



Human Services Legislation Amendment Regulations 2005 (No. 1)¹

Select Legislative Instrument 2005 No. 207

I, JOHN SANDERSON, Administrator of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Civil Aviation Act 1988*, the *Commonwealth Authorities and Companies Act 1997*, the *Customs Administration Act 1985*, the *Family Law Act 1975*, the *Financial Management and Accountability Act 1997*, the *Financial Transaction Reports Act 1988*, the *Freedom of Information Act 1982*, the *Health Insurance Act 1973*, the *Health Insurance Commission Act 1973*, the *Income Tax Assessment Act 1997*, the *Lands Acquisition Act 1989*, the *Maternity Leave (Commonwealth Employees) Act 1973*, the *Medical Indemnity Act 2002*, the *National Health Act 1953*, the *Ombudsman Act 1976*, the *Privacy Act 1988*, the *Proceeds of Crime Act 1987*, the *Public Works Committee Act 1969* and the *Superannuation (Productivity Benefit) Act 1988*.

Dated 15 September 2005

JOHN SANDERSON
Administrator

By His Excellency's Command

JOE HOCKEY

Minister for Human Services

for the Prime Minister, the Minister for Transport and Regional Services, the Minister for Health and Ageing, the Attorney-General, the Minister for Finance and Administration, the Minister for Employment and Workplace Relations, the Minister for Justice and Customs and the Minister for Revenue and Assistant Treasurer

1 Name of Regulations

These Regulations are the *Human Services Legislation Amendment Regulations 2005 (No. 1)*.

2 Commencement

These Regulations commence on the commencement of items 31 to 731 of Schedule 2 to the *Human Services Legislation Amendment Act 2005*.

3 Amendment of legislation

Schedule 1 amends the following Regulations:

- (a) the *Civil Aviation Safety Regulations 1998*;
- (b) the *Commonwealth Authorities and Companies Regulations 1997*;
- (c) the *Customs Administration Regulations 2000*;
- (d) the *Family Law Regulations 1984*;

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- (e) the *Financial Management and Accountability Regulations 1997*;
- (f) the *Financial Transaction Reports Regulations 1990*;
- (g) the *Freedom of Information (Miscellaneous Provisions) Regulations 1982*;
- (h) the *Health Insurance (Diagnostic Imaging Services Table) Regulations 2004*;
- (i) the *Health Insurance (General Medical Services Table) Regulations 2004*;
- (j) the *Health Insurance (Pathology Services) Regulations 1989*;
- (k) the *Health Insurance (Vocational Registration of General Practitioners) Regulations*;
- (l) the *Health Insurance Commission Regulations 1975*;
- (m) the *Health Insurance Regulations 1975*;
- (n) the *Income Tax Assessment Regulations 1997*;
- (o) the *Lands Acquisition Regulations 1989*;
- (p) the *Maternity Leave (Commonwealth Employees) Regulations*;
- (q) the *Medical Indemnity Regulations 2003*;
- (r) the *National Health (Pharmaceutical Benefits) Regulations 1960*;
- (s) the *Ombudsman Regulations 1977*;
- (t) the *Privacy (Private Sector) Regulations 2001*;
- (u) the *Proceeds of Crime Regulations 1987*;
- (v) the *Public Works Committee Regulations 1969*;
- (w) the *Superannuation Benefit (Interim Arrangement) (Continuous Service) Regulations*.

Schedule 1 Amendments

(regulation 3)

Part 1 Amendments of *Civil Aviation Safety Regulations 1998*

[1] Subregulation 67.010 (1), definition of *specialist medical practitioner*, paragraph (a)

omit

the Health Insurance Commission

insert

Medicare Australia

[2] Subregulation 67.010 (1), definition of *specialist psychiatrist*, paragraph (a)

omit

the Health Insurance Commission

insert

Medicare Australia

[3] Subparagraph 67.025 (2) (c) (i) and paragraphs 67.065 (4) (a) and 67.075 (3) (a)

