HEALTH ADMINISTRATION ACT 1982

HEALTH ADMINISTRATION CORPORATION

NSW HEALTH PATHOLOGY

This instrument evidences the establishment by the Health Administration Corporation of a Division of the Health Administration Corporation a unit called:

NSW Health Pathology

On and from 31 May 2012

A Division of the Health Administration Corporation is established to:

1. Manage and co-ordinate the four Pathology Networks that have been established as Units of the Division (Pathology West, Pathology North, SEALS, and SSWPS) to ensure the provision of integrated, sustainable, responsive, efficient, high quality pathology services to the NSW Health system;
2. Manage and coordinate the Forensic Analytical Science Service (FASS) that has been established as a Unit of the Division to ensure the provision of integrated, sustainable, responsive, efficient, high quality forensic and analytical scientific services;
3. Develop and implement strategic plans that advance the provision of best practice public pathology and forensic services across NSW in both rural and metropolitan settings;
4. Operate services with transparency and clear accountabilities ensuring that the performance and financial management of services meet the objectives of the NSW Health System;
5. Establish and maintain efficient and effective Centres of Excellence in regard to pathology service delivery, innovation and research;
6. Ensure effective quality and clinical governance frameworks exist for pathology services
7. Improve and maintain supportive clinical linkages of pathology services with clinicians in public and primary health services and ensure that public pathology services are closely integrated with Local Health Districts and Specialty Networks;
8. Inform and develop consistent and supportive health policies in relation to the provision of pathology services in conjunction with the NSW Ministry of Health that achieve the organisation’s objectives;
9. Undertake other functions as the Director-General of NSW Ministry of Health may request from time to time.

This instrument replaces and revokes the previous instruments dated 8th May 2012 providing for the establishment of the NSW Heath Pathology Division of the Health Administration Corporation on a transitional basis.

Signed this 14th day of January 2013

Dr Mary Foley
Director-General,
in her capacity as the Health Administration Corporation
DELEGATION OF FUNCTIONS
NSW Health Pathology Board
Section 126B Health Services Act 1997

Recitals
A. Pursuant to section 8A of the Health Administration Act 1982 the Director-General determined on 29 March 2006 (reconfirmed on 31 December 2010) that the Health Administration Corporation may exercise the Director-General's powers authorities, duties and functions to provide services under section 126B of the Health Services Act 1997;

B. NSW Health Pathology is an administrative division of the Health Administration Corporation, originally established on and from 31 May 2012 and vested with certain of the Director-General's service provider functions under section 126B of the Health Services Act 1997;

C. The Director-General established the NSW Health Pathology Board as an appointed body under section 126C of that Act by instrument dated 8 November 2012.

Functions of NSW Health Pathology Board
Pursuant to section 126B(4) of the Health Services Act 1997 I, Mary Foley, Director-General, NSW Ministry of Health hereby delegate to the NSW Health Pathology Board the following functions in respect of the governance and oversight of NSW Health Pathology:

(i) to ensure effective and comprehensive corporate and clinical governance frameworks are established to support the maintenance and improvement of standards and quality of services provided by NSW Health Pathology and to approve those frameworks;

(ii) to approve systems to support the efficient and economic operation of NSW Health Pathology;

(iii) to provide strategic oversight of and monitor NSW Health Pathology's financial and operational performance in accordance with the objectives and measures set by the Director-General from time to time;

(iv) to liaise with the Chief Executives of local health districts and specialty network governed health corporations in relation to the quality and price of the services provided by NSW Health Pathology;

(v) to liaise with, and receive advice and feedback from the NSW Health Pathology Clinical Council;

(vi) ensure systems are in place to support and maintain close integration of pathology services and the clinical services provided by local health districts and specialty networks, including arrangements for pathologists to participate as members of the clinical community of local health districts and specialty networks;

(vii) ensure that robust financial and other internal reporting mechanisms are in place which provide adequate, accurate and timely information about NSW Health Pathology to the Board and the NSW Ministry of Health;

(viii) provide such advice to the Director-General on the provision and integration of pathology services within NSW Health as requested from time to time.

Signed this 16th day of January 2013

Dr Mary Foley
Director-General
In her capacity as the
Health Administration Corporation
I, MARY FOLEY, Director-General, NSW Ministry of Health, pursuant to section 126C of the Health Services Act 1997, do by this instrument hereby determine:

Establishment of Board
1. To establish an appointed body called the NSW Health Pathology Board to commence from the date of this instrument.

