



Health and Community Services Legislation Amendment Act 1991

No. 211 of 1991

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1974



Health and Community Services Legislation Amendment Act 1991

No. 211 of 1991

An Act to amend the *National Health Act 1953* in relation to private health insurance, nursing homes and pharmaceutical benefits, to amend the *Health Insurance Act 1973* in relation to diagnostic imaging and pathology services, to repeal certain redundant provisions of the *Health Insurance Amendment Act 1982*, to amend the *Aged or Disabled Persons Homes Act 1954* in relation to hostels and community aged care services, to amend certain other Acts relating to health and community services, and for incidental purposes

[Assented to 24 December 1991]

The Parliament of Australia enacts:

PART 1—PRELIMINARY

Short title

1. This Act may be cited as the *Health and Community Services Legislation Amendment Act 1991*.

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Commencement

2.(1) Subject to this section, this Act commences on the day on which it receives the Royal Assent.

(2) Sections 10 and 11 commence on 29 April 1992.

(3) Part 5 is taken to have commenced on 19 August 1991.

(4) Sections 35, 37 and 39 commence on 1 April 1992.

**PART 2—AMENDMENTS OF THE AGED OR DISABLED
PERSONS HOMES ACT 1954**

Principal Act

3. In this Part, “**Principal Act**” means the *Aged or Disabled Persons Homes Act 1954*¹.

Long Title

4. The title of the Principal Act is amended by omitting “Homes” and substituting “Care”.

Short title

5. Section 1 of the Principal Act is amended by omitting “*Homes*” and substituting “*Care*”.

Interpretation

6. Section 2 of the Principal Act is amended:

(a) by adding at the end of the definition of “eligible person” in subsection (1) the following word and paragraph:

“; and (d) an aged or disabled person who:

(i) is assessed as requiring community aged care services; and

(ii) is not living in:

(A) a hostel; or

(B) a hospital; or

(C) a nursing home within the meaning of the *National Health Act 1953* or the *Nursing Homes Assistance Act 1974*; or

(D) an institution carried on exclusively or primarily for the treatment of mentally ill or mentally defective persons, being an institution conducted by, or in receipt of a grant for maintenance from, a State; or

(E) premises the maintenance expenditure of which is provided for under an

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arrangement entered into under the
Tuberculosis Act 1948;"

- (b) by omitting from subsection (1) the definition of "relevant period" and substituting the following definition:

"**'relevant period'** means:

- (a) for the purposes of Parts II and III, the period of 12 months beginning on 1 July 1989 or on 1 July of any subsequent year; and

- (b) for the purposes of Part IIIA:

- (i) the period of 6 months beginning on 1 January 1992; or

- (ii) the period of 12 months beginning on 1 July 1992 or on 1 July of any subsequent year;"

- (c) by inserting in subsection (1) the following definitions:

"**'approved operator'** means an organisation in relation to which an approval under section 10AB is in force;

'approved provider' means an organisation in relation to which an approval under section 10GC is in force;

'community aged care services' means care services that:

- (a) are provided to maintain a person in his or her own home; and

- (b) are of a kind in relation to which an approval under section 10GA is in force;

'Community Aged Care Services General Conditions' means the conditions formulated under section 10GI;

'community aged care services package' means the combination of community aged care services that are to be provided to an eligible person by an organisation;

'organisation' means a person or a group of individuals;"

Purpose

7. Section 3 of the Principal Act is amended by adding at the end of subsection (1), the following word and paragraph:

"; and (c) the provision of community aged care services to eligible persons."

8. After section 10A of the Principal Act, the following sections are inserted:

Approved operators in relation to approved hostels

"10AB.(1) An organisation may apply for approval by the Minister as an approved operator of hostels.

"(2) An application must be in writing in a form approved by the Minister.

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“(3) Where the Minister is satisfied that the applicant is a suitable organisation to operate hostels, the Minister must approve the organisation as an approved operator of hostels.

“(4) The Minister, in exercising his or her powers under subsection (3), must comply with any relevant principles in force under subsection (5).

“(5) The Minister may set out in writing principles to be complied with by the Minister with respect to his or her powers under subsection (3).

Note: See section 10HA for the time when principles come into force.

“(6) If the Minister does not grant an approval in accordance with an application under this section, the Minister must refuse the application and notify the applicant, in writing, of the refusal and the reason for the refusal.

“(7) An organisation that, immediately before the commencement of this section:

- (a) operated an approved hostel; or
- (b) was the holder of a certificate in force under subsection 9AB(3), (6), (8) or (10);

is taken to be approved under this section as an operator of hostels.

Revocation of approval

“10AC.(1) If the Minister:

- (a) is of the opinion that an organisation that is an approved operator is no longer a suitable organisation to operate hostels; and
- (b) is considering revoking the approval of the organisation as an approved operator;

the Minister may, by notice in writing to the organisation, inform it of those facts and the reason why the Minister has formed that opinion.

“(2) The organisation may, within 14 days after receiving the notice, make a written submission to the Minister stating reasons why the approval should not be revoked.

“(3) The Minister may revoke an organisation’s approval if:

- (a) the organisation does not make a submission under subsection (2); or
- (b) after considering any submission made by the organisation, the Minister is still of the opinion that it is no longer a suitable organisation to operate hostels.

“(4) The Minister, in exercising powers under this section, must comply with any relevant principles in force under subsection (5).

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“(5) The Minister may set out in writing principles to be complied with by the Minister with respect to his or her powers under this section.

Note: See section 10HA for the time when principles come into force.

“(6) Where the Minister revokes the approval of an organisation under this section, the Minister is to notify the organisation, in writing, accordingly.”.

Approval of hostels for recurrent funding purposes

9. Section 10B of the Principal Act is amended by inserting after subsection (3) the following subsections:

“(3A) The Minister must not approve a hostel under subsection (2) if the organisation operating the hostel is not an approved operator.

“(3B) The approval of a hostel is subject to the condition that the hostel is at all times operated by an approved operator.”.

Payments of financial assistance

10. Section 10D of the Principal Act is amended:

(a) by omitting from paragraph (1)(b) all words from and including “an amount” and substituting “an amount calculated at such rate determined by the Minister under subsection (2A) as is applicable to that place because of the classification of the eligible person occupying the place”;

(b) by inserting after subsection (2) the following subsection:

“(2A) The Minister must determine in writing 3 different rates for the purposes of paragraph (1)(b) taking into account the different classifications of the eligible persons that may occupy the approved hostel place referred to in that paragraph.”.

