Western Australia

Private Hospitals and Health Services Act 1927

Private Hospitals (Licensing and Conduct of Private Psychiatric Hostels) Regulations 1997

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Western Australia

Private Hospitals (Licensing and Conduct of Private Psychiatric Hostels) Regulations 1997

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Defined terms

Private Hospitals and Health Services Act 1927 [1]

Private Hospitals (Licensing and Conduct of Private Psychiatric Hostels) Regulations 1997

1. Citation

These regulations may be cited as the *Private Hospitals (Licensing and Conduct of Private Psychiatric Hostels) Regulations 1997* [2].

[Regulation 1 amended: SL 2020/223 r. 4.]

2. Commencement

These regulations come into operation on the same day as the *Mental Health Act 1996* comes into operation.

3. Terms used

In these regulations —

Chief Psychiatrist has the same meaning as in the *Mental Health Act 2014* section 4;

hostel means a private psychiatric hostel, within the meaning of Part IIIB of the Act, and when referred to in relation to a licence, means the hostel to which the licence relates;

licence means a licence to conduct a private psychiatric hostel granted under the Act;

supervisor means a natural person —

(a) referred to in section 26B(2), (3)(c) or (4)(c), as read with section 26Q, of the Act; or

(b) approved under regulation 7;

resident has the same meaning as in Part IIIB of the Act.

[Regulation 3 amended: Gazette 29 Dec 2015 p. 5174.]

4. Term used: licence holder

In these regulations, other than regulations 7 and 16 —

licence holder in relation to —

(a) a licence held by a firm, means the firm and each natural person by whom the firm is constituted and each person concerned in the management and conduct of any body corporate by which the firm is constituted; and

(b) a licence held by a body corporate, means the body corporate and each person concerned in the management and conduct of the body corporate.

5. Licences, application for, duration of etc.

(1) An applicant for a licence is to pay to the CEO a fee calculated in accordance with Schedule 1 item 1 before the licence is granted.

(2) Subject to the Act, a licence has effect on and from the day on which it is granted and expires on the next 1 January.

(3) An applicant for the renewal of a licence is to pay to the CEO a fee calculated in accordance with Schedule 1 item 2 before the licence is renewed.

(4) An application for the renewal of a licence is to be made to the CEO on or before 30 November in the year preceding the year to which the licence relates.

(5) Subject to the Act, a licence renewed by the CEO has effect on and from the next 1 January and expires at the end of that year.

(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 5 amended: Gazette 15 Dec 2006 p. 5627; 30 Oct 2009 p. 4308.]

6. Fee for application for approval of premises

An applicant for the approval of any premises as a hostel is to pay a fee calculated in accordance with Schedule 1 item 4 to the CEO before that approval is granted.

[Regulation 6 amended: Gazette 15 Dec 2006 p. 5627; 30 Oct 2009 p. 4309.]

7. Supervisors of hostels, approval of etc.

(1) The CEO may, on the written application of a licence holder, approve a natural person as a supervisor of a hostel if the CEO is of the opinion that person is a fit and proper person to be in charge of the day to day management of a hostel.

(2) The CEO may withdraw the approval of a person as a supervisor if the CEO is satisfied —

(a) that the supervisor has failed to conduct a hostel in a proper manner; or

(b) that the conduct of the supervisor is such as to show that the supervisor is not a suitable person to be in charge of the day to day management of a hostel.

[Regulation 7 amended: Gazette 15 Dec 2006 p. 5627; 29 Jan 2016 p. 274.]

8. Management of hostels

(1) The licence holder of a hostel is responsible for the management of the hostel, the care of residents and the supervision of staff at the hostel.

(2) The licence holder of a hostel is to ensure that a supervisor is present at the hostel at all times.

Penalty for this subregulation: a fine of $500.

(2A) Subregulation (2) does not apply if the licence holder acts in accordance with an alternative supervisory arrangement for the hostel approved under regulation 8A in relation to when a supervisor is to be present at the hostel.

(3) A supervisor is responsible for the day to day operations of the hostel.

(4) A person who is not a supervisor is not to be in charge of the day to day operations of a hostel.

Penalty for this subregulation: a fine of $500.

(5) Subregulation (4) does not apply if the person acts in accordance with an alternative supervisory arrangement for the hostel approved under regulation 8A in relation to who is to be in charge of the day-to-day operations of the hostel.

