



Community Services and Health Legislation Amendment Act (No. 2) 1988

No. 155 of 1988

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Community Services and Health Legislation Amendment Act (No. 2) 1988

No. 155 of 1988

An Act to amend laws relating to community services and health, and for related purposes

[Assented to 26 December 1988]

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 *Community Services and Health
Legislation Amendment Act (No. 2) 1988*.

Commencement

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

(2) Section 10 commences on 1 January 1989.

(3) Sections 12, 13 and 19 to 34 (inclusive) and 36 commence on a day
or days to be fixed by Proclamation.

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(4) Sections 14 and 17 shall be taken to have commenced on 1 July 1988.

(5) Part V shall be taken to have commenced on 24 June 1988.

(6) Subsection 41 (2) shall be taken to have commenced on 16 December 1987.

(7) Subsection 41 (3) shall be taken to have commenced on 6 November 1987.

(8) Subsection 41 (4) commences, or shall be taken to have commenced, as the case requires, at the commencement of section 11 of the *Crimes Legislation Amendment Act 1987*.

**PART II—AMENDMENTS OF THE FIRST HOME OWNERS ACT
1983**

Principal Act

3. In this Part, “Principal Act” means the *First Home Owners Act 1983*¹.

Person not intending to reside in dwelling

4. Section 5 of the Principal Act is amended by omitting “may, in his or her discretion,” and substituting “shall”.

Adjustment of payments of assistance

5. Section 37 of the Principal Act is amended by inserting after subsection (6) the following subsection:

“(6A) Without limiting the generality of subsection (1), where:

- (a) an amount of assistance has been paid to a person or persons in respect of a dwelling; and
- (b) that person, or at least one of those persons, as the case may be, ceases to be a prescribed person in relation to the dwelling because of a direction under section 5;

then, for the purposes of this section, the amount of assistance (whether paid before or after the commencement of this subsection) shall be treated as if it should not have been paid to that person or those persons, as the case may be.”.

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

Principal Act

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

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Interpretation

7. Section 3 of the Principal Act is amended:

- (a) by omitting “hospital patient” from the definition of “private patient” in subsection (1) and substituting “public patient”;
- (b) by omitting from subsection (1) the definition of “Australian resident” and substituting the following definition:

“Australian resident” means a person who resides in Australia and who is:

- (a) an Australian citizen;
- (b) a person who has been granted, or who is included in:
 - (i) an entry permit (not being a temporary entry permit) in force under the *Migration Act 1958*; or
 - (ii) a return endorsement or resident return visa in force under that Act;
- (c) a New Zealand citizen who is lawfully present in Australia;
- (d) a person (not being a person referred to in paragraph (a), (b) or (c)) who is lawfully present in Australia and whose continued presence in Australia is not subject to any limitation as to time imposed by law; or
- (e) a person (not being a person referred to in paragraph (a), (b), (c) or (d)) who:
 - (i) is the holder of a temporary entry permit in force under the *Migration Act 1958*; and
 - (ii) has applied for an entry permit that is not intended to operate as a temporary entry permit under the *Migration Act 1958*;

and who, in the opinion of the Secretary, is a person with respect to whom it is more likely than not that:

- (iii) territorial asylum in Australia may be granted;
- (iv) another person, being the person’s spouse, parent or child, is an Australian citizen or the holder of an entry permit that is not intended to operate as a temporary entry permit under the *Migration Act 1958*;
- (v) a determination may be made that the person has the status of a refugee within the meaning of the Convention relating to the status of refugees that was done at Geneva on 28 July 1951 or of the protocol relating to the Status

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of Refugees that was done at New York on 31 January 1967;

- (vi) there is in force an authorisation to work in Australia and the person is not a prescribed non-citizen under the *Migration Act 1958*; or
 - (vii) strong compassionate or humanitarian grounds for the grant of an entry permit may be found to exist;”;
- (c) by omitting from subsection (1) the definitions of “hospital treatment” and “nursing-home type patient” and substituting the following definitions:
- “‘hospital treatment’ means accommodation and nursing care, whether provided for the purpose of permitting the provision of professional attention or, in the case of a nursing-home type patient, as an end in itself;
 - ‘nursing-home type patient’, in relation to a hospital, means a patient in the hospital who has been provided with accommodation and nursing care for a continuous period exceeding 35 days and includes any person included in a class of persons that the Minister, by notice in writing given for the purposes of this definition, has declared to be a class of nursing-home type patients but does not include:
 - (a) a patient in respect of whom there is in force a determination under section 3A or a certificate given under section 3B; or
 - (b) a person included in a class of persons that the Minister, by notice in writing given for the purposes of this definition, has declared not to be a class of nursing-home type patients;”;
- (d) by omitting from subsection (1) the definitions of “hospital patient” and “person domiciled in Australia”;
- (e) by inserting in subsection (1) the following definition:
- “‘public patient’, in relation to a hospital, means an in-patient in respect of whom the hospital provides comprehensive care, including all necessary medical, nursing and diagnostic services and, if they are available at the hospital, dental and paramedical services, by means of its own staff or by other agreed arrangements;”;
- (f) by inserting after subsection (1A) the following subsection:
- “(1B) A notice by the Minister for the purposes of the definition of ‘nursing-home type patient’ in subsection (1) is a disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901*.”;

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- (g) by omitting from subsection (11) “an in-patient in a hospital has been such an in-patient” and substituting “a patient in a hospital has been provided with accommodation and nursing care”;
- (h) by omitting from subsection (11) “was an in-patient” (wherever occurring) and substituting “was provided with accommodation and nursing care as a patient”;
- (j) by omitting from subsection (12) “an in-patient” (wherever occurring) and substituting “provided with accommodation and nursing care as a patient”.

Determination that particular patients need acute care

8. (1) Section 3A of the Principal Act is amended by omitting “in-patients” (wherever occurring) and substituting “patients”.

(2) Any determination issued under section 3A of the Principal Act and in force in respect of a person immediately before the day on which this Act receives the Royal Assent continues in force, on and after that day, as if it had been issued in respect of that person under that section of the Principal Act as amended by this Act.

Certification of patients needing acute care

9. (1) Section 3B of the Principal Act is amended:

- (a) by omitting from subsections (1), (1A) and (1B) “an in-patient” (wherever occurring) and substituting “a patient”;
- (b) by omitting from subsection (1B) “that in-patient” and substituting “that patient”.

