

# State and Territory Private Health Facility Licensing Legislation Mapping

## Currency of legislation

The *Private Health Facilities Act 2007* NSW has not yet commenced, and subordinate legislation is currently under development. However, as the legislation is expected to commence in 2009, the mapping has referred to the 2007 Act, rather than the previous legislation, the *Private Hospitals and Day Procedure Centres Act 1988*. As the subordinate legislation is currently being developed, there are gaps in the NSW information in the mapping. The NSW information will be updated when further information is available.

The *Health Service Establishments Act 2006* Tasmania has not yet commenced but is expected to commence in 2009. A draft version of the *Health Service Establishments Regulations* was provided for the purposes of this mapping, but the provisions may be subject to change.

**Map 1 - Premises required to be licensed**

	<b>ACT</b>	<b>NSW</b>	<b>NT</b>	<b>QLD</b>	<b>SA</b>	<b>TAS</b>	<b>VIC</b>	<b>WA</b>
<b>Relevant legislation</b>	<i>Public Health Act 1997</i>	<i>Private Health Facilities Act 2007</i>	<i>Private Hospitals and Nursing Homes Act</i>	<i>Private Health Facilities Act 1999</i>	<i>Health Care Act 2008</i>	<i>Health Service Establishments Act 2006</i>	<i>Health Services Act 1988</i>	<i>Hospitals and Health Services Act 1927</i>
<b>Overall category of regulated premises</b>	Health care facility (includes private hospitals and day procedure facilities)	Private health facility	Nursing institution	Private health facility	Private hospitals	Health services establishment	Health service establishment	Hospital (defined by Class A, B, C & D – see below)

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<b>Definition of overall category of regulated premises</b>	A health care facility means a premise upon which prescribed medical and dental procedures are carried out and/or a premise in which overnight patient stays are provided prior to or after receiving medical treatment.	Any premises at which any person is admitted, provided with medical, surgical or other prescribed treatment and then discharged, or premises at which a person is provided with prescribed services or treatments, but not: (a) an institution conducted by or on behalf of the State, or (b) hospital or health service under the control of a public health organisation within the meaning of the Health Services Act 1997, or (c) A nursing home within the meaning of the Public Health Act 1991, or (d) Premises of a class prescribed by the regulations (s. 4).	A nursing institution means a private hospital or nursing home (also defined s. 4)	Private health facility means a private hospital or a day hospital	See definition of private hospital	Health service establishment means a day procedure centre or private hospital or a residential care service	Health service establishment means: (a) a day procedure centre; or (d) a private hospital; or (e) a supported residential service (s. 3).	Hospital - an institution for the reception and treatment of persons suffering from illness or injury, or in need of medical, surgical or dental treatment or assistance, and includes a maternity home or maternity hospital, day hospital facility (defined below), nursing home or nursing post (s. 2).

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<b>Private hospitals</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>
<b>Day procedure facilities</b>	<b>Yes</b> (depending on services)	<b>Yes</b>	<b>No</b>	<b>Yes</b>	<b>No</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>
<b>Definition of private hospital</b>	See definition of health care facility	Classes of facilities will be prescribed by the regulations which are not yet available	Premises that are fitted, furnished or staffed for the accommodation of persons for medical or surgical treatment for fee or reward	A facility at which health services are provided to persons who are discharged from the facility on a day other than the day on which the persons were admitted to the facility, but not including a hospital operated by the State or a nursing home, hostel or other facility at which accommodation, and nursing or personal care, is provided to persons who, because of infirmity, illness, disease, incapacity or disability, have a permanent need for nursing or personal care.	A hospital other than an incorporated hospital. A hospital is (a) an entity by which health services are provided, being health services that include services provided to persons on a live-in basis (b) a site at which activities of an incorporated hospital are undertaken	Premises at which any patient is provided with accommodation, medical, surgical or other treatment and with ancillary nursing care, for fee, gain or reward, but does not include –  (a) an establishment conducted by or on behalf of the State; or  (b) a day-procedure centre; or  (c) a residential care service;	Premises where persons are provided with health services of a prescribed kind or kinds and for which a charge is made and includes a privately operated hospital but does not include – (a) a public hospital or denominational hospital; or (b) a day procedure centre; or (c) a residential care service.	A hospital that is not a public hospital (s. 2(i))

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<b>Definition of day procedure facility</b>	See definition of health care facility	Classes of facilities will be prescribed by the regulations which are not yet available	N/A	Day hospital means a facility at which day hospital services are provided to persons who are admitted to, and discharged from, the facility on the same day, but does not include a facility operated by the State.	N/A	"day-procedure centre" means an establishment at which any patient is admitted and discharged on the same day for medical, surgical or other treatment, but does not include – (a) any such establishment conducted by or on behalf of the State; or (b) a public hospital or health service under the control of a public health organisation within the meaning of the Health Act 1997; or (c) a private hospital licensed under this Act; or (d) a residential care service;	Premises where – (a) a major activity carried on is the provision of health services of a prescribed kind or kinds and for which a charge is made; and (b) persons to whom treatment of that kind or those kinds is provided are reasonably expected to be admitted and discharged on the same date – (c) but does not include a public hospital, denominational hospital or private hospital.	Day hospital facility means premises that are not attached to, or, that are set apart from, a hospital being premises at which persons are received for professional attention or professional medical attention in a class of professional attention determined by the Minister under subsection (3) to be professional attention but not premises at which overnight accommodation is provided. Professional Attention Determination 2005 Day Hospitals Class A, Day Procedure Facilities Class B, Day Hospitals Class C, Psychiatric Day Hospitals Class D.

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<b>Related definitions</b>	<p>Prescribed medical and dental procedures means procedures undertaken for medical or cosmetic reasons by a health care professional that involves:</p> <p>(i) the administration of a general, spinal, epidural or major regional block anaesthetic or intravenous sedative for the purpose of performing an elective procedure, but does not include mandibular blocks;</p> <p>(ii) endoscopy</p> <p>(iii) dialysis, haemofiltration or haemoperfusion</p> <p>(iv) prolonged intravenous infusion of a single cytotoxic agent or sequential intravenous infusion or more than one cytotoxic agent or</p> <p>(v) cardiac catheterisation</p>	<p>Classes of facilities will be prescribed by the regulations which are not yet available</p>	N/A	<p>Day hospital service means -</p> <p>(a) a diagnostic, surgical or other procedure performed by a medical practitioner involving</p> <p>(i) the administration of a general, spinal or epidural anaesthetic; or</p> <p>(ii) sedation, other than simple sedation</p> <p>(b) a diagnostic, surgical or other procedure –</p> <p>(i) performed by, or under the direction of, a medical practitioner; and</p> <p>(ii) involving a significant risk that a person on whom the procedure is performed may, because of cardiac, respiratory or other complications arising from the performance of the procedure, require resuscitation; and</p> <p>(iii) prescribed under a regulation.</p>	<p>Health service means— (a) a service associated with: (i) the promotion of health and well-being; or (ii) the prevention of disease, illness or injury; or (iii) intervention to address or manage disease, illness or injury; or (iv) the management or treatment of disease, illness or injury; or (v) rehabilitation or on-going care for persons who have suffered a disease, illness or injury; or (b) a paramedical or ambulance service; or (c) a residential aged care service; or (ca) a research, pathology or diagnostic service associated with veterinary science; or (d) a service brought within the ambit of this definition</p>	<p>"type A procedure" means a procedure involving professional attention normally requiring admitted overnight hospital stay;</p> <p>"type B procedure" means a procedure involving professional attention normally requiring admitted hospital treatment that does not include part of an overnight stay;</p> <p>"type C procedure" means a procedure involving professional attention that does not normally require admitted hospital treatment.</p>	N/A	<p>Public hospital means any hospital that is –</p> <p>(a) conducted or managed by –</p> <p>(i) a board constituted under this Act; or</p> <p>(ii) the Minister under this Act; or</p> <p>(b) declared to be a public hospital under section 3 (s. 3).</p>

