



Health Legislation Amendment Act 1984

No. 135 of 1984

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Health Legislation Amendment Act 1984

No. 135 of 1984

An Act to amend various laws relating to health, and for other purposes

[Assented to 25 October 1984]

BE IT ENACTED by the Queen, and the Senate and the House of Representatives of the Commonwealth of Australia, as follows:

PART I—PRELIMINARY

Short title

1. This Act may be cited as the *Health Legislation Amendment Act 1984*.

Commencement

2. (1) Subject to this section, this Act shall come into operation on the day on which it receives the Royal Assent.
(2) Section 7 shall be deemed to have come into operation on 1 February 1984.
(3) Sections 11, 12, 15, 16, 17, 18, 19, 20, 21 and 26 shall come into operation on a day to be fixed by Proclamation.

**PART II—AMENDMENTS OF THE EPIDEMIOLOGICAL
STUDIES (CONFIDENTIALITY) ACT 1981**

Principal Act

3. The *Epidemiological Studies (Confidentiality) Act 1981*¹ is in this Part referred to as the Principal Act.

Interpretation

4. Section 3 of the Principal Act is amended by adding at the end thereof the following sub-section:

“(4) Unless the contrary intention appears, a reference in this Act to information or a document concerning the affairs of a person includes a reference to information or a document, as the case may be, concerning the affairs of a deceased person.”.

Publication of results of studies, &c.

5. Section 11 of the Principal Act is amended by adding at the end of sub-section (1) “(including a deceased person)”.

**PART III—AMENDMENTS OF THE HEALTH INSURANCE
ACT 1973**

Principal Act

6. The *Health Insurance Act 1973*² is in this Part referred to as the Principal Act.

Interpretation

7. Section 3 of the Principal Act is amended—

- (a) by omitting “hospital” (first occurring) from the definition of “approved bed” in sub-section (1) and substituting “private hospital within the meaning of Part III”;
- (b) by omitting from sub-section (1) the definition of “in-patient” and substituting the following definition:

“ ‘in-patient’, in relation to a hospital, means—

- (a) in the case of a private hospital within the meaning of Part III—a person who occupies an approved bed in the hospital; or
- (b) in the case of any other hospital—a person who occupies a bed in the hospital,

for the purpose of hospital treatment, but does not include—

- (c) a member of the staff of the hospital who is receiving treatment in his or her own quarters; or
 - (d) except as provided by sub-section (2), a newly-born child whose mother also occupies a bed in the hospital;”;
- and

- (c) by omitting from paragraph (2) (a) “an approved bed” and substituting “a bed”.

Certification of in-patient as needing acute care

8. (1) Section 3B of the Principal Act is amended by omitting from sub-section (1) “7” and substituting “14”.

(2) The amendment made by sub-section (1) applies to a certificate given under sub-section 3B (1) of the Principal Act as amended by this Act after the commencement of this section.

9. After section 3B of the Principal Act the following section is inserted:

Health services not specified in an item

“3C. (1) The Minister may, by writing, determine that—

(a) a specified health service, or a health service included in a specified class of health services, being a health service not specified in an item in the table, shall, or shall in specified circumstances, be treated, for the purposes of specified provisions of this Act, the regulations, the *National Health Act 1953* or the regulations under that Act, as if—

(i) the health service were whichever of the following is specified in the determination, namely:

(A) both a professional service and a medical service;

(B) a medical service; and

(ii) there were an item in the table that—

(A) related to the health service; and

(B) specified in respect of the health service a fee in relation to a State, being the fee and the State specified in the determination in relation to the health service; and

(b) a specified provision of the regulations, a specified instrument made under or given pursuant to this Act or a specified provision of a specified instrument made under or given pursuant to this Act, being a provision or instrument, as the case may be, in which all or any of the following are specified, namely, a professional service, medical service or item, shall, or shall in specified circumstances, have effect as if—

(i) the health service; or

(ii) the item that, by virtue of sub-paragraph (a) (ii), relates to the health service,

as the case requires, were also specified in the provision or instrument, as the case may be.

“(2) A determination made under sub-section (1) may be expressed to have taken effect from a day earlier than the day on which the determination was made (not being a day earlier than 1 February 1984).