General conditions of recurrent subsidies

11. Section 10F of the Principal Act is amended by inserting after paragraph (2)(b) the following paragraph:

“(ba) the classification of persons:

(i) occupying hostel places (other than approved respite care places); and

(ii) assessed as requiring hostel care services and personal care services;

into 3 different classes according to the degree of their need of personal care services;”.

Revocation or suspension of approval or variation of agreement

12. Section 10FAA of the Principal Act is amended:

(a) by omitting from subsection (2) “by virtue of section 10C,

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whether a General Condition or a condition of an agreement entered into under section 10FA,”;

(b) by inserting in paragraph (2)(a) “or suspend” after “revoke”;

(c) by inserting before paragraph (4)(a) the following paragraph:

“(aa) makes a determination under subsection (2) revoking or suspending an approval; or”;

(d) by omitting from paragraph (4)(a) “(2) or”;

(e) by inserting in subsection (4) “or suspended” after “end”;

(f) by inserting after subsection (4) the following subsection:

“(4A) If the Minister suspends an approval in respect of a hostel, the determination must set out the period of suspension.”.

(g) by omitting subsections (6) and (7).

13. After section 10FAA of the Principal Act the following section is inserted:

Automatic revocation of approval of certain hostels

“10FC.(1) This section applies in spite of any other provision of this Act.

“(2) In this section:

‘**Commonwealth/State Disability Agreement**’ means the Commonwealth/State Disability Agreement made on 30 July 1991 between the Commonwealth on the one part and the States and Territories on the other part;

‘**scheduled hostel**’ means a hostel whose name and address is specified in column 2 of an item in Schedule 2, being the hostel to which the notice of approval issued by the Minister under subsection 10B(2) and bearing the approval number specified in column 4 of that item relates.

“(3) The approval of a scheduled hostel (unless sooner revoked) is, by force of this subsection, revoked immediately before the day on which the provisions (other than subclauses 1(1) and (2)) of the Commonwealth/State Disability Agreement come into force in respect of the State in which the scheduled hostel is situated.”.

Appropriation

14. Section 10G of the Principal Act is repealed.

15. After Part III of the Principal Act the following Part is inserted:

“PART IIIA—COMMUNITY AGED CARE SERVICES

“Division 1—Preliminary

Object of Part

“10G. The object of this Part is to make provision for financial assistance to be payable to organisations providing community aged care services to eligible aged or disabled persons not living in institutions.

Minister may approve community aged care services

“10GA. The Minister may by notice published in the *Gazette* approve particular kinds of care services as community aged care services for the purposes of this Act.

Minister may specify maximum number of community aged care services packages for a State or Territory

“10GB. The Minister may, by notice published in the *Gazette*, specify the maximum number of community aged care services packages for which financial assistance may be payable in a relevant period in a State or Territory.

Minister may approve organisations as community aged care services providers

“10GC.(1) An organisation may apply for approval by the Minister as an approved provider of community aged care services.

“(2) An application must be in writing in a form approved by the Minister.

“(3) If the Minister is satisfied that the applicant would be a suitable organisation to provide community aged care services to eligible persons, the Minister must approve the organisation as an approved provider of community aged care services.

“(4) The Minister, in exercising his or her powers under subsection (3), must comply with any relevant principles in force under subsection (5).

“(5) The Minister may set out in writing principles to be complied with by the Minister with respect to his or her powers under subsection (3).

Note: See section 10HA for the time when principles come into force.

“(6) If the Minister does not grant an approval in accordance with an application under this section, the Minister must refuse the application and notify the applicant, in writing, of the refusal and the reason for the refusal.

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Minister may revoke approval as a community aged care services provider

“10GD.(1) If the Minister:

- (a) is of the opinion that an organisation that is an approved provider of community aged care services is no longer a suitable organisation to provide community aged care services; and
- (b) is considering revoking the approval of the organisation;

the Minister may, by notice in writing given to the organisation, inform the organisation of those facts and the reason why the Minister has formed that opinion.

“(2) The organisation may, within 14 days after receiving the notice, make a written submission to the Minister stating reasons why the approval should not be revoked.

“(3) The Minister may revoke an organisation’s approval if:

- (a) the organisation does not make a submission under subsection (2); or
- (b) after considering any submission made by the organisation, the Minister is still of the opinion that it is no longer a suitable organisation to provide community aged care services.

“(4) The Minister, in exercising powers under subsection (3), must comply with any relevant principles in force under subsection (5).

“(5) The Minister may set out in writing principles to be complied with by the Minister with respect to his or her powers under subsection (3).

Note: See section 10HA for the time when principles come into force.

“(6) If the Minister revokes the approval of an organisation, the Minister is to notify the organisation, in writing, accordingly.

“Division 2—Financial assistance

How to obtain financial assistance under this Part

“10GE. If an organisation wishes to receive financial assistance for providing community aged care services packages it must:

- (a) be an approved provider of community aged care services; and
- (b) apply for financial assistance under section 10GF; and
- (c) if a grant of financial assistance is approved, enter into an agreement with the Minister under section 10GG.

Approval of grant of financial assistance

“10GF.(1) An organisation that is an approved provider may apply, in writing, for financial assistance for the community aged care services packages that it provides, or proposes to provide, to eligible persons.

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“(2) The application must specify:

- (a) the number of community aged care services packages for which the organisation is seeking financial assistance; and
- (b) the region where the organisation provides, or proposes to provide (as the case may be), those community aged care services packages.

“(3) The Minister may, in writing, approve the grant of financial assistance to the organisation specifying:

- (a) the number of community aged care services packages for which financial assistance will be payable; and
- (b) the region where the packages are to be provided.

“(4) The number of community aged care services packages specified by the Minister may be fewer than the number specified in the application.

“(5) The region specified by the Minister may be different from the region specified in the application.

“(6) In exercising his or her powers under this section, the Minister must comply with any relevant principles in force under subsection (7).

“(7) The Minister may, by instrument in writing, set out principles to be complied with by the Minister with respect to the exercise of his or her powers under subsection (3).

“(8) If the Minister does not approve the grant of financial assistance to the organisation, the Minister must notify the applicant, in writing, accordingly.

“(9) If the Minister approves the grant of financial assistance to the organisation, the Minister must, in writing:

- (a) notify the organisation of the approval; and
- (b) inform the organisation:
 - (i) that it must enter into an agreement under section 10GG within the period (being not less than 30 days) specified in the notice; and
 - (ii) that it must start providing community aged care services packages to eligible persons before the day specified in the notice.

