

House of Assembly—No 59

As received from the Legislative Council and read a first time, 27 November 2008

South Australia

**Health Care (Country Health) Amendment
Bill 2008**

A BILL FOR

An Act to amend the *Health Care Act 2008*.

Contents

Part 1—Preliminary

- 1 Short title
- 2 Amendment provisions

Part 2—Amendment of *Health Care Act 2008*

- 3 Insertion of Part 5 Division 5A
 - Division 5A—Special provisions relating to services delivered in the country
 - 40A Interpretation
 - 40B Closure of a country hospital site
 - 40C Reduction in emergency services
 - 40D Annual report on steps to expand services
-

The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Health Care (Country Health) Amendment Act 2008*.

2—Amendment provisions

- 5 In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

Part 2—Amendment of *Health Care Act 2008*

3—Insertion of Part 5 Division 5A

After section 40 insert:

- 10 **Division 5A—Special provisions relating to services delivered in the country**

- 40A—Interpretation**

- In this Division—

- 15 *country area of the State* means an area of the State outside Metropolitan Adelaide;

- country hospital* means the undertaking of an incorporated hospital undertaken at a site in a country area of the State;

- Metropolitan Adelaide* means Metropolitan Adelaide within the meaning of the *Development Act 1993*.

40B—Closure of a country hospital site

- 5
- (1) A country hospital cannot be closed except in accordance with the following provisions of this section.
- (2) The Minister must first give notice of a proposal to close a country hospital —
- 10
- (a) by publishing a notice—
- (i) in a newspaper circulating generally throughout the State; and
- (ii) in a newspaper circulating in the area where the country hospital is situated; and
- 15
- (b) by giving notice, in accordance with the regulations, to—
- (i) persons who provide health services at the country hospital, whether as employees, contractors, consultants or visiting health professionals; and
- (ii) persons who are receiving ongoing or regular health services provided at or by the country hospital; and
- (iii) local community bodies, organisations or groups that the Minister assesses as having a reasonable level of connection with the country hospital.
- 20
- (3) The notice must set out or include—
- (a) a statement indicating that it is proposed to close the country hospital; and
- (b) the grounds for the proposed closure; and
- (c) information relating to—
- 25
- (i) where replacement or ongoing health services will be provided to the local community; and
- (ii) the likely effect that the closure of the country hospital will have on the local community; and
- (d) an invitation for interested persons or bodies to make representations in writing to the Minister in relation to the proposed closure within a period (of at least 28 days) specified by the Minister.
- 30
- (4) The Minister must also, within the period specified under subsection (3)(d), cause a public meeting to be held in the local area in relation to the matter.
- 35
- (5) The Minister must consider any representations received by the Minister within the period specified under subsection (3)(d) or made at the meeting under subsection (4).
- 40
- (6) The Minister must then prepare a report on the proposal and ensure that the report includes responses to the representations considered under subsection (5).

- (7) The Minister must cause a copy of the report to be laid before both Houses of Parliament.
- (8) If it is still proposed that the country hospital be closed, the closure cannot occur without the approval of both Houses of Parliament.
- 5 (9) This section does not apply to the temporary closure of a country hospital in an emergency, for health or safety reasons, or for the purposes of carrying out building work.

40C—Reduction in emergency services

- 10 (1) Emergency services provided at a country hospital cannot be discontinued or reduced to a significant degree except in accordance with the following provisions of this section.
- (2) The Minister must first give notice of the proposed discontinuance or reduction—
- 15 (a) by publishing a notice—
- (i) in a newspaper circulating generally throughout the State; and
- (ii) in a newspaper circulating in the area where the country hospital is situated; and
- 20 (b) by giving notice, in accordance with the regulations, to persons who provide health services at the country hospital, whether as employees, contractors, consultants or visiting health professionals.
- (3) The notice must set out or include—
- 25 (a) a statement indicating that it is proposed to discontinue or reduce emergency services provided at the country hospital; and
- (b) the grounds for the proposed course of action; and
- (c) information as to where and how emergency services will continue to be provided to the local community; and
- 30 (d) an invitation for interested persons or bodies to make representations in writing to the Minister in relation to the proposed course of action within a period (of at least 28 days) specified by the Minister.
- (4) The Minister must consider any representations received under subsection (3)(d) or otherwise received by the Minister in relation to the matter.
- 35 (5) The Minister must then prepare a report on the proposal and ensure that the report includes responses to the representations considered under subsection (4).
- 40 (6) The Minister must then cause a copy of the report to be laid before both Houses of Parliament.

(7) If it is still proposed that emergency services at the country hospital be discontinued or reduced, that course of action cannot occur unless the Minister has prepared a statement in relation to the matter and caused that statement to be laid before both Houses of Parliament.

5 (8) This section does not apply—

(a) in a case that is also within the ambit of section 40B; or

(b) to the temporary discontinuance or reduction of emergency services in an emergency, for health or safety reasons, or for the purposes of carrying out building work.

10 **40D—Annual report on steps to expand services**

(1) The Minister must, within 2 months after the end of each financial year, cause a report to be prepared that sets out, in relation to that financial year—

15 (a) a statement of the amounts spent on expanding health services delivered to the country areas of the State, and an assessment of the effectiveness of that expenditure in providing improved health outcomes for communities within those areas; and

20 (b) information about the steps taken to support health professionals who provide services in the country areas of the State, and to attract health professionals to those areas; and

25 (c) information about the number of health professionals who are estimated to work (in some capacity) in the country areas of the State, as at the end of the financial year (expressed as a number of *Full Time Equivalents*).

(2) The Minister must cause a copy of the report to be laid before both Houses of Parliament.