

## **Regulations under the Public Health Ordinance 1928-1930.**

**I** FRANK ANSTEY, Minister of State for Health, for the Minister of State for Home Affairs, in pursuance of the powers conferred by the *Seat of Government (Administration) Ordinance 1930*, and the *Public Health Ordinance 1928-1930*, hereby make the following Regulations to come into operation forthwith.

Dated this thirtieth day of October, 1930.

FRANK ANSTEY

for Minister of State for Home Affairs.

### **PUBLIC HEALTH (PRIVATE HOSPITALS) REGULATIONS.**

**Short title.**

1. These Regulations may be cited as the Public Health (Private Hospitals) Regulations.

**State Act to  
cease to apply.**

2. The Private Hospitals Act 1908, of the State of New South Wales shall cease to apply to the Territory.

**Definitions.**

3. In these Regulations, unless the contrary intention appears—

“Building” includes any house, tent or place;

“Infectious disease” means an infectious disease as defined in the Public Health (Infectious Diseases) Regulations made under the *Public Health Ordinance 1928-1930*;

“Medical practitioner” means a medical practitioner who is registered under the *Medical Practitioners Registration Ordinance 1930*;

"Private hospital" means any building in which persons requiring medical, surgical or midwifery aid are received and lodged, or in which it is intended that they should be received and lodged, for treatment, attendance or care, and in which a charge is made for such treatment, attendance or care, and includes any building in which—

(a) during any one month, any two or more persons not members of the occupier's family; or

(b) during any one year, more than six such persons, are received and lodged for medical, surgical or midwifery aid, whether or not a charge is made for or in respect of those persons, but does not include an institution supported, wholly or in part, by the Commonwealth;

"Proprietor" means the person to whom a certificate of registration of a private hospital is issued under these Regulations;

"Registered nurse" means a person who is registered as a nurse in accordance with the law of any State, or is registered as a trained nurse by any association approved by the Director-General and who is approved by the Director-General;

"the Schedule" means the Schedule to these Regulations.

4. A person shall not use any building for the purposes of a private hospital unless he has been granted registration in respect of the building for the purpose by the Director-General and the registration is in force. Private hospitals to be registered.

5. A person shall not be entitled to apply for or hold a certificate of registration of a private hospital unless he is either a medical practitioner or a registered nurse. Persons not entitled to apply for or hold certificate of registration.

6.—(1.) Any person who desires to obtain registration of a private hospital shall apply to the Director-General for that registration. Applications for registration.

(2.) The application shall be in accordance with Form 1 in the Schedule, and shall set out—

(a) the situation of the building;

(b) the description of the building and the land on which it is erected;

(c) the sanitary arrangements of the building;

(d) the qualifications of the applicant to carry on a private hospital;

(e) the arrangements made or proposed to be made for the management of the hospital;

(f) particulars of the rooms to be used exclusively for patients and of all other rooms in the hospital, specifying the purposes for which they are, respectively, to be used; and

(g) such other particulars as the Director-General requires, and shall, if the Director-General so requires, be accompanied by testimonials as to the character of the applicant and his fitness to carry on a private hospital.

(3.) An application for the renewal of the registration of a private hospital shall be in writing, and shall contain such particulars as the Director-General requires.

7.—(1.) The Director-General may, in his discretion, upon application made in pursuance of these Regulations, register or renew the registration of any building as a private hospital. Registration of private hospital.

(2.) A building may be registered as a private hospital—

(a) in which persons requiring medical, surgical and midwifery aid may be treated;

(b) in which persons requiring medical and surgical aid only may be treated; or

(c) in which persons requiring midwifery aid only may be treated.

(3.) Upon registration, the Director-General shall issue to the applicant a certificate of registration.

(4.) The issue of the certificate of registration may be made subject to such conditions as the Director-General imposes with respect to—

(a) the class of patients who may be treated at the hospital;

(b) the maximum number of patients which may be lodged in the hospital at any one time;

(c) the number of registered nurses to be employed in the hospital;

(d) the number of qualifications of other nurses and assistants to be employed at the hospital; and

(e) the period for which the registration is granted.