“(3) A determination made under sub-section (1) may make provision for and in relation to the specification of a matter or thing by applying, adopting or incorporating, with or without modification, the provisions of this Act, the

regulations or a determination made under section 4A as in force at a particular time or as in force from time to time.

“(4) Sections 48, 49 and 50 of the *Acts Interpretation Act 1901* apply in relation to a determination made under sub-section (1) as if, in those sections, references to regulations were references to a determination, references to a regulation were references to a provision of a determination and references to a repeal were references to a revocation.

“(5) A determination made under sub-section (1) shall be deemed not to be a statutory rule within the meaning of the *Statutory Rules Publication Act 1903*, but sub-sections 5 (3) to (3C) (inclusive) of that Act apply in relation to a determination made under sub-section (1) in like manner as they apply in relation to a statutory rule.

“(6) For the purposes of the application of sub-section 5 (3B) of the *Statutory Rules Publication Act 1903* in accordance with sub-section (5), the reference in that first-mentioned sub-section to the Minister of State for Administrative Services shall be read as a reference to the Minister administering this Act.

“(7) For the purposes of this section, an internal Territory shall be deemed to form part of the State of New South Wales.

“(8) In this section—

‘health service’ means—

- (a) medical, surgical, obstetric, dental or optometrical treatment; and
- (b) any other prescribed service, or service included in a prescribed class of services, whether or not related to treatment referred to in paragraph (a), that relates to health,

but does not include the supply of prostheses otherwise than in connection with the rendering by an accredited dental practitioner of a service to a prescribed dental patient;

‘service’ includes the supply of goods.”.

PART IV—AMENDMENTS OF THE NATIONAL HEALTH ACT 1953

Principal Act

10. The *National Health Act 1953*³ is in this Part referred to as the Principal Act.

Interpretation

11. Section 4 of the Principal Act is amended—

- (a) by inserting before paragraph (a) of the definition of “qualified nursing home patient” in sub-section (1) the following paragraph:

“(aa) a short-term respite care patient;” and

- (b) by inserting after the definition of “restricted membership organization” in sub-section (1) the following definition:

“ ‘short-term respite care patient’ means a person—

- (a) whose admission to an approved nursing home has been approved by the Minister under section 40ABA; and
- (b) who occupies a bed in an approved nursing home temporarily vacated by a qualified nursing home patient, or a Repatriation nursing home patient, of the nursing home on a day on which the patient is absent from the nursing home pursuant to an agreement made under sub-section 4AA (2),

but does not include a Repatriation nursing home patient;”.

12. After section 4 of the Principal Act the following section is inserted:

Recognized days of absence of qualified nursing home patients, &c.

“4AA. (1) For the purposes of this Act, a day is a recognized day of absence of a qualified nursing home patient from an approved nursing home if—

- (a) the patient is absent from the nursing home on the day pursuant to an agreement made under sub-section (2); and
- (b) the day is, for the purposes of this section, an eligible day in relation to the patient.

“(2) For the purposes of this Act, a qualified nursing home patient, or a Repatriation nursing home patient, of an approved nursing home, or a person acting on behalf of such a patient, and the proprietor of the nursing home may enter into an agreement, in accordance with the appropriate common form of agreement authorized under sub-section (3), with respect to the absence of the patient from the nursing home.

“(3) The relevant Minister may, by writing, authorize a common form of agreement with respect to the absence of a qualified nursing home patient or a Repatriation nursing home patient, as the case requires, from an approved nursing home.

“(4) A common form of agreement shall make provision for and in relation to such matters as the relevant Minister considers appropriate.

“(5) Without limiting the generality of sub-section (4), a common form of agreement authorized under sub-section (3) with respect to the absence of a qualified nursing home patient or a Repatriation nursing home patient from an approved nursing home may make provision for and in relation to—

- (a) notices to be given by, or on behalf of, the patient to the proprietor of the nursing home in relation to the absence of the patient;
- (b) requiring the proprietor of the nursing home, upon the return of the patient in circumstances of a kind specified in the agreement, to allow the patient to occupy the same bed that the patient occupied immediately before the absence of the patient;

- (c) deeming the patient, for the purposes of this Act, to have been discharged from the nursing home in circumstances of a kind specified in the agreement;
- (d) except in the case of a Government nursing home, the fees or extra charges (in this section referred to as the 'bed retention fees') that may be charged in respect of the absence, or retention of the bed, of the patient; and
- (e) the deduction of Commonwealth benefit within the meaning of Part VA and other amounts from the bed retention fees.

