

Regulations 1984 No. 3<sup>1</sup>

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**Health Commission (Charges) Regulations<sup>2</sup>  
(Amendment)**

I, NEAL BLEWETT, the Minister of State for Health, hereby make the following Regulations under the *Health Commission Ordinance 1975*.

Dated 27 January 1984.

NEAL BLEWETT  
Minister of State for Health

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**Commencement**

1. These Regulations shall come into operation on 1 February 1984.

**Principal Regulations**

2. In these Regulations, "Principal Regulations" means the Health Commission (Charges) Regulations.

**Interpretation**

3. Regulation 2 of the Principal Regulations is amended—

- (a) by omitting from sub-regulation (1) the definitions of "Australian resident" and "eligible pensioner" and substituting the following definitions:

“ 'Australian resident' means a person who is ordinarily resident in Australia and includes a person domiciled in Australia but does not include a person who is—

- (a) the head of a diplomatic mission, or the head of a consular post, established in Australia;
- (b) a member of the staff of a diplomatic mission, or a member of the consular staff of a consular post, established in Australia;

- (c) a member of the family of a person referred to in paragraph (a) or (b), being a member who forms part of the household of that person; or
- (d) employed on a full-time basis to perform domestic or other private services for a person referred to in paragraph (a), (b) or (c),

being a person who is not an Australian citizen and is not a person domiciled in Australia;

'compensable patient', in relation to a hospital, means an in-patient of the hospital who, in the opinion of the Chief Medical Administrator of the hospital, has, or may have, a right to recover from another person, by way of compensation or damages, the cost of hospital accommodation;

'compensable person' means—

- (a) a person—
  - (i) to whom a pathology service is provided at a hospital; or
  - (ii) who is conveyed by means of an ambulance service to or from a hospital; and
- (b) who, in the opinion of the Chief Medical Administrator of a hospital, has, or may have, a right to recover from another person, by way of compensation or damages, the cost of the service;

'eligible pensioner' means—

- (a) a person to whom or in respect of whom there is being paid an age pension, an invalid pension, a spouse carer's pension, a widow's pension, a supporting parent's benefit, a sheltered employment allowance or a rehabilitation allowance under the *Social Security Act 1947*, other than such a person who is—
  - (i) a person to whom paragraph (b) applies; or
  - (ii) a prescribed person within the meaning of section 83CA of the *Social Security Act 1947*;
- (b) a person—
  - (i) to whom or in respect of whom there is being paid a sickness benefit under the *Social Security Act 1947*; or
  - (ii) who is in receipt of a rehabilitation allowance under the *Social Security Act 1947* and was, immediately before the person became eligible to receive that allowance, eligible to receive such a sickness benefit;
- (c) a person to whom or in respect of whom there is being paid a service pension under the *Repatriation Act 1920*, other than such a person who is a prescribed

person within the meaning of section 123AB of that Act; or

- (d) a person to whom or in respect of whom there is being paid an allowance under the *Tuberculosis Act 1948*;"
- (b) by omitting from sub-regulation (1) the definition of "hospital" and substituting the following definitions:

" 'hospital' means—

- (a) the premises known as the Royal Canberra Hospital; and
- (b) the premises known as the Woden Valley Hospital, other than ward 10A;

'hospital patient', in relation to a hospital, means an in-patient of the hospital who—

- (a) has not made an election under sub-regulation 2C (1); or
- (b) has made an election under sub-regulation 2C (1), but has revoked that election under sub-regulation 2C (2);"
- (c) by omitting from sub-regulation (1) the definition of "non-eligible person" and substituting the following definition:

" 'non-eligible person' means—

- (a) a person who is not an Australian resident; or
- (b) a person in respect of whom, or a person included in a class of persons in respect of which, there is in force an order under sub-section 6 (2) of the *Health Insurance Act 1973*;"

- (d) by omitting from the definition of "nursing-home type patient" in sub-regulation (1) "60" and substituting "35";
- (e) by omitting paragraph (b) of the definition of "nursing-home type patient" in sub-regulation (1) and substituting the following paragraph:

"(b) a compensable patient; or";

- (f) by inserting after the definition of "pathology service" in sub-regulation (1) the following definitions:

" 'person domiciled in Australia' means a person whose domicile is in Australia, other than a person in respect of whom the Minister is satisfied that the person's permanent place of abode is outside Australia;

'private patient', in relation to a hospital, means an in-patient of the hospital who has made an election under sub-regulation 2C (1) and who has not revoked that election;"