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<b>Specifically regulated services</b>	<p>Prescribed medical and dental procedures means procedures undertaken for medical or cosmetic reasons by a health care professional that involves:</p> <p>(i) the administration of a general, spinal, epidural or major regional block anaesthetic or intravenous sedative for the purpose of performing an elective procedure, but does not include mandibular blocks;</p> <p>(ii) endoscopy</p> <p>(iii) dialysis, haemofiltration or haemoperfusion</p> <p>(iv) prolonged intravenous infusion of a single cytotoxic agent or sequential intravenous infusion of more than one cytotoxic agent or</p> <p>(v) cardiac catheterisation</p>	N/A	N/A	<p>(a) cardiac stress testing that is not performed in compliance with the 'Specialty Health Services Standard (version 4)' mentioned in the Private Health Facilities (Standards) Notice 2000</p> <p>(b) haemodialysis</p> <p>(c) cytotoxic infusion, other than cytotoxic infusion performed as maintenance therapy within an established treatment regime</p> <p>(d) gastrointestinal endoscopy, other than the following types of gastrointestinal endoscopy –</p> <p>(i) proctoscopy</p> <p>(ii) sigmoidoscopy</p>	N/A	<p>For the purposes of section 14 of the Act, the following classes of private hospitals are prescribed:</p> <p>(a) general</p> <p>(b) surgical</p> <p>(c) obstetric</p> <p>(d) rehabilitation (that is, a private hospital used for the purpose of providing long-term or specialised physical rehabilitation);</p> <p>(e) psychiatric (that is, a private hospital used for the purpose of providing psychiatric care).</p> <p>For the purposes of section 14 of the Act, the following classes of day-procedure centres are prescribed:</p> <p>(a) minimally invasive day-procedure centres</p> <p>(b) endoscopic</p> <p>(c) surgical (that is, a day-procedure centre used for the purpose of providing surgical treatment that involves the administration of a general, spinal, epidural or major regional block anaesthetic or intravenous sedative otherwise than for the purpose of simple sedation).</p>	<p>Prescribed services private hospital (reg 6)</p> <p>(a) medical health services</p> <p>(b) surgical health services</p> <p>(c) speciality health services for the provision of –</p> <p>(d) cardiac services; or</p> <p>(e) emergency medicine; or</p> <p>(f) endoscopy; or</p> <p>(g) infertility treatment; or</p> <p>(h) intensive care; or</p> <p>(i) mental health services; or</p> <p>(j) neonatal services; or</p> <p>(k) obstetrics; or</p> <p>(l) oncology (chemotherapy); or</p> <p>(m) oncology (radiation therapy); or</p> <p>(n) renal dialysis; or</p> <p>(o) specialist rehabilitation services.</p> <p>Prescribed services – day procedure centres (reg 7)</p> <p>(a) medical health services</p> <p>(b) surgical health services</p> <p>(c) speciality health services for the provision of –</p> <p>(i) cardiac services; or</p> <p>(ii) emergency medicine; or</p> <p>(iii) endoscopy; or</p> <p>(iv) infertility treatment; or</p> <p>(v) mental health services; or</p> <p>(vi) obstetrics; or</p> <p>(vii) oncology (chemotherapy); or</p> <p>(viii) oncology (radiation therapy); or</p> <p>(ix) renal dialysis; or</p> <p>(x) specialist rehabilitation services.</p>	<p>Nursing posts, nursing homes and psychiatric hostels (but not relevant for the purposes of this mapping)</p>

**Application requirements (information to be provided)**

<b>Application requirements</b>								
	<b>ACT</b>	<b>NSW</b>	<b>NT</b>	<b>QLD</b>	<b>SA</b>	<b>TAS</b>	<b>VIC</b>	<b>WA</b>
<b>Section</b>	Public Health Act 1997 s. 29	Private Health Facilities Act 2007 s. 6	Private Hospitals and Nursing Homes Act s. 9	Private Health Facilities Act 1999	Health Care Act 2008	Health Service Establishments Act 2006 s. 9	Health Services Act 1988 s. 70 (approval in principle), s. 82 (application)	Hospitals and Health Services Act 1927

Application requirements								
	ACT	NSW	NT	QLD	SA	TAS	VIC	WA
<b>Subject of the application</b>	Licence to carry on a public health risk activity	Licence for a private health facility	licence to conduct a private hospital or a nursing home	Approval to operate a private health facility  Licence to operate a private health facility	Licence to operate a private hospital	Licence for an establishment	Approval in principle for  (a) the use of particular land or premises as a specified kind of health service establishment; or  (b) premises proposed to be constructed for use as a health service establishment of a particular kind; or  (ba) alterations or extensions to premises proposed to be used as a health service establishment; or  (c) certain variations in registration of a health service establishment  Registration of premises as a health service establishment of a particular kind	Licence to conduct a private hospital
<b>Application for approval in principle</b>	No	No	No	Yes	No	Yes	Yes s. 70	No

Application requirements								
	ACT	NSW	NT	QLD	SA	TAS	VIC	WA
<b>Decision-maker</b>	Minister	Director-General	Chief Health Officer	Chief Health Officer	Minister	Secretary	Secretary	CEO
<b>Form of application</b>	If a form is approved under s. 137A, the approved form must be used	In a form approved by the Director-General	In the approved form	In the approved form	Must comply with the Minister's requirements	A form approved by the Secretary	Prescribed form	Section 26N in a form approved by the CEO

**Application requirements**

	<b>ACT</b>	<b>NSW</b>	<b>NT</b>	<b>QLD</b>	<b>SA</b>	<b>TAS</b>	<b>VIC</b>	<b>WA</b>
<b>Information to be provided</b>	<p>(a) Signed application</p> <p>(b) specify the public health risk activity; and</p> <p>(c) specify the relevant premises</p> <p>(d) in the case of existing premises (unless certain conditions exist, such as there is already a licence in relation to the public health risk activity carried on at the premises (Section 29 (3)), be accompanied by a sketch plan of the premises showing -</p> <p>(i) the layout of all fixtures, fittings, appliances, and any other equipment installed in the premises; and</p> <p>(ii) the area, or each area forming part of the premises that will be used for the purposes of the public health risk activity, and the use to which it will be put; and</p> <p>(e) for premises that, at the date of application, have not been completed or are being altered - be accompanied by a copy of the relevant plans and specifications.</p>	<p>(b) specify the class of facility for which the licence is sought, and</p> <p>(c) specify the maximum number of patients it is proposed to accommodate at any one time in each ward of the facility, and</p> <p>(d) specify the number (if any of procedure rooms (defined s. 4) that are proposed to be provided at the facility, and</p> <p>(e) demonstrate that the facility can be conducted in accordance with the licensing standards, and</p> <p>(f) be accompanied by any fee and any particulars and documents prescribed by the regulations in relation to an application under this section in respect of that class of facility</p>	<p>(a) the buildings and facilities to be used by or available to the applicant for the purposes of the private hospital or nursing home</p> <p>(b) the name of the person proposed to be the manager of the private hospital or nursing home</p> <p>(c) the name of the person proposed to be the matron of the private hospital or nursing home</p> <p>(d) the nursing qualifications that will be required of staff to be employed for the purpose of caring for patients in the private hospital or nursing home</p> <p>(e) the maximum number of patients to be accommodated in the private hospital or nursing home</p>	None specified in Act	An application for a private hospital must contain a statement of the maximum number of hospital beds sought to be provided	<p>Must specify the maximum number of patients that it is proposed to accommodate overnight at any one time at the hospital</p> <p>Must specify the number of procedure rooms that are proposed to be provided at the day procedure centre</p>	Not specified	<p>Must satisfy the CEO that over 18 (if individual applicant), of good character and repute and fit and proper person, sufficient material and financial resources to comply with the requirements of the Act, understands the duties and obligations imposed in relation to the conduct of a private hospital under the act and otherwise. Information to be provided in accordance with Standards/ Guidelines:</p> <ol style="list-style-type: none"> <li>1. Statement of Function</li> <li>2. Licence Holder</li> <li>3. Premises (building)</li> <li>4. <sup>11</sup> Arrangements – information on each standard</li> </ol>