8. Upon the renewal of registration, the Director-General shall issue to the applicant a new certificate of registration.

The certificate of registration shall be in accordance with Form 2 in the Schedule, and shall not be transferable except with the consent in writing of the Director-General.

Subject to these Regulations the registration of a private hospital shall, unless otherwise specified in the certificate of registration, continue until the thirty-first day of December next following the date of registration, but may be renewed from time to time, in the discretion of the Director-General, upon application made in the first week following its expiration.

Private hospitals to comply with certain requirements.

9. A building shall not be registered as a private hospital unless it complies in every respect with the following requirements:—

- (a) It shall be so situated that the distance, between any part of the external surface of the external walls of the building and any point on the boundaries of the land on which the building is erected, shall be not less than 25 feet;
- (b) It shall have at least two means of exit as remote as practicable from each other, and the corridors and stairs (if any), leading to those exits, shall be of ample width for the easy removal of patients;
- (c) The minimum width of any door or doors between a ward and the two exits, or of any stairs between a ward and two exits, shall be three feet six inches, and the minimum width of any passage between the ward and the two exits shall be four feet;
- (d) It shall be so built that occupied beds may be wheeled or carried from the wards to the two exits;
- (e) Every room to be occupied by one or more patients shall have for each patient, at least one thousand cubic feet of air space and at least one hundred square feet of floor area, and wall space having a width of at least eight feet, and, if the floor be of wood, the bottom edges of the ground floor joints of every such room shall be at least twelve inches above the ground, and the space under every such floor shall be ventilated to the satisfaction of the Medical Officer of Health;
- (f) Every such room shall be separately and independently ventilated to the external air to the satisfaction of the Medical Officer of Health;
- (g) Every such room shall be provided with windows in the external walls, the area of which windows shall be in the proportion of one square foot of clear glass to each ten square feet of floor area;
- (h) Every such room shall be constructed so as to be readily isolated;
- (i) The walls of every such room shall be properly protected immediately above the foundations by a durable damp-course;
- (j) Every room to be occupied by one or more nurses or other employees in the hospital shall have at least eight hundred cubic feet of air space and at least eighty square feet of floor area for each such nurse or employee;
- (k) The inner surface of every wall and every ceiling shall be so constructed that it can, without sustaining injury, be frequently washed or disinfected;
- (l) The angles, which are formed by one wall with any other wall and by any wall with the ceiling and by any wall with the floor, shall be rounded;
- (m) External walls shall be weatherproof and the roof shall be water-tight and properly provided with gutters and down pipes;
- (n) The drainage and sanitary conveniences shall be such as the Medical Officer of Health considers sufficient and satisfactory, and shall be in accordance with the standards prescribed by regulations made under the *Building and Services Ordinance 1924-1928*, and for the time being in force;
- (o) It shall be constructed on a site where an abundant supply of wholesome water is available for the purposes of the private hospital;
- (p) Ablutionary appliances shall be provided in such number and so arranged as the Medical Officer of Health requires;

- (g) A special installation, approved by the Medical Officer of Health, shall be provided for cleaning bed pans, mackintoshes and other articles used by patients; and
- (r) A laundry with all necessary appliances, sufficient to cleanse and disinfect all bedding, body clothing, linen, napery and other articles which can be laundered, shall be provided.

10.—(1.) A building shall not be registered as a private hospital for the treatment of surgical cases, unless it contains an operating theatre equipped with—

Operating theatre.

- (a) a powerful artificial light;
- (b) an efficient sterilizing plant;
- (c) an adequate hot-water supply and basins for ablutionary purposes;
- (d) an operating table; and
- (e) such other things as the Director-General requires.