(2) Any certification given under section 3B of the Principal Act and in force in respect of a person immediately before the day on which this Act receives the Royal Assent continues in force, according to its tenor, on and after that day, as if it had been given in respect of that person under that section of the Principal Act as amended by this Act.

Certain persons in Australia to be treated as eligible persons etc.

10. Section 6 of the Principal Act is amended by omitting subsection (3).

Repeal of section 13

11. Section 13 of the Principal Act is repealed.

12. Section 23E of the Principal Act is repealed and the following section is substituted:

Interpretation

“23E. For the purposes of this Part (including Schedule 2):

- (a) a reference to a State includes a reference to the Northern Territory and the Australian Capital Territory; and

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- (b) the Australian Capital Territory includes the Jervis Bay Territory.”.

Repeal of section 23G

13. Section 23G of the Principal Act is repealed.

Payments in respect of recognised hospitals in the Australian Capital Territory

14. Section 23G of the Principal Act is amended:

- (a) by omitting subsections (1) and (2) and substituting the following subsections:

“(1) In this section:

‘relevant period’ means the period commencing on 1 July 1988 and ending on 30 June 1989 and each succeeding period of one year ending on 30 June and before 1 July 1993;

‘Service’ means the Australian Capital Territory Community and Health Service referred to in section 5 of the *Community and Health Service Ordinance 1985* of the Australian Capital Territory.

“(2) There is payable by the Commonwealth, in respect of the relevant period, to the Service, an amount determined by the Minister to be appropriate for the purposes of:

- (a) assisting the Service in meeting the costs of the recognised hospital system in the Australian Capital Territory; and
(b) providing incentives to the Service to encourage the more effective use of recognised hospital resources in the Australian Capital Territory.”;

- (b) by omitting from subsection (3) “prescribed hospital authority” and substituting “Service”.

Knowingly making false statements relating to medicare benefits etc.

15. Section 128B of the Principal Act is amended by omitting subsection (4).

Delegation

16. Section 131 of the Principal Act is amended by inserting after paragraph (4) (a) the following paragraph:

“(aa) a person performing the duties of an office in the Department;”.

Schedule 2

17. Schedule 2 to the Principal Act is amended:

- (a) by omitting paragraph 3 and substituting the following paragraph:

“3. The agreement is to provide for the payment by the Commonwealth to the State of amounts for the purposes of:

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- (a) assisting the State in meeting the costs of its recognised hospital system; and
- (b) providing incentives to the State to encourage the more effective use of recognised hospital resources.”;
- (b) by omitting from paragraph 5 “in recognized hospitals”;
- (c) by omitting from paragraph 7 “specify” and substituting “make provision for”;
- (d) by adding at the end the following paragraph:
 - “11. The agreement is to authorise the Commonwealth to vary the amount of its payments:
 - (a) if the State fails to comply with conditions specified in the agreement; or
 - (b) in accordance with any further agreement between the Commonwealth and the State providing for such variation.”.

PART IV—AMENDMENTS OF THE NATIONAL HEALTH ACT 1953 AND CONSEQUENTIAL PROVISIONS

Principal Act

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

Recognised days of absence of qualified nursing home patients etc.

19. Section 4AA of the Principal Act is amended by inserting in paragraph (5) (f) “that does not contain exempt beds” after “transferred home”.

Interpretation

20. Section 39 of the Principal Act is amended by inserting in that section the following definitions:

“‘additional exempt bed fee’, in relation to each exempt bed in a nursing home means:

- (a) unless paragraph (b) applies—the amount that was, under paragraph 39AB (3) (a), included in the information accompanying the application for exempt bed status for each of those beds as the amount that the proprietor proposed to charge in respect of nursing home patients occupying any such bed, if those beds were granted exempt status, in addition to the reference fee that would be applicable to that patient in that bed; and
- (b) if that amount has been redetermined by the proprietor of that nursing home under subsection 40AD (1BB)—the amount as so redetermined or as last so redetermined;

‘Class 1 nursing home’ means an approved nursing home that:

- (a) was approved under this Act before 1 July 1987;

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- (b) became a transferred home on 1 July 1987 by virtue of section 4 of the *Nursing Homes and Hostels Legislation Amendment Act 1987*;
- (c) was approved under this Act on or after 1 July 1987 following the issue, before 1 April 1987, of a certificate under subsection 39A (2) of this Act or subsection 3A (2) of the *Nursing Homes Assistance Act 1974*; or
- (d) was approved under this Act on or after 1 July 1987 where:
 - (i) an application for a certificate under subsection 39A (2) of this Act or subsection 3A (2) of the *Nursing Homes Assistance Act 1974* was made before 1 July 1987;
 - (ii) the object of the proposal to which the application related was to transfer to the nursing home an approval under the *Nursing Homes Assistance Act 1974* or this Act in respect of another nursing home conducted by the same proprietor on the same or a different site; and
 - (iii) a certificate under subsection 39A (2) or (2A) was issued on or after 1 July 1987;

'Class 2 nursing home' means an approved nursing home, other than a Class 1 nursing home;

'exempt bed' means a bed that has been granted status as an exempt bed under section 39AB;

'reference fee', in relation to a nursing home patient in an exempt bed in a nursing home, means:

- (a) unless paragraph (b) applies:
 - (i) where that patient is a patient in a Class 2 nursing home—the fee determined in accordance with the scale of fees that would apply for the purposes of subparagraph 40AA (6) (c) (i) in its application to that patient and that nursing home if the beds in that nursing home were not exempt beds; and
 - (ii) where the patient is a patient of a Class 1 nursing home—the amount that would be the fee determined for the purposes of subparagraph 40AA (6) (c) (i) in its application to that patient and that nursing home if that nursing home had been a Class 2 nursing home and if the beds in that nursing home were not exempt beds; and
- (b) if that fee or amount has been redetermined under subsection 40AD (1BH)—the fee or amount as so redetermined or as last so redetermined.”.

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

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Determination of maximum number of exempt beds etc.

“39AAA. (1) The Minister may, by notice in writing published in the *Gazette*, specify a number as the maximum number of beds that may, during a relevant period, have exempt bed status in a State or Territory.

