

National Health

No. 102 of 1969

An Act to amend the *National Health Act* 1953-1968.

[Assented to 27 September 1969]

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* 1969.

(2.) The *National Health Act* 1953-1968* 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* 1953-1969.

Commence-
ment.

2. This Act shall come into operation on the day on which it receives the Royal Assent.

Parts.

3. Section 3 of the Principal Act is amended by inserting after the words—

“ Division 2.—Special Accounts (Sections 82A-82P).”
the words—

“ Division 3.—Assistance by the Commonwealth (Sections 82Q-82ZH).”.

Interpretation.

4. Section 13 of the Principal Act is amended—

(a) by omitting from the definition of “ fund benefit ” in sub-section (1.) the words “ pays contributions to the medical benefits fund of the organization or by a dependant of that person ” and inserting in their stead the words “ is a contributor ”; and

(b) by adding at the end thereof the following sub-section:—

“ (3.) For the purposes of this Part—

(a) a person shall not be taken not to have been a contributor during any period (whether before or after the commencement of this sub-section) by reason only that, under a provision included in the rules of an organization for the purpose of enabling sections eighty-two s and eighty-two T of this Act to apply in relation to the organization—

(i) contributions were not payable to the organization in respect of the contributor in respect of that period; or

* Act No. 95, 1953, as amended by No. 68, 1955; Nos. 55 and 95, 1956; No. 92, 1957; No. 68, 1958; No. 72, 1959; No. 16, 1961; No. 82, 1962; No. 77, 1963; No. 37, 1964; Nos. 100 and 146, 1965; No. 44, 1966; Nos. 14 and 100, 1967; and No. 100, 1968.

- (ii) payment of any contributions due and payable to the organization in respect of the contributor in respect of that period has been waived; and
- (b) a person shall be taken to have been a contributor in relation to any time (whether before or after the commencement of this sub-section) if fund benefit is payable by an organization in respect of medical services rendered to the contributor at that time notwithstanding that payment of contributions to the organization in respect of the contributor did not commence until after that time.”.

5. Section 14 of the Principal Act is amended by adding at the end thereof the following sub-section:—

Commonwealth benefit payable in respect of services specified in the Schedule.

“(3.) The last preceding sub-section does not apply if, under a provision included in the rules of the organization for the purpose of enabling sections eighty-two s and eighty-two r of this Act to apply in relation to the organization, contributions were not payable to the organization in respect of the contributor in respect of that date or payment of the contributions has been waived.”.

6. Section 18A of the Principal Act is amended by inserting after the word “dependants” the words “before the person becomes a contributor or”.

Commonwealth benefit not payable in respect of contributor of less than two months' standing.

7. Section 23 of the Principal Act is amended by omitting sub-section (1.) and inserting in its stead the following sub-section:—

Payment of Commonwealth benefit.

“(1.) Commonwealth benefit is payable to the registered medical benefits organization that conducts the medical benefits fund to which the contributor concerned is a contributor or, if he is a contributor to two or more medical benefits funds each of which is conducted by a different registered medical benefits organization, to whichever one of those organizations he selects.”.

8. Section 25 of the Principal Act is amended by omitting from sub-section (1.) the words “contributors under a contract arrangement made by a registered medical benefits organization to which those contributors pay contributions” and inserting in their stead the words “contributors to a medical benefits fund conducted by a registered medical benefits organization under a contract arrangement made by the organization”.

Commonwealth benefit in case of contract arrangements.

9. Section 30 of the Principal Act is amended—

Offences.

- (a) by omitting from sub-section (1.) the words “an amount of Commonwealth benefit that is not payable in accordance with this Act” and inserting in their stead the words “an amount that, under this Act, is not payable”;
- (b) by omitting from paragraph (a) of sub-section (2.) the words “Commonwealth benefit” and inserting in their stead the words “a payment under this Act”; and

- (c) by omitting from paragraph (b) of sub-section (2.) the words "payment of Commonwealth benefit or other payment under this Part" and inserting in their stead the words "a payment under this Act".