“(6) For the purposes of this section, a day on which a qualified nursing home patient of an approved nursing home is absent from the nursing home during a period that is a relevant period in relation to the patient for the purposes of this section is an eligible day in relation to the patient if the number of recognized days of absence of the patient from the approved nursing home or another approved nursing home before that day during the relevant period does not exceed 27.

“(7) Subject to sub-section (8), for the purposes of this section, the following periods are relevant periods in relation to a qualified nursing home patient, namely:

- (a) in the case of a person who was, on the day of commencement of this section, a qualified nursing home patient—the period of 1 year commencing on that day and each subsequent period of 1 year;
- (b) in any other case—the period of 1 year commencing on the day on which the patient was admitted to an approved nursing home as a qualified nursing home patient and each subsequent period of 1 year.

“(8) Where a qualified nursing home patient is—

- (a) discharged from an approved nursing home; and
- (b) subsequently admitted to an approved nursing home as a qualified nursing home patient otherwise than by way of a transfer from the first-mentioned nursing home,

sub-section (7) does not apply in relation to the patient and, for the purposes of this section, the following periods are relevant periods in relation to the patient, namely, the period of 1 year commencing on the day on which the patient was last admitted to an approved nursing home (otherwise than by way of transfer from another approved nursing home) and each subsequent period of 1 year.

“(9) For the purposes of sections 47, 48, 49, 59 and 60A—

- (a) a qualified nursing home patient shall be deemed to be receiving nursing home care in an approved nursing home and to be a qualified nursing home patient in the nursing home on each recognized day of absence of the patient from the nursing home; and
- (b) a reference to the fees charged in respect of nursing home care of the patient on such a day is a reference to the bed retention fees charged in respect of the patient for that day.

“(10) Where a qualified nursing home patient or a Repatriation nursing home patient dies while absent from an approved nursing home pursuant to an agreement under sub-section (2)—

- (a) the definition of ‘short-term respite care patient’ in sub-section 4 (1), this section and sub-sections 40AA (6) and 40AB (5A) have effect as if the patient—
 - (i) had been absent on each day (if any) after the death of the patient and before the day next following the day on which the proprietor was informed of the death of the patient; and
 - (ii) had died at the end of the last of the days first referred to in sub-paragraph (i); and
- (b) if the proprietor of the nursing home is not informed of the death within the period of 48 hours after the death, the proprietor shall be taken, for the purposes of paragraph (a), to have been so informed at the end of the period of 48 hours after the death of the patient.

“(11) A reference in sub-section (3) or (4) to the relevant Minister is a reference to—

- (a) in a case where the sub-section applies in relation to a common form of agreement with respect to the absence of a qualified nursing home patient from an approved nursing home—the Minister administering this Act; or
- (b) in a case where the sub-section applies in relation to a common form of agreement with respect to the absence of a Repatriation nursing home patient from an approved nursing home—the Minister administering the *Repatriation Act 1920*.”.

Provision of medical and surgical aids and appliances, &c., by the Commonwealth

13. Section 9A of the Principal Act is amended—

- (a) by omitting from sub-sections (1) and (2) “Australia” (wherever occurring) and substituting “the Commonwealth”;
- (b) by omitting from paragraph (1) (a) “and” (last occurring);
- (c) by inserting after paragraph (1) (a) the following paragraph:
 - “(aa) the repair and maintenance of, and the supply of parts (including batteries) for, hearing aids that are used by persons who require them; and”;
- (d) by omitting from sub-section (2) “A hearing aid” and substituting “Subject to the provisions of an arrangement made under sub-section 9C (1), a hearing aid”.

14. After section 9B of the Principal Act the following section is inserted:

Arrangements with States for provision of surgical aids and appliances, &c.

