

**Version
as at 22 September 2022**



Health Practitioners (Protected Quality Assurance Activity—ANZGOSA Audit) Notice 2017

(LI 2017/271)

Health Practitioners (Protected Quality Assurance Activity—ANZGOSA Audit) Notice 2017:
revoked, on 22 September 2022, by section 54(4) of the Health Practitioners Competence Assurance
Act 2003 (2003 No 48).

Pursuant to section 54(3) of the Health Practitioners Competence Assurance Act 2003, the Minister of Health, being satisfied of the matters set out in that subsection, gives the following notice.

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Notice

1 Title

This notice is the Health Practitioners (Protected Quality Assurance Activity—ANZGOSA Audit) Notice 2017.

2 Commencement

This notice comes into force on the day after the date of its notification in the *Gazette*.

Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

This notice is administered by the Ministry of Health.

3 Interpretation

In this notice,—

ANZGOSA means the Australian and New Zealand Gastric and Oesophageal Surgery Association Incorporated

specified health practitioner means a health practitioner who is a member of ANZGOSA.

4 Declaration of protected quality assurance activity

The following quality assurance activities are protected to the extent that they are undertaken by ANZGOSA in relation to specified health practitioners:

- (a) collecting from specified health practitioners clinical and pathological data about patients with oesophago-gastric cancer or gastrointestinal stromal tumours; and
- (b) collating and analysing the data collected under paragraph (a); and
- (c) enabling specified health practitioners to—
 - (i) assess their own surgical outcome data against aggregated data collected by ANZGOSA; and
 - (ii) if necessary, investigate any variances; and
 - (iii) adjust the care provided to patients; and
- (d) using the data collected under paragraph (a) to determine bi-national standards and clinical guidelines to promote better surgical care and management of oesophago-gastric cancer or gastrointestinal stromal tumours; and
- (e) monitoring national and bi-national compliance with standards or guidelines determined in accordance with paragraph (d).

5 Revocation

The Health Practitioners (Quality Assurance Activity—ANZGOSA Audit) Notice 2011 (SR 2011/94) is revoked.

Dated at Wellington this 31st day of August 2017.

Hon Dr Jonathan Coleman,
Minister of Health.

Explanatory note

This note is not part of the notice, but is intended to indicate its general effect.

This notice comes into force on the day after the date of its notification in the *Gazette*. It declares the quality assurance activities described in *clause 4*, which relate to the Australian and New Zealand Gastric and Oesophageal Surgery Association's audit of specified health practitioners, to be protected. Quality assurance activities are activities that are undertaken to improve the practices or competence of health practitioners by assessing the health services performed by those practitioners. The effect of protecting a quality assurance activity is that—

- any information that becomes known solely as a result of the activity is confidential; and
- any documents brought into existence solely for the purposes of the activity are confidential; and
- the persons who engage in the activity in good faith are immune from civil liability.

The protections afforded by this notice are subject to certain statutory exceptions. For example, this notice does not prohibit the disclosure of information that does not identify, either expressly or by implication, a particular individual.

This notice remains in force for 5 years.

Issued under the authority of the Legislation Act 2019.
Date of notification in *Gazette*: 21 September 2017.

Notes

1 *General*

This is a consolidation of the Health Practitioners (Protected Quality Assurance Activity—ANZGOSA Audit) Notice 2017 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 *Legal status*

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 *Editorial and format changes*

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 *Amendments incorporated in this consolidation*

Health Practitioners Competence Assurance Act 2003 (2003 No 48): section 54(4)