[Regulation 8 amended: SL 2020/223 r. 5 and 14.]

8A. Alternative supervisory arrangements

(1) In this regulation —

carer has the meaning given in the *Carers Recognition Act 2004* section 5;

close family member has the meaning given in the *Mental Health Act 2014* section 281;

personal support person has the meaning given in the *Mental Health Act 2014* section 4.

(2) The licence holder of a hostel may apply to the CEO for approval of an arrangement (an ***alternative supervisory arrangement***) setting out either or both of the following —

(a) when a supervisor is to be present at the hostel;

(b) who is to be in charge of the day-to-day operations of the hostel.

(3) The application must be in writing and set out —

(a) the alternative supervisory arrangement for which the licence holder is applying for approval; and

(b) the reasons why the licence holder wants to operate the hostel under an alternative supervisory arrangement, including evidence that the residents of the hostel do not require a supervisor to be present at the hostel at all times; and

(c) how the licence holder will provide notice of the alternative supervisory arrangement to —

(i) each resident; and

(ii) any carer, close family member or other personal support person of each resident.

(4) The CEO may approve an alternative supervisory arrangement for a hostel if satisfied that —

(a) the residents of the hostel do not require a supervisor to be present at the hostel at all times; and

(b) the licence holder will provide sufficient notice of the alternative supervisory arrangement to the persons referred to in subregulation (3)(c); and

(c) the alternative supervisory arrangement is appropriate in all of the circumstances.

(5) If the CEO approves the alternative supervisory arrangement, the CEO may grant the alternative supervisory arrangement subject to conditions.

(6) After making a decision under subregulation (4), the CEO must —

(a) give the licence holder written notice of the CEO's decision; and

(b) if the alternative supervisory arrangement is granted subject to conditions — set out the conditions to which the alternative supervisory arrangement is subject in the written notice to the licence holder; and

(c) if the decision is not to grant the alternative supervisory arrangement, or grant the alternative supervisory arrangement subject to conditions — set out the reasons for the decision in the written notice to the licence holder.

[Regulation 8A inserted: SL 2020/223 r. 6.]

9. Management of animals at hostels

The supervisor of a hostel is to ensure that any animal kept at the hostel is effectively managed and does not constitute a nuisance or health risk to the residents.

Penalty: a fine of $500.

[Regulation 9 amended: SL 2020/223 r. 7.]

10. Food provision at hostels

(1A) The licence holder of a hostel must ensure that food the licence holder serves to the residents in the hostel is hygienically and properly stored, preserved and served.

Penalty for this subregulation: a fine of $500.

(1) The licence holder of a hostel must ensure that —

(a) food is supplied in such quantities that the dietary allowances recommended by the National Health and Medical Research Council are provided by that food; and

(b) residents receive fresh fruit and vegetables daily; and

(c) residents on therapeutic diets or special diets are provided with food appropriate to those diets; and

(d) a particular menu is not repeated at an interval of less than 4 weeks; and

(e) standard food portion sizes are developed and used as a guide to preparing and serving food; and

(f) components of a puree diet are prepared and served as individual food items; and

(g) meals are served at reasonable hours, with breakfast not being served before 7 a.m., the midday meal not being served before 12 noon and the evening meal not being served before 5 p.m. and, if the evening meal is served before 5.30 p.m., supper is to be served between 7.30 p.m. and 9.30 p.m.

Penalty for this subregulation: a fine of $500.

(2) In subregulation (1) —

National Health and Medical Research Council means the National Health and Medical Research Council established by the *National Health and Medical Research Council Act 1992* (Commonwealth) section 5B.

(3) Subregulation (1) does not apply if the licence holder acts in accordance with a food exemption for the hostel approved under regulation 10A.

[Regulation 10 amended: SL 2020/223 r. 8 and 14.]

10A. CEO may exempt licence holders from having to serve food to residents

(1) The licence holder of a hostel may apply to the CEO for an exemption (a ***food exemption***) from the requirements under regulation 10(1) for the hostel.

(2) The application must be in writing and set out —

(a) the reasons the licence holder is applying for the exemption, including evidence that the residents of the hostel do not require food to be provided by the licence

holder because the residents are able to provide their own food; and

(b) details of a proposed reduction in charges for residents of the hostel to reflect that food is not provided by the licence holder.