“9C. (1) The Minister may, on behalf of the Commonwealth, enter into an arrangement with a State, a Territory or a body corporate established for a public purpose under a law of a State or Territory for and in relation to—

- (a) the supply of medical or surgical aids, equipment or appliances prescribed for the purposes of paragraph 9A (1) (a) to persons who require them; and
- (b) the making of any modifications to a building, vehicle or equipment that are necessary for the treatment or rehabilitation of a sick or disabled person.

“(2) Without limiting the generality of sub-section (1), an arrangement entered into under that sub-section with a State, a Territory or a body corporate may provide for—

- (a) the payment by the Commonwealth of amounts to the State, Territory or body corporate, as the case may be, in connection with the carrying out of the arrangement; and
- (b) the transfer to the State, Territory or body corporate, as the case may be, of medical or surgical aids, equipment or appliances owned by the Commonwealth.

“(3) For the purposes of section 137, any payment made pursuant to a provision of the kind referred to in paragraph (2) (a) of this section shall be deemed not to be expenditure of a capital nature.

“(4) An arrangement entered into under sub-section (1) may be expressed to have taken effect from a day earlier than the day on which the arrangement was entered into.

“(5) In this section, ‘Territory’ includes an external Territory to which this Act extends.”.

Approval of nursing home

15. Section 40AA of the Principal Act is amended—

(a) by inserting after paragraph (6) (b) the following paragraphs:

“(ba) a condition that, where an agreement is entered into under sub-section 4AA (2) between the proprietor and a qualified nursing home patient, or a Repatriation nursing home patient, of the nursing home, or a person acting on behalf of such a patient, with respect to the absence of the patient, the proprietor shall comply with the agreement;

(bb) a condition that, where a qualified nursing home patient, or a Repatriation nursing home patient, of the nursing home (in this paragraph referred to as the ‘permanent patient’) is absent from the nursing home pursuant to an agreement of

the kind referred to in paragraph (ba), the proprietor shall not—

- (i) allow the bed that the permanent patient occupied before the absence of the permanent patient (in this paragraph referred to as the ‘permanent patient’s bed’) to be occupied during the absence of the permanent patient by a person other than a person whose admission to the nursing home has been approved by the Minister under section 40ABA or who is a Repatriation nursing home patient; or
 - (ii) in a case where the nursing home is not a Government nursing home, charge a short-term respite care patient who occupies the permanent patient’s bed during the absence of the permanent patient a fee in respect of nursing home care that exceeds the difference between—
 - (A) the maximum fee that, had the permanent patient been receiving nursing home care in the nursing home as a qualified nursing home patient (other than a qualified nursing home patient in respect of whom an approval under section 40AF is in force) on that day, the permanent patient could have been charged for the nursing home care without contravening the condition set out in sub-paragraph (c) (i); and
 - (B) the amount of the Commonwealth benefit that, had the permanent patient been receiving nursing home care in the nursing home as a qualified nursing home patient (other than a qualified nursing home patient in respect of whom an approval under section 40AF is in force) on that day, would have been payable under section 47;”;
- (b) by inserting in sub-paragraph (6) (c) (ii) and paragraph (6) (ca) “or a short-term respite care patient” after “patient” (first occurring);
- (c) by inserting after paragraph (6) (ca) the following paragraphs:
- “(cb) a condition that, where the proprietor of the nursing home enters into an agreement under sub-section 4AA (2) or is given a notice pursuant to such an agreement, the proprietor shall, subject to any request made pursuant to paragraph (cc), file the agreement or notice, and keep the agreement or notice filed, with the records of the nursing home kept in compliance with section 61;
 - (cc) a condition that, where the Minister, by notice in writing served, either personally or by post, on the proprietor of the

nursing home, requests the proprietor to produce to an officer of the Department specified in the request, in accordance with the request, such documents, being agreements entered into by the proprietor under sub-section 4AA (2) or notices given to the proprietor pursuant to such agreements, as are specified in the request, the proprietor shall comply with the request to the extent that the proprietor is capable of doing so;”;

- (d) by inserting in sub-paragraphs (6) (d) (i) and (ii) and sub-section (6B) “, short-term respite care patients” after “patients” (first occurring); and
- (e) by adding at the end thereof the following sub-sections:

“(10) Where—

- (a) a person is admitted to an approved nursing home as a short-term respite care patient without prior approval under section 40ABA being obtained to the admission; and

(b) the Minister is satisfied—

- (i) that the circumstances of the admission were such that it was not practicable for prior approval to be obtained; and

- (ii) that, if an application for approval had been made under section 40ABA at the time of the admission, the application would have been approved,

the Minister shall approve the admission but, if not so satisfied, shall refuse to approve the admission and, in either case, shall notify the person, in writing, accordingly.

