



# **Health Legislation Amendment Act 2005**

**No. 155, 2005**

**An Act to amend legislation relating to health, and  
for related purposes**

Note: An electronic version of this Act is available in ComLaw (<http://www.comlaw.gov.au/>)



---

## Contents

1	Short title.....	1
2	Commencement.....	1
3	Schedule(s).....	3
<b>Schedule 1—Amendments relating to Australian Community Pharmacy Authority</b>		4
	<i>National Health Act 1953</i>	4
<b>Schedule 2—Amendments relating to dependants</b>		5
	<i>National Health Act 1953</i>	5
<b>Schedule 3—Amendments relating to health services tables etc.</b>		9
	<i>Health Insurance Act 1973</i>	9
<b>Schedule 4—Amendments relating to the Medicare Australia CEO</b>		11
	<i>Medical Indemnity Act 2002</i>	11





# Health Legislation Amendment Act 2005

No. 155, 2005

---

---

## **An Act to amend legislation relating to health, and for related purposes**

[Assented to 19 December 2005]

The Parliament of Australia enacts:

### **1 Short title**

This Act may be cited as the *Health Legislation Amendment Act 2005*.

### **2 Commencement**

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with

column 2 of the table. Any other statement in column 2 has effect according to its terms.

<b>Commencement information</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision(s)</b>	<b>Commencement</b>	<b>Date/Details</b>
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day on which this Act receives the Royal Assent.	19 December 2005
2. Schedule 1	The day on which this Act receives the Royal Assent.	19 December 2005
3. Schedule 2, items 1 to 7	The day after this Act receives the Royal Assent.	20 December 2005
4. Schedule 2, items 8 to 11	The later of: (a) the start of the day after this Act receives the Royal Assent; and (b) immediately after the commencement of Schedule 1 to the <i>National Health Amendment (Prostheses) Act 2005</i> .	20 December 2005 (paragraph (a) applies)
5. Schedule 2, items 12 to 21	The day after this Act receives the Royal Assent.	20 December 2005
6. Schedule 2, items 22 to 25	The later of: (a) the start of the day after this Act receives the Royal Assent; and (b) immediately after the commencement of Schedule 1 to the <i>National Health Amendment (Prostheses) Act 2005</i> .	20 December 2005 (paragraph (a) applies)
7. Schedule 2, items 26 to 33	The day after this Act receives the Royal Assent.	20 December 2005
8. Schedule 3	The day on which this Act receives the Royal Assent.	19 December 2005
9. Schedule 4	1 October 2005.	1 October 2005

Note: This table relates only to the provisions of this Act as originally passed by the Parliament and assented to. It will not be expanded to deal with provisions inserted in this Act after assent.

- 
- (2) Column 3 of the table contains additional information that is not part of this Act. Information in this column may be added to or edited in any published version of this Act.

### **3 Schedule(s)**

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

## **Schedule 1—Amendments relating to Australian Community Pharmacy Authority**

### *National Health Act 1953*

#### **1 Subsection 90(3C)**

Omit “31 December 2005”, substitute “30 June 2006”.

#### **2 Section 99Y**

Omit “31 December 2005”, substitute “30 June 2006”.



## **Schedule 2—Amendments relating to dependants**

### *National Health Act 1953*

#### **1 Subsection 4(1) (definition of *waiting period*)**

After “in relation to a contributor”, insert “, or a dependant of a contributor,”.

#### **2 Subsection 73AAI(2) (definition of *health insurance product*)**

Omit “members of”, substitute “contributors, and dependants (if any) of contributors, to”.

#### **3 Paragraph 73BD(1)(a)**

After “subsection (3))”, insert “or a dependant of an eligible contributor”.

#### **4 Paragraph 73BD(2)(a)**

After “health benefits fund”, insert “or to their dependants (if any)”.

#### **5 Paragraph 73BD(2)(d)**

After “in respect of whom”, insert “, or in respect of whose dependant,”.

#### **6 Paragraph 73BD(2)(d)**

After “the eligible contributor”, insert “or dependant”.

#### **7 Paragraph 73BD(3)(b)**

After “contributor, the person”, insert “(or, if the episode of treatment relates to the person’s dependant, the dependant)”.

#### **8 Paragraph 73BDAAA(1)(c)**

After “a contributor”, insert “, or a dependant of a contributor,”.

#### **9 Paragraph 73BDAAA(1)(d)**

Omit “terms on which the person”, substitute “terms on which the contributor”.

**10 Subsection 73BDAAA(4)**

After “the contributor”, insert “or dependant”.

Note: The heading to subsection 73BDAAA(4) is altered by inserting “*or dependant*” after “*Contributor*”.

**11 Subsection 73BDAAA(5)**

After “the contributor”, insert “or dependant”.

Note: The heading to subsection 73BDAAA(5) is altered by inserting “*or dependant’s*” after “*contributor’s*”.

