

Act No. 231

PRIVATE HEALTH ESTABLISHMENTS (DAY PROCEDURE CENTRES) AMENDMENT BILL 1987

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The object of this Bill is to amend the Private Health Establishments Act 1982—

- (a) to establish a Private Hospitals and Day Procedure Centres Advisory Committee and to specify its functions;
- (b) to provide for the licensing and control of day procedure centres; and
- (c) to generally extend the provisions of that Act to apply to day procedure centres.

Clause 1 specifies the short title of the proposed Act.

Clause 2 is a formal provision that gives effect to the Schedule of amendments to the Principal Act.

Schedule 1 (1) amends the long title of the Principal Act as a consequence of extending the provisions of that Act to apply to day procedure centres.

Schedule 1 (2) inserts several new definitions into section 4 of the Principal Act (particularly “day procedure centre”, which means premises at which patients are admitted and discharged on the same day for such medical, surgical or other treatment (for fee, gain or reward), and in such circumstances, as may be prescribed by the regulations, but does not include premises conducted by the State, public hospitals, private hospitals, nursing homes or residential rehabilitation establishments). The definition of “establishment” is being extended to mean a day procedure centre (as well as a private hospital or a nursing home) so as to apply the provisions of the Principal Act relating to establishments to day procedure centres generally.

Schedule 1 (3) inserts proposed Part IA into the Principal Act dealing with the Private Hospitals and Day Procedure Centres Advisory Committee.

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Proposed section 4A establishes the Committee and provides that the Committee is to consist of such number of members (not to be less than 5) as the Minister determines. Other provisions relating to the members and the procedure of the Committee are contained in the proposed new Schedule 1A to the Principal Act (as inserted by Schedule 1 (18) of the proposed Act).

Proposed section 4B specifies the functions of the Committee. The principal function is to advise the Minister on such matters as the administration of the Principal Act in relation to private hospitals and day procedure centres and appeals against licensing decisions under that Act. The Committee is also empowered to establish sub-committees to enable it to carry out its functions.

Schedule 1 (4)–(11) and (13)–(17) are consequential amendments in relation to extending the existing provisions of the Principal Act to apply to day procedure centres. In particular, existing provisions relating to classes of establishments, applications for licences, refusal of applications, form of licences, conditions of licences, amendment of licences and purposes for which establishments can be used, are extended to apply to day procedure centres. On the other hand, several existing provisions (namely those relating to overcrowding in wards, chief nurses and the use of certain titles) will not apply to day procedure centres but only to private hospitals and nursing homes.

Schedule 1 (12) inserts proposed section 24 into the Principal Act which makes it an offence to conduct a day procedure centre without a licence.

Schedule 1 (18) inserts proposed Schedule 1A into the Principal Act. The proposed Schedule contains provisions with respect to the members and the conduct of meetings of the Committee. In particular, provision is made with respect to a Chairperson of the Committee, acting members, the term of office of members (not exceeding 3 years), remuneration, vacation of office, the disclosure of pecuniary interests and the protection from personal liability when members act in good faith.
