



Western Australia

Private Hospitals and Health Services Act 1927<sup>1</sup>

## **Private Hospitals (Licensing and Conduct of Private Hospitals) Regulations 1987**



# Private Hospitals (Licensing and Conduct of Private Hospitals) Regulations 1987

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### Defined terms



## **Private Hospitals (Licensing and Conduct of Private Hospitals) Regulations 1987**

### **1. Citation**

These regulations are the *Private Hospitals (Licensing and Conduct of Private Hospitals) Regulations 1987*.

*[Regulation 1 inserted: SL 2020/115 r. 4.]*

### **2. Commencement**

These regulations shall come into operation on the day on which the *Acts Amendment (Hospitals) Act 1985* comes into operation.

### **3. Term used: license**

In these regulations —

**licence** has the meaning given by section 26A of the Act.

### **4. Application for grant or renewal of licence**

- (1) An applicant for a licence shall cause a fee calculated in accordance with Schedule 1 item 1 to be paid to the CEO before the licence is granted to that applicant under section 26D of the Act.
- (2) Subject to the Act, a licence has effect on and from the day on which it is granted and expires on 1 January next following that day.
- (3) An applicant for the renewal of a licence shall cause a fee calculated in accordance with Schedule 1 item 2 to be paid to the CEO before the CEO renews the licence.

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- (4) An application for the renewal of a licence shall be made to the CEO on or before 30 November in the year preceding the year to which that application relates.
- (5) Subject to the Act, a licence renewed by the CEO has effect on and from 1 January next following that renewal and expires at the end of the period of 12 months commencing on that date.
- (6) The CEO must issue an applicant for a replacement licence with a replacement on payment of the fee set out in Schedule 1 item 3, if satisfied that the licence has been lost, damaged or destroyed.

*[Regulation 4 amended: Gazette 15 Dec 2006 p. 5626;  
30 Oct 2009 p. 4306.]*

**4A. Endorsement of licence to allow admission etc. under *Mental Health Act 1996***

- (1) An application to the CEO for a licence to be endorsed under section 26DA of the Act is to be made in a form approved by the CEO.
- (2) An applicant for a licence to be endorsed under section 26DA of the Act shall cause a fee of \$100 to be paid to the CEO before the endorsement is made.
- (3) The fee to be paid under subregulation (2) is in addition to any other fee payable in respect of a licence.

*[Regulation 4A inserted: Gazette 7 Nov 1997 p. 6133;  
amended: Gazette 15 Dec 2006 p. 5626.]*

**5. Fee for application for approval of premises**

An applicant for the approval of any premises as a private hospital shall cause a fee calculated in accordance with Schedule 1 item 4 to be paid to the CEO before that approval is granted.

*[Regulation 5 amended: Gazette 15 Dec 2006 p. 5626;  
30 Oct 2009 p. 4307.]*

**6. General duties of licence holder**

A licence holder shall ensure that —

- (a) the person occupying the post of director of nursing of the private hospital to which the licence relates or, in that person's absence, a responsible person holding qualifications approved by the CEO for the purposes of this paragraph is at all times present at, and in charge of, that private hospital; and
- (b) if the licence holder permits a person to bring an animal onto the premises of the private hospital, the animal —
  - (i) is effectively managed; and
  - (ii) does not constitute a nuisance or health risk to the patients in the private hospital;and
- (c) constant attention is given to the hygienic and proper storage, preservation, preparation and serving of food in the private hospital to which the licence relates and, in particular, that —
  - (i) food is supplied in such variety and quantities that the dietary allowances recommended by the National Health and Medical Research Council as defined by section 2 of the *Medical Research Endowment Act 1937*<sup>2</sup> of the Commonwealth are provided by that food; and
  - (ii) patients receive fresh fruit or fruit juice daily; and
  - (iii) patients on therapeutic diets or special diets are provided with food appropriate to those diets; and

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- (iv) a particular menu is not repeated at intervals of less than 4 weeks; and
- (v) standard food portion sizes are developed and used as a guide to preparing and ordering food; and
- (vi) components of a puree diet are prepared and served as individual food items; and
- (vii) meals are served at reasonable hours, with breakfast not being served before 7.00 a.m., the midday meal not being served before 12.00 noon and the evening meal not being served before 5.00 p.m., and that, if the evening meal is served before 5.30 p.m., supper is served between 7.30 p.m. and 9.00 p.m.;

and

- (d) an adequate number of suitable refuse receptacles is provided in the private hospital to which the licence relates for the holding of general refuse; and
- (e) pathological and infectious wastes are placed in suitable receptacles and then incinerated within a facility provided for that purpose within the private hospital to which the licence relates.