Application requirements								
	ACT	NSW	NT	QLD	SA	TAS	VIC	WA
<b>Power to seek further information</b>	Yes s. 29(4)	No	Yes s. 9(3)	Yes s. 18	Yes s. 80(2)(b)	Yes s. 9	Yes s. 70(4)	Yes s. 26N(2)

## Licence conditions

This map covers conditions that are specified in legislation (blue), provisions conferring a discretion to apply a condition (green) and standard licence conditions applied by the decision-maker (purple).

Map – Licence conditions (specified in legislation, provisions conferring a discretion to apply a condition or standard licence conditions applied)								
	ACT	NSW	NT	QLD	SA	TAS	VIC	WA
General power to impose licence conditions	<b>Yes</b> s. 31(e)	<b>Yes</b> s. 12	<b>Yes</b> s. 10(2)	<b>Yes</b> s. 48	<b>Yes</b> s. 82	<b>Yes</b> s. 16	<b>Yes</b> s. 84 (registration) s. 90 (renewal of registration)	<b>Yes</b> s. 26D(2)
Decision-maker applies standard conditions	Unknown	Unknown	Unknown	Unknown	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	S. 26D(2) and Annexure A – Conditions on Licence
Conditions specified in legislation	<b>No</b>	<b>Yes</b>	<b>No</b>	<b>Yes</b>	<b>Yes</b> Delineates but does not limit areas for conditions	<b>Yes</b>	<b>Yes</b>	<b>Yes</b> s. 26S(3) and regulations

**Map – Licence conditions (specified in legislation, provisions conferring a discretion to apply a condition or standard licence conditions applied)**

	ACT	NSW	NT	QLD	SA	TAS	VIC	WA
Specified number of patients/beds	No reference to specific condition	No reference to specific condition	No reference to specific condition	N/A	Yes s. 82	s. 9 (application must specific)	Certificate of registration (s. 85) and Certificate of renewal of registration (s. 91) specify number of beds	Yes s. 26D
Insurance or other liability cover	No reference to specific condition	Yes s. 12	No reference to specific condition	N/A	No reference to specific condition	Yes s. 16	Not a specific condition	Condition in Licence Applicant/Holder Standards
Medical Advisory Committee	No reference to specific condition	Yes s. 12	No reference to specific condition	N/A	No reference to specific condition	Yes regulations (currently draft)	Not a specific condition	Condition in Licence Applicant/Holder Standards
Compliance with Act and regulations	No reference to specific condition	Yes s. 12	No reference to specific condition	N/A	No reference to specific condition, but see s. 83	No reference to specific condition	Not specified as a condition but various offence provisions are set out in ss. 111 - 115	Condition in Licence Applicant/Holder Standards
Compliance with licensing standards	No reference to specific condition	Yes s. 12	No reference to specific condition	N/A	No reference to specific condition, but see s. 83	Yes regulations (currently draft)	Not a specific condition but s. 114 applies	Condition in Licence Applicant/Holder Standards

**Map – Licence conditions (specified in legislation, provisions conferring a discretion to apply a condition or standard licence conditions applied)**

	ACT	NSW	NT	QLD	SA	TAS	VIC	WA
Maintain reasonable standards of patient care and safety	No reference to specific condition	Yes s. 12	No reference to specific condition	N/A	Standard conditions 3 & 4	Yes regulations (currently draft)	Not a specific condition but regulations 25, 26, 27 and 28 of the Health Services (Private Hospitals and Day Procedures Centres) Regulations apply	No reference to specific condition
Provide prescribed information	No reference to specific condition	Yes s. 12	No reference to specific condition	N/A	No reference to specific condition	No reference to specific condition, but see s. 54 and regulations (currently draft)	Not a specific condition but regulation 20 applies	Yes Hospital and Regulations 6 & 9
Give notice of prescribed change	No reference to specific condition	No reference to specific condition	No reference to specific condition	Yes s. 48	Standard conditions 5 - 10	No reference to specific condition, but see s. 20	Not a specific condition but any changes to the proprietor, directors of a company that is a proprietor, changes to services or bed numbers are subject to a formal application for vary registration – see various ss including ss 86, 92, 95 and 95A	Annexure A

**Map – Licence conditions (specified in legislation, provisions conferring a discretion to apply a condition or standard licence conditions applied)**

	ACT	NSW	NT	QLD	SA	TAS	VIC	WA
Start a quality assurance program within 90 days after the issue of the licence	No reference to specific condition	No reference to specific condition	No reference to specific condition	Yes s. 48	No reference to specific condition	No reference to specific condition, but will be a requirement of regulations	No reference to specific condition	No reference to specific condition
Receive certification from a quality assurance entity that the facility operates under a quality assurance system	No reference to specific condition	No reference to specific condition	No reference to specific condition	Yes s. 48	No reference to specific condition	No reference to specific condition, but will be a requirement of regulations	No reference to specific condition	No reference to specific condition
Maintain certification as a facility that operates under a quality assurance system	No reference to specific condition	No reference to specific condition	No reference to specific condition	Yes s. 48	No reference to specific condition	No reference to specific condition, but will be a requirement of regulations	No reference to specific condition	No reference to specific condition
Operate the facility in accordance with details specified in licence	No reference to specific condition	No reference to specific condition	No reference to specific condition	Yes s. 48	No reference to specific condition, but see s. 83	No reference to specific condition, but see s. 37	Not a specific condition but various offence provisions are set out in ss 111 - 115	<b>Yes</b> s. 26D(4) and (7) grant of a licence and s. 26F failure to comply with conditions

Map – Licence conditions (specified in legislation, provisions conferring a discretion to apply a condition or standard licence conditions applied)								
	ACT	NSW	NT	QLD	SA	TAS	VIC	WA
Ensure premises and equipment maintained in good repair and operational order	No reference to specific condition	No reference to specific condition	No reference to specific condition	Yes s. 48	Standard Condition 4	No reference to specific condition, but regulations will require	Not a specific condition but various regulations including regulation 42 and 43 apply	Yes s., 26C Premises to be approved. S. 26J Guidelines. Annexure A, Building Guidelines and Arrangements Standards
Not make a (prescribed) alteration to the facility without approval	No reference to specific condition	No reference to specific condition	No reference to specific condition	Yes s. 48	Yes s. 82 Standard Condition 5	No reference to specific condition, but see ss. 20 and 21	Not a specific condition but various offence provisions are set out in ss 111 - 115	Yes s. 26K(c) and s. 26J Building Guidelines and Building Approval Process
Kinds of health care	No reference to specific condition	No reference to specific condition	No reference to specific condition	No reference to specific condition	Yes s. 82	Yes s. 14	The kinds of care provided forms part of particulars included on the certificates of registration and renewal of registration	Yes s, 26D(3)(a)
Preventing the installation or use or facilities or equipment of a specified kind	No reference to specific condition	No reference to specific condition	No reference to specific condition	No reference to specific condition	Yes s. 82 Standard Condition 8	No reference to specific condition, but see ss. 32 and 37	Conditions of registration have been imposed on some facilities	No reference to specific condition