“(2) The Minister may, by notice in writing published in the *Gazette*, specify a number as the maximum number of beds that may, during a relevant period, have exempt status in a particular region within a State or Territory.

“(3) A region specified for the purposes of subsection (2) is not required to correspond with a region specified under subsection 39AA (2).

“(4) The aggregate of the number of beds that have exempt status at any time during a relevant period in all of the regions of a State or Territory shall not exceed the number specified in a notice under subsection (1) as the maximum number of beds that may, during that period, have exempt bed status in that State or Territory.

“(5) For the purposes of this section, the Australian Capital Territory is to be treated as a part of New South Wales and not as a Territory.”.

22. After section 39A of the Principal Act the following section is inserted:

Applications for exempt bed status

“39AB. (1) A person who:

- (a) is the proprietor of an approved nursing home (other than a Government nursing home or a nursing home for disabled people);
- (b) has applied for an approval in principle in relation to a nursing home under subsection 39A (2) or (2A) or 39B (5); or
- (c) has been granted approval in principle in relation to a nursing home under subsection 39A (2) or (2A) or 39B (5);

may make application to the Minister to have all the beds included or proposed to be included in that nursing home granted status as exempt beds.

“(2) An application under subsection (1) shall not be treated as valid unless:

- (a) it is in a form approved by the Minister;
- (b) it is accompanied by such information and documents as are specified by the Minister in writing; and
- (c) the person making the application pays to the Commonwealth, at the time of making the application, such fee (if any) as is prescribed for the purposes of this paragraph.

“(3) Without limiting the generality of subsection (2), the information specified by the Minister in paragraph (b) of that subsection as information required to accompany an application under subsection (1) for exempt bed

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status for all the beds included, or proposed to be included, in a nursing home shall include particulars of:

- (a) the amount that the applicant proposes to charge in respect of a nursing home patient occupying any such bed, if those beds are granted exempt bed status, in addition to the reference fee that would be applicable to that patient in that bed; and
- (b) the proportion of the additional exempt bed fee (not being less than 50%) that the applicant proposes should be taken into account in reduction of the Commonwealth benefit payable from time to time in respect of each of those beds if they are granted exempt bed status.

“(4) The Minister shall establish, by notice in writing, principles identifying the matters by reference to which applications made under subsection (1) shall be considered, being principles that, without limiting the generality of the foregoing, shall include the following matters:

- (a) the amount of the additional exempt bed fee;
- (b) the amount referred to in paragraph (3) (b);
- (c) whether the granting of the application would unreasonably reduce access to nursing home care to financially disadvantaged persons.

“(5) The Minister shall, as soon as practicable after receipt of an application, consider the application including any further information provided in relation to that application in accordance with a requirement made under subsection (6) having regard to the principles in force at that time.

“(6) If the Minister, in the course of the consideration of an application, is of the opinion that further information is necessary for the proper consideration of the application, he or she may inform the applicant, by notice in writing, to that effect and request the provision of further information of a kind specified in the notice within such period as is specified in the notice.

“(7) Where the applicant who receives a notice under subsection (6) requesting the provision of further information in relation to an application fails, without reasonable excuse, to provide that further information, the Minister may, in his or her discretion, treat the application as having been withdrawn on the day next following the expiration of the period specified in the notice.

“(8) Where the Minister has completed his or her consideration of the application, including any further information furnished in accordance with a notice under subsection (6), the Minister may, in his or her discretion, grant the applicant a certificate in writing, stating that, for a period or periods specified in the certificate, a specified number of beds, together constituting all beds included, or proposed to be included, in the nursing home, are exempt beds.

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“(9) The period specified in a certificate granted under subsection (8) shall commence:

- (a) in respect of beds to be included in a nursing home in relation to which the applicant has sought or holds a certificate under subsection 39A (2) or (2A) or 39B (5):
 - (i) unless paragraph (ii) applies—on the date of approval of the nursing home under subsection 40AA (2); or
 - (ii) if a later day than the day referred to in subparagraph (i) is specified in the certificate under subsection (8) in respect of those beds—on that later day;
- (b) in respect of beds proposed to be included in a nursing home, being beds in relation to which the applicant for the grant under this section has applied for a certificate under subsection 39A (3):
 - (i) unless subparagraph (ii) applies—on the date of the alteration of the conditions of approval of the nursing home under subsection 40AD (1) to increase the number of beds to include those beds; or
 - (ii) if a later day than the day referred to in subparagraph (i) is specified in the certificate under subsection (8) in respect of those beds—on that later day;

“(10) A certificate granted under subsection (8) shall be revoked:

- (a) if the approval of the nursing home is revoked under section 44; or
- (b) upon application made to the Minister, in writing, by the proprietor of the nursing home.

“(11) A revocation of a certificate upon application made by a proprietor shall not be effected earlier than:

- (a) unless paragraph (b) applies—3 months; or
- (b) if the Minister specifies a shorter period by notice published in the *Gazette*—that shorter period;

after the application is received by the Minister.”.

Approval of nursing home

23. Section 40AA of the Principal Act is amended:

- (a) by inserting in subsection (6A) “in the application of that condition to a nursing home that does not contain exempt beds,” after “paragraph (6) (c)”;
- (b) by adding at the end of paragraph (7) (a) “in the application of that subparagraph to a nursing home that does not contain exempt beds”.

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24. After section 40AA of the Principal Act the following section is inserted:

Modification of conditions of approval for exempt beds

“40AAA. Where:

- (a) nursing home beds in a nursing home that has been granted approval under section 40AA as an approved nursing home are granted status as exempt beds with effect from a specified date; or
- (b) nursing home beds in a nursing home that has not yet been granted approval under section 40AA as an approved nursing home are granted status as exempt beds from the date of approval of those premises as an approved nursing home;

then, for so long after that date as those beds retain that status, the conditions to which the approval of the nursing home is subject, or is to be subject, as the case requires, by virtue of that section are modified as if:

- (c) in a case where the nursing home concerned is not a Government nursing home—there were substituted for the maximum amount that, under subparagraph 6 (bb) (ii) or (iii) of that section, the proprietor of the home can charge a short-term respite care patient occupying one of those beds in the absence of a permanent patient a maximum amount equal to the sum of:
 - (i) the amount applicable for the purpose of subparagraph 47 (2) (b) (iii);
 - (ii) the additional exempt bed fee in relation to each exempt bed in the home; and
 - (iii) an amount equal to the proportion of the additional exempt bed fee that the proprietor agreed, in the proprietor’s application for exempt bed status in respect of beds in that home, should be taken into account in reducing the Commonwealth benefit payable from time to time in respect of each of those beds if the application were granted;
- (d) there were substituted for the scale of fees referred to in subparagraph (6) (c) (i) of that section a scale of fees constituted by the respective reference fees, within the meaning of section 39, in relation to classified patients, each increased by the additional exempt bed fee, within the meaning of that section, in relation to that nursing home; and
- (e) there were substituted for subparagraph (6) (c) (ii) of that section the following subparagraph:
 - ‘(ii) no extra charge will be payable in respect of a patient occupying an exempt bed for any nursing home care, accommodation, goods or services provided in respect of that patient;’.”