“(11) An approval under sub-section (10) has effect, for the purposes of this Act, as if it had been given under section 40ABA before the admission.

“(12) For the purposes of calculating the amount referred to in sub-sub-paragraph (6) (bb) (ii) (B), the effect (if any) of section 59 shall be disregarded.”.

Approval of admission as qualified nursing home patient

16. Section 40AB of the Principal Act is amended—

- (a) by inserting after sub-section (5) the following sub-sections:

“(5A) Where a person ceases to be a short-term respite care patient upon the death or discharge from an approved nursing home of the qualified nursing home patient or Repatriation nursing home patient whose bed in the nursing home the person was occupying, the person shall—

- (a) immediately after the end of the day on which the person ceases to be a short-term respite care patient, be taken to have been admitted to the nursing home as a qualified nursing home

patient with the approval of the Minister under this section;
and

- (b) be taken to be, or to have been, a qualified nursing home patient for such period after that day as the Minister, by writing, determines.

“(5B) Where the Minister makes a decision under paragraph (5A) (b) in relation to a person who, immediately before the period referred to in that paragraph, was a short-term respite care patient, the Minister shall cause to be served on the person or the person who applied under section 40ABA on behalf of the first-mentioned person for the admission of the first-mentioned person to the nursing home, as the case requires, and on the proprietor of the nursing home, either personally or by post, notice in writing setting out that decision.”.

17. After section 40AB of the Principal Act the following section is inserted:

Approval of admission as short-term respite care patient

“40ABA. (1) A person may, on the person’s own behalf or on behalf of another person, apply to the Minister, in accordance with the authorized form, for approval for the admission of himself or herself or of the other person, as the case may be, to an approved nursing home as a short-term respite care patient.

“(2) An application under sub-section (1) shall include a certificate, in accordance with the authorized form, by a medical practitioner that the person in respect of whose admission approval is sought, by reason of infirmity or illness, disease, incapacity or disability, has a need for nursing care.

“(3) Subject to this section, where the Minister is satisfied, with respect to an application under sub-section (1), that, by reason of infirmity or illness, disease, incapacity or disability, the patient requires such nursing care as would warrant the admission of the patient to an approved nursing home as a short-term respite care patient, the Minister shall approve the application.

“(4) For the purposes of sub-section (3), a patient shall be deemed not to require such nursing care as would warrant the admission of the patient to an approved nursing home as a short-term respite care patient if the Minister is satisfied that, having regard to the medical condition of the patient and to any other relevant circumstances, the needs of the patient would be adequately, and more suitably, provided for in accommodation in an institution other than an approved nursing home and that such accommodation is available to the patient.

“(5) Where, immediately before the date on which application was made for approval of premises as an approved nursing home or for an alteration of the conditions applicable to the nursing home of the kind referred to in paragraph 39A (3) (b), a certificate was in force under section 39A specifying a special purpose in relation to the nursing home, the Minister may refuse to approve an application for the admission of a person to the nursing home as a

short-term respite care patient if the Minister is satisfied that the admission of the person would be inconsistent with that special purpose.

“(6) The Minister may refuse to approve an application for the admission of a person to an approved nursing home as a short-term respite care patient if the admission is to take place during a period of suspension of the approval of the nursing home.

“(7) Where the Minister makes a decision under this section refusing to approve an application for the admission of a person to an approved nursing home as a short-term respite care patient, the Minister shall cause to be served, either personally or by post, on the applicant for that admission, a notice in writing setting out that decision.