**Map – Licence conditions (specified in legislation, provisions conferring a discretion to apply a condition or standard licence conditions applied)**

	<b>ACT</b>	<b>NSW</b>	<b>NT</b>	<b>QLD</b>	<b>SA</b>	<b>TAS</b>	<b>VIC</b>	<b>WA</b>
Requiring the installation or use of facilities or equipment of a specified kind not otherwise required by the Act	No reference to specific condition	No reference to specific condition	No reference to specific condition	No reference to specific condition	Yes s. 82	No reference to specific condition	Conditions of registration have been imposed on some facilities	No reference to specific condition
Numbers and categories of staff and times when they shall be provided or available	No reference to specific condition	No reference to specific condition	No reference to specific condition	No reference to specific condition	<b>Standard Condition 2 &amp; 3</b>	No reference to specific condition, but see s. 39, 41 and will be addressed in the regulations	Not a specific condition but various regulations including regulations 14, 15, 17, 26 and 27 apply	Yes s. 26D(3)

## Grounds for cancelling or suspending licence (related to safety and quality)

Map – Grounds for cancelling or suspending licence								
	ACT	NSW	NT	QLD	SA	TAS	VIC	WA
Obtaining the licence by fraud or misrepresentation	Yes s. 39(1)(a)	Not specified	Not specified	Yes May suspend or cancel s. 80(1)	Yes s. 86(2)(a) if licence obtained improperly	Not specified	Yes s. 111	Not specified but could apply s. 26F(1)(a) Cancellation of licence
Contravention of the Act or another law	Yes s. 39(1)(b)	Yes (may cancel with notice) if licensee or any person concerned in the management of the corporation is convicted of an offence under this Act or the regulations s. 31 or an offence punishable by imprisonment	Yes May vary or revoke s. 26(1)  Offence against this Act, the Health Practitioners Act or an act repealed by that Act or has been found guilty of an indictable offence	Yes May suspend or cancel s. 80(1) for contravention of this Act in a way that may result in the health and wellbeing of a patient being affected in an adverse and material way	Yes s. 86(2)(a) contravention of the Act	Yes s. 30(1) cancel with notice	Yes s. 102 (revocation of registration) and refusal to grant renewal of registration (s. 90)	Yes s. 26F cancel or refuse to renew and s. 36 general penalty
Lack of competence of the licensee or other relevant person	Yes s. 39(1)(c)	Not specified	Not specified	Not specified	Yes s. 86(2)	Yes s. 30(1) cancel with notice reasonable standards of patient care not maintained	Yes. Fitness and propriety of proprietor which includes directors of company and any officer who the Secretary believes is in effective	Not specified but could apply s. 26F(1)(a) cancellation of licence

**Map – Grounds for cancelling or suspending licence**

	ACT	NSW	NT	QLD	SA	TAS	VIC	WA
							management and control of the facility is assessed at registration and renewal of registration	
Contravention of a licence condition or standard	Yes s. 40(1)(a) Emergency suspension	Yes (may cancel with notice) s. 31 power to suspend if the breach of a licensing standard is likely to cause a serious and substantial risk to the health or safety of patients at the facility s. 29(1)	Not specified	Yes May suspend or cancel s. 80(1) in a way that may result in the health and wellbeing of a patient being affected in an adverse and material way	Yes s. 86(2)(h) contravention of a condition of licence	Yes s. 30(1) cancel with notice	Yes s. 102 (revocation of registration) and s. 90 (refusal to grant renewal of registration)	Yes s. 26F cancel or refuse to renew
Imminent serious risk to public health	Yes s. 41, 61 Automatic suspension	Not specified	Not specified	Not specified	Not specified	Not specified	Yes s. 102 (revocation of registration) and s. 90 (refusal to grant renewal of registration) and provisions of Health Act 1958	Not specified but is in other legislation and could be implemented via s. 26F

**Map – Grounds for cancelling or suspending licence**

	<b>ACT</b>	<b>NSW</b>	<b>NT</b>	<b>QLD</b>	<b>SA</b>	<b>TAS</b>	<b>VIC</b>	<b>WA</b>
Licensee does not have a medical advisory committee appointed in accordance with the Act	Not specified	Yes s. 29(1)(b)	Not specified	Not specified	Not specified	Not specified	Not specified	Yes. Annexure A
Request of the licensee	Not specified	Yes (may cancel without notice) s. 30(1)(a)	Not specified	Not specified	Not specified	Yes s. 29 cancel without notice	Yes s. 95A	Not specified but general reference in s. 26E
Premises have ceased to be a facility of the class in respect of which the licence was issued	Not specified	Yes (may cancel without notice) s. 30(1)(b)	Yes May vary or revoke s. 26(1) Ceases to be conducted as a private hospital	Not specified	Not specified	Yes s. 29 cancel without notice	Not specified	Yes s, 26F(1)(b)
Annual fee not paid	Not specified	Yes (may cancel with notice) s. 31	Not specified	Not specified	Not specified	Yes s. 30(1) cancel with notice	Not specified	Not specified

**Map – Grounds for cancelling or suspending licence**

	<b>ACT</b>	<b>NSW</b>	<b>NT</b>	<b>QLD</b>	<b>SA</b>	<b>TAS</b>	<b>VIC</b>	<b>WA</b>
Licensee is not a fit and proper person	Not specified	Yes (may cancel with notice) s. 31	Not specified	Yes May suspend or cancel s. 80(1) (not a suitable person to continue to hold the authority)	Not specified	Yes s. 30(1) cancel with notice	Yes s. 75(1) revoke (approval in principle) also ss. 83 (registration), 86 (change of directors), 89 (renewal of registration) and s. 102 (revocation of registration)	Yes s. 26F licence holder, or if a body corporate, any person concerned in the management or conduct of the body corporate
Licensee becomes bankrupt or is wound up	Not specified	Yes (may cancel with notice) s. 31	Not specified	Yes May suspend or cancel s. 80(1) (bankruptcy action or control action under the Corporations Act)	Not specified	Yes s. 30(1) cancel with notice	Financial capacity of proprietor – s. 75(1) revoke approval in principle) also ss 83 (registration, 86 (change of directors), 89 (renewal of registration) and s. 102 (revocation of registration)	Not specified but s. 26F(1)(a) and Annexure A
Facility is conducted in such a manner that cancellation of the licence is otherwise in the public interest	Not specified	Yes (may cancel with notice) s. 31	Yes May vary or revoke s. 26(1)	Not specified	Not specified	Yes s. 30(1) cancel with notice	Yes s. 102 (revocation of registration)	Not specified