Interpretation.**10. Section 38 of the Principal Act is amended—**

- (a) by omitting from the definition of "dependant" in sub-section (1.) the words "by reason of contributions made by or on behalf of the contributor" and inserting in their stead the words "by reason that the contributor is a contributor"; and

- (b) by adding at the end thereof the following sub-section:—

"(3.) For the purposes of this Part—

- (a) a person shall not be taken not to have been a contributor during any period (whether before or after the commencement of this sub-section) by reason only that, under a provision included in the rules of an organization for the purpose of enabling sections eighty-two s and eighty-two T of this Act to apply in relation to the organization—

(i) contributions were not payable to the organization in respect of the contributor in respect of that period; or

(ii) payment of any contributions due and payable to the organization in respect of the contributor in respect of that period has been waived; and

- (b) a person shall be taken to have been a contributor in relation to any time (whether before or after the commencement of this sub-section) if fund benefits are payable by an organization in respect of hospital treatment received by the contributor at that time notwithstanding that payment of contributions to the organization in respect of the contributor did not commence until after that time."

Commonwealth benefit payable in respect of contributors.**11. Section 46 of the Principal Act is amended by omitting sub-section (3.) and inserting in its stead the following sub-section:—**

"(3.) The last preceding sub-section does not apply if, under a provision included in the rules of the organization for the purpose of enabling sections eighty-two s and eighty-two T of this Act to apply in relation to the organization, contributions were not payable to the organization in respect of the contributor in respect of that day or payment of the contributions has been waived."

Payment of benefit.**12. Section 47 of the Principal Act is amended by omitting sub-section (1.) and inserting in its stead the following sub-section:—**

"(1.) Commonwealth benefit under this Division is payable to the registered hospital benefits organization that conducts the hospital benefits fund to which the contributor concerned is a contributor or, if he is a contributor to two or more hospital benefits funds each of which is conducted by a different registered hospital benefits organization, to whichever of those organizations he selects."

13. Section 48 of the Principal Act is amended—

- (a) by inserting in sub-section (1.), after the words “ approved hospital ”, the words “ before he became a contributor or ”; and
- (b) by omitting from sub-section (1.) the words “ contributions are paid by him or on his behalf ” and inserting in their stead the words “ he is a contributor ”.

Reduced benefit payable in respect of contributor of less than two months' standing.

14. Section 62 of the Principal Act is amended—

- (a) by omitting from paragraph (a) of sub-section (3.) the words “ Commonwealth benefit under this Part ” and inserting in their stead the words “ payment under this Act ”;
- (b) by omitting from paragraph (b) of sub-section (3.) the words “ payment of a Commonwealth benefit or other payment under this Part ” and inserting in their stead the words “ a payment under this Act ”; and
- (c) by omitting from sub-section (4.) the words “ of an amount of Commonwealth benefit that is not payable in accordance with this Part ” and inserting in their stead the words “ by the Commonwealth of an amount that, under this Act, is not payable ”.

Offences.

15. After section 82P of the Principal Act the following Division is inserted in Part VI.:—

“ *Division 3.—Assistance by the Commonwealth.*

“ 82Q.—(1.) In this Division, unless the contrary intention appears—
 ‘ approved scale of benefits ’ means a scale of benefits approved by the Minister under section eighty-two R of this Act;

Interpretation.

‘ Assistant Director-General ’ means an Assistant Director-General of Social Services;

‘ dependant ’, in relation to a contributor, means—

- (a) in the case of a contributor to a medical benefits fund—
a dependant within the meaning of Part III. of this Act; and
- (b) in the case of a contributor to a hospital benefits fund—
a dependant within the meaning of Part V. of this Act;

‘ Director ’ means a Director of Social Services;

‘ First Assistant Director-General ’ means a First Assistant Director-General in the Department of Social Services;

‘ officer ’ means an officer or person exercising powers or performing functions or duties under, or in relation to, this Division;

‘ Registrar ’ means a Registrar of Social Services;

‘ the Director-General ’ means the Director-General of Social Services.