(2.) Every such operating theatre therein shall be constructed in accordance with the following requirements:—

- (a) It shall have well-fitted windows, with the least possible projections or recesses for the collection of dust, sufficient to afford ample lighting to the theatre during the day-time;
- (b) The walls and ceilings shall be smooth;
- (c) The junctions of walls, floors, skirtings and architraves, and other junctions in the theatre, shall be water-tight;
- (d) The skirtings, architraves and other necessary mouldings shall be of the plainest form;
- (e) All openings in walls and ceilings shall be fly-proof; and
- (f) The floors shall be constructed of material approved by the Medical Officer of Health.

11. The Director-General may suspend the registration of a private hospital, if the proprietor of the hospital or any one in his employ contravenes or fails to comply with any provision of these Regulations, or if the Director-General thinks fit, in the public interest, so to do.

Suspension or cancellation of registration.

At any time during the currency of the registration of a private hospital the Minister may, after written notice to the proprietor, cancel the registration.

12.—(1.) Subject to this regulation, the proprietor shall not admit or permit to be admitted to the hospital—

Persons suffering from infectious diseases not to be admitted to private hospitals.

- (a) any person suffering from an infectious disease, except with the permission in writing of the Medical Officer of Health obtained prior to the admission of the person;
- (b) any person for the treatment of whom the hospital is not registered; or
- (c) any person certified as insane under the Lunacy Act of 1898 of the State of New South Wales, unless the hospital is licensed under that Act, or under any Ordinance in substitution for that Act, for the treatment of mental diseases.

(2.) Where such a person is admitted—

- (a) by reason of urgency; or
- (b) in good faith, the disease not being diagnosed, or the nature of the case not being determined,

or where a person, properly admitted to the hospital, develops, after admission, an infectious disease or is found to require treatment other than that for which the hospital is registered, the proprietor shall notify the Medical Officer of Health of the admission within twenty-four hours after the person is admitted, or after he is found to be suffering from an infectious disease or to require that treatment, as the case may be.

(3.) The onus of proof of urgency or of admission in good faith shall lie upon the proprietor.

13. Where any person in a private hospital is found to be suffering from an infectious disease, or to require treatment other than that for which the hospital is registered, or to be suffering from a mental disease, the medical practitioner attending the person, and the proprietor shall comply with all orders or directions given in writing by the Medical Officer of Health regarding the disposal, care and isolation of such person; and the precautions to be taken to prevent the spread of, or to limit, mitigate or eradicate, the disease.

Directions of Medical Officer of Health to be observed.

Treatment of  
persons  
requiring  
midwifery aid.

14. The proprietor of a private hospital, referred to in paragraph (a) of sub-regulation (2.) of regulation 7 of these Regulations, shall not, except with the approval in writing of the Medical Officer of Health, permit any person requiring midwifery aid to be treated in the same ward as that in which persons requiring other classes of aid are treated, but, subject to that exception, any person requiring midwifery aid shall be treated in a separate ward and by a separate staff.

Accommodation  
for patients.

15.—(1.) The proprietor shall not, except with the approval in writing of the Medical Officer of Health, use or cause or permit to be used for any purpose, other than the accommodation of patients, any room in the hospital specified in the application for registration of the hospital to be a room for patients.

(2.) The proprietor shall not accommodate any patient or cause or permit a patient to be accommodated in any room in the hospital, other than a room specified in the application for the registration of the hospital to be a room for patients.

Miscarriage or  
premature  
birth, &c.

16.—(1.) Where in any private hospital—

(a) a miscarriage or premature birth occurs, or a child is stillborn; or

(b) a patient is found or is reasonably suspected to be suffering from—

(i) puerperal fever including any puerperal condition depending on infection; or

(ii) the effects of an illegal abortion or attempted illegal abortion; or

(iii) any disease declared by the Director-General, by notice published in the *Gazette*, to be a disease for the purposes of this regulation,

the proprietor shall forthwith give notice thereof to the Medical Officer of Health.