Operations and Functions
2. The Board is to operate, and undertake such functions as may be determined by the Director-General from time to time. The role of the Board is shown at the end of this document.

Membership of Board
3. The Board is to consist of up to 9 members, appointed by the Director General, and made up of:
   (i) Independent Chairperson;
   (ii) one member being a representative of the Ministry of Health Executive
   (iii) two members being LHD Board representatives or senior executive (1 rural, 1 metro);
   (iv) two members being pathology network directors;
   (v) one member being a Medical Scientist;
   (vi) two additional members with related experience:
       - Significant clinical experience
       - A recognised reputation in health related research
       - Expertise and experience in business management and/or financial management

Chairperson
4. The Chairperson of the Board is taken to have vacated office as Chairperson if the person:
   (i) resigns as Chairperson by instrument in writing to the Director-General; or
   (ii) ceases to be a member of the Board; or
   (iii) is removed as Chairperson by the Director-General.

5. The Director-General may, from time to time, appoint a member to act in the office of Chairperson of the Board during the illness or absence of the Chairperson, and the member, while so acting, has all the functions of the Chairperson and is to be taken to be the Chairperson. The Director-General may remove a person as acting Chairperson at any time.

Members
6. A member of the Board is taken to have vacated his or her position if the member:
   (i) has his or her appointment revoked by the Director-General; or
   (ii) resigns his or her appointment by instrument in writing to the Director-General, or
   (iii) completes a term of appointment and is not re-appointed, or
   (iv) dies, or
(v) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit, or
(vi) becomes a mentally incapacitated person, or
(vii) is convicted in New South Wales of an offence which is punishable by imprisonment for 12 months or more or is convicted elsewhere than in New South Wales of an offence that, if committed in New South Wales, would be an offence so punishable

Disclosure of pecuniary interests and other information
7. A member:
   (i) who has a direct or indirect pecuniary interest in a matter being considered or about to be considered at a meeting of the Board, and
   (ii) whose interest appears to raise a conflict with the proper performance of the member's duties in relation to the consideration of the matter, must, as soon as possible after the relevant facts have come to the member's knowledge, disclose the nature of the interest at a meeting of the Board.

8. A disclosure by a member at a meeting of the Board that the member:
   (i) is a member, or is in the employment, of a specified company or other body, or
   (ii) is a partner, or is in the employment, of a specified person, or
   (iii) has some other specified interest relating to a specified company or other body or to a specified person,
   is a sufficient disclosure of the nature of the interest in any matter relating to that company or other body or to that person which may arise after the date of the disclosure and which is required to be disclosed under this clause.

9. Particulars of any disclosure made under this clause are to be recorded by the members in a book kept for the purpose and that book is to be open at all reasonable hours to inspection by an officer of the NSW Ministry of Health authorised by the Director-General for that purpose.

10. After a member has disclosed the nature of an interest in any matter, the member must not, unless the Director-General or the other members otherwise determine:
    (i) be present during any deliberation of the Board with respect to the matter, or
    (ii) take part in any decision of the Board with respect to the matter.

11. For the purposes of the making of a determination by the members under subparagraph 4.4, a member who has a direct or indirect pecuniary interest in a matter to which the disclosure relates must not:
    (i) be present during any deliberation of the other members for the purpose of making the determination, or
    (ii) take part in the making by the other members of the determination.

12. A member must immediately notify the Director-General if charged with a criminal offence carrying a maximum penalty of 12 months or more imprisonment

13. A contravention of this clause does not invalidate any decision Board.

Conduct of Board members

14. Each member must agree to comply with the NSW Health Code of Conduct and to sign a confidentiality undertaking in relation to the Board's affairs.
Procedure

15. The appointed or acting Chairperson, when present, is to preside at meetings of the Board.

16. A quorum for a meeting of the Board is to be the majority of appointed members;

17. A decision supported by the votes of a majority of members cast at a meeting of the Board at which a quorum is present is the decision of the Board.

18. Minutes are to be kept of all meetings of the Board. A motion for the confirmation of minutes is to be put to the next meeting of the Board and no business is to be transacted until the Minutes of the previous meeting have been confirmed or otherwise disposed of.

19. Subject to paragraphs 5 to 18, the Board is to determine its procedure.

Signed the 8th day of Nov 2012

Dr Mary Foley
Director-General
NSW Ministry of Health