Alteration of conditions applicable to a nursing home

25. Section 40AD of the Principal Act is amended:

- (a) by omitting from subsection (1B) “on application in writing made under this subsection by the proprietor of a nursing home” and

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substituting “in respect of a nursing home other than a nursing home containing exempt beds, on application in writing made under this subsection by the proprietor of the nursing home”;

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

“(1BB) The proprietor of a nursing home containing exempt beds may, not earlier than 12 months after the beds have been granted exempt bed status and not more than once in any period of 12 months, with the approval of the Secretary obtained in accordance with this section, redetermine the additional exempt bed fee, within the meaning of section 39, in relation to every exempt bed in the home.

“(1BC) Where the proprietor wishes to redetermine an additional exempt bed fee with effect from a particular day, the proprietor shall, not less than 30 days before that particular day, inform the Secretary of the proposed redetermination and request that the Secretary approve the redetermination with effect from that particular day.

“(1BD) The Secretary shall, within 30 days of being informed of a proposed redetermination of an additional exempt bed fee:

- (a) if he or she is satisfied that the proposed redetermination of the fee is in accordance with principles established by the Minister under subsection (1BE) and in force at the time the proposed redetermination is communicated to the Secretary—approve the proposed redetermination and advise the proprietor accordingly; or
- (b) if he or she is not so satisfied—refuse to approve the redetermination and advise the proprietor of that refusal and of the reasons for the refusal.

“(1BE) The Minister shall, by notice in writing, establish principles identifying the matters required to be taken into consideration by the proprietor of a nursing home containing exempt beds in effecting a redetermination of the additional exempt bed fee applicable to each of those beds.

“(1BF) If the Secretary approves a proposed redetermination of an additional exempt bed fee, that fee shall be taken to have been redetermined by the proprietor under subsection (1BB) with effect from the day specified by the proprietor in the request to the Secretary to approve that redetermination.

“(1BG) Nothing in this section shall be taken to imply that, where the Secretary refuses to approve a proposed redetermination of an additional exempt bed fee, the proprietor may not revise and re-submit a proposal for a redetermination of that fee.

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“(1BH) The Secretary may, in respect of a nursing home containing exempt beds, at any time, on application in writing made under this subsection by the proprietor of the nursing home or otherwise, redetermine the respective reference fees, within the meaning of section 39, applying in respect of each classification of approved nursing home patient.

“(1BJ) Where a redetermination is made under subsection (1BB) or (1BH) in respect of the exempt beds in a nursing home, the conditions to which the approval of the nursing home is subject shall, with effect from the date of effect of the redetermination, be taken to have been altered by substituting for the scale of fees that applies by virtue of the operation of section 40AAA, a new scale of fees reflecting the redetermination.

“(1BK) Where beds in a nursing home have been granted exempt bed status on different days, the proprietor of the nursing home shall, under subsection (1BB), redetermine the additional exempt bed fee for any beds other than the beds first granted that status at the same time as the proprietor redetermines the additional exempt bed fee for the beds first granted that status, notwithstanding that a period of 12 months may not have elapsed since those other beds were granted that status.”.

26. After section 40ADA of the Principal Act the following section is inserted:

Existing patients in nursing homes containing exempt beds

“40ADB. (1) Where the beds in an approved nursing home are granted exempt status then, for a period of 6 months after the day from which the beds are granted that status, the provisions of this Act that applied to the home in relation to each patient admitted before that day continue to apply to the home in respect of each such patient.

“(2) Where a patient occupies a bed in a nursing home before the day with effect from which the bed was granted exempt bed status, the patient may, at any time within the period of 6 months referred to in subsection (1), by notice in writing, elect that the provisions of this Act apply in relation to the home in respect of the patient after the expiration of that period as if the patient were newly admitted to the home on the day immediately following the expiration of that period.

“(3) Where a patient referred to in subsection (2) is, by reason of physical or mental incapacity, unable to make an election under subsection (2), another person representing that patient may make an election of the kind referred to in subsection (2) within the period referred to under subsection (2) on behalf of the patient.

“(4) Where the proprietor of a nursing home receives an election in respect of the patient under subsection (2) or (3), the proprietor shall, as

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soon as practicable after receiving that election, make application in writing to the Secretary requesting the Secretary to approve the election.

“(5) Each application in respect of an election shall be accompanied by:

- (a) if the election is made by the patient:
 - (i) the instrument of election; and
 - (ii) a statement by the patient, in a form approved by the Minister, signed and witnessed in a manner provided for in the statement, certifying that the election was freely made and that the patient fully understood the consequences of so electing; and
- (b) if the election is made by another person on behalf of the patient:
 - (i) the instrument of election;
 - (ii) a certificate by a duly qualified medical practitioner to the effect that the patient is unable, by reason of physical or mental incapacity, to make the election; and
 - (iii) a statement by the person making the election in a form approved by the Minister, signed and witnessed in a manner provided for in the statement:
 - (A) setting out the nature of the relationship between that person and the patient; and
 - (B) certifying that the election was freely made and that the person making the election fully understood the consequences of so electing.