**12 Paragraph 73BDAA(1)(c)**

After “in respect of whom”, insert “, or in respect of whose dependant,”.

**13 Paragraph 73BDAA(1)(c)**

After “the eligible contributor”, insert “or dependant”.

**14 Paragraph 73BDAA(2)(a)**

After “subsection (4)”, insert “or dependant of an eligible contributor”.

**15 Paragraph 73BDAA(4)(b)**

After “contributor, the person”, insert “(or, if the professional service is rendered to the person’s dependant, the dependant)”.

**16 At the end of paragraph 73BDA(1)(a)**

After “subsection (4)”, insert “or dependant of an eligible contributor”.

**17 Paragraph 73BDA(2)(b)**

After “subsection (4)”, insert “or dependant of an eligible contributor”.

**18 Paragraph 73BDA(2)(c)**

After “in respect of whom”, insert “, or in respect of whose dependant,”.

**19 Paragraph 73BDA(2)(c)**

After “amounts that the eligible contributor”, insert “or dependant”.

**20 Paragraph 73BDA(4)(b)**

After “contributor, the person”, insert “(or, if the professional service is rendered to the person’s dependant, the dependant)”.

**21 Subparagraph 73BDB(d)(i)**

Omit “eligible contributors”, substitute “insured persons”.

**22 Subparagraph (1)(bl)(iv) of Schedule 1**

After “a contributor”, insert “, or a dependant of a contributor,”.

**23 Subparagraph (1)(bl)(v) of Schedule 1**

Omit “terms on which the person”, substitute “terms on which the contributor”.

**24 Subparagraph (1)(bm)(ii) of Schedule 1 (table item 1)**

After “the contributor’s”, insert “or dependant’s”.

**25 Subparagraph (1)(bm)(ii) of Schedule 1 (table item 4)**

After “the contributor’s”, insert “or dependant’s”.

**26 Subparagraph (1)(hb)(i) of Schedule 1**

After “the contributor”, insert “or dependant of the contributor”.

**27 Subparagraph (1)(hb)(ii) of Schedule 1**

After “the contributor”, insert “or dependant of the contributor”.

**28 Subparagraph (1)(hb)(iii) of Schedule 1**

After “the contributor”, insert “or dependant of the contributor”.

**29 Paragraph (1)(hba) of Schedule 1**

After “a contributor”, insert “, or a dependant of a contributor,”.

**30 Paragraph (1)(hba) of Schedule 1**

After “inform the contributor”, insert “or dependant”.

**31 Paragraph (1)(hba) of Schedule 1**

After “amounts that the contributor”, insert “or dependant”.

**32 Paragraph (1)(l) of Schedule 1**

After “waiting period for contributors”, insert “, or dependants of contributors,”.

**33 Paragraph (1)(I) of Schedule 1**

After “those contributors”, insert “and dependants”.

## **Schedule 3—Amendments relating to health services tables etc.**

### ***Health Insurance Act 1973***

#### **1 At the end of subsection 4(1)**

Add:

Note: See also section 4BAA (conditional specification of services in table items).

#### **2 At the end of subsection 4AA(1)**

Add:

Note: See also section 4BAA (conditional specification of services in table items).

#### **3 At the end of subsection 4A(1)**

Add:

Note: See also section 4BAA (conditional specification of services in table items).

#### **4 After section 4B**

Insert:

#### **4BAA Conditional specification of services in table items**

- (1) The specification of a service in an item in a table prescribed under section 4, 4AA or 4A may be:
  - (a) unconditional; or
  - (b) subject to such conditions, limitations or restrictions as are specified in:
    - (i) the item; or
    - (ii) the rules for interpretation of the table.
- (2) If there is such a condition, limitation or restriction, a service will be regarded as a service specified in the item, or as a service to which the item relates, only if the service falls within the condition, limitation or restriction.

**Schedule 3** Amendments relating to health services tables etc.

---

- (3) This section applies to a table prescribed before or after the commencement of this section.
- (4) This section is enacted for the avoidance of doubt.

## **Schedule 4—Amendments relating to the Medicare Australia CEO**

### *Medical Indemnity Act 2002*

#### **1 Subsection 59A(2) (table item 10)**

Omit “HIC”, substitute “Medicare Australia CEO”.

#### **2 Subsection 59E(2)**

Omit “HIC”, substitute “Medicare Australia CEO”.

#### **3 Subsection 59E(3)**

Omit “HIC” (wherever occurring), substitute “Medicare Australia CEO”.

Note: The heading to subsection 59E(3) is altered by omitting “*HIC’s*” and substituting “*Medicare Australia CEO’s*”.

#### **4 Paragraph 59E(5)(b)**

Omit “HIC”, substitute “Medicare Australia CEO”.

#### **5 Subsection 59E(6)**

Omit “HIC” (wherever occurring), substitute “Medicare Australia CEO”.

---

*[Minister's second reading speech made in—  
House of Representatives on 14 September 2005  
Senate on 8 November 2005]*

(157/05)