

NATIONAL HEALTH SERVICE.

No. 81 of 1948.

An Act to provide for the Establishment of National Health Services, and for other purposes.

[Assented to 21st December, 1948.]

[Date of commencement, 18th January, 1949.]

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

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| Short title. | 1. This Act may be cited as the <i>National Health Service Act 1948</i> . |
| Definitions. | 2. In this Act, unless the contrary intention appears—
“ national health service ” means a service provided, or arrangements for the provision of which are made, under this Act ;
“ the Director-General ” means the Director-General of Health. |
| Director-General to be a medical practitioner. | 3. A person shall not be appointed as Director-General of Health unless he is a legally qualified medical practitioner of not less than ten years' standing. |
| Administration. | 4. The Director-General shall have the general administration of this Act but the exercise of any power or function by the Director-General under this Act shall be subject to any directions of the Minister. |
| Delegation. | 5.—(1.) The Director-General may, in relation to any particular matter or class of matters, or to any particular part of the Commonwealth, by writing under his hand, delegate to any officer, or to any person included in a prescribed class of persons, all or any of his powers or functions under this Act (except this power of delegation) so that the delegated powers or functions may be exercised by the delegate with respect to the matter or class of matters, or the part of the Commonwealth, specified in the instrument of delegation.
(2.) Every delegation under this section shall be revocable at will and no delegation shall prevent the exercise of any power or function by the Director-General. |
| Medical benefits scheme. | 6. The regulations may make provision for and in relation to the establishment, maintenance and conduct of a scheme for the payment by the Commonwealth, on behalf of persons who have received professional services from medical practitioners who are for the time being participants in the scheme, of the prescribed proportion of the fees prescribed in respect of those services. |
| Provision of medical and dental services. | 7.—(1.) The Director-General may, on behalf of the Commonwealth, but subject to this Act, provide, or arrange for the provision of, prescribed medical services and prescribed dental services. |

(2.) Without limiting the generality of the last preceding sub-section, the services referred to in that sub-section may include—

- (a) general medical or dental practitioner services ;
- (b) consultant and specialist services ;
- (c) ophthalmic services ;
- (d) maternal and child health services ;
- (e) aerial medical and dental services ;
- (f) diagnostic and therapeutic services ;
- (g) convalescent and after-care services ;
- (h) nursing services ; and
- (i) medical services and dental services in universities, schools and colleges.

(3.) The Director-General may, on behalf of the Commonwealth, do, or arrange for the doing of, anything which is incidental to the provision of any medical service or dental service under this section.

(4.) In particular, and without limiting the generality of the last preceding sub-section, the Director-General may, on behalf of the Commonwealth—

- (a) establish, maintain and manage hospitals, laboratories, health centres and clinics ;
- (b) provide, or assist in the provision of, scholarships or training for university graduates in medicine or dentistry and for persons who have completed courses of training, approved by the Director-General, in, or in relation to, medicine or dentistry ;
- (c) establish, maintain or develop, or assist in the establishment, maintenance or development of, courses of training in nursing (including dental nursing), dental hygiene, radiography, radiation-therapy, physiotherapy, bio-chemistry, dietetics and other matters related to medicine or dentistry ;
- (d) undertake or develop, or assist in the undertaking or development of, measures (including research and epidemiological investigations) for the improvement of health (including maternal and child health) and for the prevention of disease ;
- (e) encourage group practice by medical practitioners and dentists ; and
- (f) disseminate information relating to health and the prevention of disease.

8. The Minister may make an arrangement with any other Minister for the performance by that other Minister of any service in connexion with a national health service. Arrangements
with other
Departments.

9.—(1.) The Governor-General may enter into an arrangement with the Governor of a State for the performance by that State of any service in connexion with a national health service. Arrangement
with States.

(2.) An arrangement entered into under this section may provide for payments by the Commonwealth to the States in respect of capital expenditure or maintenance expenditure incurred by the State at the request of the Commonwealth in connexion with the service performed by the State.

(3.) Any arrangement entered into under this section which provides for payments by the Commonwealth to a State in respect of any expenditure referred to in the last preceding sub-section shall provide for information to be supplied to the Minister by such persons, at such times and in such manner and form as he requires.

(4.) An arrangement entered into under this section shall provide—

(a) that any property the cost of which, or part of the cost of which, has been paid by the Commonwealth to the State under the arrangement shall not, except with the approval of the Minister, be used otherwise than for the purpose for which the property was acquired; and

(b) for the indemnification of the Commonwealth—

(i) in the event of the acquisition by the Commonwealth of property the cost of which has been paid by the Commonwealth to the State under the arrangement—against payment by way of compensation for the acquisition of that property; and

(ii) in the event of the acquisition by the Commonwealth of property the cost of which was paid in part by the Commonwealth to the State under the arrangement—against payment by way of compensation proportionate to the cost so paid.

Arrangements
to take over
State services
and hospitals.

10. The Governor-General may enter into an arrangement with the Governor of a State for the taking over by the Commonwealth from the State, for the purposes of a national health service—

(a) of any medical service or dental service provided by the State;

(b) of the whole or part of any hospital, laboratory, health centre or clinic owned or provided by the State; and

(c) of any property used in or in connexion with any such hospital, laboratory, health centre or clinic.

Arrangements
to take over
other services
and hospitals.