**Map – Grounds for cancelling or suspending licence**

	<b>ACT</b>	<b>NSW</b>	<b>NT</b>	<b>QLD</b>	<b>SA</b>	<b>TAS</b>	<b>VIC</b>	<b>WA</b>
Failure to comply with a notice issued under the Act	Not specified	Not specified	Yes May vary or revoke s. 26(1)	Yes s. 81 show cause provisions	Not specified	Not specified	Yes s. 145	Yes s. 26F cancel or refuse to renew – failure to comply with a notice under s. 26G (building and equipment safety)
Manager dies, retires, resigns, is dismissed or is absent from duties for a period of more than 7 days without someone else being appointed	Not specified	Not specified	Yes May vary or revoke s. 26(1)	Not specified	Not specified	Not specified	Yes s. 97	Not specified
After an inquiry into a complaint	Not specified	Not specified	Yes May vary or revoke s. 26(1)	Not specified	Not specified	Not specified	Not specified	Not specified
Licensee refuses to allow an inspection	Not specified	Not specified	Yes May vary or revoke s. 26(1)	Not specified	Not specified	Not specified	Not specified	Not specified but offence provision for obstruction

**Map – Grounds for cancelling or suspending licence**

	<b>ACT</b>	<b>NSW</b>	<b>NT</b>	<b>QLD</b>	<b>SA</b>	<b>TAS</b>	<b>VIC</b>	<b>WA</b>
Is not likely to continue to carry on the establishment in accordance with the Act, regulations or conditions	Not specified	Not specified	Not specified	Not specified	Not specified	Not specified	Yes s. 102 (revocation of registration)	Not specified
Premises or any portion thereof no longer appropriate to be used as a private hospital	Not specified	Not specified	Not specified	Not specified	Not specified	Not specified	Yes. Part of consideration in revoking registration (s. 102)	Yes s. 26F cancel or refuse to renew

## Offence provisions

Note: this table does not attempt to cover all offence provisions but focuses on those most relevant to safety and quality

Map – selected offence provisions								
	ACT	NSW	NT	QLD	SA	TAS	VIC	WA
<b>False representation regarding holding of a licence, suspension of a licence or accreditation of a licence</b>	Yes s. 42A	Not specified	Not specified	Not specified	Not specified	Not specified	Yes s. 111	<b>Yes</b> s. 36 general penalty and s. 26L failure to comply with conditions
<b>Failure to comply with a notice</b>	Yes s. 57 improvement notice s. 66 prohibition notice	Yes s. 52 improvement notice	Not specified	Yes s. 125 compliance notice	Not specified	Yes s. 21	Yes s. 105 (direction of the Secretary)	Yes s. 26G to remedy or renew building work or renew faulty or unsatisfactory equipment or thing and s. 26L failure to comply with conditions
<b>Failure to comply with a standard, condition or code of practice</b>	Yes s. 20	Not specified	Not specified	Yes s. 49	Yes s. 83	Yes will be addressed by regulations	Yes s. 114	Yes s. 26L
<b>Failure to comply with a provision of the Act or regulations</b>	Not specified	Not specified	Yes Ss. 35 and 35A	Not specified	Yes s. 83	Yes Reg 7 regulations and standards	Yes s. 114 and s. 89 as part of assessment of renewal of registration	Yes s. 36 general penalty

Map – selected offence provisions								
	ACT	NSW	NT	QLD	SA	TAS	VIC	WA
<b>Operating without a licence/registration</b>	Yes s. 21	Yes s. 33	Yes s. 6	Yes s. 39 exemption for certain day hospitals s. 40	Not specified	Yes s. 33 and 34	Yes s. 111	Yes s. 26K, s. 26DA
<b>Alteration of premises or appliances without an approval</b>	Yes s. 24 if the alteration would increase the public health risk associated with the activity	Not specified	Not specified	Not specified	Not specified	Not specified	Yes s. 115	Not specified, but see s. 26K and 26L
<b>Overcrowding</b>	Not specified	Yes s. 36	Not specified		Not specified	Yes s. 38	Yes s. 112, 113 providing more beds than registration specifies	Not specified, but see s. 26D(3)(a) and 26L
<b>Compliance with nursing requirements eg registered nurse on duty</b>	Not specified	Yes s. 37	Not specified	Not specified	Not specified	Yes s. 39, 40, 41	Not a specific condition but regulations 14, 15, 17, 26 & 27 apply. Compliance assessed as part of consideration to refuse renewal of registration or revocation of registration.	Not specified, but see s. 26L

<b>Map – selected offence provisions</b>								
	<b>ACT</b>	<b>NSW</b>	<b>NT</b>	<b>QLD</b>	<b>SA</b>	<b>TAS</b>	<b>VIC</b>	<b>WA</b>
<b>Obstruction of authorised officers in the exercise of functions under the Act</b>	Yes s. 78 and Criminal Code, pt 3.4	Yes s. 53	Not specified	Yes s. 101 failure to give reasonable help to an authorised person	Yes s. 88	Yes s. 48	Yes s. 149	Yes s. 11
<b>Failure to maintain required registers</b>	Not specified	Yes s. 38	Not specified	Not specified	Not specified	Yes s. 42	Regulations 35, 36, 37 and 38 apply	Yes. Regulation 10
<b>Failure to keep Act and regulations readily available</b>	Not specified	Not specified	Not specified	Not specified	Not specified	Yes s. 43	Not specified	Not specified
<b>Allowing the premises to be used for a purpose other than a permitted purpose</b>	Not specified	Yes s. 35	Not specified	Not specified	Not specified	Yes s. 37	Not specified	Not specified, but see s. 26K and 26L
<b>Failure to provide information</b>	Yes s. 78 and Criminal Code, pt 3.4	Yes s. 53	Not specified	Yes s. 102	Not specified	Not specified	Regulation 20 applies. Compliance as part of consideration to refuse renewal of registration or revocation of registration.	Not specified
<b>False or misleading statements</b>	Yes s. 78 and Criminal Code, pt 3.4	Not specified	Not specified	Yes s. 123 to an authorised officer	Not specified	Yes s. 49 (in any application or inquiry under the Act)	Yes s. 151	Not specified, but see s. 26K and 26L

<b>Map – selected offence provisions</b>								
	<b>ACT</b>	<b>NSW</b>	<b>NT</b>	<b>QLD</b>	<b>SA</b>	<b>TAS</b>	<b>VIC</b>	<b>WA</b>
<b>False or misleading documents</b>	Not specified	Not specified	Not specified	Yes s. 124 to an authorised officer	Not specified	Not specified	Yes s. 151	Not specified, but see s. 26K and 26L
<b>Refusal to comply with a requirement of an inspector</b>	Yes s. 78 and Criminal Code, pt 3.4	Not specified	Not specified	Not specified	Yes s. 88	Not specified	This is assessed as part of consideration to refuse renewal of registration or revocation of registration	Yes s. 11
<b>Carrying out unauthorised procedures</b>	Not specified	Not specified	Not specified	Not specified	Not specified	Yes s. 32	Not specified	Not specified, but see s. 26L
<b>Entering an agreement for, or authorising or permitting the construction, extension or alteration of a health service establishment without an approval in force</b>	Not specified	Not specified	Not specified	Not specified	Not specified	Not specified	Yes s. 115	Not specified, but see s. 26J, 26K and 26L, Annexure A and building approval process
<b>Impersonating an authorised officer</b>	Not specified	Not specified	Not specified	Not specified	Not specified	Not specified	Yes s. 150	Not specified, but see s. 36