“ (2.) For the purposes of this Division—

- (a) the income of a person who, being a man, has not attained the age of sixty-five years or, being a woman, has not attained the age of sixty years and to whom section eighty-two U of this Act applies shall be deemed to include—

- (i) if the person is married and is not living permanently apart from his or her spouse—the income of that spouse;

- (ii) if the person is living with another person (not being a person to whom he or she is legally married) as the spouse of that other person on a permanent and *bona fide* domestic basis—the income of that other person; and
 - (iii) if a person, under the age of sixteen years, is in the custody, care and control of the first-mentioned person or of a person whose income is to be deemed to be included in the income of the first-mentioned person by reason of the operation of either of the last two preceding sub-paragraphs—the income of the person in that custody, care and control;
- (b) the means as assessed of a person to whom section eighty-two U of this Act applies shall be deemed to include—
 - (i) if the person is married and is not living permanently apart from his or her spouse—the means as assessed of that spouse;
 - (ii) if the person is living with another person (not being a person to whom he or she is legally married) as the spouse of that other person on a permanent and *bona fide* domestic basis—the means as assessed of that other person; and
 - (iii) if a person, under the age of sixteen years, is in the custody, care and control of the first-mentioned person or of a person whose means as assessed are to be deemed to be included in the means as assessed of the first-mentioned person by reason of the operation of either of the last two preceding sub-paragraphs—the means as assessed of the person in that custody, care and control;
- (c) where a person has the custody, care and control of another person who—
 - (i) has attained the age of sixteen years but is under the age of twenty-one years;
 - (ii) is receiving full-time education at a school, college or university;
 - (iii) is wholly or substantially dependent on the first-mentioned person; and
 - (iv) is not in receipt of an invalid pension under Part III. of the *Social Services Act 1947–1969*,the other person shall be deemed to be under the age of sixteen years;
- (d) in determining whether the weekly income of a person exceeds Thirty-nine dollars, account shall be taken of the past income and the likely future income of the person but account shall not be taken of income included in a prescribed class of income;

- (e) the means as assessed of a person shall be determined in accordance with Part III. of the *Social Services Act 1947–1969* but, in determining those means as assessed—
- (i) the definition of ‘income’ in section eighteen of that Act has effect as if the reference in paragraph (e) of that definition to a payment under Part VIIA. or Part VIII. of that Act were omitted and as if paragraphs (h) and (j) of that definition were omitted; and
 - (ii) the definition of ‘means as assessed’ in that section has effect as if the words ‘, apart from any pension,’ were omitted; and
- (f) a reference to a determination in force under section eighty-two U of this Act includes a reference to such a determination that has been varied under sub-section (3.) of section eighty-two ZC of this Act.

“ 82R. The Minister may, in relation to a registered organization, by instrument in writing, approve, for the purposes of this Division, a scale of benefits provided by the organization, in accordance with the rules of the organization, to contributors to a medical benefits fund or a hospital benefits fund conducted by the organization.

Power of Minister to approve scales of benefits.

“ 82s.—(1.) Subject to the next succeeding sub-section, where—

- (a) a contributor to a medical benefits fund is a contributor for an approved scale of benefits;
- (b) the contributor lodges with the organization that conducts the fund a claim in respect of a professional service that has been rendered (whether before or after he became a contributor) to himself or to one of his dependants;
- (c) the professional service was rendered on or after the first day of January, One thousand nine hundred and seventy, and during a period in relation to which this section applies in respect of the contributor;
- (d) under a provision included in the rules of the organization for the purpose of enabling this section and the next succeeding section to apply in relation to the organization, contributions were not payable by the contributor to the fund in respect of that period or the payment of contributions by the contributor to the fund in respect of that period has been waived;
- (e) the organization pays to, or to a person on behalf of, the contributor the fund benefit payable in respect of the professional service in accordance with the scale of benefits for which the contributor is a contributor; and

Waiver of contributions, and reimbursement by Commonwealth of fund benefits, where contributor in receipt of unemployment or sickness benefit.

- (f) a fund benefit in relation to which this sub-section applies has not been paid to, or to a person on behalf of, the contributor by any other registered medical benefits organization in respect of the same professional service,

there is payable to the organization by the Commonwealth an amount equal to the fund benefit referred to in paragraph (e) of this sub-section.