- (g) by inserting after the definition of “professional service” in sub-regulation (1) the following definition:
- “ ‘repatriation pensioner’ means—
- (a) a person who is in receipt of—
    - (i) a pension payable at the rate calculated in accordance with clause 6 of Schedule 1 to the *Repatriation Act 1920*; or
    - (ii) a pension payable at the rate specified in Schedule 2 to the *Repatriation Act 1920*; and
  - (b) a person, being a widow of a member of the Forces within the meaning of the *Repatriation Act 1920*, who is in receipt of a pension payable at the rate referred to in Table A of Schedule 3 to that Act;”;
- (h) by omitting “Health Insurance (Variation of Fees and Medical Services) (No. 22) Regulations” from the definition of “standard medical benefits table” in sub-regulation (1) and substituting “Health Insurance (Variation of Fees and Medical Services) (No. 26) Regulations”;
- (i) by adding at the end of sub-regulation (1) the following definition:
- “ ‘standard patient’, in relation to a hospital, means an in-patient of the hospital, other than—
- (a) a short-stay patient; or
  - (b) a nursing-home type patient;”;
- (j) by omitting from sub-regulation (2) “60” and substituting “35”; and
- (k) by inserting after sub-regulation (4) the following sub-regulations:
- “(4A) For the purposes of regulations 3 and 3B, the day on which a person commences to be accommodated in a hospital as a patient and the day on which that person ceases to be so accommodated shall be counted together as one day.
- “(4B) For the purposes of regulations 3, 3A and 3B, where a child whose age is less than 12 months and the mother of that child are both accommodated in a hospital, they shall be treated as one patient unless the child and the mother both receive treatment.”.

4. Regulations 3, 3AA and 3A of the Principal Regulations are repealed and the following regulations substituted:

#### **Election by patient**

“2C. (1) A patient at a hospital may, by notice in writing given to the Chief Medical Administrator of the hospital, elect to receive medical treatment exclusively from persons who are not employed by the Commission or acting at the request of the Commission.

“(2) An election made under sub-regulation (1) may be revoked by notice in writing given to the Chief Medical Administrator of the hospital.

**Hospital accommodation fees—standard patients**

“3. The prescribed charge, for the purpose of sub-section 74 (2) of the Ordinance, for the accommodation in a hospital of a standard patient—

- (a) if the patient is a private patient, other than a compensable patient or a non-eligible person, is—
  - (i) in a multiple-bed room—\$80.00 per day;
  - (ii) in a single room, otherwise than at the patient’s request—\$80.00 per day; and
  - (iii) in a single room, at the patient’s request—\$130.00 per day; and
- (b) if the patient is a compensable patient or a non-eligible person, is \$230.00 per day.

**Hospital accommodation fees—short-stay patients**

“3A. The prescribed charge, for the purpose of sub-section 74 (2) of the Ordinance, for the accommodation in a hospital of a short-stay patient is—

- (a) if the patient is a private patient, other than a compensable patient or a non-eligible person—\$40.00 per day; and
- (b) if the patient is a compensable patient or a non-eligible person—\$115.00 per day.

**Hospital accommodation fees—nursing-home type patients**

“3B. The prescribed charge, for the purpose of sub-section 74 (2) of the Ordinance, for the accommodation in a hospital of a nursing-home type patient who has attained the age of 16 years is—

- (a) if the patient is a hospital patient—\$11.95 per day; and
- (b) if the patient is a private patient—\$50.30 per day.”.

**Fees for accommodation of persons other than patients**

5. Regulation 6 of the Principal Regulations is amended—

- (a) by omitting “hospital,” and substituting “hospital or a”; and
- (b) by omitting from sub-regulation (1) “sub-regulation 3 (4)” and substituting “sub-regulation 2 (4B)”.

6. Regulations 6B and 6C of the Principal Regulations are repealed and the following regulation is substituted:

**Fees for pathology services**

“6B. The prescribed charge, for the purpose of sub-section 74 (2) of the Ordinance, for a pathology service provided by the Commission to—

- (a) a compensable person; or
- (b) a non-eligible person,

is an amount equal to the fee specified in relation to that pathology service in the standard medical benefits table in relation to the State of New South Wales.”.

**Prescribed classes of persons for the purposes of sub-section 74 (3) of the Ordinance**

7. Regulation 9 of the Principal Regulations is amended by omitting paragraph (2) (a) and substituting the following paragraph:

- “(a) persons who are conveyed to or from a hospital by means of an ambulance service and who are—
- (i) eligible pensioners;
  - (ii) disadvantaged persons;
  - (iii) repatriation pensioners;
  - (iv) persons who are students at a school for whom the need for an ambulance service occurred while in attendance at a school or while travelling to or from a school;
  - (v) persons who are financial members of the ambulance subscription scheme conducted by the Commission; or
  - (vi) dependants of the persons referred to in sub-paragraph (i), (ii), (iii) or (v),
- other than compensable persons;”.

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**NOTES**

1. Notified in the *Commonwealth of Australia Gazette* on 1 February 1984.
2. Regulations 1975 No. 13 as amended by Regulations 1976 No. 18; 1977 Nos. 11, 15, 24 and 28; 1978 Nos. 7, 8, 15, 17, 18 and 19; 1979 Nos. 5, 14, 17 and 23; 1980 Nos. 3, 8, 9, 13, 16 and 17; 1981 Nos. 10, 11, 15, 16 and 25; 1982 Nos. 4, 5, 7, 9, 41 and 48; 1983 Nos. 2 and 22.