11. The Director-General may, on behalf of the Commonwealth, enter into an agreement for the taking over by the Commonwealth, for the purposes of a national health service—

(a) of any medical service or dental service;

(b) the whole or any part of any hospital, laboratory, health centre or clinic; or

(c) any property used in or in connexion with any hospital, laboratory, health centre or clinic,

not being a service, hospital, laboratory, health centre, clinic or property owned or provided by a State.

12. The Minister may establish a committee to manage, on behalf of the Commonwealth, but subject to any directions of the Director-General, the whole or any part of any medical service, dental service, hospital, laboratory, health centre or clinic taken over by the Commonwealth under either of the last two preceding sections. Management committees.

13. The Director-General may, on behalf of the Commonwealth, make an agreement with any person for the performance by that person of any service in connexion with a national health service. Agreements for the provision of services.

14. The Minister may, on behalf of the Commonwealth, arrange for, or undertake, the manufacture, for the purposes of a national health service, of medical and dental supplies, appliances and equipment, including visual aids and hearing aids. Manufacture, &c., of medical supplies.

15.—(1.) The Director-General may, for the purposes of this Act, compile and publish a list of medical practitioners or dentists recognized by him as being specialists in any field of medical science or dental science. Specialists

(2.) A person shall not be recognized, for the purposes of the last preceding sub-section, as being a specialist in any field of medical science or dental science unless the Director-General is satisfied—

(a) that his practice is wholly or mainly devoted to work in that field and that he is generally recognized by medical practitioners or dentists, as the case may be, as having special skill and experience in that field; or

(b) that he possesses special academic qualifications in that field and that he has recently held, or holds, a hospital or other appointment affording opportunities for acquiring or demonstrating special skill and experience in that field.

(3.) For the purpose of satisfying himself as provided in the last preceding sub-section, the Director-General may have regard to any list compiled by the appropriate authority of a State, or by an appropriate professional body, of medical practitioners or dentists who are recognized by that authority or body as being specialists in any field of medical science or dental science.

(4.) A person who desires his name to be included in a list compiled under sub-section (1.) of this section shall make application to the Director-General accordingly.

(5.) The Director-General may refer any such application to an appropriate advisory committee established under this Act for consideration and report and, where an application is so referred, the Director-General shall take the report into consideration before granting or refusing the application. Advisory committees.

16. The Minister may establish such advisory committees as he thinks fit for the purposes of this Act. Advisory committees.

Officers.

17. Officers and other persons employed by the Commonwealth for the purposes of this Act shall be employed under the *Commonwealth Public Service Act 1922-1948*.

Commonwealth officers entitled to practise in every State.

18. An officer of the Commonwealth who is registered as a medical practitioner, dentist, nurse, pharmacist, physiotherapist or otherwise under the law of any State shall be entitled to perform his duties, in relation to any national health service, in any other State or in any Territory of the Commonwealth, notwithstanding that he is not registered in that other State or in that Territory.

Reciprocal agreements.

19. Where an agreement between the Government of the Commonwealth and the Government of any other part of His Majesty's dominions, or the Government of any foreign country, provides for reciprocity in matters relating to the provision of medical or dental services or benefits, the regulations may provide for modifying or adapting this Act in its application to persons affected by the agreement.

Payments to universities.

20. The Minister may, subject to the approval of the Treasurer, make payments to universities or other appropriate bodies for the purposes of—

- (a) promoting and assisting investigation and research ; and
- (b) providing courses of training,

in medical science or dental science.

Finance.

21.—(1.) There shall be payable out of the Trust Account established under the *National Welfare Fund Act 1943-1945* and known as the National Welfare Fund all expenditure under this Act other than expenditure of a capital nature and expenditure in respect of administrative expenses incurred by or on behalf of the Commonwealth.

(2.) Other expenditure under this Act shall be paid out of moneys from time to time appropriated by the Parliament for the purpose.

Regulations.

22. The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters which are by this Act required or permitted to be prescribed, or which are necessary or convenient to be prescribed, for carrying out or giving effect to this Act, and in particular—

(a) for prescribing matters for or in relation to—

- (i) the establishment, maintenance or conduct of any national health service ;
- (ii) the terms and conditions (including terms and conditions as to payment) subject to which a national health service may be made available ;
- (iii) the persons or classes of persons to whom a national health service may be made available ;

- (iv) the duties and functions of persons performing any service in connexion with a national health service ; and
 - (v) the payment of remuneration and allowances to persons providing professional services for the purpose of a national health service ;
 - (b) for providing for the payment of compensation to a medical practitioner or dentist who—
 - (i) on the date on which a hospital, health centre or clinic is established at any place in connexion with a national health service, is in practice in or near that place ;
 - (ii) undertakes to make his professional services available exclusively for the purposes of a national health service ; and
 - (iii) has thereby suffered or will suffer loss arising from a diminution in the value of his practice ;
 - (c) for prescribing the constitution, powers, functions, duties and procedure of committees established under this Act ;
 - (d) prescribing the fees and allowances payable to members of committees established under this Act, other than members who are officers of the Public Service of the Commonwealth or of a State ;
 - (e) for the making and recovery of charges in respect of medicines, materials and appliances supplied in connexion with a national health service or in respect of the replacement or repair of any appliance so supplied ; and
 - (f) for prescribing penalties not exceeding a fine of Fifty pounds, or imprisonment for a period not exceeding six months, for any offence against the regulations.
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