Organisation to enter into agreement

“10GG.(1) If the Minister approves a grant of financial assistance to an organisation, the organisation and the Minister must enter into an agreement that:

- (a) specifies, or makes provision for determining, the day from which financial assistance will be payable; and

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- (b) specifies the number of community aged care services packages for which financial assistance will be payable to the organisation; and
- (c) if the Minister considers it appropriate to do so—specifies:
 - (i) the classes of eligible persons to whom packages may be made available; and
 - (ii) the number or proportion of the packages to be made available to persons of each class; and
- (d) specifies the region where the packages are to be provided; and
- (e) specifies any other conditions to which the payment of financial assistance is subject.

“(2) The day specified or determined under paragraph (1)(a) may not be a day before the day on which the agreement is entered into.

“(3) If other conditions are specified under paragraph (1)(e), they may not be inconsistent with the Community Aged Care Services General Conditions.

“(4) An agreement may be varied by agreement between the parties to it or by the Minister alone under section 10GM.

“(5) An agreement may not, at any time, specify a particular number of community aged care services packages in respect of which financial assistance is payable if, as a result, the number of community aged care services packages for which financial assistance under this Part would be payable in a State or Territory would be more than the maximum number of packages specified for that State or Territory for the current relevant period.

Financial assistance

“10GH.(1) Financial assistance is payable in accordance with this section to an organisation if:

- (a) the Minister has approved a grant of financial assistance to the organisation under section 10GF; and
- (b) the Minister and the organisation have entered into an agreement under section 10GG.

“(2) Financial assistance is payable, at the rate determined by the Minister by written instrument, for the community aged care services packages made available in accordance with the agreement by the organisation to eligible persons assessed as requiring community aged care services.

“(3) The Minister may determine a rate by determining a method of calculating the rate.

“(4) Payments of financial assistance must be made in the manner and at the times determined by the Minister.

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“(5) Financial assistance ceases to be payable if the approval of the grant of financial assistance is revoked under section 10GK, 10GL or 10GN.

Community Aged Care Services General Conditions of financial assistance

“10GI.(1) The Minister must, by written instrument, formulate general conditions for the provision of financial assistance under this Part.

- “(2) Conditions may relate to all or any of the following matters:
- (a) matters relating to the provision of community aged care services by an organisation to eligible persons;
 - (b) the manner in which a person is to be assessed for the purpose of subsection 10GH(2);
 - (c) the fees or charges payable by a person for the provision of community aged care services;
 - (d) the furnishing of information;
 - (e) the rights and responsibilities of persons receiving community aged care services;
 - (f) the standards to be met by the organisation in the provision of services;
 - (g) the provision of certificates relating to the meeting of conditions by the organisation;
 - (h) the repayment of financial assistance;
 - (i) the suspension or cancellation of financial assistance payments if the organisation breaches a condition to which the grant of financial assistance is subject;
 - (j) any other matter the Minister considers appropriate to the provision of financial assistance.

“Division 3—Revocation of approval of grant or variation of agreements and other matters

Minister may review the payment of financial assistance to an organisation

“10GJ. The Minister may, at any time, review the payment of financial assistance to an organisation under this Part.

Minister may revoke an approval of a grant after a review

“10GK.(1) After undertaking a review in relation to an organisation under section 10GJ, the Minister may, by notice in writing, revoke the approval under section 10GF in relation to the organisation if:

- (a) the approval of the organisation as an approved provider has been revoked; or

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- (b) the organisation has not entered into an agreement under section 10GG within the period specified for that purpose in the notice given to the organisation under subsection 10GF(9); or
- (c) the organisation has not provided community aged care services packages to eligible persons before the day specified in the notice given to the organisation under subsection 10GF(9); or
- (d) the Minister is satisfied that the organisation has not complied with a condition specified in the Community Aged Care Services General Conditions; or
- (e) the Minister is satisfied that a term of the agreement entered into by the organisation under section 10GG has not been complied with.

“(2) In the notice, the Minister must specify the day (not being a day before the day on which the notice is given) from which the revocation is to have effect.

Minister may revoke an approval of a grant if the organisation applies

“10GL.(1) An organisation in respect of whom an approval is in force under section 10GF may apply, in writing, to the Minister for the approval to be revoked.

“(2) On receiving the application, the Minister must, by notice in writing, revoke the approval.

“(3) In the notice, the Minister must specify the day (not being a day before the day on which the notice is given) from which the revocation is to have effect.

Minister may vary an agreement

“10GM.(1) After undertaking a review in relation to an organisation under section 10GJ, the Minister may, by notice in writing, vary the agreement entered into with the organisation under section 10GG if:

- (a) the approval of the organisation as an approved provider has been revoked; or
- (b) the organisation has not provided community aged care services packages to eligible persons before the day specified in the notice given to the organisation under subsection 10GF(9); or
- (c) the Minister is satisfied that the organisation has not complied with a condition specified in the Community Aged Care Services General Conditions; or
- (d) the Minister is satisfied that a term of the agreement entered into by the organisation under section 10GG has not been complied with.

“(2) The Minister may vary the agreement:

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- (a) by reducing the number of community aged care services packages; or
- (b) if the agreement specifies the classes of persons to whom community aged care services packages may be provided—by varying the classes so specified or the proportion or number of packages specified in relation to a class; or
- (c) by changing the region where the organisation provides community aged care services packages.

“(3) In the notice, the Minister must specify the day (not being a day before the day on which the notice is given) from which the variation will have effect.

Transfers of approvals

“10GN.(1) If:

- (a) an organisation (in this section called the ‘**transferor**’) provides community aged care services packages to eligible persons in a State or Territory in accordance with an agreement under section 10GG; and
- (b) it informs the Minister, in writing, that it wishes that some or all of those packages be transferred to another organisation (in this section called the ‘**transferee**’) that provides, or will provide, community aged care services packages in the same State or Territory;

the Minister may:

- (c) if the transferor intends to transfer some only of the community aged care services packages—vary the agreement by decreasing the number of community aged care services packages; or
- (d) if the transferor intends to transfer all of the community aged care services packages—revoke the approval of the grant under section 10GF of financial assistance to the transferor.

“(2) The transferee must be:

- (a) an approved provider; and
- (b) an organisation in respect of whom an approval is in force under section 10GF.

“(3) In spite of subsection 10GG(5), the Minister may, at an appropriate time:

- (a) vary the transferee’s agreement (if any) as necessary; or
- (b) enter into an agreement with the transferee under section 10GG specifying those packages as packages in respect of which financial assistance will be payable.”.

