

STATUTORY RULES.

1962. No. 113.

REGULATIONS UNDER THE NATIONAL HEALTH ACT 1952-1962.*
I THE **Administrator of the Government of**
THE GOVERNOR-GENERAL in and over the Commonwealth of
Australia, acting with the advice of the Federal Executive Council,
hereby make the following Regulations under the *National Health Act*
1953-1962.

Dated this *fourteen*
day of *December*, 1962.

DALLAS BROOKS

Administrator
Governor-General.

By His Excellency's Command,



Minister of State for Health.

AMENDMENTS OF THE NATIONAL HEALTH REGULATIONS.†

1.—(1.) Subject to the next succeeding sub-regulation, these Regulations shall come into operation on the first day of January, 1963. Commence-
ment.

(2.) Regulation 4 of these Regulations shall be deemed to have come into operation on the first day of December, 1962.

2. Regulation 2 of the National Health Regulations is repealed and the following regulation inserted in its stead:—

“2. These Regulations are divided into Parts as follows:— Parts.

Part I.—Preliminary (Regulations 1-4).

Part II.—Hospital Treatment outside Australia (Regulations 5-15).

Part III.—Registration of Medical and Hospital Benefits Organizations (Regulations 19-20).

Part IV.—Procedure of Committees of Inquiry (Regulation 21).

Part V.—Fees and Allowances of Members of Committees (Regulations 22-24).

Part VI.—Prescribed Fees and Allowances—Pensioner Medical Service (Regulations 25-26).”.

* Notified in the *Commonwealth Gazette* on *24th December*, 1962.
† Statutory Rules 1954, No. 35 as amended by Statutory Rules 1957, No. 71; 1958, No. 63; and 1962, Nos. 55 and 70.
11277/62.—PRICE 3D. 12/12.12.1962.

3. Part II. of the National Health Regulations is repealed and the following Part inserted in its stead:—

“PART II.—HOSPITAL TREATMENT OUTSIDE AUSTRALIA.

“5. In this Part, unless the contrary intention appears—

Interpretation.

‘contributor’ has the same meaning as in Part V. of this Act;

‘hospital’ means premises or part of premises in a place outside Australia—

(a) in which patients are received and lodged for hospital treatment for which a charge is made; and

(b) that the Director-General is satisfied are recognized as a public or private hospital in that place,

but does not include premises or part of premises that consist of a mental hospital or home, a convalescent home, benevolent home, rest home or home for the aged;

‘qualified hospital patient’ means a resident of Australia who—

(a) is temporarily absent from Australia; and

(b) occupies a bed in a hospital for the purpose of hospital treatment,

but does not include a newly born child whose mother also occupies a bed in the hospital, unless there is more than one such child of the same mother, in which case the expression includes each such child in excess of one.

“6.—(1.) Where a contributor receives hospital treatment in a hospital, there is payable, subject to this Part, hospital benefit of One pound for each day on which that contributor is a qualified hospital patient in that hospital.

Benefit payable in respect of contributors.

“(2.) Where hospital fund benefit is not payable in respect of a day on which a contributor is a qualified hospital patient—

(a) for the reason that all contributions due and owing by the contributor to the organization have not been paid; or

(b) for a reason other than the reason specified in the last preceding paragraph, if payment of benefit could have been refused for the reason so specified,

the amount of hospital benefit is, subject to this Part, Eight shillings instead of One pound.

“7. Where a contributor receives hospital treatment in a hospital in the period of two months commencing on the day on which he became a contributor and, under the rules of the registered hospital benefits organization to the fund of which contributions are paid by him or on his behalf, no hospital fund benefit or an amount of hospital fund benefit of less than Sixteen shillings per day is paid by the organization in respect of the days in that period on which he is a qualified hospital patient, the amount of hospital benefit per day is, subject to this Part, Eight shillings instead of One pound.

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

" 8. Where a resident of Australia who is not a contributor receives hospital treatment in a hospital, there is payable, subject to this Part, hospital benefit of Eight shillings for each day on which he is a qualified hospital patient in that hospital. Benefit payable in respect of patients who are not contributors.

" 9. For the purposes of this Part, the day of admission and the day or discharge or death of a qualified hospital patient shall be counted as one day. Period of hospital treatment.

" 10.—(1.) The amount of hospital benefit payable in respect of a qualified hospital patient for any period shall not exceed— Amount of benefit (if any) payable in certain cases.

(a) the amount of the hospital fees and expenses payable in respect of the patient for that period; or

(b) where part of the amount of the hospital fees and expenses in respect of the patient for that period is paid or payable, otherwise than under the provisions of this Part, by the Commonwealth, or where under another law (whether in force in Australia or elsewhere) provision is made for payment of, or reimbursement of, the patient of part of the amount of those fees and expenses—the amount remaining after deducting the amount so paid or payable by the Commonwealth or the amount payable under that law from the full amount of the fees and expenses. *mw*

" (2.) Hospital benefit under this Part is not payable where the whole amount of the hospital fees and expenses in respect of a qualified hospital patient is paid or payable by the Commonwealth or where under another law (whether in force in Australia or elsewhere) provision is made for payment on behalf of, or reimbursement of, the patient of the whole amount of those fees and expenses.

" 11. The provisions of section 59 of the Act shall be deemed to apply to and in relation to the eligibility of a qualified hospital patient for payment of hospital benefit under this Part as if— Hospital benefit not payable where a person is entitled to compensation or damages.

(a) any reference in that section to the law of the Commonwealth or of a State or Territory includes a reference to the law of any other country; and

(b) any reference to a qualified hospital patient includes a reference to a qualified hospital patient as defined by regulation 5 of these Regulations.

" 12. Hospital benefits under this Part are not payable in respect of a qualified hospital patient for a period exceeding eight weeks, unless a medical practitioner, legally qualified to practise as such in the place in which the hospital is situated, certifies, for the purposes of this regulation, that the nature of the illness necessitates hospital treatment exceeding eight weeks, and the Director-General is satisfied that the hospital treatment was necessary for that period. Claims for benefits exceeding eight weeks. *mw*

" 13. Payment by the Commonwealth of hospital benefits under this Part shall not be made unless a claim is furnished to the Director-General— Manner of making claims.

- (a) in accordance with a form authorized for the purposes of this regulation;
- (b) signed by the qualified hospital patient or by some responsible person on behalf of the patient; and
- (c) accompanied by—
 - (i) the receipted hospital account in respect of the period covered by the claim;
 - ii) a certificate, in accordance with the authorized form, of a medical practitioner, obstetric nurse or dentist by or under whose supervision the medical, surgical, obstetric or dental treatment was received; and
 - (iii) where necessary, by the certificate referred to in regulation 12 of these Regulations.

" 14.—(1.) Hospital benefit in respect of a qualified hospital patient shall be paid in such manner and to such person as the Director-General considers to be appropriate. Manner of payment.

" (2.) The Director-General may make arrangements with representatives of the Commonwealth outside Australia for the payment of amounts of hospital benefits payable under this Part.

" 15. The Director-General may, in special circumstances, dispense with the production, in support of a claim for hospital benefit, of a document, certificate or other evidence required to be furnished under this Part, and may direct payment of the benefit as if the document, certificate or other evidence had been produced." Powers to dispense with certain requirements.

4. Regulation 25 of the National Health Regulations is amended by— Fees.

- (a) omitting the word " Eleven " (wherever occurring) and inserting in its stead the word " Twelve "; and
- (b) omitting the word " Thirteen " (wherever occurring) and inserting in its stead the word " Fourteen ".

By Authority: A. J. ARTHUR, Commonwealth Government Printer, Canberra.