

House of Assembly—No 41

As laid on the table and read a first time, 29 April 2020

South Australia

**Health Care (Privatisation of Health Services)
Amendment Bill 2020**

A BILL FOR

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

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

- 5 This Act may be cited as the *Health Care (Privatisation of Health Services) Amendment Act 2020*.

2—Amendment provisions

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*

10 3—Amendment of section 29—Incorporation

Section 29—after subsection (5) insert:

- (5a) A proclamation must not be made—
 - (a) under subsection (5)(b) dissolving an incorporated hospital;
or
 - 15 (b) under subsection (6)(a)(iv) by virtue of which an asset of an incorporated hospital is transferred to a person or body that is not an agency or instrumentality of the Crown,
except in accordance with a resolution passed by both Houses of
Parliament.
- 20 (5b) Notice of a motion for a resolution under subsection (5a) must be given at least 14 sitting days before the motion is passed.

4—Insertion of section 94

After section 93 insert:

94—Privatisation of health services

- 5 (1) An asset or service that a public provider of health services owns, controls or has responsibility for on the commencement date must not be privatised unless the Governor publishes a notice in the Gazette privatising the health asset or service.
- (2) The Governor cannot publish a notice under subsection (1) except in accordance with a resolution passed by both Houses of Parliament.
- 10 (3) Notice of a motion for a resolution under subsection (2) must be given at least 14 sitting days before the motion is passed.
- (4) In this section—

commencement date means the date on which this Act is assented to by the Governor;

15 *designated contract* means a contract for the provision of health services of a value of \$5 million or less (or such greater value as is prescribed by regulation) to a public provider;

20 *minor asset*, in relation to an asset owned or controlled by a public provider of health services, means an asset of a value of \$5 million or less (or such greater value as is prescribed by regulation);

minor lease, in relation to property owned or controlled by a public provider of health services, means a lease granted over the property—

- 25 (a) for a period of 5 years or less (or such longer period as is prescribed by regulation); and
- (b) for a value of \$5 million or less (or such greater value as is prescribed by regulation);

30 *privatise*, in relation to an asset or service that a public provider of health services owns, controls or has responsibility for, means to sell or transfer ownership or control of, or responsibility for, the asset or service to a health service provider that is not a public provider of health services, but does not include—

- (a) the granting of a designated contract for the provision of health services; or
- 35 (b) the granting of a minor lease; or
- (c) the sale, transfer or disposal of a minor asset;

public provider means—

- (a) an incorporated hospital; or
- (b) SA Pathology; or
- 40 (c) SAAS; or

- (d) any other public sector agency (within the meaning of the *Public Sector Act 2009*) that provides health services in this State.