(3) The CEO may approve a food exemption for a hostel if satisfied that —

(a) the residents of the hostel do not require food to be provided by the licence holder because the residents are able to provide their own food; and

(b) the proposed reduction in charges is appropriate; and

(c) the food exemption is appropriate in all of the circumstances.

(4) If the CEO grants the food exemption, the CEO —

(a) must grant the food exemption subject to the condition that the licence holder of the hostel reduces the charges in accordance with the reduction set out in the application; and

(b) may grant the food exemption subject to other conditions.

(5) After making a decision under subregulation (3), the CEO must —

(a) give the licence holder written notice of the CEO's decision; and

(b) set out the conditions to which the food exemption is subject in the written notice to the licence holder; and

(c) if the decision is not to grant the food exemption, or grant the exemption subject to conditions under subregulation (4)(b) — set out the reasons for the decision in the written notice to the licence holder.

[Regulation 10A inserted: SL 2020/223 r. 9.]

11. Administration of drugs at hostels

(1) In this regulation —

medical practitioner means a person who is registered under the *Health Practitioner Regulation National Law (Western Australia)* in the medical profession.

(2) The supervisor of a hostel is to ensure that no drug is administered at the hostel to a resident except on the prescription of a medical practitioner.

Penalty for this subregulation: a fine of $500.

[Regulation 11 amended: Gazette 1 Apr 2011 p. 1181; SL 2020/223 r. 14.]

12. Giving clothing and toiletries to residents

(1) A licence holder of a hostel must give each resident —

(a) clothing of a reasonable quality that is necessary for the resident, including under and outer garments, headgear, footwear and night attire; and

(b) toiletries of a reasonable quality that are necessary for the resident to maintain a reasonable standard of personal hygiene.

Penalty for this subregulation: a fine of $500.

(2) Subregulation (1) does not apply if the licence holder acts in accordance with a clothing and toiletries exemption for the hostel approved under regulation 12A.

[Regulation 12 inserted: SL 2020/223 r. 10.]

12A. CEO may exempt licence holders from having to give clothing and toiletries to residents

(1) The licence holder of a hostel may apply to the CEO for an exemption (a ***clothing and toiletries exemption***) from the requirements under regulation 12(1) for the hostel.

(2) The application must be in writing and set out —

(a) the reasons the licence holder is applying for the exemption, including evidence that the residents of the hostel do not require clothing and toiletries to be provided by the licence holder; and

(b) details of a proposed reduction in charges for residents of the hostel to reflect that clothing and toiletries are not provided by the licence holder.

(3) The CEO may approve a clothing and toiletries exemption for a hostel if satisfied that —

(a) the residents of the hostel do not require clothing and toiletries to be provided by the licence holder; and

(b) the proposed reduction in charges is appropriate; and

(c) the clothing and toiletries exemption is appropriate in all of the circumstances.

(4) If the CEO grants the clothing and toiletries exemption, the CEO —

(a) must grant the clothing and toiletries exemption subject to the condition that the licence holder of the hostel reduces the charges in accordance with the reduction set out in the application; and

(b) may grant the clothing and toiletries exemption subject to other conditions.

(5) After making a decision under subregulation (3), the CEO must —

(a) give the licence holder written notice of the CEO's decision; and

(b) set out the conditions to which the clothing and toiletries exemption is subject in the written notice to the licence holder; and

(c) if the decision is not to grant the clothing and toiletries exemption, or grant the exemption subject to conditions

under subregulation (4)(b) — set out the reasons for the decision in the written notice to the licence holder.

[Regulation 12A inserted: SL 2020/223 r. 10.]

13. Certain events to be reported to Chief Psychiatrist

The supervisor is to ensure that there is reported to the Chief Psychiatrist —

[(a) deleted]

(b) as soon as is reasonably possible, if the supervisor considers any resident to be at risk of harming any person, including the resident; and

(c) the death of any resident, by the end of the next working day following the death.

Penalty: a fine of $500.

[Regulation 13 amended: Gazette 12 Apr 2011 p. 1310; 29 Jan 2016 p. 274; SL 2020/223 r. 11.]

14. Minimum proportion of pension for resident's use

(1) If a resident of a hostel is in receipt of a pension payable under laws of the Commonwealth, the licence holder of the hostel is to ensure that there is paid or remitted to the resident for the resident's own use, at least 12.5% of the basic pension.

