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## ENDNOTES

9
The Parliament of Victoria enacts:

1 Purposes

The main purposes of this Act are to amend the Health Services Act 1988—

(a) to broaden the functions of Health Purchasing Victoria;

(b) to provide the Minister for Health with the power to approve the entering into of long term leases and licences with respect to hospital sites;

(c) to place certain restrictions on the investment powers of registered funded agencies.
2 Commencement

(1) Subject to subsection (2), this Act comes into operation on a day or days to be proclaimed.

(2) If a provision of this Act does not come into operation before 2 February 2015, it comes into operation on that day.

3 Principal Act

In this Act, the Health Services Act 1988 is called the Principal Act.

4 Definitions

(1) In section 3(1) of the Principal Act, in paragraph (b) of the definition of health or related service—

(a) for "that provides" substitute "that provides, delivers,";

(b) in subparagraph (v), for "services;" substitute "services; or";

(c) after subparagraph (v) insert—

"(vi) health services in association with correctional services; or

(vii) residential care services; or".

(2) In section 3(1) of the Principal Act, after paragraph (b) of the definition of health or related service insert—

"(c) the Victorian Institute of Forensic Mental Health; or

(d) any other prescribed health or related service;".
5 Power to invest

At the end of section 29 of the Principal Act insert—

"(2) Nothing in subsection (1) prevents any Ministerial directions under section 8 of the Financial Management Act 1994 applying to a registered funded agency that is otherwise subject to that Act."

6 New Division 11 inserted into Part 3

After Division 10 of Part 3 of the Principal Act insert—

"Division 11—Leasing and licensing powers

69AA Meaning of hospital site

In this Division, hospital site means—

(a) land reserved under the Crown Land (Reserves) Act 1978 for any of the purposes described in section 4(1)(zc) of that Act; and

(b) any other land reserved for hospitals, health care agencies and services for any other purposes administered by the Minister.

69AAB Application of Division

(1) This Division has effect despite anything to the contrary in the Land Act 1958 and the Crown Land (Reserves) Act 1978.

(2) The powers of the committee of management or trustees of a hospital site are in addition to, and do not limit, the powers of—

(a) that committee of management as a committee of management under the Crown Land (Reserves) Act 1978; or
(b) those trustees as trustees under the Crown Land (Reserves) Act 1978 or under any other instrument appointing them as trustees of that land.

69AAC  Power to grant leases for up to 35 years

(1) Subject to the written approval of the Minister, the committee of management or trustees of a hospital site may grant a lease of that site or any part of that site.

(2) The Minister must not approve the grant of a lease under subsection (1) unless the Minister is satisfied that—

(a) the purpose for which the lease is to be granted is not inconsistent with, or detrimental to, the purposes for which the land is reserved; and

(b) any proposed use, development, improvements or works under the lease are of a substantial nature and of a value which justifies a longer term lease; and

(c) the granting of a longer term lease is in the public interest.

(3) A lease granted under this section may be for a term not exceeding 35 years.

(4) A lease granted under this section—

(a) may contain options for the lessee to renew the lease for a further term or terms, but the aggregate of the original term and the further term or terms must not exceed 35 years; and

(b) may contain provision for a lessee to remain in occupation of the land under the same terms and conditions as existed under the lease, at the discretion of the lessee.
of the lessor, for a period of not more than 3 months from the expiry of the lease; and

(c) is subject to any covenants, exceptions, reservations and conditions that are determined by the committee of management or trustees of the hospital site and approved in writing by the Minister.

69AAD Power to grant licences over land

(1) Subject to the written approval of the Minister, the committee of management or trustees of a hospital site may grant a licence to enter and use any part of that site.

(2) The Minister must not approve a licence under subsection (1) unless the Minister is satisfied that the purpose for which the licence is to be granted is not detrimental to the purposes for which the land is reserved.

(3) A licence granted under this section—

(a) may be for a period not exceeding the lesser of—

(i) 35 years; or

(ii) the term for which a lease under section 69AAC is granted in respect of the hospital site or part of that site; and

(b) is subject to the terms and conditions determined by the committee of management or trustees of the hospital site and approved in writing by the Minister.
Health Services Amendment Act 2014
No. 22 of 2014

69AAE Determination to grant lease or licence under this Division to be published and tabled

(1) The Minister must not approve the grant of a lease under section 69AAC or a licence under section 69AAD unless—

(a) the Minister, by determination published in the Government Gazette, has given notice of his or her intention to do so; and

(b) the determination has been laid before, but not disallowed by, either House of Parliament.

(2) The Minister must lay the determination made under subsection (1) before each House of Parliament within 6 sitting days after it is published.

69AAF Parliamentary scrutiny of the leasing and licensing of certain land

(1) A determination under section 69AAE that is laid before each House of Parliament is disallowed if—

(a) a notice of a resolution to disallow the determination is given in a House of the Parliament on or before the 5th sitting day of that House after the determination is laid before the House; and

(b) the resolution is passed by that House on or before the 10th sitting day of that House after the giving of the notice of the resolution.

(2) A notice under subsection (1) may be expressed to apply to the whole or to any part of the determination.
(3) A resolution that is passed under subsection (1) has effect according to its terms.

(4) If a House of Parliament is prorogued or the Legislative Assembly is dissolved—

(a) the prorogation or dissolution does not affect the power of the House to pass a resolution under subsection (1); and

(b) the calculation of sitting days of the House is to be made as if there had been no prorogation or dissolution.

7 Section 134O substituted

For section 134O of the Principal Act substitute—

"134O HPV—trade practices

For the purposes of Part IV of the Competition and Consumer Act 2010 of the Commonwealth and the Competition Code within the meaning of the Competition Policy Reform (Victoria) Act 1995, the following conduct is authorised—

(a) anything done by HPV in carrying out its functions or exercising its powers under this Part, including, but not limited to, the conduct of HPV in negotiating, entering into or performing agreements or arrangements, for the supply, or in facilitating access to the supply, of goods or services to a public hospital or other health or related service; and

(b) anything done by a public hospital, a board of a public hospital or a person engaged or employed by a public hospital—
(i) in complying with a HPV direction or a purchasing policy; or

(ii) in negotiating, entering into or performing an agreement or arrangement for the supply of goods or services facilitated by HPV in accordance with this Part; and

(c) anything done by a health or related service in negotiating, entering into or performing an agreement or arrangement for the supply of goods or services facilitated by HPV in accordance with this Part; and

(d) the conduct of any other prescribed activity by a person specified in paragraph (a), (b) or (c) or by a prescribed person."

8 Repeal of amending Act

This Act is repealed on 2 February 2016.

Note

The repeal of this Act does not affect the continuing operation of the amendments made by it (see section 15(1) of the Interpretation of Legislation Act 1984).
Health Services Amendment Act 2014
No. 22 of 2014

ENDNOTES

† Minister's second reading speech—
   Legislative Assembly: 6 February 2014
   Legislative Council: 13 March 2014

The long title for the Bill for this Act was "A Bill for an Act to amend the Health Services Act 1988 and for other purposes.”