

NATIONAL HEALTH.

No. 16 of 1961.

An Act to amend the *National Health Act* 1953-1959,
and for other purposes.

[Assented to 11th May, 1961.]

BE it enacted by the Queen's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

Short title
and citation.

1.—(1.) This Act may be cited as the *National Health Act* 1961.

(2.) The *National Health Act* 1953-1959* is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *National Health Act* 1953-1961.

Commence-
ment.

2.—(1.) Subject to the next succeeding sub-section, this Act shall come into operation on the day on which it receives the Royal Assent.

(2.) Sections three, six, seven and ten of this Act shall come into operation on the first day of July, One thousand nine hundred and sixty-one.

Interpretation.

3. Section thirteen of the Principal Act is amended by omitting from sub-section (1.) the definition of "contributor" and inserting in its stead the following definition:—

" 'contributor' means a person who pays contributions, or on whose behalf contributions are paid, to the medical benefits fund conducted by a registered medical benefits organization, being a person—

(a) who is, if there is rendered to him any one of all the professional services specified in the First Schedule to this Act, entitled, subject to the rules of the registered organization—

(i) to receive from the registered organization a fund benefit of an amount equal to, or greater than, the amount specified in that Schedule in relation to the professional service; or

(ii) to have the professional service provided without charge under a contract arrangement; or

* Act No. 95, 1953, as amended by No. 68, 1955; Nos. 55 and 95, 1956; No. 92, 1957; No. 68, 1958; and No. 72, 1959.

(b) by whom or on whose behalf contributions to that medical benefits fund have been continuously payable from a date as at which he was a contributor within the meaning of the definition of 'contributor' that was in force for the purposes of this Part at that date,

and, except in relation to the payment of contributions, includes a dependant of such a person; ”.

4. Section sixteen of the Principal Act is amended by omitting paragraph (e) of sub-section (1.) and inserting in its stead the following paragraph:—

Amount of Commonwealth benefit payable where two or more operations are performed.

“ (e) where more than two operations are so performed and the amounts specified in relation to those operations in either of those Schedules are not all the same—the maximum amount that can be obtained by aggregating—

- (i) the amount so specified in relation to any one of those operations;
- (ii) one-half of the amount so specified in relation to any other of those operations; and
- (iii) one-quarter of the amount so specified in relation to each remaining operation,

or Twenty-two pounds ten shillings, whichever is the less.”.

5. Section forty-five of the Principal Act is amended by inserting in paragraph (b) of sub-section (2.), before the word “if”, the words “whether or not the Director-General has given a direction under the last preceding paragraph,”.

Conditions to be complied with by proprietor of private hospital.

6. Section sixty-six of the Principal Act is amended by inserting in sub-section (1.), after the definition of “contributor”, the following definition:—

Interpretation.

“ ‘extra charges’ means charges made by a hospital, in addition to fees for hospital treatment, by way of theatre fees or charges for drugs, dressings (including plaster), special nursing or laundry services; ”;

7. Section eighty-two E of the Principal Act is amended by omitting paragraph (i) of sub-section (1.) and inserting in its stead the following paragraph:—

Rules of organization establishing special account to contain certain provisions.

“ (i) in the case of a registered hospital benefits organization, the amount of hospital fund benefit payable in respect of the period covered by any claim in respect of a special account contributor does not exceed the amount (if any) by which the sum of the gross

fees and extra charges incurred in respect of the contributor during that period exceeds the sum of—

- (i) an amount calculated at the rate of Eight shillings for each day of that period;
- (ii) the amount of additional benefit payable by the Commonwealth under Part V. of this Act in respect of that period;
- (iii) the amount of hospital fund benefit (if any) paid or payable in respect of the contributor by any other registered hospital benefits organization in respect of that period; and
- (iv) any amount paid or payable by the registered hospital benefits organization, by any other registered hospital benefits organization or by any registered medical benefits organization in respect of the extra charges incurred in respect of the contributor during that period;”.

Pharmaceutical
Benefits
Advisory
Committee.

8. Section one hundred and one of the Principal Act is amended by omitting sub-sections (1.) and (2.) and inserting in their stead the following sub-sections:—

“(1.) There shall be a committee, called the Pharmaceutical Benefits Advisory Committee, which shall, subject to the next succeeding sub-section, consist of—

- (a) an officer, being a pharmacist, of the Commonwealth Department of Health appointed by the Director-General;
- (b) six medical practitioners appointed by the Minister from among ten medical practitioners nominated by the Federal Council of the British Medical Association in Australia; and
- (c) a pharmaceutical chemist appointed by the Minister from among three pharmaceutical chemists nominated by the Federated Pharmaceutical Service Guild of Australia.

“(2.) The Minister may also appoint a pharmacologist to be a member of the Committee.

“(2A.) The exercise or performance of the powers or functions of the Committee is not affected by reason only of there being a vacancy in the office of a member of the Committee.”.

9. After section one hundred and twenty of the Principal Act the following section is inserted:—

Vacancies in
Committees.

“120A. The exercise or performance of the powers or functions of a Committee is not affected by reason only of there being a vacancy in the office of a member of the Committee.”.

Repeal of s. 3
of *National
Health Act*
1959.

10. Section three of the *National Health Act* 1959 is repealed.