

# Health Services (Amendment) Bill

## EXPLANATORY MEMORANDUM

### PART 1—PRELIMINARY

- Clause 1 sets out the purposes of the Bill.
- Clause 2 this is the commencement provision. It provides that Part 1 of the Bill commences on the day the Bill receives Royal Assent. The remaining provisions commence upon proclamation. Any provisions remaining unproclaimed on 30 June 1999 will commence on 30 June 1999.
- Clause 3 identifies the **Health Services Act 1988** as the Principal Act.

### PART 2—AMENDMENTS RELATING TO NURSING HOMES AND HOSTELS

- Clause 4 amends various definitions in section 3 of the Principal Act to take account of changes made by the Aged Care Act 1997 of the Commonwealth.

The definitions of "hostel" and "nursing home" are repealed. A new definition of "residential care service" replaces the definitions of "nursing home" and "hostel" and "State funded residential care service" is substituted for the definition of "State funded nursing home". The definition of "supported residential service" is amended by removing the reference to "hostel" and substituting "residential care service or a State funded residential care service".

- Clause 5 amends section 6 of the Principal Act by substituting "residential care service" for "nursing home" where it first occurs in that section and substituting "residential care subsidy" for "nursing home benefits" in paragraph (a)(ii). A new section 6(2) of the Principal Act is inserted which has the effect of deeming any premises declared as a State funded nursing home prior to the commencement of section 5 of the amending Act to be declared under the amended section 6 as a "State funded residential care service".

Clause 6 amends section 7(1) of the Principal Act by substituting "nursing home or hostel benefits" with "residential care subsidies".

Section 44 of the Principal Act is amended by substituting "hostel or nursing home" with "residential care service".

Section 66 of the Principal Act is repealed as this definition is provided for in section 3 of the Principal Act.

Clause 7 makes a consequential amendment to the **Health Services (Conciliation and Review) Act 1987** which removes the reference to hostel and nursing home in section 3(1)(f) of that Act and inserts a new paragraph referring to a "residential care service within the meaning of the **Health Services Act 1988**".

### **PART 3—OFFENCES RELATING TO SUPPORTED RESIDENTIAL SERVICES**

Clause 8 transfers offences previously set out in the Health Services (Residential Care) Regulations 1991 into the Principal Act to reflect the serious nature of those offences. As a consequence, new responsibilities have been inserted into the Principal Act in respect of proprietors of supported residential services. These transferred responsibilities relate to the following:

- Privacy and dignity of residents
- Accommodation of residents in bedrooms
- Personal hygiene of residents
- Storage distribution and administration of medication
- Nutrition of residents
- Mobility and sensory function of residents
- Notification of residents' next of kin in certain circumstances
- Residents' complaints procedure
- Residents' financial records
- Cleanliness and repair of supported residential services
- Communications systems
- Water supply
- Minimum staff requirements

Clause 9 inserts a new section 156A in the Principal Act which has the effect of extending the limitation period from 1 year to 3 years for the commencement of prosecutions for certain offences under

**the Principal Act. The extension of the limitation period applies to offences under sections 107, 108A to 108L and 115 of the Principal Act.**

