



# Scheme requirements for audits under the Health and Disability Services (Safety) Act

## Legislation and Standards

(Note: this information is of a general nature only and sole reliance on this information should not be made by any person)

## Legislation

The commencement of the Health and Disability Services (Safety) Act on 1 July 2002 represented a significant change in the regulatory environment in the New Zealand health and disability sector.

This Act replaced several previous pieces of legislation and changed the way in which residential and hospital services were licensed or registered.

The purpose of the Health and Disability Services (Safety) Act 2001 is to:

- Promote the safe provision of health and disability services to the public
- Enable the establishment of consistent and reasonable standards for providing health and disability services to the public safely
- Encourage providers of health and disability services to take responsibility for providing those services to the public safely
- Encourage providers of health and disability services to the public to improve continuously the quality of those services
- Under the Act, the Ministry of Health approves Designated Auditing Agencies to audit certain health and disability services. Providers who come under the Health and Disability Services (Safety) Act are responsible for making an application to the MoH and having an audit completed by a Designated Auditing

Agency against the relevant sector standards. A report of the audit is required to be sent to the Ministry of Health from the agency.

- The Director General of Health then decides whether or not to certify the service pro

## When to notify the Ministry of Health

Providers who have a Certificate must inform the Ministry of Health (formally the Director General of Health) under certain circumstances. Section 31 of the Act requires certified providers to notify the Ministry of Health of the following:

- Promptly give written notice of all changes in the name, address, or telephone number of the person who is for the time being the person whom the Director-General should contact about the services
- Promptly give the Director-General written notice of any new fixed location at which the services are being provided

Promptly give the Director-General written notice:

- In the case of a body corporate (other than a Health NZ: Te Whatu Ora Board, some other body corporate that is a Crown entity, a corporation sole, or a Trust
- Board incorporated under the Charitable Trusts Act 1957), of any change in the membership of its governing body
- In the case of a Trust Board incorporated under the Charitable Trusts Act 1957, of any change in its membership
- In the case of any other trust, of any change in the trustees



- In the case of a partnership, of any change in the partners

Promptly give the Director-General written notice of:

- Any incident or situation (for example, a fire, flood, or failure of equipment or facilities) that has put at risk, may have put at risk, puts at risk, or may be putting at risk the health or safety of people for whom the person was or is providing the services; and
- Any investigation commenced by a member of the police into any aspect of the services, their provision, or any premises in which they were provided; and
- Any death of a person to whom the person was providing the services, or occurring in any premises in which they were provided, that is required to be reported to a coroner under the Coroners Act 1998

## Standards

a) The approved standard of the Health and

Disability Services (Safety) Act were jointly developed by the Ministry of Health and Standards New Zealand and they currently include the:

- Ngā Paerewa Health and Disability Services Standard – NZS 8134.1:2021

b) The above approved standard under the Safety Act can also be used by health and disability services to whom the Act does not apply. In addition, Standards New Zealand publishes an ongoing range of health and disability standards including but not limited to:

- NZS 8153:2002 Health Records
- NZS 8164:2005 Day Stay Surgery and Sector Standard
- NZS 8165:2005 Rooms / Office Based Surgery and Procedures Sector Standard
- NZS 8171:2005 Allied Health Services Sector Standard

Copies of standards are available from [Standards New Zealand](#).