“(6) Where the Secretary, after considering an application in relation to an election, together with all accompanying documents and any other material that the Secretary considers relevant, is satisfied:

- (a) if the election was made by the patient:
 - (i) that the election was freely made; and
 - (ii) that the patient understood the consequences of so electing; and
- (b) if the election was made by another person on behalf of the patient:
 - (i) that the patient is, by reason of physical or mental incapacity, unable to make the election;
 - (ii) that the person making the election properly represents the interests of the patient;
 - (iii) that the election was freely made; and
 - (iv) that the person making the election understood the consequences of so electing;

the Secretary shall approve the election.

“(7) If, at any time within the period of 6 months referred to in subsection (1), a person wishes to revoke an election made by that person, the person may do so, by notice in writing given to the proprietor of the

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nursing home concerned, whether or not the Secretary has approved the election.

“(8) Where a person revokes an election under subsection (7) the person shall forward a copy of the notice of revocation to the Secretary.

“(9) Where, at any time after approving an election, the Secretary has reason to believe that the election was not freely made or, in a case where the election was made by another person on behalf of a patient, that that person may not properly represent the interests of the patient, the Secretary may, by notice in writing, revoke the approval of that election and, where he or she does so, this Act shall have effect as if the election had never been made and subsection (10) applied in respect of the patient.

“(10) Where an election is not made by or on behalf of a patient referred to in subsection (2) within the period of 6 months referred to in subsection (1), the provisions of this Act continue to apply in relation to the home in respect of the patient until the expiration of a period of 2 years after the day on which the bed became an exempt bed as if the bed were not an exempt bed but, thereafter, the provisions of this Act have effect in relation to the home in respect of the patient as if:

- (a) an election had been duly made in respect of that patient and that election had been approved by the Secretary under this section; and
- (b) the day immediately following the expiration of the period of 2 years were the day immediately following the expiration of the period of 6 months referred to in subsection (1).

“(11) Where an election in respect of a patient is approved by the Secretary, then, whether or not that approval takes place within the period of 6 months referred to in subsection (1), the provisions of this Act apply, and shall be treated as having applied, in respect of the patient, at all times after the day immediately following the expiration of the period of 6 months referred to in subsection (1), as if the patient were newly admitted to the home on that day and, for that purpose:

- (a) any recognised days of absence, within the meaning of section 4AA, of the patient that occurred before that day but after the 30 June immediately preceding that day shall be taken into account as if they had occurred after that day;
- (b) if the patient was, before that day, a classified patient, the classification of the patient is not affected by reason of the patient's being treated as if he or she had been admitted to the home on that day; and
- (c) if the patient was, before that day, a non-classified patient, the patient shall be classified under section 40AFA with effect from that day.”.

27. (1) Section 40AE of the Principal Act is repealed and the following sections are substituted:

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Request for review of decisions

“40AE. (1) Where, on or after 24 August 1988, the Secretary, under subsection 40AD (1B):

- (a) alters the conditions applicable to a nursing home without an application under that subsection; or**
- (b) on an application under that subsection:**
 - (i) alters the conditions otherwise than in accordance with the application; or**
 - (ii) refuses the application;**

the proprietor of the nursing home may request the Minister to review the decision of the Secretary.

“(2) Where, on or after a day fixed by the Minister by notice published in the *Gazette*, the Secretary:

- (a) redetermines, under subsection 40AD (1BH), the respective reference fees applying in relation to each classification of approved nursing home patient occupying an exempt bed in a nursing home, without an application by the proprietor of the nursing home under that subsection;**
- (b) on application, under subsection 40AD (1BH), by the proprietor of a nursing home containing exempt beds:**
 - (i) redetermines the respective reference fees applying in relation to each classification of approved nursing home patient occupying an exempt bed in the nursing home; or**
 - (ii) refuses that application; or**
- (c) refuses, under subsection 40AD (1BD), a request under subsection 40AD (1BC) by the proprietor of a nursing home containing exempt beds to approve a proposed redetermination of an additional exempt bed fee in respect of each of those beds;**

the proprietor of the nursing home may request the Minister to review the decision of the Secretary.

“(3) A request to the Minister for a review:

- (a) shall be made only on the appropriate authorised form;**
- (b) shall be made within 42 days after the day on which notice of the Secretary’s decision is served on the proprietor; and**
- (c) shall be made only by the person who is the proprietor of the nursing home at the time the request is made.**

“(4) If the proprietor has not, in the request, authorised the deduction of:

- (a) the lodgment fee of \$500 or, if the Minister has, by notice, fixed another amount, that other amount; and**
- (b) the Committee processing fee, being the fee referred to in subsection 40AED (2);**

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from any payment or payments of benefits under Part VA payable to the proprietor, the request shall be taken not to have been made.

“(5) Where a proprietor has, in a request, authorised the deduction of the lodgment fee payable by the proprietor from any payment or payments of benefits under Part VA payable to the proprietor, the amount of the lodgment fee may be deducted from any payment or payments of those benefits.

“(6) A notice under paragraph (4) (a) is a disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901*.

Request for review may be withdrawn

“40AEA. Where a proprietor of a nursing home has, under subsection 40AE (1) or (2), requested the Minister to review a decision, the request may, at any time before the Minister has confirmed or varied the decision, be withdrawn by the person who is the proprietor of the nursing home at the time of such withdrawal by notice in writing signed by that proprietor and lodged with the Secretary.

Refund of lodgment fee

“40AEB. (1) Where:

- (a) a proprietor has, under subsection 40AE (1) or (2), requested the Minister to review a decision; and
 - (b) the lodgment fee has been deducted under subsection 40AE (5) from any payment or payments of benefits payable to the proprietor;
- the lodgment fee shall be refunded to the proprietor if:
- (c) the request is withdrawn under section 40AEA before the end of the period of 42 days commencing on the expiration of the last day on which such a request could have been made; or
 - (d) the decision is varied by the Minister in a manner wholly or substantially favourable to the proprietor.

“(2) If, before the lodgment fee has been deducted under subsection 40AE (5):

- (a) the request is withdrawn under section 40AEA within the period referred to in paragraph (1) (c); or
 - (b) the decision is varied by the Minister in a manner that is wholly or substantially favourable to the proprietor;
- the lodgment fee shall not be so deducted.