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Review of decisions

16. Section 10H of the Principal Act is amended by omitting subsection (2) and substituting the following subsections:

- “(2) An organisation affected by a decision of the Minister:
- (a) under section 10AB refusing to approve the organisation as an approved operator of hostels; or
 - (b) under section 10AC revoking the approval of the organisation as an approved operator of hostels; or
 - (c) under subsection 10FAA(2) revoking or suspending the approval of a hostel or varying an agreement entered into under section 10FA in respect of a hostel; or
 - (d) under section 10GC refusing to approve the organisation as an approved provider of community aged care services; or
 - (e) under section 10GD revoking the approval of the organisation as an approved provider of community aged care services; or
 - (f) under section 10GK revoking the approval of a grant of financial assistance to the organisation; or
 - (g) under section 10GM, varying an agreement entered into under section 10GG;

may apply, in writing, to the Minister for a reconsideration of that decision by the Minister.

“(3) The application must be made within 28 days after the organisation receives notice of the decision.

“(4) If the organisation applies for reconsideration of the decision, the Minister may affirm or revoke the decision or vary it as he or she thinks fit.

“(5) An application may be made to the Tribunal for review of a decision of the Minister under subsection (4).

“(6) Within 28 days after the Minister makes a decision of a kind referred to in subsection (4), the Minister must cause the following material to be given to the organisation:

- (a) a copy of the decision;
- (b) a statement to the effect that, subject to the *Administrative Appeals Tribunal Act 1975*, application may be made to the Administrative Appeals Tribunal for review of the decision;
- (c) a statement that, except where subsection 28(4) of that Act applies, the organisation may request a statement under section 28 of that Act.

“(7) Failure to comply with subsection (6) does not affect the validity of the Minister’s decision.”.

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17. After section 10H of the Principal Act, the following section is inserted:

The time when principles come into force

“10HA.(1) Principles set out under subsections 10AB(5), 10AC(5), 10GC(5) and 10GD(5):

- (a) are to be laid before each House of the Parliament within 15 sitting days of that House after the principles are set out; and
- (b) take effect only as provided by the following provisions.

“(2) If:

- (a) notice of a motion to amend the principles is given in either House of the Parliament within 15 sitting days after the principles have been laid before that House; and
- (b) the principles, whether or not as amended, are subsequently approved by that House; and
- (c) the other House approves the principles in the form approved by the first-mentioned House;

the principles take effect in the form so approved from the day on which that other House approves the principles in that form.

“(3) If no notice to amend the principles is given in either House of the Parliament under paragraph (2)(a), the principles take effect from the day immediately after the last day on which a notice of motion could have been so given in either House.”.

Certain instruments are disallowable instruments

18. Section 10K of the Principal Act is amended by adding at the end the following paragraphs:

- “(g) principles formulated under section 10GF;
- (h) an instrument under section 10GH;
- (i) Community Aged Care Services General Conditions formulated under subsection 10GI(1).”.

19. After section 10K of the Principal Act the following section is inserted:

Appropriation

“10KA. Payments to an organisation under Division 4 of Part III or under Part IIIA are to be made out of the Consolidated Revenue Fund, which is appropriated accordingly.”.

Heading to Schedule

20. The heading to the Schedule to the Principal Act is amended by inserting “1” after “SCHEDULE”.

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New Schedule

21. The Principal Act is amended by adding at the end the Schedule set out in Schedule 1 to this Act.

**PART 3—AMENDMENTS OF THE HEALTH INSURANCE ACT
1973**

Principal Act

22. In this Part, “**Principal Act**”, means the *Health Insurance Act 1973*².

Interpretation

23. Section 3 of the Principal Act is amended by inserting in subsection (1) the following definitions:

“‘**physiotherapist**’ means a person registered or licensed to practise physiotherapy under a law of a State or Territory that provides for the registration or licensing of physiotherapists;

‘**podiatrist**’ means a person registered or licensed to practise podiatry under a law of a State or Territory that provides for the registration or licensing of podiatrists;”.

Medicare benefits in relation to R-type diagnostic imaging services

24. Section 16B of the Principal Act is amended:

(a) by inserting after subparagraph (1) (b) (iii) the following words and subparagraphs:

“or (iv) subject to subsection (3A), a physiotherapist;

or (v) subject to subsection (3B), a podiatrist;”;

(b) by inserting after subsection (3) the following headings and subsections:

“[Physiotherapists may only request certain services]

(3A) A request made by a physiotherapist, acting in his or her capacity as a physiotherapist, for an R-type diagnostic imaging service to be rendered is not effective for the purposes of subsection (1) unless it is a request for a service of a kind specified in regulations made for the purposes of this subsection.”;

“[Podiatrists may only request certain services]

(3B) A request made by a podiatrist, acting in his or her capacity as a podiatrist, for an R-type diagnostic imaging service to be rendered is not effective for the purposes of subsection (1) unless it is a request for a service of a kind specified in regulations made for the purposes of this subsection.”;

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- (c) by omitting from paragraph (9)(a) “dental practitioner or chiropractor” and substituting “dental practitioner, chiropractor, physiotherapist or podiatrist”;
- (d) by omitting from paragraph (9)(b) “dental practitioner or chiropractor” and substituting “dental practitioner, chiropractor, physiotherapist or podiatrist”;
- (e) by inserting at the end of subsection (9) the following words and paragraphs:
 - “; and (e) if the requesting practitioner is a physiotherapist who made the request in his or her capacity as a physiotherapist—the request is not rendered ineffective by the operation of subsection (3A); and
 - (f) if the requesting practitioner is a podiatrist who made the request in his or her capacity as a podiatrist—the request is not rendered ineffective by the operation of subsection (3B)”.

Interpretation

25. Section 23DZF of the Principal Act is amended by adding “, a physiotherapist and a podiatrist” at the end of the definition of “practitioner”.