omit

the Health Insurance Commission

insert

Medicare Australia

Part 2 **Amendment of Commonwealth
Authorities and Companies
Regulations 1997**

[4] Schedule 1, Part 1

substitute

Part 1 Commonwealth authorities

Item	Commonwealth authority	Enabling legislation
101	Australian Accounting Standards Board	<i>Australian Securities and Investments Commission Act 2001</i>
102	Australian Fisheries Management Authority	<i>Fisheries Administration Act 1991</i>
103	Australian Institute of Criminology	<i>Criminology Research Act 1971</i>
104	Australian Institute of Health and Welfare	<i>Australian Institute of Health and Welfare Act 1987</i>
105	Australian Institute of Marine Science	<i>Australian Institute of Marine Science Act 1972</i>
106	Australian Law Reform Commission	<i>Australian Law Reform Commission Act 1996</i>
107	Australian Maritime Safety Authority	<i>Australian Maritime Safety Authority Act 1990</i>
108	Australian National Maritime Museum	<i>Australian National Maritime Museum Act 1990</i>
109	Australian Nuclear Science and Technology Organisation	<i>Australian Nuclear Science and Technology Organisation Act 1987</i>
110	Australian Pesticides and Veterinary Medicines Authority	<i>Agricultural and Veterinary Chemicals (Administration) Act 1992</i>
111	Australian Prudential Regulation Authority	<i>Australian Prudential Regulation Authority Act 1998</i>
112	Australian Securities and Investments Commission	<i>Australian Securities and Investments Commission Act 2001</i>

Item	Commonwealth authority	Enabling legislation
113	Australian Trade Commission	<i>Australian Trade Commission Act 1985</i>
114	Australian War Memorial	<i>Australian War Memorial Act 1980</i>
115	Comcare	<i>Safety, Rehabilitation and Compensation Act 1988</i>
116	Commonwealth Scientific and Industrial Research Organisation	<i>Science and Industry Research Act 1949</i>
117	Corporations and Markets Advisory Committee	<i>Australian Securities and Investments Commission Act 2001</i>
118	Export Finance and Insurance Corporation	<i>Export Finance and Insurance Corporation Act 1991</i>
119	Grains Research and Development Corporation	<i>Primary Industries and Energy Research and Development Act 1989 and Grains Research and Development Corporation Regulations 1990</i>
120	Great Barrier Reef Marine Park Authority	<i>Great Barrier Reef Marine Park Act 1975</i>
121	Land and Water Resources Research and Development Corporation	<i>Primary Industries and Energy Research and Development Act 1989 and Land and Water Resources Research and Development Corporation Regulations</i>
122	National Gallery of Australia	<i>National Gallery Act 1975</i>
123	National Museum of Australia	<i>National Museum of Australia Act 1980</i>
124	National Occupational Health and Safety Commission	<i>National Occupational Health and Safety Commission Act 1985</i>
125	Reserve Bank of Australia	<i>Reserve Bank Act 1959</i>
126	Sydney Harbour Federation Trust	<i>Sydney Harbour Federation Trust Act 2001</i>
127	The Director of National Parks	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
128	Tourism Australia	<i>Tourism Australia Act 2004</i>

[10] Subparagraphs 16 (3) (b) (i) and (ii)

omit

the Department of Social Security

insert

Centrelink

**Part 5 Amendments of *Financial
Management and Accountability
Regulations 1997***

[11] Schedule 1, Part 1, item 117B

substitute

- 117B Centrelink (Commonwealth Services Delivery Agency), comprising: Chief Executive Officer
- (a) the Chief Executive Officer appointed under section 29 of the *Commonwealth Services Delivery Agency Act 1997*; and
 - (b) the staff mentioned in subsection 35 (1) of that Act; and
 - (c) consultants (if any) engaged under subsection 37 (1) of that Act

See Note B

[12] Schedule 1, Part 1, after item 128A

insert

- 128AA Medicare Australia comprising: Chief Executive Officer
- (a) the Chief Executive Officer appointed under section 8AG of the *Medicare Australia Act 1973*; and
 - (b) the staff mentioned in subsection 20 (1) of that Act; and
 - (c) consultants (if any) engaged under subsection 21 (1) of that Act

See Note B

Part 6 Amendments of *Financial Transaction Reports Regulations 1990*

[13] Paragraph 10A (1) (b)

omit

the Commonwealth Services Delivery Agency;

insert

a Centrelink officer;

[14] Subregulation 10A (3) and paragraph 11C (b)

omit

an officer of the Commonwealth Services Delivery Agency

insert

a Centrelink officer

Part 7 **Amendment of *Freedom of Information (Miscellaneous Provisions) Regulations 1982***

[15] Schedule 2, item 75

omit

Part 8 **Amendments of *Health Insurance (Diagnostic Imaging Services Table) Regulations 2004***

[16] Schedule 1, Part 2, subrule 2 (1), definition of *registered sonographer*

omit

Commission under regulation 3S of the *Health Insurance Commission Regulations 1975*.

insert

Medicare Australia CEO.