Penalty for this subregulation: a fine of $500.

(2) In this regulation —

basic pension does not include any part of a pension that is to pay for, or offset, the accommodation costs of the recipient.

[Regulation 14 amended: Gazette 29 Jan 2016 p. 274; SL 2020/223 r. 14.]

15. Register of information about residents

(1) The licence holder of a hostel is to ensure that there is kept on the premises of the hostel a register in a form approved by the CEO.

(2) The supervisor of a hostel is to ensure that the following information is recorded in that register —

(a) the full name, date of birth and next of kin of each resident; and

(b) notes on the day to day behaviour, personal presentation and social development of each resident; and

(c) details of any private property or valuables stored for the resident; and

(d) details of all drugs prescribed for each resident and details as to the administration of those drugs; and

(e) particulars of any unusual incidents; and

(f) a copy of each report made to the Chief Psychiatrist under regulation 13; and

(g) such financial and statistical information regarding the hostel as is required by the CEO.

Penalty for this subregulation: a fine of $500.

[Regulation 15 amended: Gazette 15 Dec 2006 p. 5627; SL 2020/223 r. 14.]

16. Notice of intention to close hostel

(1) The licence holder of a hostel must give the CEO written notice of an intention to close the hostel.

(2) The notice must be given —

(a) if there are fewer than 10 residents at the hostel — not later than 90 days before the day on which the hostel is intended to be closed; or

(b) if there are between 10 and 49 residents at the hostel — not later than 180 days before the day on which the hostel is intended to be closed; or

(c) if there are more than 49 residents at the hostel — not later than 270 days before the day on which the hostel is intended to be closed.

Penalty for this subregulation: a fine of $500.

[Regulation 16 inserted: SL 2020/223 r. 12.]

17. Inspection of hostels

(1) The CEO or a person authorised by the CEO, may inspect any hostel, whether or not notice has been given.

(2) The inspection may be at any time and for as long as the CEO or the authorised person sees fit.

(3) In the course of the inspection, the CEO or authorised person may —

(a) inspect any part of the hostel; and

(b) interview any resident who has not declined to be seen; and

(c) make enquiries as to the care and treatment of any resident; and

(d) require the production of any record, document or register required to be kept under these regulations or under the licence; and

(e) take copies of, or extracts from, any such record, document or register.

(4) A licence holder, supervisor or other person having an official capacity at a hostel is to —

(a) afford any assistance that may be requested for the purpose of exercising any power under this regulation; and

(b) answer any query that may be made under this regulation by the CEO or authorised person.

Penalty for this subregulation: a fine of $500.

[Regulation 17 amended: Gazette 15 Dec 2006 p. 5627; SL 2020/223 r. 14.]

18. Offence of obstructing or misleading CEO or authorised person

A person must not —

(a) obstruct the CEO or authorised person exercising any powers under regulation 17; or

(b) wilfully mislead the CEO or authorised person in such a way as to interfere with the exercise of any power by the CEO or authorised person under regulation 17.

Penalty: a fine of $500.

[Regulation 18 amended: Gazette 15 Dec 2006 p. 5627; SL 2020/223 r. 13.]

Schedule 1 — Fees

[r. 5 and 6]

[Heading inserted: SL 2026/121 r. 20.]

Item	Description		Fee ($)
1.	Grant of licence (r. 5(1))		1 360
2.	Renewal of licence (r. 5(3))		1 031
3.	Replacement licence (r. 5(6))		261
4.	Approval of premises as a private psychiatric hostel (r. 6)	Number of persons licensed to be accommodated —	
		Fewer than 25.....	9 238
		25-100	10 423
		101-200	13 516
		201-500	16 609
		more than 500.....	19 702

[Schedule 1 inserted: SL 2026/121 r. 20.]