Interpretation

26. Section 79 of the Principal Act is amended by omitting from subsection (1B) “(other than pathology services)”.

Functions of Committees

27. Section 82 of the Principal Act is amended by omitting from paragraph (1)(b) “(other than a pathology service)”.

**PART 4—AMENDMENTS OF THE HEALTH LEGISLATION
AMENDMENT ACT 1982**

Principal Act

28. In this Part, “Principal Act” means the *Health Legislation Amendment Act 1982*³.

Repeal of sections

29. Sections 10, 11 and 41 of the Principal Act are repealed.

**PART 5—AMENDMENTS OF THE NATIONAL FOOD
AUTHORITY ACT 1991**

Principal Act

30. In this Part, “Principal Act” means the *National Food Authority Act 1991*⁴.

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Applications and proposals continue in force

31. Section 71 of the Principal Act is amended:

(a) by omitting from subsection (1) paragraph (b) and the words following that paragraph and substituting the following:

“(b) the NHMRC has made a recommendation to the Council but the Council has not made a decision on the recommendation;

before the commencement of this Act, the application, or the application and the recommendation, continue in force, after that commencement, as if:

(c) this Act had been in force at the time the application was made; and

(d) the application had been made to the Authority under this Act as so in force; and

(e) where a recommendation had been made, the recommendation had been made by the Authority under this Act as so in force”;

(b) by inserting after subsection (1) the following subsections:

“(1A) If, in relation to a proposal (however described) prepared by the NHMRC for the development of a standard or the variation of a standard:

(a) the NHMRC has not made a recommendation to the Council; or

(b) the NHMRC has made a recommendation to the Council but the Council has not made a decision on the recommendation;

before the commencement of this Act, the proposal, or the proposal and the recommendation, continue in force, after that commencement, as if:

(c) this Act had been in force at the time the proposal was prepared; and

(d) the proposal had been a proposal under this Act as so in force; and

(e) where a recommendation has been made to the Council, the recommendation had been made under this Act as so in force.

“(1B) Subsection (1) does not apply in respect of an application made before the commencement of this Act that has been rejected by the NHMRC.

“(1C) Subsection (1A) does not apply in respect of a proposal (however described) prepared by the NHMRC but abandoned by that body before the commencement of this Act.”;

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- (c) by omitting from subsection (2) “or any other authority or body”;
- (d) by inserting in subsection (2) “or a proposal mentioned in subsection (1A)” after “an application mentioned in subsection (1)”;
- (e) by inserting in subsection (2) “or proposal” after “that application”;
- (f) by inserting in subsection (3) “or of a proposal mentioned in subsection (1A)” after “an application mentioned in subsection (1)”.

**PART 6—AMENDMENTS OF THE NATIONAL HEALTH
ACT 1953**

Principal Act

32. In this Part, “**Principal Act**” means the *National Health Act 1953*⁵.

Interpretation

33. Section 4 of the Principal Act is amended by omitting paragraph (dc) of the definition of “basic private table” or “basic table” in subsection (1) and substituting the following paragraph:

“(dc) in respect of hospital treatment provided to a person in a day hospital facility for the purpose of permitting the provision to the person at the day hospital facility of:

- (i) type-A professional attention; or
- (ii) type-B professional attention; or
- (iii) professional attention that is, under subsection 4C(3), taken to be professional attention to which this paragraph applies;

a benefit equal to the amount that, under the determination made by the Minister under paragraph 4D(1)(b), is payable in respect of that hospital treatment;”.

Certificates in respect of professional attention

34. Section 4C of the Principal Act is amended by adding at the end the following subsection:

“(3) Where:

- (a) hospital treatment is provided, for a period that does not include part of an overnight stay, to a person in a day hospital facility for the purpose of permitting the provision to the person at the day hospital facility of professional attention other than type-A professional attention or type-B professional attention; and

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- (b) the practitioner providing the professional attention certifies in writing that:
- (i) because of the medical condition of the person specified in the certificate; or
 - (ii) because of the special circumstances specified in the certificate;
- it would be contrary to accepted medical practice to provide the professional attention to the person unless the person were given hospital treatment in the day hospital facility for a period that does not include part of an overnight stay;
- the professional attention is taken to be professional attention to which paragraph (dc) of the relevant definition applies.”.

Interpretation

35. Section 39 of the Principal Act is amended by inserting the following definitions:

“ **‘hospital leave’**, in relation to a patient in an approved nursing home, means any period of absence when the patient is required to be absent from the nursing home because the patient has to be, is, or has been, in attendance at a hospital for the purpose of receiving hospital treatment;

‘lowest classification’, in relation to a patient in an approved nursing home, means the classification that represents the lowest degree of need of nursing and personal care.”.

Existing patients in nursing homes containing exempt beds

36. Section 40ADB of the Principal Act is amended by omitting from subsection (4) “under”.

Application by proprietor of home for patient classification

37. Section 40AFD of the Principal Act is amended:

- (a) by inserting after subsection (3) the following subsection:

“(3A) An application under subsection (2) may not be made if the patient is on hospital leave.”.

- (b) by inserting after paragraph (7)(a) the following paragraphs:

“(ab) if:

- (i) at the time when the previous classification of the patient expired, the patient was on hospital leave; and
- (ii) the application was made after the readmission of the patient to the nursing home after the hospital leave;

the classification is regarded as having taken effect on the day on which the patient was so readmitted;

(ac) if:

- (i) the previous classification of the patient expired within

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- 28 days after the patient was readmitted to the nursing home after a period of hospital leave; and
- (ii) the application was made after the expiration of the previous classification;
- the classification is regarded as having taken effect at the expiration of the previous classification.”;
- (c) by inserting in paragraph (7)(b) “and paragraphs (ab) and (ac) do not apply” after “classification” (first occurring);
- (d) by inserting after subsection (7) the following subsection:
- “(7A) If:
- (a) a patient in a nursing home has been on hospital leave; and
- (b) the previous classification of the patient expires within 28 days after the patient is readmitted to the nursing home after the hospital leave; and
- (c) an application for the further classification of the patient is made after the readmission of the patient to the nursing home and before the previous classification expires; and
- (d) the classification is determined after the previous classification has expired;
- subject to subsection (7), the patient is taken to have had the lowest classification from the expiration of the previous classification until the application is determined.”;
- (e) by inserting in subsection (8) “and subsection (7A) does not apply” after “expiration” (last occurring);
- (f) by inserting after subsection (8) the following subsection:
- “(8A) If:
- (a) at the time when the previous classification of a patient in a nursing home expired, the patient was on hospital leave; and
- (b) an application for the further classification of the patient is made after the readmission of the patient to the nursing home after the hospital leave;
- the patient is taken:
- (c) to have had the lowest classification from the day immediately following the day on which the previous classification expired to the day immediately before the day on which he or she was readmitted to the nursing home after the hospital leave; and
- (d) subject to subsection (7), to have had the lowest classification from the day on which he or she is readmitted to the nursing home after the hospital leave

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and to retain that classification until the application is determined.”;

- (g) by inserting in subsection (9) “and subsection (8A) does not apply” after “classification” (first occurring);
- (h) by omitting subsection (10).