“(2.) The amount payable to an organization by the Commonwealth under the last preceding sub-section in respect of fund benefit paid by the organization in respect of a professional service rendered to, or to a dependant of, a contributor shall not exceed the amount (if any) by which ninety per centum of the fee charged for the professional service exceeds the amount of the Commonwealth benefit prescribed by this Act in respect of that professional service plus the amount (if any) paid or payable to, or to a person on behalf of, the contributor by any other registered medical benefits organization in respect of the same professional service.

“(3.) Where—

- (a) a contributor to a hospital benefits fund is a contributor for an approved scale of benefits;
- (b) the contributor lodges with the organization that conducts the fund a claim in respect of hospital treatment that has been received (whether before or after he became a contributor) by himself or by one of his dependants;
- (c) the hospital treatment was received on or after the first day of January, One thousand nine hundred and seventy, and during a period in relation to which this section applies in respect of the contributor;
- (d) under a provision included in the rules of the organization for the purpose of enabling this section and the next succeeding section to apply in relation to the organization, contributions were not payable by the contributor to the fund in respect of that period or the payment of contributions by the contributor to the fund in respect of that period has been waived; and
- (e) the organization pays to, or to a person on behalf of, the contributor the fund benefit payable in respect of the hospital treatment in accordance with the scale of benefits for which the contributor is a contributor,

there is payable to the organization by the Commonwealth an amount equal to that fund benefit.

“(4.) The reference in the last preceding sub-section to fund benefit shall be read, in relation to any period of hospital treatment, as not including so much (if any) of the fund benefit in respect of that period as exceeds the amount (if any) by which the sum of the gross fees and extra charges incurred in respect of the contributor or dependant during that period is greater than the amount of Commonwealth and miscellaneous fund benefit payable in respect of the hospital treatment.

“(5.) Subject to the next succeeding sub-section, this section applies, in respect of a contributor, in relation to—

- (a) a period (in this sub-section called a ‘benefit period’) in respect of which benefit was paid or is payable to the contributor under Part VII. of the *Social Services Act 1947–1969*; or
- (b) a period in respect of which benefit was not paid and is not payable under that Part, being—
 - (i) a period, not exceeding seven days, during which the contributor was unemployed or incapacitated and which immediately preceded a benefit period other than a benefit period that commenced from a date fixed under section one hundred and twenty of the *Social Services Act 1947–1969*; or
 - (ii) a period of four weeks that immediately followed a benefit period other than a benefit period that ended by reason of the cancellation, under section one hundred and twenty or section one hundred and twenty-one of that Act, of payment of the benefit.

“(6.) Notwithstanding the last preceding sub-section, where a contributor was not a contributor at the commencement of a period in relation to which, but for this sub-section, this section would apply in respect of the contributor, this section does not apply, in respect of the contributor, in relation to the first two weeks of that period.

“82r.—(1.) This section applies in respect of a contributor to a medical benefits fund or a hospital benefits fund (not being a person who is such a contributor by reason only that he or she is a dependant of another person who is such a contributor) in relation to a period if a determination under the next succeeding section in respect of the contributor was, or is to be deemed to have been, in force throughout that period.

Waiver of contributions, and reimbursement by Commonwealth of fund benefits, where income or means as assessed of contributor and family do not exceed a certain amount.

“(2.) Subject to the next succeeding sub-section, where—

- (a) a contributor to a medical benefits fund is a contributor for an approved scale of benefits;
- (b) the contributor lodges with the organization that conducts the fund a claim in respect of a professional service that has been rendered (whether before or after he became a contributor) to himself or to one of his dependants;
- (c) the professional service was rendered on or after the first day of January, One thousand nine hundred and seventy, and during a period in relation to which this section applies in respect of the contributor;
- (d) under a provision included in the rules of the organization for the purpose of enabling this section and the last preceding section to apply in relation to the organization, contributions were

not payable by the contributor to the fund in respect of that period or the payment of contributions by the contributor to the fund in respect of that period has been waived;

(e) the organization pays to, or to a person on behalf of, the contributor the fund benefit payable in respect of the professional service in accordance with the scale of benefits for which the contributor is a contributor; and

(f) a fund benefit in relation to which this sub-section applies has not been paid to, or to a person on behalf of, the contributor by any other registered medical benefits organization in respect of the same professional service,

there is payable to the organization by the Commonwealth an amount equal to the fund benefit referred to in paragraph (e) of this sub-section.