[17] Schedule 1, Part 2, subparagraph 27 (b) (i)

omit

Commission

insert

Medicare Australia CEO

[18] Schedule 1, Part 2, subrule 30 (11), definition of *highest fee*

omit

Commission

insert

Medicare Australia CEO

**[23] Schedule 1, Part 2, paragraphs 79 (b) and 80 (b),
rule 81 and paragraph 82 (b)**

omit

Commission

insert

Medicare Australia CEO

**[24] Schedule 1, Part 2, subrule 83 (4), definition of
*practice location***

omit

Commission.

insert

Medicare Australia CEO.

**Part 10 Amendment of *Health Insurance*
(*Pathology Services*) Regulations
1989**

[25] Regulation 5

omit

the Health Insurance Commission,

insert

Medicare Australia,

Part 11 **Amendments of Health Insurance
(Vocational Registration of
General Practitioners) Regulations**

[26] **Regulation 1**

substitute

1 **Name of Regulations**

These Regulations are the *Health Insurance (Vocational Registration of General Practitioners) Regulations 1989*.

[27] **Subregulation 2 (1), definition of *managing director***

substitute

Medicare Australia CEO means the Chief Executive Officer appointed under section 8AG of the *Medicare Australia Act 1973*.

[28] **Further amendments — Medicare Australia CEO**

The following provisions are amended by omitting each mention of ‘managing director’ and inserting ‘Medicare Australia CEO’:

- regulation 4
- subregulation 4A (1)
- paragraph 4A (4) (a)
- regulation 6
- paragraph 8 (1) (a).

Part 12 **Amendments of *Health Insurance
Commission Regulations 1975***

[29] Regulation 1

substitute

1 Name of Regulations

These Regulations are the *Medicare Australia Regulations 1975*.

[30] Regulation 2A

substitute

3 Definition

In these Regulations:

Act means the *Medicare Australia Act 1973*.

**[31] Regulations 2AB, 3, 3A to 3N, 3R to 3W, 4, 4A, 4B
and 6**

omit

[32] Schedules 1 and 2

omit

Part 13 **Amendments of *Health Insurance Regulations 1975***

[33] Regulation 2, definition of *investigation*, paragraph (a)

omit

Commission — the investigation by the Commission of:

insert

Medicare Australia CEO — the investigation by the Medicare Australia CEO of:

[34] Regulation 2, definition of *provider number*, paragraph (a)

omit

Health Insurance Commission

insert

Medicare Australia CEO

[35] Regulation 2, definition of *requester number*

omit

Health Insurance Commission

insert

Medicare Australia CEO

[36] Subregulations 6B (1) and (2) and paragraphs 6C (1) (b), 6D (1) (a) and 6EB (b)

omit

Managing Director

insert

Medicare Australia CEO

[37] Paragraph 6F (b)

omit

managing director

insert

Medicare Australia CEO

[38] Paragraphs 13 (10) (a), (b) and (c)

omit

Commission

insert

Medicare Australia CEO

[39] Subregulation 13AA (1)

omit

Commission

insert

Medicare Australia CEO on behalf of the Commonwealth

[40] Paragraphs 13AA (2) (a) and (b), regulation 13A and subregulation 13B (1)

omit

Commission

insert

Medicare Australia CEO

[41] Subregulation 20 (4)

omit

Commission under regulation 3S of the *Health Insurance Commission Regulations 1975*.

insert

Medicare Australia CEO.

[42] Sub-subparagraphs 27 (1) (b) (ii) (A), (B), (C) and (D)

omit

Commission

insert

Medicare Australia CEO

[43] Paragraph 27 (3) (a)

omit

Commission about a medical practitioner and the General Manager,

insert

Medicare Australia CEO about a medical practitioner and the Medicare Australia CEO,

[44] Paragraph 27 (3) (b)

omit

General Manager

insert

Medicare Australia CEO

[45] Paragraph 27 (3) (c)

omit

Commission

insert

Medicare Australia CEO

[46] Subregulation 27 (6)

omit each mention of

General Manager

insert

Medicare Australia CEO

[47] Paragraph 27 (6) (h)

omit

Commission

insert

Medicare Australia CEO

[48] Paragraph 27 (7) (c)

omit

General Manager

insert

Medicare Australia CEO

[49] Regulation 28

substitute

28 Delegation

The Medicare Australia CEO may, by writing, delegate to a member of the staff of Medicare Australia referred to in subsection 20 (1) of the *Medicare Australia Act 1973* all or any of the powers and functions of the Medicare Australia CEO under regulation 27.