38. After section 44A of the Principal Act the following section is inserted:

Automatic revocation of approval as nursing home for disabled people

“45.(1) This section applies in spite of any other provision of this Act.

“(2) In this section:

‘**Commonwealth/State Disability Agreement**’ means the Commonwealth/State Disability Agreement made on 30 July 1991 between the Commonwealth on the one part and the States and Territories on the other part;

‘**scheduled nursing home**’ means a nursing home whose name and address is specified in column 2 of an item in Schedule 4, being the nursing home to which the certificate of approval issued by the Minister under subsection 40AA(2) and bearing the approval number specified in column 4 of that item relates.

“(3) The approval of a scheduled nursing home as a nursing home for disabled people (unless sooner revoked) is, by force of this subsection, revoked immediately before the day on which the provisions (other than subclauses 1(1) and (2)) of the Commonwealth/State Disability Agreement come into force in respect of the State in which the scheduled nursing home is situated.”.

39. After section 40AFD of the Principal Act the following section is inserted:

Temporary classification of patient pending determination of application

“40AFDA. Where:

- (a) an application is made under subsection 40AFD(1) for the classification of a patient in an approved nursing home; or
- (b) a person in respect of whom an application for classification has been made under section 40AFC is admitted as a patient in an approved nursing home and at the time of admission a classification has not yet been given to the patient;

then, subject to subsection 40AFC(5) or 40AFD(6) (as the case requires), this Act has effect, until a determination classifying the patient is made, as if the patient had the lowest classification.”.

40. After section 48B of the Principal Act the following sections are inserted:

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Isolated nursing home benefit

“48C.(1) The Minister may formulate in writing:

- (a) principles for determining whether an approved nursing home is an isolated nursing home for the purposes of this section; and
- (b) principles determining whether all, or specified classes of, isolated nursing homes are eligible for the payment of Commonwealth benefits under this section; and
- (c) principles for the payment of a Commonwealth benefit of an amount determined by, or in accordance with, the principles to the proprietor of an eligible nursing home in respect of each approved nursing home patient or Repatriation nursing home patient in the home for each day on which the patient receives nursing home care in the home.

“(2) Principles for the purposes of paragraph (1)(c) may provide for different amounts per patient per day to be payable as Commonwealth benefit in respect of different nursing homes in accordance with criteria set out in the principles.

“(3) If, under the principles, the proprietor of an approved nursing home is eligible for a Commonwealth benefit in respect of a patient receiving nursing home care in the home, the Commonwealth benefit is payable to the proprietor in accordance with the principles.

Benefit in respect of patients receiving nasogastric feeding

“48D.(1) The Minister may formulate in writing:

- (a) principles determining whether the proprietor of an approved nursing home is eligible for the payment of Commonwealth benefits under this section; and
- (b) principles for the payment of a Commonwealth benefit to the proprietor of an approved nursing home in respect of each approved nursing home patient or Repatriation nursing home patient in the home who is in need of, and is receiving, nasogastric feeding.

“(2) Principles for the purposes of paragraph (1)(b) may provide for different amounts to be payable as Commonwealth benefit in respect of different patients in a nursing home in accordance with criteria set out in the principles.

“(3) If, under the principles, the proprietor of an approved nursing home is eligible for a Commonwealth benefit in respect of a person who is in need of, and is receiving, nasogastric feeding, the Commonwealth benefit is payable to the proprietor in accordance with the principles.

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Benefit in respect of patients receiving oxygen

“48E.(1) The Minister may formulate in writing:

- (a) principles for determining the circumstances under which the administration of oxygen to a patient is to be considered an eligible oxygen treatment for the purposes of this section; and
- (b) principles determining whether the proprietor of an approved nursing home is eligible for the payment of Commonwealth benefits under this section; and
- (c) principles for the payment of a Commonwealth benefit to the proprietor of an approved nursing home in respect of each approved nursing home patient or Repatriation nursing home patient in the home who is in need of, and is receiving, eligible oxygen treatment.

“(2) Principles for the purposes of paragraph (1)(c) may provide for different amounts to be payable as Commonwealth benefit in respect of different patients in a nursing home in accordance with criteria set out in the principles.

“(3) If, under the principles, the proprietor of an approved nursing home is eligible for a Commonwealth benefit in respect of a person who is in need of, and is receiving, eligible oxygen treatment, the Commonwealth benefit is payable to the proprietor in accordance with the principles.”.

41. After Part VA of the Principal Act the following Part is inserted:

**“PART VAB—COMMONWEALTH BENEFIT IN RESPECT OF
NEWLY BUILT NURSING HOMES**

Interpretation

“52. In this Part:

‘eligible premises’ means newly built premises approved as an approved nursing home on or after 1 November 1991.

Application for Commonwealth benefit

“53. The proprietor of eligible premises may apply, in writing, to the Minister for the grant of a Commonwealth benefit in respect of the premises.

Principles applicable for grant of Commonwealth benefit

“54.(1) The Minister must formulate in writing:

- (a) principles in accordance with which the grant of a Commonwealth benefit under this Part may be approved; and
- (b) principles for determining the amount of the benefit.

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“(2) Without limiting the matters to which the principles may refer, the principles must require the Minister to take into account in deciding whether to approve the grant of a Commonwealth benefit to the proprietor of the nursing home:

- (a) the honesty of the applicant; and
- (b) the likely efficiency of the applicant as proprietor of the nursing home; and
- (c) if the applicant has, at any time, been the proprietor or co-proprietor of a nursing home or has, at any time, had a substantial role in the control of a nursing home:
 - (i) the extent to which the standards determined under section 45D for the provision of nursing home care were then met in the nursing home; and
 - (ii) the extent to which patients in the nursing home were then properly classified; and
 - (iii) the extent to which agreements, substantially complying with the form of agreement formulated by the Minister under section 40ABB, were then entered into between the proprietor of the nursing home and approved nursing home patients in the nursing home; and
 - (iv) the extent to which the applicant complied with requests for information under paragraph 40AA(6)(ce) or section 60B or 61B; and
- (d) whether any grant for capital works costs in respect of the nursing home has been made by the Commonwealth under any other Act.

Approval of grant

“55.(1) On receiving an application under section 53 for the grant of a Commonwealth benefit in respect of eligible premises, the Minister may, in accordance with the principles, approve the grant of a Commonwealth benefit to the applicant.