Referral of request to Nursing Homes Fees Review Committee of Inquiry

“40AEC. (1) Subject to section 40AEH, where a request under subsection 40AE (1) or (2) has not been withdrawn under section 40AEA, the Minister shall, not earlier than the end of the period of 42 days commencing on the expiration of the last day on which such a request could have been made, refer the matter to the appropriate Nursing Homes Fees Review Committee

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of Inquiry established under Division 3A of Part VIII (in this section and in sections 40AED, 40AEE, 40AEF and 40AEH called 'the Committee') for examination and report to the Minister, and shall not take any further action in the matter until the Minister has received the report of the Committee.

“(2) The Minister shall not refer the matter to the Committee unless the proprietor has provided the Minister with:

- (a) a statement which sets out fully and in detail the reasons for the request;
- (b) a copy of such accounts, books, documents and records that are relevant to the review of the decision by the Minister; and
- (c) such information or documents as the Minister specifies under subsection (3).

“(3) The Minister may, by notice published in the *Gazette*, specify information or documents that are to be provided to the Minister for the purposes of a review.

“(4) The Minister may, by notice in writing given to the proprietor, require the proprietor to furnish to the Minister such further information or documents as the Minister considers necessary for the purpose of deciding the request and the Minister may refuse to refer the matter to the Committee until that information or those documents, as the case requires, are furnished to the Minister.

Examination of matter by Committee

“40AED. (1) Where the Minister has referred a matter to the Committee under subsection 40AEC (1), the Committee shall examine the matter and report, in writing, to the Minister.

“(2) Without limiting the generality of the matters that may be included in the Committee's report, such a report shall contain a record of the days, and the hours in those days, during which the Committee met to examine the matter that is the subject of the report and shall specify the fee (in this section and in sections 40AEE, 40AEG and 40AEH called the 'Committee processing fee') payable by the proprietor of the nursing home to which the report relates, being the fee calculated under section 40AEE.

Committee Processing Fee

“40AEE. (1) The amount of the Committee processing fee shall be:

- (a) if the relevant period does not exceed 4 hours—the prescribed amount; or
- (b) if the relevant period exceeds 4 hours:
 - (i) in respect of each period of 4 hours included in the relevant period—the prescribed amount; and

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- (ii) if the relevant period includes an additional period of less than 4 hours—the prescribed amount in respect of that additional period.

“(2) The amount of the Committee processing fee shall not exceed \$1,000 per day or, if the Minister has, by notice, fixed another amount, that other amount.

“(3) Where a proprietor has, in a request for review, authorised the deduction of the Committee processing fee payable by the proprietor from any payment or payments of benefits under Part VA payable to the proprietor, the amount of the Committee processing fee may be deducted from any payment or payments of those benefits.

“(4) The Committee processing fee may be recovered by the Commonwealth in a court of competent jurisdiction as a debt due and payable to the Commonwealth.

“(5) A notice referred to in subsection (2) and in the definition of ‘prescribed amount’ in subsection (6) is a disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901*.

“(6) In this section:

‘prescribed amount’ means \$500 or, if the Minister has, by notice, fixed another amount, that other amount;

‘relevant period’ means the period, or the aggregate of the periods, during which the Committee met to examine the matter that is the subject of the Committee’s report.

Ministerial review of decisions

“40AEF. (1) The Minister shall, after such investigation of the matter as the Minister considers necessary, either confirm or vary the decision of the Secretary, and advise the proprietor accordingly.

“(2) The Minister shall, in undertaking, in accordance with subsection (1), such investigation of the matter as the Minister considers necessary, apply any relevant principle that was in force under subsection 40AA (7) or 40AD (1BE), as the case requires, at the time the decision was made.

“(3) The Minister shall not, in undertaking, in accordance with subsection (1), such investigation of the matter as the Minister considers necessary, confirm or vary the decision of the Secretary before the Minister has received the report of the Committee.

“(4) Where the Minister varies the decision of the Secretary, the Secretary shall, for the purposes of subsection 40AD (2), be taken to have altered the conditions applicable to the nursing home in accordance with the decision so varied.

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Refund of Committee processing fee etc.

“40AEG. Where:

- (a) a proprietor has, under subsection 40AE (1) or (2), requested the Minister to review a decision; and
- (b) the decision is varied in a manner that is wholly or substantially favourable to the proprietor;

then:

- (c) if the Committee processing fee has been deducted under subsection 40AEE (3)—the fee shall be refunded to the proprietor; and
- (d) if the Committee processing fee has not been so deducted—the fee shall not be deducted.

Effect of change of proprietor on request for review

“40AEH. (1) Where the Minister has, under section 40AE, been requested to review a decision of the Secretary, the Minister may, in writing, at any time before the Committee has commenced consideration of the matter, require the proprietor of the nursing home to which the request relates to notify the Minister whether there has been a change in proprietorship of the nursing home since the request was made and the proprietor of the nursing home shall, by notice in writing, notify the Minister accordingly not later than 28 days after being required to so notify the Minister.

“(2) Where the Minister is not notified in accordance with subsection (1) the request shall be taken to have been withdrawn.

“(3) Where:

- (a) a proprietor has, under subsection 40AE (1) or (2), requested the Minister to review a decision; and
- (b) after making the request but before the Committee has commenced consideration of the matter the proprietor ceases to be the proprietor of the nursing home and another person becomes the proprietor (in this section called the ‘new proprietor’) of the nursing home;

the Minister shall, as soon as practicable after the Minister becomes aware of the change of proprietor, by notice in writing:

- (c) provide details of the request to the new proprietor; and
- (d) inform the new proprietor that unless the new proprietor, not later than 28 days, or such longer period as the Minister specifies in writing given to the proprietor, after receipt of the Minister’s notice, authorises the Minister to proceed, or to continue to proceed, with the request, the request shall be taken to have been withdrawn;

and the Minister shall take no further action in relation to the request before the Minister receives that authorisation, or before the end of that period of 28 days or that longer period, as the case may be, whichever first occurs.

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“(4) Where the new proprietor authorises the Minister to proceed, or to continue to proceed, with the request as required by paragraph (3) (d), the new proprietor shall be taken to have authorised the deduction of the Committee processing fee from any payment or payments of benefits under Part VA payable to the new proprietor.

“(5) Where the new proprietor does not authorise the Minister to proceed, or to continue to proceed, with the request as required by paragraph (3) (d), the request shall be taken to have been withdrawn.