“(8) Without limiting the generality of directions that may be given under section 6 to a delegate of a power under this section or sub-section 40AA (10), such a direction may make provision—

- (a) requiring the delegate to exercise the delegate’s delegated powers in accordance with the views of a group of persons;
- (b) for the manner in which that group is to be constituted; and
- (c) for the procedures to be followed in ascertaining the views of that group.”.

Alteration of conditions applicable to nursing home

18. Section 40AD of the Principal Act is amended by inserting after sub-section (1A) the following sub-section:

“(1AA) For the purposes of sub-section (1A), a qualified nursing home patient or a Repatriation nursing home patient shall be taken to have occupied a bed in a nursing home on each day on which the patient was absent from the nursing home pursuant to an agreement made under sub-section 4AA (2).”.

Inspection of, and of records of, approved nursing homes

19. Section 42 of the Principal Act is amended by inserting in sub-paragraph (1) (b) (ii) “or (cb)” after “paragraph 40AA (6) (ca)”.

Furnishing of audited accounts of proprietors of certain approved nursing homes

20. Section 43A of the Principal Act is amended by inserting in sub-section (1) “or (cb)” after “paragraph 40AA (6) (ca)”.

Effect of suspension of approval of nursing home

21. Section 45B of the Principal Act is amended by inserting after paragraph (b) the following paragraph:

- “(ba) sub-section 40ABA (6);”.

Application by organizations for registration as health benefits organizations

22. (1) Section 68 of the Principal Act is amended by omitting from sub-paragraphs (2) (c) (v) and (4) (c) (iv) “Trustees” and substituting “Administrators”.

(2) Where, immediately before the commencement of this section, the rules of a registered health benefits organization authorized the organization to pay amounts from a health benefits fund conducted by the organization to the former Fund in accordance with determinations made by the Trustees of the former Fund under section 73BC of the Principal Act, the rules shall, by force of this sub-section, be deemed to authorize the organization to pay amounts from the health benefits fund to the Health Benefits Reinsurance Trust Fund in accordance with determinations made by the Administrators of that last-mentioned Fund under section 73BC of the Principal Act as amended by this Act.

(3) In sub-section (2), “former Fund” means the Health Benefits Reinsurance Trust Fund that was established pursuant to the Principal Act and in existence immediately before the commencement of this section.

Health Benefits Reinsurance Trust Fund

23. (1) Section 73BC of the Principal Act is amended—

(a) by omitting sub-sections (2), (3), (4) and (5) and substituting the following sub-sections:

“(2) There is established by this sub-section a fund, to be known as the Health Benefits Reinsurance Trust Fund.

“(3) Income received from the investment of moneys standing to the credit of the Fund forms part of the Fund.

“(4) The Fund is a Trust Account for the purposes of section 62A of the *Audit Act 1901*.

“(5) There shall be paid into the Fund—

(a) such amounts as are appropriated from time to time by the Parliament;

(b) payments determined pursuant to sub-section (6) or (9); and

(c) the amount standing to the credit of the former Fund immediately before the commencement of this sub-section.

“(5A) There shall be paid out of the Fund amounts determined pursuant to sub-section (12).

“(5B) The Minister shall appoint such number of Administrators of the Fund as the Minister considers necessary.

“(5C) The Administrators hold office at the pleasure of the Minister.

“(5D) The Administrators shall exercise their powers under this section in accordance with principles determined, in writing, by the Minister and notified to the Administrators.”;

- (b) by omitting from sub-sections (6), (8), (9), (10) and (11) “Trustees” and substituting “Administrators”;
- (c) by omitting sub-section (7);
- (d) by omitting from sub-section (12) “trustees may pay an amount out of the fund” and substituting “Administrators may determine that an amount be paid out of the Fund”;
- (e) by omitting from sub-section (12) “trustees” (last occurring) and substituting “Administrators”; and
- (f) by omitting sub-section (13) and substituting the following sub-section:
 - “(13) In this section—
 - ‘Administrator’ means an Administrator of the Fund appointed under sub-section (5B);
 - ‘former Fund’ means the Health Benefits Reinsurance Trust Fund that was established pursuant to this Act and in existence immediately before the commencement of this sub-section;
 - ‘Fund’ means the Health Benefits Reinsurance Trust Fund established by sub-section (2).”.

