description of Category 3 accredited pathology services; and
- (d) establish a new Category 8 for accredited pathology services.

### Clause Notes

*Clause 1* sets out the purposes of the Act.

*Clause 2* provides for the commencement of the Act on Royal Assent.

*Clause 3* identifies the *Pathology Services Accreditation Act 1984* as being the Principal Act.

*Clause 4* inserts in section 3 (1) of the Principal Act a definition of “Approved Inspection Agency”.

*Clause 5* omits the words “and such inspectors” from section 10 of the Principal Act. The effect is to delete the requirement that inspectors under the Act are subject to the *Public Service Act 1974* (that is, must be public servants).

*Clause 6* makes a number of amendments to section 13 of the Principal Act.

*Sub-clause (1)* inserts three new sub-sections into the section.

Proposed sub-section (3A) will require that where there is an approved inspection agency for that category of service, an application for accreditation must be accompanied either by an inspection report from the agency, or evidence that arrangements have been made with the agency for the submission of an inspection report to the Board.

Proposed sub-section (3B) will enable the Board to ask the approved inspection agency which inspected a pathology service for the purposes of accreditation to submit any additional documentation or information relating to the application requested by the Board.

Proposed sub-section (3C) is a transitional provision relating to those pathology services which have already been inspected for Commonwealth accreditation purposes. It will enable applicants to submit a copy of the inspection report prepared for the Commonwealth instead of having to arrange for another inspection.

*Sub-clause (2)* amends section 13 (4) to reflect the intention that initial as well as subsequent inspections of pathology services are to be undertaken through agencies. The effect of the amendment is to enable the Board to appoint its own inspectors where no agency arrangement exists.

*Sub-clause (3), (4) and (5) make consequential amendments to sections 13 (5), 13 (6) and 13 (8) of the Principal Act, respectively.*

*Clause 7 amends section 22 of the Principal Act to broaden the ability of the Board to enter into arrangements with agencies to carry out inspections of pathology services.*

Sub-section (2) currently restricts the agency arrangements which can be entered into by the Board to the inspection of those services which the Board has already accredited. Under the revised sub-section, the Board will be able to arrange for the inspection of any pathology service by an agency.

Proposed sub-section (3) goes on to require the Board to publish in the *Government Gazette* the names of the “approved inspection agencies” with whom the Board has entered into an arrangement and the category of services for which the agencies are approved.

Proposed sub-section (4) has the effect of requiring approved inspection agencies to observe similar requirements as must be complied with by the Board under section 13 (4) of the Principal Act with respect to the number and qualifications of the persons who undertake the initial inspection of a pathology service.

Proposed sub-section (5) empowers the Board to require the proprietor of an accredited pathology service to obtain and submit to the Board from time to time a report from an approved inspection agency on whether prescribed requirements or prescribed standards for that category of service are being observed.

*Clause 8 inserts a new sub-section (4) in section 23 of the Principal Act. The new sub-section makes clear that an inspector appointed by the Board is not, in that capacity, subject to the Public Service Act 1974.*

*Clause 9 inserts a new section 24A into the Principal Act. The new section requires a pathology service to pay to the Board the prescribed fee for an inspection of the service by the Board, and to an approved inspection agency the agency fees in accordance with the arrangement made with the Board.*

*Clause 10 makes amendments to the regulation making powers contained in section 40 of the Principal Act.*

The first is to vest in the Governor in Council the ability to make regulations dealing with the ethical standards of conduct of the proprietor and staff of pathology services.

The second is to make a consequential amendment to paragraph (ja) (iv) in relation to the power to prescribe fees for the inspection of pathology services.

*Clause 11 makes two amendments to Schedule 1 to the Principal Act.*

*Paragraph (a) amends the description of Category 3 accredited pathology services. This amendment will make it clear that both a pathologist and scientist in charge of a Category 2 service can supervise a Category 3 laboratory.*

*Paragraph (b) makes provision for a new Category 8 which is to be described as “services approved by the Board of a type which do not fall within any other Category”. The amendment is designed to establish a category into which can be placed those services which do not readily fit into any of the existing categories listed in the Schedule.*