“(2) The approval of the Minister must be in writing and set out:

- (a) the total amount of the benefit; and
- (b) the rate at which the benefit will be paid; and
- (c) the period over which the benefit will be paid; and
- (d) any conditions subject to which the benefit is payable.

Entitlement to benefit

“56. Where the grant of a Commonwealth benefit to the proprietor of eligible premises has been approved by the Minister, the Commonwealth benefit is payable to the proprietor in accordance with the approval of the Minister.

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Appropriation

“57.(1) Subject to subsection (2), payments of Commonwealth benefit under this Part before 1 July 1992 are to be made out of the Consolidated Revenue Fund, which is appropriated accordingly.

“(2) Payments out of the Consolidated Revenue Fund under subsection (1) may not exceed \$180,000.

“(3) Payments of Commonwealth benefit under this Part on or after 1 July 1992 are to be made out of money appropriated by Parliament for that purpose.”.

Heading to Part VC

42. The heading to Part VC of the Principal Act is amended by inserting “, VAB” after “VA”.

Interpretation

43. Section 58K of the Principal Act is amended by inserting in the definition of “Commonwealth Benefit” in subsection (1) “, VAB” after “VA”.

Information to be furnished by proprietor of approved nursing home

44. Section 60B of the Principal Act is amended by omitting “and VA” and substituting “, VA and VAB”.

Offences

45. Section 62 of the Principal Act is amended by omitting from paragraph (1)(aa) “39AB or” and substituting “39AB, 39BA or”.

46. After section 105AC of the Principal Act the following section is inserted:

Application for review by Tribunal of decisions of the Pharmacy Restructuring Authority

“105AD.(1) In this section:

‘**Authority**’ means the Pharmacy Restructuring Authority;

‘**reviewable recommendation**’ means a recommendation of the Authority referred to in any of paragraphs (2)(a) to (2)(e).

“(2) An application may be made to the Tribunal for review of the following recommendations of the Authority:

- (a) a recommendation made under paragraph 99K(1)(b) that an applicant under section 90 not be approved under that section in respect of particular premises;
- (b) a recommendation made under subparagraph 99K(1)(c)(i) that the payment, under section 99ZA, of an essential pharmacy allowance in respect of premises not be approved;

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- (c) a recommendation made under subparagraph 99K(1)(c)(ii) as to the conditions (if any) subject to which the payment, under section 99ZA, of essential pharmacy allowance should be made;
- (d) a recommendation made under subparagraph 99K(1)(d)(i) that, in the case of an application under section 99ZC or 99ZD, financial assistance should not be granted;
- (e) a recommendation made under subparagraph 99K(1)(d)(ii) as to the conditions (if any) subject to which a grant of financial assistance under section 99ZC or 99ZD should be made.

“(3) If:

- (a) a person (in this section called the ‘**applicant**’) applies under section 90, 99ZA, 99ZC or 99ZD; and
- (b) the Authority makes a reviewable recommendation in respect of that application;

the Chairperson of the Authority must, within 28 days after the Authority makes the recommendation, cause a notice to be given to the applicant containing the following material:

- (c) the terms of the recommendation;
- (d) a statement to the effect that, subject to the *Administrative Appeals Tribunal Act 1975*, application may be made to the Tribunal for review of that recommendation;
- (e) a statement that, except where subsection 28(4) of that Act applies, the applicant may request a statement under section 28 of that Act.

“(4) Failure to comply with subsection (3) does not affect the validity of the Authority’s recommendation.

“(5) A reviewable recommendation made by the Authority on or after 18 December 1990 and before the day on which this section begins is taken to be a recommendation made on that later day.”.

Repeal of Division

47. Division 2A of Part VIII of the Principal Act is repealed.

Moneys from which payments under this Act are to be made

48. Section 137 of the Principal Act is amended by inserting in subsection (1) “and section 57” after “section”.

Certain instruments subject to disallowance

49. Section 139B of the Principal Act is amended by omitting from paragraph (1)(ab) “or 48B(1)” and substituting “, 48B(1), 48C(1), 48D(1), 48E(1) or 54(1)”.

Amendments of the Principal Act relating to penalties

50. The Principal Act is amended as set out in Schedule 2.

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New Schedule

51. The Principal Act is amended by adding at the end the Schedule set out in Schedule 3 to this Act.

**PART 7—AMENDMENTS OF THE NURSING HOMES
ASSISTANCE ACT 1974**

Principal Act

52. In this Part, “**Principal Act**” means the *Nursing Homes Assistance Act 1974*⁶.

53. After section 11 of the Principal Act the following section is inserted:

Automatic revocation of approval of certain nursing homes

“11AA.(1) This section applies in spite of any other provision of this Act.

“(2) In this section:

‘**Commonwealth/State Disability Agreement**’ means the Commonwealth/State Disability Agreement made on 30 July 1991 between the Commonwealth on the one part and the States and Territories on the other part;

‘**scheduled nursing home**’ means a nursing home whose name and address is specified in Column 2 of an item in the Schedule, being the nursing home to which the certificate of approval issued by the Minister under subsection 8(1) and bearing the approval number specified in Column 4 of that item relates.

“(3) If the provisions (other than subclauses 1(1) and (2)) of the Commonwealth/State Disability Agreement come into force in respect of a State in which a scheduled nursing home is situated on a day (in this subsection called the ‘**effective day**’) earlier than 1 July 1992, the approval of the scheduled nursing home (unless sooner revoked) is, by force of this subsection, revoked immediately before the effective day.”.

New Schedule

54. The Principal Act is amended by adding at the end the Schedule set out in Schedule 4 to this Act.

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SCHEDULE 1

Section 21

**SCHEDULE TO BE ADDED AT END OF THE AGED OR
DISABLED PERSONS HOMES ACT 1954**

SCHEDULE 2

Section 10FC

HOSTELS WHOSE APPROVALS ARE TO BE REVOKED

Column 1	Column 2	Column 3	Column 4
Item No.	Name and Address of Hostel	State in which situated	Approval No.
1.	Rose Cottage Campbell Road BALWYN	Victoria	455
2.	Alkira Home Moggill Road CHAPEL HILL	Queensland	222
3.	Pine Lodge Morayfield Road BURPENGARY	Queensland	542

SCHEDULE 2

Section 50

**AMENDMENTS OF THE NATIONAL HEALTH ACT 1953
RELATING TO PENALTIES**

Subsection 40AD(4):

Omit all the words from and including "Penalty", substitute:
"Penalty: \$2,000."