(2) The money of the former Fund shall, upon the commencement of this section, be vested in the Minister for Finance.

(3) Where a person was, immediately before the commencement of this section, a Trustee appointed pursuant to sub-section 73BC (2) of the Principal Act, the appointment has effect, after that commencement, as if it were an appointment of the person as an Administrator made pursuant to sub-section 73BC (5B) of the Principal Act as amended by this Act.

(4) A condition, determination, notification or direction made pursuant to, or applying by virtue of, sub-section 73BC (6), (9) or (12) of the Principal Act and in force immediately before the commencement of this section has effect, after the commencement of this section, as if it were a condition, determination, notification or direction, as the case may be, made pursuant to, or applying by virtue of, sub-section 73BC (6), (9) or (12), as the case may be, of the Principal Act as amended by this Act.

Remuneration and allowances of Administrators of Health Benefits Reinsurance Trust Fund

24. (1) Section 73BD of the Principal Act is amended by omitting from sub-sections (1) and (2) “A Trustee” and substituting “An Administrator”.

(2) A determination by the Remuneration Tribunal of the remuneration or allowances of the Trustees of the former Fund in operation immediately before the commencement of this section has effect, after that commencement, as if it were a determination by the Remuneration Tribunal of the remuneration or

allowances, as the case may be, of the Administrators of the Health Benefits Reinsurance Trust Fund.

(3) In sub-section (2), “former Fund” means the Health Benefits Reinsurance Trust Fund that was established pursuant to the Principal Act and in existence immediately before the commencement of this section.

Powers of authorized persons

25. Section 104 of the Principal Act is amended by omitting sub-section (2).

Applications for review by Tribunal of certain decisions under Part V

26. Section 105AAB of the Principal Act is amended by omitting from sub-section (1) “or (8), section 40AB” and substituting “, (8) or (10), section 40AB, 40ABA”.

PART V—AMENDMENTS OF THE TUBERCULOSIS ACT 1948

Principal Act

27. The *Tuberculosis Act 1948*^a is in this Part referred to as the Principal Act.

Payments to sufferers from tuberculosis and their dependants

28. Section 9 of the Principal Act is amended—

- (a) by omitting from sub-section (1) “the next sub-section” and substituting “sub-sections (2), (4) and (5)”; and
- (b) by adding at the end thereof the following sub-sections:

“(4) An allowance under sub-section (1) shall not be granted to, or in respect of, a sufferer from tuberculosis unless the allowance is granted pursuant to an application or claim lodged before 1 November 1984 in accordance with the determination made under sub-section (2).

“(5) An allowance under sub-section (1) shall not be granted to, or in respect of, a dependant of a sufferer from tuberculosis if, by virtue of sub-section (4), an allowance under sub-section (1) is not payable to, or in respect of, the sufferer.”.

Health Legislation Amendment No. 135, 1984

NOTES

1. No. 148, 1981.
2. No. 42, 1974, as amended. For previous amendments, see No. 58, 1975; Nos. 59, 91, 101, 109 and 157, 1976; No. 75, 1977; Nos. 36, 89 and 133, 1978; Nos. 53 and 123, 1979; No. 132, 1980; Nos. 118 and 176, 1981; Nos. 49, 80 and 112, 1982; Nos. 54 and 139, 1983; and Nos. 15, 46 and 63, 1984.
3. No. 95, 1953, as amended. For previous amendments, see 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; No. 100, 1968; No. 102, 1969; No. 41, 1970; No. 85, 1971; No. 114, 1972; Nos. 49 and 202, 1973; No. 37, 1974; Nos. 1, 13 and 93, 1975; Nos. 1, 60, 91, 99, 108, 157 and 177, 1976; Nos. 98 and 100, 1977; Nos. 36, 88, 132 and 189, 1978; Nos. 54, 91 and 122, 1979; Nos. 117 and 131, 1980; Nos. 40, 74, 92, 118, 163 and 176, 1981; Nos. 49, 80 and 112, 1982; Nos. 35, 54 and 139, 1983; and Nos. 46, 63 and 72, 1984.
4. No. 46, 1948, as amended. For previous amendments, see No. 216, 1973.