<b>Map – selected offence provisions</b>								
	<b>ACT</b>	<b>NSW</b>	<b>NT</b>	<b>QLD</b>	<b>SA</b>	<b>TAS</b>	<b>VIC</b>	<b>WA</b>
<b>Destroying or damaging any document given, prepared or kept in accordance with the Act without lawful authority</b>	Not specified	Not specified	Not specified	Not specified	Not specified	Not specified	Yes s. 152	Not specified
<b>Failure to comply with duties of licence holders</b>	Not specified	Not specified	Not specified	Not specified	Not specified	Not specified	This is assessed as part of consideration to refuse renewal of registration or revocation of registration	Yes Reg 10 and 26L

## Monitoring and compliance activities

Map – monitoring and compliance activities								
	ACT	NSW	NT	QLD	SA	TAS	VIC	WA
<b>Power of entry</b>	Yes s. 76	Yes s. 51	Yes s. 23 requirement for annual inspection	Yes s. 93	Yes s. 88	Yes s. 46	Yes s. 147	Yes s. 10
<b>Power of inspection</b>	Yes s. 76, s. 42B	Yes s. 51	Yes s. 23, after a complaint s. 27	Yes s. 99	Yes s. 88	Yes s. 46	Yes s. 147	Yes s. 10
<b>Appointment of authorised officers or persons</b>	Yes s. 12 and 14	Yes s. 50	Not specified	Yes s. 87	Yes s. 88	Yes s. 46	Yes s. 145	Yes s. 10
<b>Powers of authorised officers</b>	Yes s. 76 and 78	Not specified	Not specified	Yes s. 99, 103, 114, 116	Yes s.88	Yes s. 47	Yes s. 146, 147, 147A	Yes s. 10
<b>Power to inspect records</b>	Yes s. 42B	Not specified	Not specified	Not specified	Yes s. 88	Yes s. 47	Yes s. 147	Not specified, but see s. 10 and regulations
<b>Power to issue an improvement notice</b>	Yes s. 58	Yes s. 52	Yes s. 24	Not specified	Not specified	Yes s. 21	Not specified	Yes s. 26G
<b>Power to issue prohibition notice</b>	Yes s. 61	Not specified	Not specified	Not specified	Not specified	Not specified	Not specified	Not specified

## Reporting and provision of information

**Map – reporting and provision of information**

	<b>ACT</b>	<b>NSW</b>	<b>NT</b>	<b>QLD</b>	<b>SA</b>	<b>TAS</b>	<b>VIC</b>	<b>WA</b>
<b>Annual report requirements</b>	Act Health Care Facilities Code of Practice 2001 s. 3.2	Not specified, but regulation making power refers to the provision of information	Not specified	Not specified	Yes s. 84 (2)	Yes Reg 11	Not specified	Not specified
<b>Requirement to provide routine information</b>	Not specified	Not specified, but regulation making power refers to the provision of information	Yes Births and deaths s. 20	Yes s. 144 (patient identification, diagnosis and activity data monthly, clinical indicator data 6 monthly, report about a review by a quality assurance entity – within 35 days of receiving the written notice of the review outcome)	No but see powers of inspectors s. 88	Yes Reg 11 Monthly statistics reg 12	Yes Reg 47 monthly information	No but CEO has power to require information s. 26S and Annexure a
<b>Incident notification</b>	Act Health Care Facilities Code of Practice 2001 s. 36.1	Not specified, but regulation making power refers to the provision of information	Not specified	Yes s. 143A	Not specified	Yes by regulations	Not specified	Yes. s. 26D(2) and Annexure A
<b>Health care record</b>	Act Health Care Facilities Code of	Not specified, but regulation making power	Yes Maintain a	Not specified	Yes Reg 21	Yes Register of	Not specified	Regulations, Annexure A and

<b>Map – reporting and provision of information</b>								
	<b>ACT</b>	<b>NSW</b>	<b>NT</b>	<b>QLD</b>	<b>SA</b>	<b>TAS</b>	<b>VIC</b>	<b>WA</b>
<b>requirements</b>	Practice 2001 s. 5.1	refers to the provision of information	register ss. 20 and 21			patients s. 42		arrangement standards
<b>Requirement to notify of operation not in accordance with licence conditions</b>	Not specified	Not specified	Yes s. 22	Requirement to notify of change of circumstances (ss 23(4), 48(6), 154(5), 155(4) and 156(7)).	Not specified	Not specified	Not specified	Not specified
<b>Pregnancy outcome data and statistics</b>	Not specified	Not specified	Not specified	Not specified	Yes Reg 22	Not specified	s. 162G Health Act 1958	Not specified
<b>Reporting of cancer</b>	Public Health Regulations 2000 reg 43	Not specified	Not specified	Not specified	Yes Reg 27	Not specified	s. 60 Cancer Act 1958	Not specified

## Standards, duties, obligations and requirements

\* indicates an area where the Health Quality and Complaints Commission Queensland has issued a standard. Although these are not licensing standards, they are part of the regulatory environment for health facilities in Queensland so have been included to present a more complete picture

Map – Standards, duties, obligations and requirements								
	ACT	NSW	NT	QLD	SA	TAS	VIC	WA
<b>Continuous quality improvement of care</b>	Type 1 (documentation of quality systems) Code s. 9.1	Regulations under the <i>Private Health Facilities Act 2007</i> not yet available	Not specified	Yes Private Health Facilities Act Standards (accreditation)  * HQCC standard on duty to improve quality	Not specified	Yes Regulations sched 1, cl 9 accreditation, cl 22 quality assurance	Not specified	Yes Eg Stand 1.13 (governance) (private hospitals)
<b>Credentiailling and clinical privileging process</b>	Not specified	Regulations under the <i>Private Health Facilities Act 2007</i> not yet available	Not specified	Yes Private Health Facilities Act Standards  * HQCC standard on credentialing and scope of clinical practice	Not specified	Yes Regulations sched 1, cl 11, 12, 13	Not specified	Yes Eg Standard 1.4 for medical practitioners (governance) (private hospitals)
<b>Ethical conduct of clinical practice and research</b>	Not specified	Regulations under the <i>Private Health Facilities Act 2007</i> not yet available	Not specified	Yes Private Health Facilities Act Standards	Not specified	Yes by regulations (currently draft)	Not specified	Yes Annexure A

<b>Map – Standards, duties, obligations and requirements</b>								
	<b>ACT</b>	<b>NSW</b>	<b>NT</b>	<b>QLD</b>	<b>SA</b>	<b>TAS</b>	<b>VIC</b>	<b>WA</b>
<b>Minimum patient throughput to maintain clinical skills</b>	Not specified	Regulations under the <i>Private Health Facilities Act 2007</i> not yet available	Not specified	Yes Private Health Facilities Act Standards	Not specified	Not specified	Not specified	Not specified
<b>Clinical care provided to meet patient needs</b>	Not specified	Regulations under the <i>Private Health Facilities Act 2007</i> not yet available	Not specified	Yes Private Health Facilities Act Standards	Standard Condition 3	Not specified	Not specified	Not specified, but staffing hours determined
<b>Physical environment must ensure health and safety of patients, visitors and staff</b>	Not specified	Regulations under the <i>Private Health Facilities Act 2007</i> not yet available	Not specified	Yes Private Health Facilities Act Standards	Yes Health Care Regulations 2008 sched 1 Part 2, clause 6 & 7 (storage and cleaning, ward facilities)	Yes Regulations sched 1, cl 23, cl 26	Yes Reg 41 prevention of scalding, reg 42 cleanliness	Yes Reg 6(b) no animals on premises Stand 1.12 (OH&S)
<b>Patients who receive specified specialty health services must also have access so ancillary health services</b>	Not specified	Regulations under the <i>Private Health Facilities Act 2007</i> not yet available	Not specified	Yes Private Health Facilities Act Standards	Not specified	Not specified	Not specified	Not specified