“(3.) The amount payable to an organization by the Commonwealth under the last preceding sub-section in respect of fund benefit paid by the organization in respect of a professional service rendered to, or to a dependant of, a contributor shall not exceed the amount (if any) by which ninety per centum of the fee charged for the professional service exceeds the amount of the Commonwealth benefit prescribed by this Act in respect of that professional service plus the amount (if any) paid or payable to, or to a person on behalf of, the contributor by any other registered medical benefits organization in respect of the same professional service.

“(4.) Where—

(a) a contributor to a hospital benefits fund is a contributor for an approved scale of benefits;

(b) the contributor lodges with the organization that conducts the fund a claim in respect of hospital treatment that has been received (whether before or after he became a contributor) by himself or one of his dependants;

(c) the hospital treatment was received on or after the first day of January, One thousand nine hundred and seventy, and during a period in relation to which this section applies in respect of the contributor;

(d) under a provision included in the rules of the organization for the purpose of enabling this section and the last preceding section to apply in relation to the organization, contributions were not payable by the contributor to the fund in respect of that period or the payment of contributions by the contributor to the fund in respect of that period has been waived; and

(e) the organization pays to, or to a person on behalf of, the contributor the fund benefit payable in respect of the hospital treatment in accordance with the scale of benefits for which the contributor is a contributor,

there is payable to the organization by the Commonwealth an amount equal to that fund benefit.

“(5.) The reference in the last preceding sub-section to fund benefit shall be read, in relation to any period of hospital treatment, as not including so much (if any) of the fund benefit in respect of that period as exceeds the amount (if any) by which the sum of the gross fees and extra charges incurred in respect of the contributor or dependant during that period is greater than the amount of Commonwealth and miscellaneous fund benefit payable in respect of the hospital treatment.

“82U.—(1.) This section applies to a person if—

(a) the person—

- (i) is married and is not living permanently apart from his or her spouse;
- (ii) is living with another person (not being a person to whom he or she is legally married) as the spouse of that other person on a permanent and *bona fide* domestic basis; or
- (iii) has in his custody, care and control a person who is under the age of sixteen years; and

(b) the person is not a pensioner.

Application by person for determination that income or means as assessed do not exceed a certain amount.

“(2.) A person to whom this section applies may apply to the Director-General for the making of a determination under this section.

“(3.) The application shall—

- (a) be made in writing in accordance with a form approved by the Director-General;
- (b) be supported by such declaration as is approved by the Director-General; and
- (c) be lodged with the Registrar whose office is nearest to the place of residence of the applicant.

“(4.) If the Director-General is satisfied that—

- (a) in the case of an applicant who, being a man, has not attained the age of sixty-five years or, being a woman, has not attained the age of sixty years—the weekly income of the applicant does not exceed Thirty-nine dollars; or
- (b) in the case of any other applicant—the means as assessed of the applicant do not exceed Two thousand and twenty-eight dollars,

he shall make a determination to that effect but, if not so satisfied, he shall refuse the application.

“(5.) Subject to the next succeeding sub-section, a determination has force on and from a date specified in the determination and continues in force until it is cancelled in accordance with sub-section (2.) or sub-section (3.) of section eighty-two ZC of this Act.

“(6.) A determination may be expressed to have taken effect on and from a date earlier than the date of making of the determination but not earlier than the date of lodgment of the application and, in that case, the determination shall be deemed to have been in force on and from the first-mentioned date.

“(7.) Notice of a determination, or of a decision refusing an application for a determination, under this section shall be served, as prescribed, on the applicant as soon as practicable after the determination or decision is made.

Certain contributors deemed not to be special account contributors.