*[Regulation 6 amended: Gazette 15 Dec 2006 p. 5626;  
29 Jan 2016 p. 275; SL 2020/115 r. 5.]*

**7. Qualified staff to be provided**

- (1) Subject to subregulation (2), the holder of a licence granted in respect of a general private hospital shall ensure that the general private hospital is staffed by registered general nurses, registered psychiatric nurses and enrolled nurses only.
- (2) If a nursing assistant has been continuously employed at a general private hospital for a period of not less than 5 years ending immediately before the coming into operation of these



regulations, the nursing assistant may continue to be employed at the general private hospital.

(3) In this regulation —

***general private hospital*** means private hospital that is not a nursing home.

## **8. Staff accommodation**

A licence holder shall cause —

- (a) adequate self-contained accommodation to be provided for staff living on the premises of the private hospital to which the licence relates; and
- (b) to be provided for staff not living on the premises of the private hospital to which the licence relates —
  - (i) suitable change rooms and toilet and ablution facilities; and
  - (ii) lockers or other suitable places fitted with locks and keys for the safekeeping of clothes and personal effects; and
  - (iii) a suitable dining room.

## **9. Information to be recorded**

A licence holder shall ensure that —

- (a) a register of the patients in the private hospital to which the licence relates is kept and that there is recorded in that register in respect of each such patient —
  - (i) the date of that patient's admission to that private hospital; and
  - (ii) that patient's full names, date of birth, sex, home address and marital status; and
  - (iii) the name and address of the doctor or nurse under whose professional care that patient was

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immediately prior to that patient's admission to that private hospital; and

- (iv) the date of that patient's discharge from that private hospital or, in the event of that patient's death at that private hospital, the date of that death;

and

- (b) a record is maintained of the medical history of each patient in the private hospital to which the licence relates, in which record there is recorded —
  - (i) that patient's condition on admission to that hospital; and
  - (ii) the diagnosis of that patient's condition; and
  - (iii) daily or at more frequent intervals, an account of the nursing care and medical treatment given to that patient.

*[Regulation 9 amended: Gazette 29 Jan 2016 p. 276.]*

**10. Offences and penalties**

A licence holder who contravenes regulation 6, 7, 8 or 9 commits an offence and is liable to a penalty not exceeding \$500.

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**Schedule 1 — Fees**

[r. 4 and 5]

[Heading inserted: SL 2024/91 r. 17.]

| Item | Description                                       |                                                                                                                                                              | Fee (\$)                                                 |
|------|---------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| 1.   | Grant of licence (r. 4(1))                        |                                                                                                                                                              | 1 360                                                    |
| 2.   | Renewal of licence (r. 4(3))                      | Number of persons licensed to be accommodated —<br>Fewer than 25.....<br>25-50 .....<br>51-100 .....<br>101-200 .....<br>201-500 .....<br>more than 500..... | <br>4 750<br>6 000<br>7 250<br>8 500<br>10 500<br>12 500 |
| 3.   | Replacement licence (r. 4(6))                     |                                                                                                                                                              | 255                                                      |
| 4.   | Approval of premises as a private hospital (r. 5) | Number of persons licensed to be accommodated —<br>Fewer than 25.....<br>25-100 .....<br>101-200 .....<br>201-500 .....<br>more than 500.....                | <br>8 960<br>10 110<br>13 110<br>16 110<br>19 110        |

[Schedule 1 inserted: SL 2024/91 r. 17.]



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Regulations 1987**

Notes                      Compilation table

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## Notes

This is a compilation of the *Private Hospitals (Licensing and Conduct of Private Hospitals) Regulations 1987* and includes amendments made by other written laws. For provisions that have come into operation, and for information about any reprints, see the compilation table.