“(6) Where a request is taken to have been withdrawn under subsection (2) or (5):

- (a) if the lodgment fee has been deducted in accordance with subsection 40AE (5)—the fee shall not be refunded; and
- (b) if the lodgment fee has not been so deducted—the fee shall be so deducted.”.

(2) Where:

- (a) on or before 23 August 1988 a proprietor had, under section 40AE of the Principal Act as in force immediately before the commencement of this subsection, requested the Minister to review a decision of the Secretary; and
- (b) the request had not, on or before that commencement, been referred to the appropriate Nursing Homes Fees Review Committee of Inquiry established under Division 3A of Part VIII of the Principal Act for examination and report to the Minister;

the Minister shall, by notice in writing given to the proprietor of the nursing home, notify the proprietor that unless the proprietor, not later than 28 days after receipt of the Minister’s notice, authorises the Minister to proceed with the request, the request shall be taken to have been withdrawn.

(3) Where the proprietor does not authorise the Minister to proceed with the request as required by subsection (2), the request shall be taken to have been withdrawn.

(4) Where the proprietor authorises the Minister to proceed with the request in accordance with subsection (2):

- (a) the request shall be taken to have been validly made on 24 August 1988 under the Principal Act as in force at the commencement of this subsection;
- (b) the lodgment fee payable under that Act shall not be deducted from any payment or payments of benefits under Part VA of that Act payable to the proprietor; and
- (c) the fee specified in the Committee’s report may be deducted from any payment or payments of such benefits.

(5) Where, after the Minister has been requested to review a decision of the Secretary in the circumstances referred to in paragraphs (2) (a) and

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(b), the proprietor of the nursing home who made the request ceases to be the proprietor of that nursing home and another person becomes the proprietor (in this section called the "new proprietor") of that nursing home, the Minister shall, by notice in writing given to the new proprietor:

- (a) provide details of the request to the new proprietor; and
- (b) notify the new proprietor that unless the new proprietor, not later than 28 days after receipt of the Minister's notice, authorises the Minister to proceed with the request, the request shall be taken to have been withdrawn.

(6) Where the new proprietor does not authorise the Minister to proceed with the request as required by subsection (5), the request shall be taken to have been withdrawn.

(7) Where the new proprietor authorises the Minister to proceed with the request in accordance with subsection (5):

- (a) the request shall be taken to have been validly made by the new proprietor on 24 August 1988 under the Principal Act as in force at the commencement of this subsection;
- (b) the lodgment fee payable under that Act shall not be deducted from any payment or payments of benefits under Part VA of that Act payable to the proprietor; and
- (c) the fee specified in the Committee's report may be deducted from payment or payments of such benefits.

Standard fee for non-classified patients

28. Section 40AG of the Principal Act is amended by omitting from subsection (1) the definitions of "Class 1 nursing home" and "Class 2 nursing home".

Standard fee for classified patients

29. Section 40AGA of the Principal Act is amended by omitting from subsection (1) the definitions of "Class 1 nursing home" and "Class 2 nursing home".

Variation or revocation of approval

30. Section 44 of the Principal Act is amended by inserting in paragraph (3) (b) "or subsection 40AEH (1)" after "section 43".

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

Revocation of exempt bed status

"44A. (1) The Minister may, at any time review the exempt bed status of the exempt beds in a nursing home.

"(2) If the Minister is satisfied:

- (a) that the proprietor of a nursing home containing exempt beds has charged a patient occupying an exempt bed a fee in excess of the

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maximum fee payable under subparagraph 40AA (6) (c) (i) as modified by section 40AAA; or

- (b) that an election made under section 40ADB by or in respect of a patient occupying an exempt bed was made as a result of a misrepresentation or by reason of duress, or a threat of detriment or disadvantage, made or offered by:
- (i) the proprietor;
 - (ii) an employee of the proprietor; or
 - (iii) in a case where the proprietor is not a body corporate—a person acting on behalf of that proprietor or that employee;

the Minister may, by notice in writing, revoke the grant of exempt bed status in respect of the beds in that home.

“(3) Nothing in subsection (2) shall be taken to imply that the Minister may not, in circumstances where the Minister is satisfied of the matter referred to under subsection (2) (a), suspend or revoke the approval of the nursing home concerned as an approved nursing home under section 44 if he or she considers that to be a more appropriate course of action.”.

32. Section 45C of the Principal Act is repealed and the following section is substituted:

Principles under sections 39A, 39AB, 40AA and 40AD

“45C. An instrument establishing principles for the purpose of subsection 39A (6), 39AB (4), 40AA (3C) or (7) or 40AD (1BE) is a disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901*.”.

Benefit for patients in other approved nursing homes

33. Section 47A of the Principal Act is amended:

- (a) by inserting in subsection (2) “payable under subsection (1), in respect of an approved nursing home patient occupying a bed other than an exempt bed” after “benefit”;
- (b) by adding at the end the following subsection:

“(3) The benefit payable under subsection (1) in respect of each approved nursing home patient occupying an exempt bed in a nursing home is equal to the difference between:

- (a) the reference fee, within the meaning of section 39, in relation to that patient; and
- (b) the sum of:
 - (i) the amount for the time being applicable for the purposes of subparagraph 47 (2) (b) (iii); and
 - (ii) an amount equal to the proportion of the additional exempt bed fee, within the meaning of section 39, that the proprietor agreed, in the proprietor’s application

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for exempt bed status in respect of beds in that home, should be taken into account in reducing the Commonwealth benefit payable from time to time in respect of each of those beds if the application were granted.”.

Benefit for nursing home care in transferred homes

34. Section 48A of the Principal Act is amended:

- (a) by inserting in subsection (2) “(2A),” after “subsection”;
- (b) by inserting in subsection (2) “, in respect of each approved nursing home patient and each Repatriation nursing home patient occupying a bed other than an exempt bed,” after “subsection (1)”;
- (c) by adding after subsection (2) the following subsection:

“(2A) The benefit payable under subsection (1) in respect of each approved nursing home patient and each Repatriation nursing home patient occupying an exempt bed in a nursing home is equal to the difference between:

- (a) the reference fee, within the meaning of section 39, in relation to that patient; and
- (b) the sum of:
 - (i) the amount for the time being applicable for the purposes of subparagraph 47 (2) (b) (iii); and
 - (ii) an amount equal to the proportion of the additional exempt bed fee, within the meaning of section 39, that the proprietor agreed, in the proprietor’s application for exempt bed status in respect of beds in that home, should be taken into account in reducing the Commonwealth benefit payable from time to time in respect of each of those beds if the application were granted.”.

