

# **Pathology Services Accreditation (Amendment) Bill**

**No.**

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# LEGISLATIVE ASSEMBLY

Read 1° 22 March 1988

*(Brought from the Legislative Council)*

## A BILL

*for*

An Act to amend the *Pathology Services Accreditation Act* 1984 and  
for other purposes.

### **Pathology Services Accreditation (Amendment) Act 1987**

The Parliament of Victoria enacts as follows:

#### **Purpose.**

1. The purposes of this Act are—

- 5       (a) to extend the powers of the Pathology Services Accreditation  
          Board with respect to agency arrangements; and  
          (b) to make other machinery amendments to the *Pathology  
              Services Accreditation Act* 1984.

#### **Commencement.**

- 10       2. This Act comes into operation on the day on which it receives  
the Royal Assent.

#### **Principal Act.**

3. In this Act, the *Pathology Services Accreditation Act* 1984 is  
called the Principal Act.

No. 10083.  
Amended by No.  
40/1986.

**Definition.**

4. In section 3 (1) of the Principal Act, after the definition of “Applicant” insert—

‘ “**Approved inspection agency**” means any university, corporation, body or person in respect of which there is in force an arrangement with the Board under section 22 (2) to carry out inspections of pathology services.’. 5

**Staff.**

5. In section 10 of the Principal Act omit “and such inspectors”.

**Applications for accreditation.**

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6. (1) After section 13 (3) of the Principal Act insert—

“(3A) If there is an approved inspection agency for the category of pathology service for which accreditation is sought under this section, an application must be accompanied by—

(a) a copy of an inspection report from an approved inspection agency for that category; or 15

(b) evidence acceptable to the Board that the applicant has made arrangements with such an agency to submit an inspection report to the Board.

(3B) The Board may request an approved inspection agency which has inspected a pathology service for the purposes of accreditation to submit to the Board any additional documentation or information which the Board requests in relation to the application for accreditation within a period of time specified in the request. 20 25

(3C) Where a pathology service has been inspected for the purposes of accreditation of the pathology service under a Commonwealth Act within a period of two years before the commencement of sub-section (1) and an inspection report has been prepared— 30

(a) an applicant for accreditation of a pathology service is deemed to have complied with sub-section (3A) (a) if the applicant submits a copy of that inspection report to the Board; and

(b) the Board may request the applicant to obtain and submit to the Board any additional documentation or information which the Board requests in relation to the application for accreditation within a period of time specified in the request.”. 35

(2) In section 13 (4) of the Principal Act, for “(4) On” substitute “(4) If there is no approved inspection agency for the category of pathology service for which accreditation is sought under this section, on”. 40

(3) In section 13 (5) of the Principal Act, after “Board” insert “or, if an approved inspection agency is to carry out the inspection, the approved inspection agency,”.

5 (4) In section 13 (6) of the Principal Act, after “inspectors” insert “appointed under sub-section (4)”.

(5) In section 13 (8) of the Principal Act, for “the report of the inspectors” substitute “an inspection report and any additional documentation or information submitted at the request of the Board”.

**Approved inspection agencies.**

10 7. (1) In section 22 of the Principal Act, for sub-section (2) substitute—

“(2) The Board may from time to time enter into arrangements with—

- 15 (a) a university, corporation or other body; or  
(b) a person qualified to be an inspector under sub-section (1)—

to carry out inspections of pathology services.”.

(2) After section 22 (2) of the Principal Act insert—

20 “(3) The Board must cause to be published in the *Government Gazette*—

- (a) the names of the approved inspection agencies with whom the Board has entered into arrangements under sub-section (2); and  
25 (b) the categories of pathology services for which the agencies are approved; and  
(c) if an arrangement under sub-section (2) is terminated, notice of that termination.

30 (4) If an approved inspection agency carries out an inspection of a pathology service for the purposes of accreditation under section 13, the agency must ensure that the inspection is carried out by two or more persons consisting of—

- (a) a person who, within the meaning of section 13 (9), is a peer of the person who is or is to be the person in charge of the pathology service; and  
35 (b) where the person appointed under paragraph (a) is—  
(i) a pathologist or a medical practitioner, a scientist; and  
(ii) a medical practitioner or a scientist, a pathologist; and  
(c) such other persons (if any) as the agency determines.

40 (5) The Board may from time to time require the proprietor of an accredited pathology service to obtain and submit to the Board a report from an approved inspection agency on whether the prescribed

requirements or the prescribed standards which apply to a pathology service of that category are being observed by that pathology service.”.

**Inspectors.**

8. After section 23 (3) of the Principal Act insert—

“(4) An inspector appointed by the Board is not, in respect of the office of inspector, subject to the *Public Service Act* 1974.”. 5

**New section 24A inserted.**

9. After section 24 of the Principal Act insert—

**Inspection fees.**

“24A. (1) A pathology service must pay to the Board the prescribed fee for an inspection of the pathology service by the Board. 10

(2) A pathology service must pay to an approved inspection agency for an inspection of the pathology service by that agency fees in accordance with the arrangement entered into under section 22 (2).”.

**Amendment of regulation-making powers. 15**

10. (1) After section 40 (1) (b) of the Principal Act insert—

“(ba) prescribing ethical standards of conduct to apply to the proprietor and staff of pathology services;”.

(2) In section 40 (1) (ja) (iv), after “service” insert “by the Board”.

**Amendment of Schedule 1. 20**

11. Schedule 1 to the Principal Act is amended as follows:

(a) In the paragraph headed “*Category 3*”, for “Category 2 service approved for that purpose by the Board” substitute “pathologist or scientist from a Category 2 service”;

(b) After the paragraph headed “*Category 7*” insert— 25

“*Category 8*

Services approved by the Board of a type which do not fall within any other Category.”.