### Compilation table

| Citation                                                                                                                                           | Published                  | Commencement                                                                                                 |
|----------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|--------------------------------------------------------------------------------------------------------------|
| <i>Hospitals (Licensing and Conduct of Private Hospitals) Regulations 1987</i> <sup>3</sup>                                                        | 23 Jan 1987<br>p. 185-6    | 23 Jan 1987 (see r. 2 and <i>Gazette</i><br>23 Jan 1987 p. 179)                                              |
| <i>Hospitals (Licensing and Conduct of Private Hospitals) Amendment Regulations 1997</i>                                                           | 7 Nov 1997<br>p. 6132-3    | 13 Nov 1997 (see r. 2)                                                                                       |
| <b>Reprint 1: The Hospitals (Licensing and Conduct of Private Hospitals) Regulations 1987 as at 13 Feb 2004</b> (includes amendments listed above) |                            |                                                                                                              |
| <i>Hospitals (Licensing and Conduct of Private Hospitals) Amendment Regulations 2006</i>                                                           | 15 Dec 2006<br>p. 5625-6   | 15 Dec 2006                                                                                                  |
| <i>Hospitals (Licensing and Conduct of Private Hospitals) Amendment Regulations 2009</i>                                                           | 30 Oct 2009<br>p. 4306-7   | r. 1 and 2: 30 Oct 2009 (see<br>r. 2(a));<br>Regulations other than r. 1 and 2:<br>31 Oct 2009 (see r. 2(b)) |
| <i>Hospitals (Licensing and Conduct of Private Hospitals) Amendment Regulations 2010</i>                                                           | 27 Apr 2010<br>p. 1581     | r. 1 and 2: 27 Apr 2010 (see<br>r. 2(a));<br>Regulations other than r. 1 and 2:<br>28 Apr 2010 (see r. 2(b)) |
| <i>Hospitals (Licensing and Conduct of Private Hospitals) Amendment Regulations 2014</i>                                                           | 6 Jun 2014<br>p. 1789-90   | r. 1 and 2: 6 Jun 2014<br>(see r. 2(a));<br>Regulations other than r. 1 and 2:<br>1 Jul 2014 (see r. 2(b))   |
| <i>Hospitals (Licensing and Conduct of Private Hospitals) Amendment Regulations 2016</i>                                                           | 29 Jan 2016<br>p. 275-6    | r. 1 and 2: 29 Jan 2016<br>(see r. 2(a));<br>Regulations other than r. 1 and 2:<br>30 Jan 2016 (see r. 2(b)) |
| <i>Hospitals Regulations Amendment (Licensing and Conduct Fees) Regulations 2016 Pt. 2</i>                                                         | 17 Jun 2016<br>p. 2099-100 | 1 Jul 2016 (see r. 2(b))                                                                                     |

**Reprint 2: The Hospitals (Licensing and Conduct of Private Hospitals) Regulations 1987 as at 12 May 2017** (includes amendments listed above)

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Other notes

Notes

| Citation                                                                                 | Published                  | Commencement                                                                                                 |
|------------------------------------------------------------------------------------------|----------------------------|--------------------------------------------------------------------------------------------------------------|
| <i>Health Regulations Amendment (Fees and Charges) Regulations 2017</i> Pt. 6            | 30 Jun 2017<br>p. 3568-74  | 1 Jul 2017 (see r. 2(b))                                                                                     |
| <i>Health Regulations Amendment (Fees and Charges) Regulations 2018</i> Pt. 6            | 25 May 2018<br>p. 1632-9   | 1 Jul 2018 (see r. 2(b))                                                                                     |
| <i>Health Regulations Amendment (Fees and Charges) Regulations 2019</i> Pt. 6            | 14 Jun 2019<br>p. 1883-94  | 1 Jul 2019 (see r. 2(b))                                                                                     |
| <i>Hospitals (Licensing and Conduct of Private Hospitals) Amendment Regulations 2020</i> | SL 2020/115<br>10 Jul 2020 | r. 1 and 2: 10 Jul 2020<br>(see r. 2(a));<br>Regulations other than r. 1 and 2:<br>11 Jul 2020 (see r. 2(b)) |
| <i>Health Regulations Amendment (Fees and Charges) Regulations 2022</i> Pt. 7            | SL 2022/136<br>15 Jul 2022 | 16 Jul 2022 (see r. 2(b))                                                                                    |
| <i>Health Regulations Amendment (Fees and Charges) Regulations 2023</i> Pt. 8            | SL 2023/96<br>30 Jun 2023  | 1 Jul 2023 (see r. 2(b))                                                                                     |
| <i>Health Regulations Amendment (Fees and Charges) Regulations 2024</i> Pt. 8            | SL 2024/91<br>12 Jun 2024  | 1 Jul 2024 (see r. 2(b))                                                                                     |

**Other notes**

- <sup>1</sup> Formerly referred to the *Hospitals and Health Services Act 1927*, the short title of which was changed to the *Private Hospitals and Health Services Act 1927* by the *Health Services Act 2016* s. 261.
- <sup>2</sup> Repealed by the *National Health and Medical Research Council Act 1992* s. 54 (No. 225 of 1992) of the Commonwealth.
- <sup>3</sup> Now known as the *Private Hospitals (Licensing and Conduct of Private Hospitals) Regulations 1987*; citation changed (see note under r. 1).

Defined terms

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**Defined terms**

*[This is a list of terms defined and the provisions where they are defined.  
The list is not part of the law.]*

| <b>Defined term</b>            | <b>Provision(s)</b> |
|--------------------------------|---------------------|
| general private hospital ..... | 7(3)                |
| licence .....                  | 3                   |

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