“82v. A contributor who, but for this section, would be a special account contributor shall be deemed not to be a special account contributor in relation to any period in relation to which section eighty-two s or section eighty-two t of this Act applies in respect of the contributor.

Reimbursement by Commonwealth of fund benefit in respect of service rendered or treatment received during two months after immigrant enters Australia.

“82w.—(1.) Subject to the next succeeding sub-section, where—

- (a) an immigrant who is the holder of an entry permit, not being a temporary entry permit, in force under the *Migration Act* 1958–1966 is a contributor to a medical benefits fund for an approved scale of benefits;
- (b) the contributor lodges with the organization that conducts the fund a claim in respect of a professional service that has been rendered (whether before or after he became a contributor) to himself or to one of his dependants;
- (c) the professional service was rendered on or after the first day of January, One thousand nine hundred and seventy, and during the period of two months after the contributor first entered Australia;
- (d) the organization pays to, or to a person on behalf of, the contributor the fund benefit payable in respect of the professional service in accordance with the scale of benefits for which the contributor is a contributor; and
- (e) a fund benefit in relation to which this sub-section applies has not been paid to, or to a person on behalf of, the contributor by any other registered medical benefits organization in respect of the same professional service,

there is payable to the organization by the Commonwealth an amount equal to the fund benefit referred to in paragraph (d) of this sub-section.

“(2.) The amount payable to an organization by the Commonwealth under the last preceding sub-section in respect of fund benefit paid by the organization in respect of a professional service rendered to, or to a dependant of, a contributor shall not exceed the amount (if any) by which ninety per centum of the fee charged for the professional service exceeds the amount of the Commonwealth benefit prescribed by this Act in respect of that professional service plus the amount (if any) paid or payable to, or to a person on behalf of, the contributor by any other registered medical benefits organization in respect of the same professional service.

“(3.) Where—

- (a) an immigrant who is the holder of an entry permit, not being a temporary entry permit, in force under the *Migration Act* 1958–1966 is a contributor to a hospital benefits fund for an approved scale of benefits or for a scale of benefits that provides higher benefits than an approved scale of benefits;

- (b) the contributor lodges with the organization that conducts the fund a claim in respect of hospital treatment that has been received (whether before or after he became a contributor) by himself or by one of his dependants;
- (c) the hospital treatment was received on or after the first day of January, One thousand nine hundred and seventy, and during the period of two months after the contributor first entered Australia; and
- (d) the organization pays to, or to a person on behalf of, the contributor, in respect of the hospital treatment, an amount not less than an amount ascertained in accordance with the next succeeding sub-section,

there is payable to the organization by the Commonwealth an amount equal to the amount so ascertained.

“(4.) The amount referred to in the last preceding sub-section is—

- (a) if the scale of benefits for which the contributor is a contributor is an approved scale of benefits—an amount equal to the fund benefit payable in respect of the hospital treatment in accordance with that scale; or
- (b) in any other case—an amount equal to the fund benefit that would, if the contributor were a contributor for an approved scale of benefits, be payable in respect of the hospital treatment in accordance with that scale.

“(5.) The reference in the last preceding sub-section to fund benefit shall be read, in relation to any period of hospital treatment, as not including so much (if any) of the fund benefit in respect of that period as exceeds the amount (if any) by which the sum of the gross fees and extra charges incurred in respect of the contributor or dependant during that period is greater than the amount of Commonwealth and miscellaneous fund benefit payable in respect of the hospital treatment.

“ 82x. Where—

- (a) if an organization that conducts a medical benefits fund or a hospital benefits fund had paid a fund benefit to, or to a person on behalf of, a contributor to the fund, an amount (in this section referred to as ‘the relevant amount’) would be payable to the organization by the Commonwealth under this Division; and
- (b) the Director-General of Health of the Commonwealth is satisfied that the benefit has not been paid by the organization to, or to a person on behalf of, the contributor,

Payment to contributor in certain circumstances.

the Director-General of Health of the Commonwealth may authorize payment of an amount equal to the relevant amount to, or to a person on behalf of, the contributor.