Notes

This is a compilation of the *Private Hospitals (Licensing and Conduct of Private Psychiatric Hostels) Regulations 1997* 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
Hospitals (Licensing and Conduct of Private Psychiatric Hostels) Regulations 1997	7 Nov 1997 p. 6119-27	13 Nov 1997 (see r. 2)
Reprint 1: The *Hospitals (Licensing and Conduct of Private Psychiatric Hostels) Regulations 1997* as at 2 Apr 2004		
Hospitals (Licensing and Conduct of Private Psychiatric Hostels) Amendment Regulations 2006	15 Dec 2006 p. 5626-7	15 Dec 2006
Hospitals (Licensing and Conduct of Private Psychiatric Hostels) Amendment Regulations 2009	30 Oct 2009 p. 4308-9	r. 1 and 2: 30 Oct 2009 (see r. 2(a)); Regulations other than r. 1 and 2: 31 Oct 2009 (see r. 2(b))
Hospitals (Licensing and Conduct of Private Psychiatric Hostels) Amendment Regulations 2010	27 Apr 2010 p. 1582	r. 1 and 2: 27 Apr 2010 (see r. 2(a)); Regulations other than r. 1 and 2: 28 Apr 2010 (see r. 2(b))
Hospitals (Licensing and Conduct of Private Psychiatric Hostels) Amendment Regulations 2011	1 Apr 2011 p. 1180-1	r. 1 and 2: 1 Apr 2011 (see r. 2(a)); Regulations other than r. 1 and 2: 2 Apr 2011 (see r. 2(b))
Hospitals (Licensing and Conduct of Private Psychiatric Hostels) Amendment Regulations (No. 2) 2011	12 Apr 2011 p. 1310	r. 1 and 2: 12 Apr 2011 (see r. 2(a)); Regulations other than r. 1 and 2: 13 Apr 2011 (see r. 2(b))
Reprint 2: The *Hospitals (Licensing and Conduct of Private Psychiatric Hostels) Regulations 1997* as at 8 Jul 2011 (includes amendments listed above)		
Hospitals (Licensing and Conduct of Private Psychiatric Hostels) Amendment Regulations 2014	6 Jun 2014 p. 1790-1	r. 1 and 2: 6 Jun 2014 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2014 (see r. 2(b))
Hospitals (Licensing and Conduct of Private Psychiatric Hostels) Amendment Regulations 2015	29 Dec 2015 p. 5173-4	r. 1 and 2: 29 Dec 2015 (see r. 2(a));

Citation	Published	Commencement
		Regulations other than r. 1 and 2: 30 Dec 2015 (see r. 2(b))
Hospitals (Licensing and Conduct of Private Psychiatric Hostels) Amendment Regulations 2016	29 Jan 2016 p. 273-5	r. 1 and 2: 29 Jan 2016 (see r. 2(a)); Regulations other than r. 1 and 2: 30 Jan 2016 (see r. 2(b))
Hospitals Regulations Amendment (Licensing and Conduct Fees) Regulations 2016 Pt. 3	17 Jun 2016 p. 2099-2100	1 Jul 2016 (see r. 2(b))
Health Regulations Amendment (Fees and Charges) Regulations 2017 Pt. 7	30 Jun 2017 p. 3568-74	1 Jul 2017 (see r. 2(b))
Health Regulations Amendment (Fees and Charges) Regulations 2018 Pt. 7	25 May 2018 p. 1632-9	1 Jul 2018 (see r. 2(b))
Health Regulations Amendment (Fees and Charges) Regulations 2019 Pt. 7	14 Jun 2019 p. 1883-94	1 Jul 2019 (see r. 2(b))
Hospitals (Licensing and Conduct of Private Psychiatric Hostels) Amendment Regulations 2020	SL 2020/223 20 Nov 2020	r. 1 and 2: 20 Nov 2020 (see r. 2(a)); Regulations other than r. 1 and 2: 21 Nov 2020 (see r. 2(b))
Health Regulations Amendment (Fees and Charges) Regulations 2022 Pt. 8	SL 2022/136 15 Jul 2022	16 Jul 2022 (see r. 2(b))
Health Regulations Amendment (Fees and Charges) Regulations 2026 Pt. 9	SL 2026/121 24 Jun 2026	1 Jul 2026 (see r. 2(b))

Other notes

[1] 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.

[2] Now known as the *Private Hospitals (Licensing and Conduct of Private Psychiatric Hostels) Regulations 1997*; citation changed (see note under r. 1).

Defined terms

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

Defined term	Provision(s)
alternative supervisory arrangement	8A(2)
basic pension	14(2)
carer	8A(1)
Chief Psychiatrist	3
close family member	8A(1)
clothing and toiletries exemption	12A(1)
food exemption	10A(1)
hostel	3
licence	3
licence holder	4
medical practitioner	11(1)
National Health and Medical Research Council	10(2)
personal support person	8A(1)
resident	3
supervisor	3

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