(2.) Where a person suffering from puerperal fever or any puerperal condition depending on infection is accommodated at, or is admitted to, a private hospital, no other person requiring midwifery aid shall be admitted to that hospital until permission is given by the Medical Officer of Health.

Inspection by  
Medical Officer  
of Health, &c.

17. The proprietor shall—

(a) at all times give access to any part of the hospital, to the Medical Officer of Health or an authorized person, and afford that officer or person all reasonable assistance in any inspection which he desires to make of the hospital, and shall permit that officer or that person, if he is a medical practitioner, to see and examine any patient in consultation with the medical practitioner attending the patient;

(b) effectively flush and cleanse, or cause to be effectively flushed and cleansed, all drains and sanitary conveniences in the hospital at least once in every day, and cause all such drains and sanitary conveniences to be maintained in good order and efficient action;

(c) provide and at all times keep upon the premises, in efficient order, all materials and appliances necessary for the use of the patients and staff, or which the Director-General directs to be furnished;

(d) at all times exercise a close personal supervision of the hospital and the persons employed therein, and cause all orders or directions of the medical practitioner in charge of the treatment of any patient to be faithfully and diligently carried out;

(e) not absent himself from the hospital for more than one week at any time, without the consent in writing of the Medical Officer of Health;

(f) forthwith carry out all orders or directions which may be given from time to time by the Director-General or the Medical Officer of Health, or an authorized person, relating to the sanitary arrangements, the collection or disposal of excrementitious matters, refuse and liquid or other wastes;

- (g) at all times keep all household linen, beds, bedding, furniture, cutlery, crockery, cooking and other utensils, and all other things used in the conduct or management of the hospital, thoroughly clean and disinfected, and, when required by the Medical Officer of Health, disinfect any or all of those things;
- (h) not permit persons of different sexes, except a man and his wife, or children under the age of ten years, to occupy the same room;
- (i) cause all refuse or condemned linen or clothing to be burned in such manner as the Medical Officer of Health or an authorized person directs;
- (j) provide and maintain, in a clean and sanitary condition, separate air-tight receptacles, approved by the Medical Officer of Health, into which all used surgical dressings, human tissues or fluids, other than those already provided for in these Regulations, shall be placed, and cause all such special refuse to be burned;
- (k) provide and maintain effective fly screens over all fire places when not in use, and over all windows and external doors;
- (l) provide and maintain in effective condition all such appliances as the Director-General requires for the control and the extinguishing of fires; and
- (m) not permit any person, employed as a nurse or attendant upon patients, who has any active septic infection of any part of his person, to attend any abortion, miscarriage or midwifery patient, until he receives permission from the Medical Officer of Health so to do.

18.—(1.) The proprietor shall keep a book (in these Regulations **Case book.** referred to as the "Case Book"), and shall enter or cause to be entered therein the following particulars concerning all patients received into the hospital:—

- (a) The full name, age, sex, marital condition and address of the patient; and
- (b) A short history of the patient while in the hospital giving in particular—
  - (i) the date of admission;
  - (ii) the nature of any disease manifest at the time of admission or afterwards;
  - (iii) the nature of any operation performed, together with the name of the operator and anaesthetist;
  - (iv) the nature of the anaesthetic used;
  - (v) the result of the operation; and
  - (vi) the date when the patient left the hospital, or, in the event of death occurring, the date of the death.

(2.) In the case of a person requiring midwifery aid, the particulars to be entered in the Case Book shall, in addition to those mentioned in the last preceding regulation, include—

- (a) the date, and a short history of the confinement;
- (b) the result of the confinement, both at the time of delivery and during the subsequent period spent at the hospital; and
- (c) the sex and condition of the child.

(3.) Where a patient has been under the professional care of a medical practitioner or in the charge of a nurse, the name and address of the medical practitioner or of the nurse, or both, as the case requires, shall be entered in the Case Book.

(4.) The proprietor shall permit the Medical Officer of Health or an authorized person to inspect the Case Book at any time, and make any extracts therefrom.