“ 82y.—(1.) The Director-General of Health of the Commonwealth may, in his absolute discretion, on behalf of the Commonwealth, on such security and on such terms and conditions as he thinks fit, make an

Advances.

advance to a registered medical benefits organization or to a registered hospital benefits organization for the purpose of enabling the organization to make payments to contributors of fund benefits, being benefits upon the payment of which amounts become payable to the organization by the Commonwealth under this Division.

“(2.) Where an advance has been made in pursuance of the last preceding sub-section in respect of a month or other period and the total amount payable to the organization by the Commonwealth under this Division in respect of that month or other period is less than the amount advanced, the amount of the difference is recoverable by the Commonwealth in any court of competent jurisdiction as a debt due to the Commonwealth.

Management expenses.

“82Z. There are payable to a registered organization, from time to time, such amounts, if any, as the Minister determines on account of management expenses reasonably incurred by the organization in connexion with the operation of this Division in relation to that organization.

Claims by organizations.

“82ZA.—(1.) For the purpose of obtaining payments from the Commonwealth under this Division, a registered organization shall submit—

- (a) as soon as practicable after the end of a month, or of such other period as the Director-General of Health of the Commonwealth permits, a claim in the authorized form for payment of amounts payable by the Commonwealth under this Division in respect of that month or period; and
- (b) such information relating to the claim as is shown in the form to be required or as the Director-General of Health of the Commonwealth requests.

“(2.) Payments by the Commonwealth to a registered organization under this Division shall not be made except in respect of amounts included in a claim duly made and in relation to which any necessary information has been duly furnished.

Delegation.

“82ZB.—(1.) The Director-General may, either generally or otherwise as provided by the instrument of delegation, by writing under his hand, delegate to a First Assistant Director-General, to an Assistant Director-General, to a Director, to a Registrar or to any other officer all or any of his powers and functions under this Division, except this power of delegation.

“(2.) A power or function so delegated may be exercised or performed by the delegate in accordance with the instrument of delegation.

“(3.) Where under this Division the exercise or performance of any power or function by the Director-General, or the operation of any provision of this Division, is dependent upon the opinion, belief or state of mind of the Director-General in relation to any matter, that power or

function may be exercised or performed by the delegate of the Director-General, or that provision may operate, as the case may be, upon the opinion, belief or state of mind of the delegate in relation to that matter.

“(4.) A delegation under this section is revocable at will and does not prevent the exercise or performance of a power or function by the Director-General.

“82zc.—(1.) The Director-General may at any time review a determination (including a determination of the Director-General) in force under section eighty-two U of this Act and—

Review of determinations.

(a) shall review every such determination at the expiration of twelve months after the determination was made or last reviewed, as the case may be; and

(b) in the case of a determination that was made in relation to a person before the person, being a man, attained the age of sixty-five years or, being a woman, attained the age of sixty years—shall review the determination when the person attains that age.

“(2.) Where the Director-General reviews a determination otherwise than in pursuance of paragraph (b) of the last preceding sub-section, if he is satisfied that the person to whom the determination relates is a person to whom section eighty-two U of this Act applies and that—

(a) in the case of a person who, being a man, has not attained the age of sixty-five years or, being a woman, has not attained the age of sixty years—the weekly income of the person does not exceed Thirty-nine dollars; or

(b) in any other case—the means as assessed of the person do not exceed Two thousand and twenty-eight dollars,

he shall affirm the determination but, if not so satisfied, he shall cancel the determination.

“(3.) Where the Director-General reviews a determination in pursuance of paragraph (b) of sub-section (1.) of this section, if he is satisfied that the person to whom the determination relates is a person to whom section eighty-two U of this Act applies and that the means as assessed of the person do not exceed Two thousand and twenty-eight dollars, he shall vary the determination accordingly but, if not so satisfied, he shall cancel the determination.

“(4.) If the Director-General cancels a determination, the cancellation does not take effect until the expiration of four weeks after notice of the cancellation is served, as prescribed, on the person to whom the determination relates.

“82zd. A person affected by a decision of an officer under section eighty-two U or section eighty-two ZC of this Act (except a decision of the Director-General) may, within thirty days after notice of the decision has been served on the person, appeal to the Director-General and the Director-General may affirm or annul the decision.

