

Reprint
as at 5 May 2021



**Health Practitioners (Protected Quality Assurance
Activity—Royal Australasian College of Surgeons—
Portfolio Programme) Notice 2016**

(LI 2016/156)

Health Practitioners (Protected Quality Assurance Activity—Royal Australasian College of Surgeons—Portfolio Programme) Notice 2016: revoked, on 5 May 2021, by clause 3.

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—Royal Australasian College of Surgeons—Portfolio Programme) Notice 2016.

2 Commencement

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

Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.
Note 4 at the end of this reprint provides a list of the amendments incorporated.

This notice is administered by the Ministry of Health.

3 Revocation of this notice

This notice is revoked on 5 May 2021.

4 Interpretation

In this notice, unless the context otherwise requires,—

performance means the performance of a practitioner in his or her clinical practice, including the practitioner's competence and fitness to practise in his or her profession

portfolio practitioner means a health practitioner who is one of the following:

- (a) a Fellow of the RACS;
- (b) a surgical trainee in the RACS's Surgical Education and Training programme;
- (c) an international medical graduate being assessed for fellowship of the RACS;
- (d) a medical practitioner engaging with the RACS's Junior Doctor Framework

portfolio programme means the RACS's Clinical Observations and 360 Degree Reviews programme

RACS means the Royal Australasian College of Surgeons.

5 Declaration of protected quality assurance activity

The following quality assurance activity is protected to the extent that it is undertaken in relation to a portfolio practitioner as part of the portfolio programme:

- (a) observation by a clinical assessor of the practitioner during—
 - (i) the performance of a surgical procedure; or
 - (ii) interaction with a patient in any other clinical setting;
- (b) evaluation of the practitioner's performance of that procedure or interaction by the clinical assessor;
- (c) evaluation of the practitioner's performance generally by peers, superiors, subordinates, and others in the practitioner's workplace;
- (d) self-evaluation by the practitioner of his or her own performance;
- (e) evaluation of information obtained from the activities referred to in paragraphs (a) to (d);
- (f) provision of feedback to the practitioner about his or her performance;
- (g) development of an individual learning plan to enable the practitioner to improve his or her performance.

Dated at Wellington this 23rd day of May 2016.

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 activity described in *clause 5* 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. This notice relates to medical practitioners who are participating in the Royal Australasian College of Surgeons' Clinical Observations and 360 Degree Reviews programme. 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 is revoked on 5 May 2021.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 23 June 2016.

Reprints notes

1 *General*

This is a reprint of the Health Practitioners (Protected Quality Assurance Activity—Royal Australasian College of Surgeons—Portfolio Programme) Notice 2016 that incorporates all the amendments to that notice as at the date of the last amendment to it.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Health Practitioners (Protected Quality Assurance Activity—Royal Australasian College of Surgeons—Portfolio Programme) Notice 2016 (LI 2016/156): clause 3