

NORTHERN TERRITORY OF AUSTRALIA
PRIVATE HOSPITALS AND NURSING HOMES AMENDMENT ACT 2002

Act No. 58 of 2002

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SCHEDULE



NORTHERN TERRITORY OF AUSTRALIA

Act No. 58 of 2002

AN ACT

to amend the *Private Hospitals and Nursing Homes Act*

[Assented to 7 November 2002]
[Second reading 20 August 2002]

The Legislative Assembly of the Northern Territory enacts as follows:

1. Short title

This Act may be cited as the *Private Hospitals and Nursing Homes Amendment Act 2002*.

2. Commencement

This Act comes into operation on the date fixed by the Administrator by notice in the *Gazette*.

3. Principal Act

The *Private Hospitals and Nursing Homes Act* is in this Act referred to as the Principal Act.

4. Long title

The long title of the Principal Act is amended by omitting "nursing homes" and substituting "residential aged care facilities".

5. Short title

Section 1 of the Principal Act is amended by omitting "*Private Hospitals and Nursing Homes Act*" and substituting "*Private Hospitals and Residential Aged Care Facilities Act*".

6. New section

The Principal Act is amended by inserting after section 3 the following:

"3A. Objectives

"The objectives of this Act are –

- (a) to protect the health and well-being of patients of private hospitals and residents of residential aged care facilities in the Territory; and
- (b) to give the Territory community confidence in relation to private hospitals and residential aged care facilities,

by ensuring that only suitably qualified institutions or persons are licensed to operate a private hospital or residential aged care facility."

7. Definitions

Section 4 of the Principal Act is amended –

- (a) by omitting the definition of "nursing home";
- (b) by omitting "nursing home" from the definition of "nursing institution" and substituting "residential aged care facility";
- (c) by omitting "section 21." from the definition of "register" and substituting "section 21;"; and
- (d) by adding at the end the following:

" 'residential aged care facility' means a facility that provides residential care within the meaning of the *Aged Care Act 1997* of the Commonwealth."

8. Body corporate as licensee

Section 7 of the Principal Act is amended by omitting from subsection (1) all the words after "unless" and substituting "it is a corporation within the meaning of the *Corporations Act 2001*".

9. Replacement of manager or matron

Section 19 of the Principal Act is amended –

Private Hospitals and Nursing Homes Amendment Act 2002

- (a) by omitting from subsection (1) "an approved person" and substituting "a suitably qualified person"; and
- (b) by adding at the end of subsection (1) ", and notify the Chief Health Officer within 7 days of the name of the person appointed".

10. Duties of manager

Section 20 of the Principal Act is amended by omitting from paragraph (d) "a nurse registered under the *Nursing Act* is on duty" and substituting "the prescribed level of nursing care is maintained".

11. Further amendments

The Principal Act is amended as set out in the Schedule.

SCHEDULE

Section 11

Provision	Amendment	
	omit	substitute
Heading to Part II	NURSING HOMES	RESIDENTIAL AGED CARE FACILITIES
Sections 5, 9(1), (2) and (3)(a), (b), (c), (d) and (e), 10(1)(a)(ii) and 26(1)(f)	nursing home	residential aged care facility