Subsections 41(3) and (5):

Omit all the words from and including "Penalty", substitute:
"Penalty: \$2,000."

Subsection 42(2):

Omit all the words from and including "Penalty", substitute:
"Penalty: Imprisonment for 12 months."

Subsection 43(2):

Omit all the words from and including "Penalty", substitute:
"Penalty: \$2,000."

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SCHEDULE 2—continued

Subsection 50(1):

Omit all the words from and including “Penalty”, substitute:
“Penalty: \$2,000.”.

Section 58H:

Omit “\$1,000”, substitute “\$2,000”.

Section 60B:

Omit all the words from and including “Penalty”, substitute:
“Penalty: Imprisonment for 6 months.”.

Subsections 61(1), (1A), (1B) and (4):

Omit “\$1,000”, substitute “\$10,000”.

Subsection 61A(1):

Omit all the words from and including “Penalty”, substitute:
“Penalty: Imprisonment for 12 months.”.

Subsection 61B(3):

Omit all the words from and including “Penalty”, substitute:
“Penalty: Imprisonment for 6 months.”.

Subsections 61E(1) and (2):

Omit all the words from and including “Penalty”, substitute:
“Penalty: Imprisonment for 6 months.”.

Subsections 62(1), (2) and (2A):

Omit all the words from and including “Penalty”, substitute:
“Penalty: Imprisonment for 5 years.”.

Paragraph 135B(3)(a):

Omit “a fine not exceeding \$2,000 or”.

Paragraph 135B(3)(b):

Omit “a fine not exceeding \$1,000 or”.

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SCHEDULE 3

Section 51

**SCHEDULE TO BE ADDED AT END OF THE NATIONAL
HEALTH ACT 1953**

SCHEDULE 4

Section 45

**NURSING HOMES WHOSE APPROVALS AS NURSING HOMES
FOR DISABLED PEOPLE ARE TO BE REVOKED**

Column 1 Item No.	Column 2 Name and Address of Nursing Home	Column 3 State in which situated	Column 4 Approval No.
1.	Beverly Park Nursing Home Beverly Road CAMPBELLTOWN	New South Wales	1465G
2.	The Hall for Children Nursing Home The Oaks Road HAZELBROOK	New South Wales	2264E
3.	McCall Gardens Nursing Home Terry Road RIVERSTONE	New South Wales	2220C
4.	O'Connor House Nursing Home Hardy Avenue WAGGA WAGGA	New South Wales	1493G
5.	Royal Ryde Rehabilitation Hospital (Weemala Home) Morrison Road RYDE	New South Wales	1480G
6.	St Judes Nursing Home Newton Street CHADSTONE	Victoria	4106E
7.	Bald Hills Hospital (Young and Disabled Living Unit) Hoyland Street BALD HILLS	Queensland	5450G
8.	Halwyn Intellectually Handicapped Persons Centre Waterworks Road RED HILL	Queensland	5441G
9.	Rockhampton Base Hospital (Intellectually Handicapped Unit) Canning Street ROCKHAMPTON	Queensland	5433G
10.	Heathcote Hospital Duncraig Road APPLECROSS	Western Australia	7411G
11.	Lady Lawley Cottage Hospital Gibney Street MOSMAN PARK	Western Australia	7416G
12.	Quadriplegic Centre Selby Street SHENTON PARK	Western Australia	7427G

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SCHEDULE 4

Section 54

**SCHEDULE TO BE ADDED AT END OF THE NURSING HOMES
ASSISTANCE ACT 1974**

SCHEDULE

Section 11AA

NURSING HOMES WHOSE APPROVALS ARE TO BE REVOKED

Column 1	Column 2	Column 3	Column 4
Item No.	Name and Address of Nursing Home	State in which situated	Approval No.
1.	Bambi Private Nursing Home Memorial Avenue LIVERPOOL	New South Wales	2609
2.	Bridge Nursing Home Albion Street DARLINGHURST	New South Wales	2631
3.	Campbell House Nursing Home Danham Street SURRY HILLS	New South Wales	2617
4.	Fairholme Nursing Home Pennant Hills Road PENNANT HILLS	New South Wales	2499
5.	Whitchall Nursing Home Marco Avenue REVESBY	New South Wales	2425

NOTES

1. No. 81, 1954, as amended. For previous amendments, see No. 47, 1957; No. 83, 1967; No. 68, 1969; No. 84, 1972; Nos. 128 and 216, 1973; No. 115, 1974; Nos. 37 and 91, 1976; No. 137, 1980; No. 61, 1981; No. 98, 1982; No. 69, 1983; Nos. 78, 134 and 165, 1984; Nos. 24 and 127, 1985; Nos. 115 and 163, 1986; Nos. 72 and 132, 1987; Nos. 79, 99 and 155, 1988; No. 87, 1989; and Nos. 3 and 141, 1990.
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; Nos. 15, 46, 63, 120, 135 and 165, 1984; Nos. 24, 65, 70, 95 and 167, 1985; Nos. 28, 75 and 94, 1986; Nos. 44, 131, 132 and 141, 1987; Nos. 85, 87, 99 and 155, 1988; Nos. 59, 84, 95 and 164, 1989; Nos. 3, 106 and 141, 1990; and Nos. 6, 57, 68, 70, 73, 84, 116, 141 and 175, 1991.

*Health and Community Services Legislation Amendment
No. 211, 1991*

NOTES—continued

3. No. 49, 1982.
4. No. 118, 1991.
5. 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; Nos. 46, 63, 72, 120, 135 and 165, 1984; Nos. 24, 53, 65, 70, 95, 127 and 167, 1985; Nos. 28, 75, 94 and 115, 1986; Nos. 22, 44, 72, 118, 131 and 132, 1987; Nos. 79, 87, 99 and 155, 1988; No. 95, 1989; Nos. 3, 84, 106 and 141, 1990; and Nos. 6, 68, 70, 73, 83, 84, 115, 116, 119, 122 and 141, 1991.
6. No. 147, 1974, as amended. For previous amendments, see No. 91, 1976; No. 100, 1977; No. 118, 1980; No. 118, 1981; Nos. 26 and 80, 1982; No. 139, 1983; Nos. 63 and 165, 1984; Nos. 24, 52 and 65, 1985; Nos. 115, 1986; No. 72, 1987; No. 79, 1988; No. 95, 1989, and No. 3, 1990.

*[Minister's second reading speech made in—
House of Representatives on 7 November 1991
Senate on 26 November 1991]*