

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA  
HOUSE OF REPRESENTATIVES

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Presented and read a first time, 29 November 1989

*(Minister for Housing and Aged Care)*

**A BILL**

FOR

**An Act to amend the *National Health Act 1953*, and for related purposes**

BE IT ENACTED by the Queen, and the Senate and the House of Representatives of the Commonwealth of Australia, as follows:

**Short title etc.**

5       **1. (1)** This Act may be cited as the *National Health Amendment Act (No. 2) 1989*.

**(2)** In this Act, “**Principal Act**” means the *National Health Act 1953*<sup>1</sup>.

**Commencement**

**2.** This Act commences on the day on which it receives the Royal Assent.

10       **Establishment of Pharmaceutical Benefits Remuneration Tribunal**

**3.** Section 98A of the Principal Act is amended:

**(a)** by omitting from paragraph (2) (b) “2” and substituting “4”;

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

“(2A) The Minister:

- (a) must appoint as an additional member at least one person who has been, but is no longer, engaged either directly or indirectly in community pharmacy; and
- (b) is to make that appointment only after he or she has consulted with the Pharmacy Guild of Australia.”.

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**Constitution of Tribunal**

4. Section 98BB of the Principal Act is amended by omitting subsection (1) and substituting the following subsections:

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“(1) For all purposes, including the purposes of any proceeding before the Tribunal, the Tribunal is to be constituted by the Chairperson and at least 2 additional members.

“(1A) The Chairperson may give directions as to the constitution of the Tribunal for the purposes of any inquiry.”.

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**Procedure of Tribunal**

5. Section 98BC of the Principal Act is amended by omitting subsection (5) and substituting the following subsection:

“(5) The Chairperson is to preside in any proceeding before the Tribunal and all questions to be decided by the Tribunal are to be decided by a majority of votes of the members and, for that purpose, the Chairperson has a deliberative vote and, in the event of an equality of votes, also has a casting vote.”.

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**Transitional**

6. An inquiry commenced by the Pharmaceutical Benefits Remuneration Tribunal before the commencement of this Act may be continued after that commencement, where the Tribunal was not constituted in accordance with the Principal Act as amended by this Act, as if it were so constituted.

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**NOTE**

- 1. No. 95, 1953, as amended. For previous amendments, see No. 68, 1955; Nos. 55 and 95, 1956; No. 92, 1957; No. 68, 1958; No. 72, 1959; No. 16, 1961; No. 82, 1962; No. 77, 1963; No. 37, 1964; Nos. 100 and 146, 1965; No. 44, 1966; Nos. 14 and 100, 1967; No. 100, 1968; No. 102, 1969; No. 41, 1970; No. 85, 1971; No. 114, 1972; Nos. 49 and 202, 1973; No. 37, 1974; Nos. 1, 13 and 93, 1975; Nos. 1, 60, 91, 99, 108, 157 and 177, 1976; Nos. 98 and 100, 1977; Nos. 36, 88, 132 and 189, 1978; Nos. 54, 91 and 122, 1979; Nos. 117 and 131, 1980; Nos. 40, 74, 92, 118, 163 and 176, 1981; Nos. 49, 80 and 112, 1982; Nos. 35, 54 and 139, 1983; Nos. 46, 63, 72, 120, 135 and 165, 1984; Nos. 24, 53, 65, 70, 95, 127 and 167, 1985; Nos. 28, 75, 94 and 115, 1986; Nos. 22, 44, 72, 118, 131 and 132, 1987; Nos. 46, 79, 87, 99 and 155, 1988; and Nos. 95 and 00, 1989.

