



# **SOUTH AUSTRALIAN HEALTH COMMISSION (PRIVATE HOSPITAL BEDS) AMENDMENT ACT 1991**

**No. 63 of 1991**

## **SUMMARY OF PROVISIONS**

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# ELIZABETHAE II REGINAE

A.D. 1991

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No. 63 of 1991

An Act to amend the South Australian Health Commission Act 1976.

[Assented to 5 December 1991]

The Parliament of South Australia enacts as follows:

## Short title

1. (1) This Act may be cited as the *South Australian Health Commission (Private Hospital Beds) Amendment Act 1991*.

(2) The *South Australian Health Commission Act 1976* is referred to in this Act as “the principal Act”.

## Amendment of s. 6—Interpretation

2. Section 6 of the principal Act is amended by inserting after the definition of “hospital” the following definition:

“hospital bed” means the bed and associated facilities provided by a hospital for the provision of health services to a patient on a live-in basis.

## Amendment of s. 57c—Application for licence

3. Section 57c of the principal Act is amended by striking out paragraph (b) of subsection (2) and substituting the following paragraph:

(b) contain a statement of the maximum number of hospital beds sought to be provided pursuant to the licence and any other information required by the regulations;

## Amendment of s. 57d—Grant of licences

4. Section 57d of the principal Act is amended—

(a) by striking out from subsection (1) “whether a licence should be granted” and substituting “whether a licence should be granted or refused and, if granted, what conditions should be imposed”;

(b) by striking out paragraph (g) of subsection (1) and substituting the following paragraph:

(g) whether the prescribed limit of hospital beds for the State, or for the particular region in which the premises or proposed premises are or will be situated, has already been reached or exceeded;;

and

(c) by inserting after subsection (1) the following subsection:

(1a) The Commission has full power, if the prescribed limit of hospital beds for the State or the particular region in which the proposed hospital is to be situated has been reached or exceeded—

(a) to refuse absolutely to grant a licence;

or

(b) to refuse to grant a licence unless the number of existing hospital beds in the State or the particular region is to be reduced by a number that corresponds to the maximum number of hospital beds sought to be provided pursuant to the licence or a specified lesser number.

#### **Amendment of s. 57e—Conditions of licence**

5. Section 57e of the principal Act is amended—

(a) by striking out paragraph (b) of subsection (2) and substituting the following paragraph:

(b) fixing the maximum number of hospital beds that may be provided pursuant to the licence;;

(b) by inserting in subsection (4) “, except with the agreement of the licensee,” after “not”;

and

(c) by inserting after subsection (4) the following subsection:

(5) Where a licensee seeks to have the number of hospital beds that may be provided pursuant to the licence increased, the Commission has full power, if the prescribed limit of hospital beds for the State or the particular region in which the hospital is situated has been reached or exceeded—

(a) to refuse absolutely to so vary the conditions of the licence;

or

(b) to refuse to so vary the conditions of the licence unless the number of existing hospital beds in the State or the particular region is to be reduced by a number that corresponds to the increase sought or a specified lesser number.

#### **Amendment of s. 66—Regulations**

6. Section 66 of the principal Act is amended by inserting after paragraph (gc) of subsection (2) the following paragraph:

(gca) prescribe a limit on the number of hospital beds that may be provided by recognized hospitals or private hospitals in the State or in a particular region;.

#### **Transitional provision**

7. (1) An application for a licence under Part IVA of the principal Act made on or after 14 November 1991 will be determined in accordance with the principal Act as amended by this Act.

(2) If, immediately before the commencement of this Act, a licence under Part IVA of the principal Act was subject to a condition that limited the number of patients to whom health services may be provided on a live-in basis at any one time pursuant to the licence or that limited the number of beds that may be provided pursuant to the licence, that condition will be taken to fix that number as the maximum number of hospital beds that may be provided pursuant to the licence.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

ROMA MITCHELL Governor