Map – Standards, duties, obligations and requirements								
	ACT	NSW	NT	QLD	SA	TAS	VIC	WA
<b>Governance</b>	Not specified	Regulations under the <i>Private Health Facilities Act 2007</i> not yet available	Not specified	Not specified	Information required in licence application and annual return	Not specified	Not specified	Yes arrangements stand 1 (private hospitals (PH), day hospitals class A (DHA), Day Procedure Facilities Class B (DPCB), Day Hospitals Class C (DHC), Psychiatric Day Hospitals Class D (PDH))
<b>Staffing</b>	Type 1 (Record of staffing) (professional supervision) Code s. 8.1	Regulations under the <i>Private Health Facilities Act 2007</i> not yet available	Yes s. 20 Registered nurse on duty	Yes Private Health Facilities Act Standards	Yes conditions of licence	Yes Regulations sched 1, cl 17, ss 39 & 41	Yes Reg 14 – 18 (senior appointments), 26 - 28	Yes 26D(3)(b) Reg 6(a), 7 Arrangements standards 2 (PH, DHA, DPCB, DHC, PDH)
<b>Information management</b>	Type 1 (health care record)	Regulations under the <i>Private Health Facilities Act 2007</i> not yet available	Not specified	Yes Private Health Facilities Act Standards	Yes Regulations (records/registers) Conditions of licence	Yes Regulations sched 1, cl 32, 33, 34, 35, 36, 37	Yes Reg 19, 21 & 22, regs 35 – 38 registers	Yes Reg 9 (register) Arrangements standards 3 (PH, DHA, DPCB, DHC, PDH)

Map – Standards, duties, obligations and requirements								
	ACT	NSW	NT	QLD	SA	TAS	VIC	WA
<b>Facility function and use of space</b>	Type 1 (structure of facilities) Code. S11.1 – 11.3	Regulations under the <i>Private Health Facilities Act 2007</i> not yet available	Not specified	Not specified	Yes Regulations (standards for construction, facilities and equipment)	Yes by regulations (currently draft)	Not specified	Yes Arrangements standards 4 (PH, DHA, DPCB, DHC, PDH)
<b>Equipment and infrastructure</b>	Type 1 (maintain a logbook for critical system and have back-up contingencies)	Regulations under the <i>Private Health Facilities Act 2007</i> not yet available	Not specified	Not specified	Yes Health Care Regulations 2008 sched 1 Part 2, clause 5 (electrical, cooking and laundry facilities), 7 ward facilities	Yes Regulations sched 1, cl 4 (finishing), 6, utility rooms, 7 heating appliances	Yes Reg 39 identification of rooms, reg 40 communications, reg 43 suitability of equipment	Yes 26C, 26J and reg 8 (provision of specified staff and accommodation facilities) Arrangements standard 5 (PH, DHA, DPCB, DHC, PDH)
<b>Medications</b>	Not specified	Regulations under the <i>Private Health Facilities Act 2007</i> not yet available	Not specified	Not specified	Standard Condition 3	Yes Regulations sched 1, cl 24 (storage or non prescription drugs)	Specified Drugs, Poisons and Controlled Substances Act and regulations	Yes. Arrangements standards 6 (PH, DHA, DPCB, DHC, PDH)
<b>Infection control</b>	Type 1 (documentation of infection control requirements) Code s. 14.1 – 14.3	Regulations under the <i>Private Health Facilities Act 2007</i> not yet available	Not specified	Yes Private Health Facilities Act Standards * HQCC standard on hand hygiene	Standard Condition 4	Yes Regulations sched 1, cl 5 (sterilisation), cl 25 (infection control)	Yes Reg 44 and 45	Yes reg 6(e) Arrangements standards 7 (PH, DHA, DPCB, DHC, PDH)

Map – Standards, duties, obligations and requirements								
	ACT	NSW	NT	QLD	SA	TAS	VIC	WA
<b>Perioperative suite</b>	Not specified	Regulations under the <i>Private Health Facilities Act 2007</i> not yet available	Not specified	Not specified	Not specified	Not specified	Not specified	Yes Arrangements standard 8 (PH, DHA)
<b>Sterile supply</b>	Not specified	Regulations under the <i>Private Health Facilities Act 2007</i> not yet available	Not specified	Not specified	Not specified	Not specified	Not specified	Yes Arrangements standard 9 (PH, , DHA DPCB) stand 8, DHC, PDH)
<b>Food safety</b>	Not specified	Regulations under the <i>Private Health Facilities Act 2007</i> not yet available	Not specified	Not specified	Yes licence conditions	Yes by regulations (currently draft)	Food Act 1958	Yes reg 6(d) Arrangements standard 10 (PH, DHA, DPCB,) stand 9 (DHC, PDH)
<b>Laundry</b>	Not specified	Regulations under the <i>Private Health Facilities Act 2007</i> not yet available	Not specified	Not specified	Yes Health Care Regulations 2008 sched 1 Part 2, clause 2 (electrical, cooking and laundry facilities)	Not specified	Not specified	Yes Arrangement standard 11 (PH, DHA, DPCB) stand 10, DHC, PDH)

Map – Standards, duties, obligations and requirements								
	ACT	NSW	NT	QLD	SA	TAS	VIC	WA
<b>Fire and security</b>	Not specified	Regulations under the <i>Private Health Facilities Act 2007</i> not yet available	Not specified	Not specified	Not specified	Yes Regulations sched 1, cl 30	Not specified	Yes Arrangement standard 12 (PH, DHA, DPCB), arrangement standard 11, DHC, PDH)
<b>Facility maintenance</b>	Not specified	Regulations under the <i>Private Health Facilities Act 2007</i> not yet available	Not specified	Not specified	Yes licence conditions	Yes Yes Regulations sched 1, cl 3	Yes Reg 42 repair	Yes Arrangement standard 13 (PH, DHA, DPCB) Arrangement standard 12, DHC, PDH)
<b>Intensive care</b>	Not specified	Regulations under the <i>Private Health Facilities Act 2007</i> not yet available	Not specified	Not specified	Yes licence conditions	Yes by regulations (currently draft)	Not specified	Yes Arrangement standard 14 (PH)
<b>Emergency department</b>	Not specified	Regulations under the <i>Private Health Facilities Act 2007</i> not yet available	Not specified	Not specified	Not specified	Yes by regulations (currently draft)	Not specified	Yes Arrangement standard 15 (PH)

Map – Standards, duties, obligations and requirements								
	ACT	NSW	NT	QLD	SA	TAS	VIC	WA
<b>Procedure room</b>	Not specified	Regulations under the <i>Private Health Facilities Act 2007</i> not yet available	Not specified	Not specified	Not specified	Yes by regulations (currently draft)	Not specified	Yes Arrangement standard 8 (DPCB,)
<b>Construction</b>	Not specified	Regulations under the <i>Private Health Facilities Act 2007</i> not yet available	Not specified	Not specified	Yes Health Care Regulations 2008 sched 1 Part 2, clause 2, 3 & 4 (access, room sizes, ablution facilities)	Yes Regulations sched 1, cl 2	Design Guidelines for Hospitals and Day Procedure Centres	s. 26F and Building Guidelines
<b>Ambulance access</b>	Not specified	Regulations under the <i>Private Health Facilities Act 2007</i> not yet available	Not specified	Not specified	Not specified	Yes Regulations sched 1, cl 1	Not specified	s. 26F and Building Guidelines
<b>Medical Advisory Committee</b>	Not specified	Regulations under the <i>Private Health Facilities Act 2007</i> not yet available	Not specified	Not specified	Not specified	Yes Regulations sched 1, cl 10	Not specified	Yes Arrangement Standard 1.3 (governance)