[50] Schedule 3, Part 1, clause 1, definition of *Inv*, paragraph (a)

omit

Commission:

insert

Medicare Australia CEO;

**[51] Schedule 3, Part 1, clause 1, definition of TP,
paragraph (c) and subparagraph (e) (v)**

omit

Commission

insert

Medicare Australia CEO

**[52] Schedule 3, Part 1, clause 1, definition of VP,
paragraphs (e) and (f)**

omit

Commission

insert

Medicare Australia CEO

**[53] Schedule 3, Part 1, clause 1, definition of VP,
subparagraph (g) (xiii)**

omit

Commission's

insert

Medicare Australia's

**Part 14 Amendment of *Income Tax
Assessment Regulations 1997***

[54] Paragraph 61-330.01 (4) (c)

omit

Health Insurance Commission;

insert

Chief Executive Officer of Medicare Australia;

Part 15 **Amendment of *Lands Acquisition Regulations 1989***

[55] **Schedule 1, item 13A**

omit

Part 16 **Amendments of *Maternity Leave (Commonwealth Employees) Regulations***

[56] **Regulation 1**

substitute

1 **Name of Regulations**

These Regulations are the *Maternity Leave (Commonwealth Employees) Regulations 1982*.

[57] **Schedule 1, item 33A**

omit

Part 17 **Amendments of *Medical Indemnity Regulations 2003***

[58] **Further amendments — Medicare Australia CEO**

The following provisions are amended by omitting each mention of 'HIC' and inserting 'Medicare Australia CEO':

- paragraph 20 (1) (d)
- subregulation 20 (1A)
- paragraph 21 (1) (d)
- subregulation 21 (1A)
- paragraph 22 (2) (c)

- paragraph 22 (3) (b)
- subregulation 22 (3A)
- paragraph 23 (1) (b)
- subregulation 23 (1A)
- paragraph 24 (1) (b)
- subregulation 24 (2)
- paragraph 25 (c)
- subregulation 26 (3).

Part 18 **Amendments of *National Health
(Pharmaceutical Benefits)
Regulations 1960***

[59] Subregulation 5 (1), definition of *HIC/DVA copy*

substitute

Medicare Australia/DVA copy, for a prescription, means the duplicate of the prescription on which appear the words ‘Medicare Australia/DVA copy’.

**[60] Sub-subparagraphs 19 (1) (a) (i) (D) and
19 (1) (a) (ii) (D)**

omit

HIC/DVA copy

insert

Medicare Australia/DVA copy

[61] Subparagraph 22 (2) (a) (i) and paragraph 22 (2) (b)

omit

Managing Director of the Health Insurance Commission

insert

Medicare Australia CEO

**[62] Subparagraphs 25 (3) (b) (ii), 25 (3) (c) (ii),
25 (4) (b) (ii), 25 (4) (c) (ii) and 26 (1) (a) (i)**

omit

HIC/DVA copy

insert

Medicare Australia/DVA copy

[63] Schedule 1, items 1 to 8

omit

Health Insurance Commission

insert

Medicare Australia

**Part 19 Amendment of *Ombudsman
Regulations 1977***

[64] Schedule 4, item 13

substitute

13. Medicare Australia Chief Executive Officer

**Part 20 Amendments of *Privacy (Private
Sector) Regulations 2001***

[65] Schedule 2, item 120

omit

[66] Schedule 2, after item 129

insert

129A. Medicare Australia

Part 21 **Amendment of *Proceeds of Crime Regulations 1987***

[67] Paragraphs 3B (i) and (j)

substitute

- (i) the Housing Loans Insurance Corporation;
- (j) Medicare Australia;

Part 22 **Amendment of *Public Works Committee Regulations 1969***

[68] Schedule 3, item 18

omit

Part 23 **Amendments of Superannuation Benefit (Interim Arrangement) (Continuous Service) Regulations**

[69] Regulation 1

substitute

1 Name of Regulations

These Regulations are the *Superannuation Benefit (Interim Arrangement) (Continuous Service) Regulations 1988*.

[70] Subparagraph 2 (zd) (xiv)

substitute

- (xiv) stores assistants;

[71] After paragraph 2 (zd)

insert

- (ze) persons employed in Medicare Australia on a regular relief basis.

Note

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See www.frli.gov.au.