

By-Laws

Australian Private Hospitals Association Limited ACN 008 623 809

Effective March 2011

1 Interpretation

1.1 Words or phrases not otherwise defined in these By-Laws have the meanings given to them in the Constitution.

1.2 For the purposes of these By-Laws:

By-Laws means these By-Laws approved by the Board under of authority rule 76 of the Constitution.

chair means chairs used in lieu of beds for patient care and recovery after procedures in Day Hospitals including but not limited to dialysis treatment chairs, chairs for same day admissions and dedicated all in one surgery chairs.

Constitution means the Constitution of Australian Private Hospitals Association Limited ACN 008 623 809, as amended from time to time.

1.3 In these By-Laws:

- (a) headings are for convenience only and do not affect interpretation;
- (b) to the extent of any inconsistency between these By-Laws and the Constitution, the provisions of the Constitution prevail;
- (c) these By-Laws shall not be deemed to be inconsistent with the Constitution merely because one shall deal with the same or a related subject more exhaustively than the other; and

unless the context indicates a contrary intention:

- (a) words denoting the singular number include the plural and vice versa;
- (b) words denoting any gender include all genders; and
- (c) the word "includes" in any form is not a word of limitation.

2 Determination of Beds

2.1 For the purposes of determining the joining fee, annual subscription or any levy payable by an Ordinary Member who is a member of a Group, the number of Beds held by that Ordinary Member shall be deemed to be the total number of Beds held by all body corporates or individuals who are members of that Group.

2.2 For the purposes of determining how many Beds are held by an Ordinary Member:

- (a) where an Ordinary Member or a related body corporate of the Ordinary Member is the proprietor of a Private Hospital that is conducted, operated or managed by the Ordinary Member or a related body corporate of the Ordinary Member, the Beds located at that Private Hospital are deemed to be held by that Ordinary Member;
- (b) where an Ordinary Member or a related body corporate of the Ordinary Member leases Beds in a Private Hospital that the Ordinary Member or a related body corporate of the Ordinary Member is not the proprietor of, the Beds leased at that Private Hospital are deemed to be held by that Ordinary Member;
- (c) where an Ordinary Member or a related body corporate of the Ordinary Member is the proprietor of a Private Hospital that is conducted, operated or managed by a person other than the Ordinary Member or a related body corporate of the Ordinary Member, the Beds located at that Private Hospital are deemed to be held by that Ordinary Member; and
- (d) where an Ordinary Member or a related body corporate of the Ordinary Member conducts, operates or manages a Private Hospital that the Ordinary Member or a related body corporate of the Ordinary Member is not the proprietor of, the Beds located at that Private Hospital are deemed not to be held by that Ordinary Member.

2.3 Having regard to definition of “Bed” in rule 1.1 of the Constitution and By-Law 2.2, if an Ordinary Member (other than a Day Hospital Member) holds less than 10 Beds, that Ordinary Member will be deemed to hold 10 Beds.

2.4 A Day Hospital Member will, in respect of the Day Hospital(s) that it is the proprietor of, or conducts operates or manages, be deemed to hold:

2.4.1. Where the Day Hospital Member has operating theatres or day procedure rooms:

- (a) 10 Beds; plus
- (b) the number of Beds determined from applying the following formula:

$$N = (T - 1) \times 5$$

Where:

N = the number of Beds.

T = the number of operating theatres or procedure rooms

2.4.2. Where the Day Hospital Member does not have operating theatres or day procedure rooms but instead has chairs or beds:

- (a) where the Day Hospital Member has less than (and including) 10 chairs or beds they are deemed to hold 10 Beds; or
- (b) where a Day Hospital Member has more than (and including) 11 chairs or beds they are deemed to hold the same number of Beds.