



Health and Other Services (Compensation) Amendment Act 2006

No. 43, 2006

**An Act to amend the *Health and Other Services
(Compensation) Act 1995*, and for related purposes**

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

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No. 43, 2006

An Act to amend the *Health and Other Services (Compensation) Act 1995*, and for related purposes

[Assented to 22 May 2006]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Health and Other Services
(Compensation) Amendment Act 2006*.

2 Commencement

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

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Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.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

Health and Other Services (Compensation) Act 1995

1 Paragraph 4(2)(d)

Repeal the paragraph.

2 Paragraph 17(6)(a)

Omit “claim for compensation was made more than 5 years before the request”, substitute “date on which the claimant suffered the injury is more than 5 years before the request was made”.

3 Application of amendment of paragraph 17(6)(a)

The amendment of paragraph 17(6)(a) of the *Health and Other Services (Compensation) Act 1995* made by this Schedule applies in relation to requests made on or after the commencement of this item.

4 After subsection 18(9)

Insert:

Review of decision to refuse to give notice

- (9A) Application may be made to the Medicare Australia CEO for reconsideration of a decision by the Medicare Australia CEO to refuse to give a notice under subsection (7).
- (9B) The application must be made within 28 days after the claimant is notified of the decision to refuse to give the notice.
- (9C) If an application for reconsideration is made, the decision must be reconsidered by the Medicare Australia CEO or a delegate of the Medicare Australia CEO.
- (9D) The decision must not be reconsidered by the person who made the decision to refuse to give the notice.
- (9E) The person reconsidering the decision must affirm or vary the decision within 28 days after the application for reconsideration is made.

5 Subsection 18(10)

Repeal the subsection (not including the note), substitute:

- (10) If a decision has been reconsidered, application may be made to the Administrative Appeals Tribunal for review of the decision as affirmed or varied at the reconsideration.

6 Section 33AA

Repeal the section.

7 Paragraph 33B(1)(d)

Omit “less than \$5,000 or such other amount as the Minister determines”, substitute “a small amount”.

8 At the end of subsection 33B(1)

Add:

Note: For *small amount* see section 38.

*[Minister’s second reading speech made in—
House of Representatives on 2 March 2006
Senate on 9 May 2006]*

(4/06)