Appeal to Director-General.

Application of
certain
provisions
of Social
Services Act.

“ 82ZE.—(1.) Sections forty-four and forty-five of the *Social Services Act* 1947–1969 apply, subject to such exceptions and modifications as are prescribed, in relation to a person in respect of whom a determination is in force under section eighty-two U of this Act as if that person were a pensioner within the meaning of those sections.

“ (2.) Section one hundred and forty-one of the *Social Services Act* 1947–1969 has effect as if the reference in that section to any matter which might affect the grant or payment of a pension, allowance, endowment or benefit under that Act included a reference to any matter that might affect the making of a determination under section eighty-two U of this Act or the review of such a determination.

“ (3.) Section one hundred and forty-two of the *Social Services Act* 1947–1969 has effect as if the reference in that section to the purposes of that Act included a reference to the purposes of this Division.

Officers to
observe
secrecy.

“ 82ZF.—(1.) A person shall not, directly or indirectly, except in the exercise of his powers, or in the performance of his functions, under this Division, and while he is, or after he ceases to be, an officer, make a record of, or divulge or communicate to any person, any information with respect to the affairs of another person acquired by him in the exercise of his powers, or in the performance of his functions, under this Division.

Penalty: Five hundred dollars.

“ (2.) A person who is, or has been, an officer shall not, except for the purposes of this Division, be required—

- (a) to produce in court a document that has come into his possession or under his control in the exercise of his powers, or the performance of his functions, under this Division; or
- (b) to divulge or communicate to a court any matter or thing that has come under his notice in the exercise of any such powers or in the performance of any such functions.

“ (3.) Notwithstanding anything contained in the last two preceding sub-sections, an officer may—

- (a) if the Minister of State for Social Services or the Director-General certifies that it is necessary in the public interest that any information acquired by the officer in the exercise of his powers, or in the performance of his functions, under this Division, should be divulged, divulge that information to such person as the Minister or the Director-General directs;
- (b) divulge any such information to the Director-General of Health of the Commonwealth, a prescribed authority or a prescribed person; or
- (c) divulge any such information to a person who, in the opinion of the Director-General, is expressly or impliedly authorized by the person to whom the information relates to obtain it.

“(4.) An authority or person to whom information is divulged under the last preceding sub-section, and a person or employee under the control of that authority or person, is, in respect of that information, entitled to rights and privileges, and subject to obligations and liabilities, under sub-sections (1.) and (2.) of this section as if he were a person performing functions under this Division and had acquired the information in the performance of those functions.

“ 82zG.—(1.) A person shall not make, either orally or in writing, a statement that is false or misleading in a material particular in or in connexion with, or in support of, an application made by the person or by another person under section eighty-two U of this Act. Offences.

Penalty: Two hundred dollars or imprisonment for six months.

“(2.) Where a person is convicted of an offence against the last preceding sub-section, the Court may, in addition to imposing a penalty in respect of the offence, order the person to pay to the Commonwealth an amount equal to any amount paid by the Commonwealth to an organization conducting a medical benefits fund or a hospital benefits fund, to the person or to any other person in consequence of the act that constituted the offence in respect of which he was convicted.

“(3.) For the purposes of the last preceding sub-section, a certificate, under the hand of the Director-General or a Director, that an amount specified in the certificate is the amount that has been paid to an organization conducting a medical benefits fund or a hospital benefits fund or to a person in consequence of an act specified in the certificate is evidence of the matters specified in the certificate.

“(4.) In the last preceding sub-section, the expressions ‘ the Director-General ’ and ‘ Director ’ have the meanings given to those expressions by section four of this Act.

“ 82ZH. A notice that is required or permitted by this Division to be served on a person may be served by being delivered to him personally or by being sent to him by post at the address of his place of residence or business last known to the person giving the notice.”. Service of notices.

16. Section 137 of the Principal Act is amended by adding at the end thereof the following sub-section:— Moneys from which payments under this Act are to be made.

“(3.) The last preceding sub-section does not apply in relation to amounts payable under section eighty-two Z of this Act.”.