Health insurance business to be carried on only by registered organisations

35. Section 67 of the Principal Act is amended by omitting from the definition of “hospital treatment” in subsection (4) “for the purpose of permitting the provision of professional attention,” and substituting “, whether provided for the purpose of permitting the provision of professional attention or, in the case of a nursing-home type patient, as an end in itself.”.

Functions of State Committees

36. Section 117B of the Principal Act is amended by omitting “subsection 40AE (4)” and substituting “subsection 40AEC (1)”.

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Fund benefits in respect of accommodation and nursing care provided to nursing-home type patients before Royal Assent

37. (1) Where:

- (a) at a particular time before the commencement, accommodation and nursing care had been provided to a person in a hospital;
- (b) before the commencement, a fund benefit had not been paid by a registered organisation of which that person was a member at that particular time in respect of the provision of that accommodation and nursing care; and
- (c) if the amendments made by paragraphs 7 (c), (f), (g), (h) and (j) and sections 8, 9 and 35 had been in force at that particular time, a fund benefit would have been so payable;

a fund benefit shall be paid by that organisation in respect of the provision to the person of that accommodation and nursing care as if those amendments had been in force at that particular time but the level of fund benefit payable shall be the level that was appropriate at the time the accommodation and nursing care was so provided.

(2) In subsection (1):

“the commencement” means the day on which this Act receives the Royal Assent.

**PART V—AMENDMENTS OF COMMUNITY SERVICES AND
HEALTH LEGISLATION AMENDMENT ACT 1988**

Principal Act

38. In this Part, “Principal Act” means the *Community Services and Health Legislation Amendment Act 1988*⁴.

Commencement

39. Section 2 of the Principal Act is amended by omitting subsection (3) and substituting the following subsection:

“(3) Part II commences on a day to be fixed by Proclamation.”.

Repeal of section 27

40. Section 27 of the Principal Act is repealed and the following section is substituted:

“27. After section 49 of the Principal Act the following section is inserted:

Respite Care

‘49AA. (1) The Governor-General may make regulations providing for the formulation, implementation and regulation of a scheme providing for respite care in approved nursing homes.

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'(2) Regulations made for the purpose of subsection (1) may provide that a specified provision of this Act does not apply, or applies with prescribed modifications, in relation to a scheme referred to in subsection (1).

'(3) The power conferred by subsection (2) to make modifications by regulation includes the power to omit any matter or add any new matter.

'(4) The power to make regulations conferred by subsection (1) shall not be taken not to include the power to make provision in relation to a matter by reason only of the fact that a provision is made by this Act in relation to that matter or another matter.

'(5) Where regulations made for the purposes of subsection (1) are inconsistent with a provision of this Act that relates to the subject-matter of the regulations, the regulations shall prevail and that provision shall, to the extent of the inconsistency, be of no effect.'".

PART VI—AMENDMENTS OF CERTAIN ACTS

Amendments of certain Acts

41. (1) The Acts specified in Part I of the Schedule are amended as set out in that Part.

(2) The Act specified in Part II of the Schedule is amended as set out in that Part.

(3) The Act specified in Part III of the Schedule is amended as set out in that Part.

(4) The Act specified in Part IV of the Schedule is amended as set out in that Part.



SCHEDULE

Section 41

PART I

Aged or Disabled Persons Homes Act 1954

Subsection 5 (1A):

Omit “or an officer of the Department”, substitute “, to an officer of the Department or to a person performing the duties of an office in the Department”.

Subsection 5 (1):

After “Department” insert “or to a person performing the duties of an office in the Department”.

Aged or Disabled Persons Hostels Act 1972

Subsection 13 (1):

Omit “of the Australian Public Service”, substitute “of the Department or to a person performing the duties of an office in the Department”.

Child Care Act 1972

Subsection 21 (1):

After “Department” insert “or to a person performing the duties of an office in the Department”.

Commonwealth Serum Laboratories Act 1961

Subsection 44A (1):

Omit “Department that deals with matters arising under this Act”, substitute “Department or to a person performing the duties of an office in the Department”.

Delivered Meals Subsidy Act 1970

Subsection 11 (1):

After “Department” insert “or to a person performing the duties of an office in the Department”.

Home and Community Care Act 1985

Subsection 5 (1):

After “Department” insert “or to a person performing the duties of an office in the Department”.

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SCHEDULE—continued

Homeless Persons Assistance Act 1974

Subsection 16 (1):

Omit “of the Australian Public Service”, substitute “of the Department or to a person performing the duties of an office in the Department”.

Home Nursing Subsidy Act 1956

Subsection 4 (1):

Omit “or to an officer of the Department”, substitute “, to an officer of the Department or to a person performing the duties of an office in the Department”.

States Grants (Home Care) Act 1969

Subsection 16 (1):

After “Department” insert “or to a person performing the duties of an office in the Department”.

PART II

Community Services and Health Legislation Amendment Act 1987

Section 21:

Add at the end the following subsection:

“(11) Where, before the commencement of section 14 of this Act, the Minister had approved a building or a proposed building under section 6 of the Principal Act and had not before that commencement entered into an agreement, under section 8 of the Principal Act, with an eligible organisation in relation to that approval, then:

- (a) the approval continues to have effect after that commencement; and
- (b) the Principal Act as in force before that commencement continues to apply to that approval and that organisation.”

PART III

Sea Installations (Miscellaneous Amendments) Act 1987

Paragraph 42 (e):

Omit “Authorised person”, substitute “Authorized person”.

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SCHEDULE—continued

PART IV

Therapeutic Goods Act 1966

Subsection 25 (1):

Omit “section 41 of the *Acts Interpretation Act 1901*”, substitute “section 4D of the *Crimes Act 1914*”.

NOTES

1. No. 46, 1983, as amended. For previous amendments, see No. 23, 1985; and No. 38, 1988.
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; and Nos. 44, 131 and 132, 1987.
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; 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; and No. 79, 1988.
4. No. 79, 1988.

[*Minister's second reading speech made in—*
House of Representatives on 10 November 1988
Senate on 25 November 1988]