

HOSPITALS.

No. 43 of 1981.

AN ACT to make better provision for prescribing charges for services rendered in public hospitals, to amend the Hospitals Act 1927-1976 and for incidental and other purposes.

[Assented to 26 August 1981.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the *Hospitals Amendment Act 1981*.

Short title
and citation.

(2) In this Act the Hospitals Act 1927-1976 is referred to as the principal Act.

Reprinted as
approved 11
December
1972.

(3) The principal Act as amended by this Act may be cited as the Hospitals Act 1927-1981.

Amended by
Acts Nos.
10 of 1973,
104 of 1975,
and 71 of
1976.

Commence-
ment.

2. This Act shall come into operation on 1 September 1981.

Section 18
amended.

3. Section 18 of the principal Act is amended by inserting after subsection (1) the following subsections—

“ (1a) The board of a hospital may provide any facility in the hospital for the use of a practitioner for carrying out any hospital, medical or other service.

(1b) The provision of any facility under subsection (1a) of this section shall be on such terms and conditions, including the payment of charges, as are determined by the Minister from time to time. ” .

Section 37
amended.

4. Section 37 of the principal Act is amended—

(a) in subsection (2)—

(i) by inserting after “by-laws;” in paragraph (a) the following—

“ and ” ;

(ii) by deleting the semi-colon at the end of paragraph (b) and substituting a full stop; and

(iii) by deleting paragraphs (c) and (d) and the conjunction “and” between those paragraphs;

(b) by inserting after subsection (2) the following subsections—

“ (2a) Notwithstanding anything in this Act the Governor may make regulations prescribing charges to be made by a hospital in respect of any service whether hospital or medical provided by or in the hospital whether provided by the hospital or by some other person or organisation.

(2b) Regulations made under this section relating to charges to be made by a hospital in respect of services rendered by or in the hospital shall be valid and have effect notwithstanding that the services include medical services normally provided by a medical practitioner and other professional services provided by or on behalf of the hospital.

(2c) Notwithstanding anything in this Act for the purposes of legal proceedings for the recovery of any charges prescribed by the regulations it is hereby declared that any service referred to in the regulations has been validly provided by the hospital by or in which it was so provided. ” ; and

(c) in subsection (3), by inserting after paragraph (a) the following paragraphs—

- “ (aa) defining classes of patient and classes of service;
- (ab) adopting for the purposes of referring to a class of patient or class of service any definition in any law of the Parliament of the Commonwealth;
- (ac) so as to discriminate between classes of patient and classes of service and according to the circumstances in which a service is provided and in respect of the class of patient to whom it is provided;
- (ad) prescribing that no charges are payable in respect of any class of service, any class of patient and any hospital or class of hospital;

- (ae) prescribing different charges according to the hospital or class of hospital in which or on behalf of which a service or class of service is provided;
 - (af) prescribing that the charges for any goods or services or class of goods or service rendered in respect of any class of patient shall be of an amount determined by the Minister or other person according to the cost thereof; " .
-