(5.) If the proprietor or any person directed by him to make entries in the Case Book—

- (a) fails to make any such entry; or
- (b) in the case of the proprietor, fails to cause any such entry to be made; or
- (c) knowingly suppresses from any such entry any material fact; or
- (d) enters or causes to be entered in the Case Book any untrue particulars,

he shall be guilty of an offence.

(6.). Any person who, except for the purposes of these Regulations or in reply to any question which he is legally compellable to answer, communicates or divulges to any person any information which comes to his knowledge by reason of his having seen any entry in any Case Book shall be guilty of an offence.

Hospital not to be sublet.

19. The proprietor shall not accommodate, or cause or permit to be accommodated, in the hospital, any person other than a patient or a person employed in the hospital, and shall not sublet any portion of the hospital for any purpose.

Number of persons to be admitted to hospital.

20. The proprietor shall not, except with the approval of the Medical Officer of Health, suffer or permit a greater number of patients to be accommodated in the hospital than the number mentioned in the certificate of registration in respect of the hospital.

Labelling, &c., of drugs.

21. The proprietor shall make provision, to the satisfaction of the Medical Officer of Health, for the safe custody and proper labelling of all drugs kept at the hospital, and all poisons shall be kept in a separate cupboard or other receptacle provided with a suitable lock and key.

Penalty for offences.

22. Any person who is convicted of an offence against these Regulations shall be liable to a penalty not exceeding Fifty pounds and, where the offence is a continuing offence, a penalty not exceeding Five pounds for every day during which the offence continues.

## THE SCHEDULE.

Regulation 6.

Form 1.

THE TERRITORY FOR THE SEAT OF GOVERNMENT.

Public Health Ordinance 1928-1930.

Public Health (Private Hospitals) Regulations.

### APPLICATION FOR REGISTRATION OF A PRIVATE HOSPITAL.

To—

The Director-General,  
Department of Health,  
Canberra.

I hereby apply for the registration, as a private hospital under the Public Health (Private Hospitals) Regulations, of the building hereunder described for the treatment of (a)

(a) Insert class of patient.

In connexion with this application, I furnish the following particulars:—

Full name of applicant.  
Present address of applicant.  
Professional qualifications of applicant.  
Exact situation of building.  
Dimensions of land.  
Frontage of land to streets.  
Materials of building.  
Number of stories of building.  
Number of rooms for patients.  
Measurements of each room.  
Number of other rooms.  
Method of drainage.  
Number and locations of sanitary conveniences.  
Number and location of ablutionary appliances, including bathrooms.  
Ventilation.  
Source of water supply.  
Classes of patients to be treated.  
Number of registered nurses and other nurses and assistants to be employed.  
Arrangements made or proposed to be made for the management of the hospital.

I attach hereto a plan of the said building, on a scale specified in the said plan (not smaller than eight feet to one inch), giving the following particulars:—

(a) Length, breadth and height of every room and apartment.  
(b) Rooms to be used exclusively by patients.  
(c) Rooms to be used exclusively by nurses and other employees.  
(d) Rooms to be used exclusively by proprietor and family, or for any other purpose.

I also forward herewith testimonials from the undermentioned persons as

(b) Strike out if to my character and fitness. (b)  
testimonials not required.

Signature.....

Date.....

Regulation 7.

FORM 2.

THE TERRITORY FOR THE SEAT OF GOVERNMENT.

*Public Health Ordinance 1928-1930.*

Public Health (Private Hospitals) Regulations.

CERTIFICATE OF REGISTRATION OF PRIVATE HOSPITALS.

This is to certify that.....  
.....  
has been granted registration in respect of the building situated at.....  
.....as a private hospital for the Treatment of<sup>(a)</sup>..... (a) Insert class  
..... of patients.

The maximum number of patients which may be treated in the hospital at  
any one time is.....

The registration of the hospital shall continue in force until the.....  
day of.....next ensuing unless sooner suspended or cancelled.

Dated this.....day of....., 19 .  
Signature.....