



## Health Practitioners (Protected Quality Assurance Activity—BreastSurgANZ Quality Audit) Notice 2019

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—BreastSurgANZ Quality Audit) Notice 2019.

#### 2 Commencement

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

#### 3 Interpretation

In this notice, **specified health practitioner** means a surgeon who is involved in the treatment in Australia and New Zealand of early breast cancer and who participates in the BreastSurgANZ Quality Audit.

#### 4 Declaration of protected quality assurance activity

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

- (a) collecting from specified health practitioners clinical and pathological data about patients with early breast cancer; and
- (b) collating and analysing that data; and
- (c) applying bi-national standards and clinical guidelines to that data to evaluate the surgical care and management performance of specified health practitioners; and
- (d) providing individual specified health practitioners with feedback on that evaluation of their performance; and
- (e) making recommendations on how specified health practitioners may improve their performance to ensure that they provide their patients with the highest possible standard of surgical care and management; and
- (f) facilitating and monitoring any recommendation made under paragraph (e).

## 5 Revocation

The Health Practitioners (Quality Assurance Activity—BreastSurgANZ Quality Audit) Notice 2014 (LI 2014/115) is revoked.

Dated at Wellington this 19th day of September 2019.

Hon Dr David Clark,  
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* 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 revokes the Health Practitioners (Quality Assurance Activity—BreastSurgANZ Quality Audit) Notice 2014.

This notice remains in force for 5 years, unless sooner revoked.

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 3 October 2019.

This notice is administered by the Ministry of Health.