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HOSPITALS AND HEALTH SERVICES ACT 1927

**HOSPITALS (LICENSING AND
CONDUCT OF PRIVATE
PSYCHIATRIC HOSTELS)
REGULATIONS 1997**

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**HOSPITALS (LICENSING AND
CONDUCT OF PRIVATE PSYCHIATRIC
HOSTELS) REGULATIONS 1997**

Made by the Governor in Executive Council.

Citation

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

Commencement

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

Interpretation

3. In these regulations —

“**Chief Psychiatrist**” has the same meaning as in the *Mental Health Act 1996*;

“**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;

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

Meaning of “licence holder” in most regulations

4. 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.

Application for grant or renewal of licence

5. (1) An applicant for a licence is to pay to the Commissioner a fee of \$1 100 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 Commissioner a fee of \$100 before the licence is renewed.

(4) An application for the renewal of a licence is to be made to the Commissioner 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 Commissioner has effect on and from the next 1 January and expires at the end of that year.

Fee for application for approval of premises

6. An applicant for the approval of any premises as a hostel is to pay a fee of \$60 to the Commissioner before that approval is granted.

Approval of persons as supervisors

7. (1) The Commissioner may, on the written application of a licence holder, approve a natural person as a supervisor of a hostel if the Commissioner 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.

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(2) The Commissioner may withdraw the approval of a person as a supervisor if the Commissioner 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 he or she is not a suitable person to be in charge of the day to day management of a hostel.

Management of hostel

8. (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: \$500.

(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: \$500.

Management of animals at hostels

9. 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: \$500.

Food preparation and diet

10. (1) The licence holder of a hostel is to ensure that constant attention is given to the hygienic and proper storage, preservation and serving of food in the hostel and 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;

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- (b) residents receive fresh fruit or fruit juice daily;
- (c) residents on therapeutic diets or special diets are provided with food appropriate to those diets;
- (d) a particular menu is not repeated at an interval of less than 4 weeks;
- (e) standard food portion sizes are developed and used as a guide to preparing and serving food;
- (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: \$500.

(2) In this regulation —

“the National Health and Medical Research Council” means the council of that name established by section 6 of the *National Health and Medical Research Council Act 1992* of the Commonwealth.

Administration of drugs

11. 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 registered under the *Medical Act 1894*.

Penalty: \$500.

Clothing and toiletries

12. A licence holder is to ensure that there is provided for each resident —

- (a) all clothing necessary for that resident, including under and outer garments, headgear, footwear and night attire; and
- (b) basic toiletry items, including soap, talcum powder and toothpaste,

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at no extra cost to the resident.

Penalty: \$500.

Events to be reported to the Chief Psychiatrist

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

- (a) any deterioration in the mental state of any resident, as soon as the supervisor is aware of the deterioration;
- (b) as soon as is reasonably possible, if the supervisor considers any resident to be at risk of harming any person, including the resident himself or herself;
- (c) the death of any resident, by the end of the next working day following the death; and
- (d) details of each person who becomes a resident in the hostel, and of each person who is no longer a resident in the hostel, in a form approved by the Chief Psychiatrist, within 48 hours of the person becoming, or ceasing to be, a resident.

Penalty: \$500.

Minimum proportion of pension for resident's use

14. (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 his or her own use, at least 12.5% of the basic pension.

Penalty: \$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.

Register of information

15. (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 Commissioner.

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(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;
- (b) notes on the day to day behaviour, personal presentation and social development of each resident;
- (c) details of any private property or valuables stored for the resident;
- (d) details of all drugs prescribed for each resident and details as to the administration of those drugs;
- (e) particulars of any unusual incidents;
- (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 Commissioner.

Penalty: \$500.

Notice of intended closure

16. The licence holder of a hostel is to give to the Commissioner at least 90 days written notice before closing the hostel.

Penalty: \$500.

Inspection of hostels

17. (1) The Commissioner or a person authorized by the Commissioner, 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 Commissioner or the authorized person sees fit.

(3) In the course of the inspection, the Commissioner or authorized person may —

- (a) inspect any part of the hostel;
- (b) interview any resident who has not declined to be seen;
- (c) make enquiries as to the care and treatment of any resident;
- (d) require the production of any record, document or register required to be kept under these regulations or under the licence; and

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(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 Commissioner or authorized person.

Penalty: \$500.

Obstruction

18. A person is not to —

(a) obstruct the Commissioner or authorized person exercising any powers under regulation 17; or

(b) wilfully mislead the Commissioner or authorized person in such a way as to interfere with the exercise of any power by the Commissioner or authorized person under regulation 18.

Penalty: \$500.

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.