Map – Standards, duties, obligations and requirements								
	ACT	NSW	NT	QLD	SA	TAS	VIC	WA
<b>Serious incident panels and mortality review</b>	Not specified	Part 4 of the <i>Private Health Facilities Act 2007</i> deals with root cause analysis teams	Not specified	* HQCC standard on review of hospital related deaths	Not specified	Yes Regulations sched 1, cl 14	Not specified	Annexure A
<b>Ethical requirements for research</b>	Not specified	Regulations under the <i>Private Health Facilities Act 2007</i> not yet available	Not specified	Not specified	Not specified	Yes Regulations sched 1, cl 15	Not specified	Annexure A
<b>Patient identification</b>	Not specified	Regulations under the <i>Private Health Facilities Act 2007</i> not yet available	Not specified	Not specified	Not specified	Yes Regulations sched 1, cl 16	Yes Reg 23 and 24	Not specified
<b>Child patients</b>	Not specified	Regulations under the <i>Private Health Facilities Act 2007</i> not yet available	Not specified	Not specified	Not specified	Yes Regulations sched 1, cl 18	Not specified	Not specified

Map – Standards, duties, obligations and requirements								
	ACT	NSW	NT	QLD	SA	TAS	VIC	WA
<b>Patient programs</b>	Not specified	Regulations under the <i>Private Health Facilities Act 2007</i> not yet available	Not specified	Not specified	Not specified	Yes Regulations sched 1, cl 20	Not specified	Not specified
<b>Admission and separation</b>	Not specified	Regulations under the <i>Private Health Facilities Act 2007</i> not yet available	Not specified	Not specified	Yes regulations (miscellaneous)	Yes Regulations sched 1, cl 21	Victorian Admission Policy	Yes Arrangement standard Governance 1.10 policy and procedures
<b>Smoking</b>	Not specified	Regulations under the <i>Private Health Facilities Act 2007</i> not yet available	Not specified	Not specified	Not specified	Yes Regulations sched 1, cl 27	Tobacco Act 1987	Yes Arrangement Standard 12.8 Fire and Security
<b>Removal of bodies</b>	Not specified	Regulations under the <i>Private Health Facilities Act 2007</i> not yet available	Not specified	Not specified	Not specified	Yes Regulations sched 1, cl 28	Funerals Act 2006	Not specified
<b>Sentinel events</b>	Not specified	Regulations under the <i>Private Health Facilities Act 2007</i> not yet available	Not specified	Not specified	Not specified	Yes Regulations sched 1, cl 29	Not specified	Yes. Annexure A

Map – Standards, duties, obligations and requirements								
	ACT	NSW	NT	QLD	SA	TAS	VIC	WA
<b>Treatment with respect dignity and privacy</b>	Not specified	Regulations under the <i>Private Health Facilities Act 2007</i> not yet available	Not specified	Not specified	Not specified	Not specified	Yes Reg 25	Yes. Facility Arrangement Standard 4.7 function and use of space
<b>Complaints</b>	Not specified	Regulations under the <i>Private Health Facilities Act 2007</i> not yet available	Not specified	* HQCC standard on complaints management	Health and Community Services Complaints Act 2004	Not specified	Yes regs 29 – 32	Yes Arrangement Standard 1.14 (governance)
<b>Transfer and discharge</b>	Not specified	Regulations under the <i>Private Health Facilities Act 2007</i> not yet available	Not specified	Not specified	Not specified	Yes by regulations (currently draft)	Yes Regs 33 and 34	Yes Arrangement Standard 1.10 (governance)
<b>Display of information</b>	Not specified	Regulations under the <i>Private Health Facilities Act 2007</i> not yet available	Not specified	Not specified	Not specified	Yes by regulations (currently draft)	Yes Reg 46	Yes Stand 1.17 (governance)

## Standards – service specific

Map – Standards – private hospital - service specific								
	ACT	NSW	NT	QLD	SA	TAS	VIC	WA
<b>Surgical</b>	Not specified	Regulations under the <i>Private Health Facilities Act 2007</i> not yet available	Not specified	* HQCC standard on surgical safety	Yes Health Care Regulations 2008 sched 1 Part 2, clause 9 (surgical facilities)	Yes Health Service Establishments Regulations (draft) schedule 2, part 1	Not specified	Yes stand 8 PH Perioperative suite
<b>Obstetric</b>	Not specified	Regulations under the <i>Private Health Facilities Act 2007</i> not yet available	Not specified	Not specified	Yes Health Care Regulations 2008 sched 1 Part 2, clause 8 (maternity facilities) and conditions of licence	Yes Health Service Establishments Regulations (draft) schedule 2, part 2	Not specified	Not specified
<b>Rehabilitation</b>	Not specified	Regulations under the <i>Private Health Facilities Act 2007</i> not yet available	Not specified	Not specified	Not specified	Yes Health Service Establishments Regulations (draft) schedule 2, part 5	Not specified	Not specified
<b>Psychiatric</b>	Not specified	Regulations under the <i>Private Health Facilities Act 2007</i> not yet available	Not specified	Not specified	Not specified	Yes Health Service Establishments Regulations (draft) schedule 2, part 6	Not specified	Yes Psychiatric Day Hospitals Class D

<b>Map – Standards – private hospital - service specific</b>								
	<b>ACT</b>	<b>NSW</b>	<b>NT</b>	<b>QLD</b>	<b>SA</b>	<b>TAS</b>	<b>VIC</b>	<b>WA</b>
<b>Cardiac catheterisation</b>	Not specified	Regulations under the <i>Private Health Facilities Act 2007</i> not yet available	Not specified	Not specified	Not specified	Yes Health Service Establishments Regulations (draft) schedule 3, part 1	Not specified	Not specified
<b>Emergency care</b>	Not specified	Regulations under the <i>Private Health Facilities Act 2007</i> not yet available	Not specified	Not specified	Not specified	Yes Health Service Establishments Regulations (draft) schedule 3, part 2	Not specified	Yes Arrangement standard 15 PH
<b>Intensive care</b>	Not specified	Regulations under the <i>Private Health Facilities Act 2007</i> not yet available	Not specified	Not specified	Yes licence conditions	Yes Health Service Establishments Regulations (draft) schedule 3, part 5	Not specified	Yes Arrangement standard 14 PH3
<b>Dialysis, haemofiltration and haemoperfusion</b>	Not specified	Regulations under the <i>Private Health Facilities Act 2007</i> not yet available	Not specified	Not specified	Not specified	Not specified	Not specified	Yes Day Hospital Class C
<b>Neonatal intensive care</b>	Not specified	Regulations under the <i>Private Health Facilities Act 2007</i> not yet available	Not specified	Not specified	Not specified	Yes Health Service Establishments Regulations (draft) schedule 3, part 6	Not specified	Not specified

Map – Standards – private hospital - service specific								
	ACT	NSW	NT	QLD	SA	TAS	VIC	WA
<b>Open heart surgery</b>	Not specified	Regulations under the <i>Private Health Facilities Act 2007</i> not yet available	Not specified	Not specified	Yes licence conditions	Not specified	Not specified	Not specified