



# **Health Insurance (Diagnostic Imaging Services Table) Amendment (Equipment Capital Sensitivity) Regulations 2022**

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I, General the Honourable David Hurley AC DSC (Retd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 15 September 2022

David Hurley  
Governor-General

By His Excellency's Command

Mark Butler  
Minister for Health and Aged Care

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## 1 Name

This instrument is the *Health Insurance (Diagnostic Imaging Services Table) Amendment (Equipment Capital Sensitivity) Regulations 2022*.

## 2 Commencement

- (1) Each provision of this instrument 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.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The day after this instrument is registered.	17 September 2022

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

## 3 Authority

This instrument is made under the *Health Insurance Act 1973*.

## 4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

## Schedule 1—Amendments

### *Health Insurance (Diagnostic Imaging Services Table) Regulations (No. 2) 2020*

#### **1 Paragraphs 1.2.8(3)(a) and (b) of Schedule 1**

Repeal the paragraphs, substitute:

- (a) both of the following apply:
  - (i) due to circumstances beyond the control of the proprietor, the proprietor is unable to replace the equipment (or upgrade the equipment, if it has not already been upgraded) before the end of its applicable life age;
  - (ii) the proprietor will be able to replace the equipment (or upgrade the equipment, if it has not already been upgraded) before the end of the period specified under paragraph (2)(a); or
- (b) both of the following apply:
  - (i) the proprietor has taken reasonable steps to replace the equipment (or upgrade the equipment, if it has not already been upgraded) before the end of its applicable life age;
  - (ii) the proprietor is unable to replace the equipment (or upgrade the equipment, if it has not already been upgraded) before the end of its applicable life age because of delays or shortages in the supply of equipment.

#### **2 Paragraphs 1.2.10(3)(a) and (b) of Schedule 1**

Repeal the paragraphs, substitute:

- (a) both of the following apply:
  - (i) due to circumstances beyond the control of the proprietor, the proprietor is unable to replace the equipment (or upgrade the equipment, if it has not already been upgraded) before the end of the current exemption period of the exemption;
  - (ii) the proprietor will be able to replace the equipment (or upgrade the equipment, if it has not already been upgraded) before the end of the exemption period as extended; or
- (b) both of the following apply:
  - (i) the proprietor has taken reasonable steps to replace the equipment (or upgrade the equipment, if it has not already been upgraded) before the end of the current exemption period of the exemption;
  - (ii) the proprietor is unable to replace the equipment (or upgrade the equipment, if it has not already been upgraded) before the end of the current exemption period of the exemption because of delays or shortages in the supply of equipment.

#### **3 At the end of Schedule 1**

Add:

## **Part 4—Application, saving and transitional provisions**

### **Division 1—Health Insurance (Diagnostic Imaging Services Table) Amendment (Equipment Capital Sensitivity) Regulations 2022**

#### **4.1 Definitions**

In this Division:

*amending instrument* means the *Health Insurance (Diagnostic Imaging Services Table) Amendment (Equipment Capital Sensitivity) Regulations 2022*.

*commencement day* means the day the amending instrument commences.

#### **4.2 Application of amendments**

The amendments of clauses 1.2.8 and 1.2.10 of this instrument made by the amending instrument apply in relation to a decision on an application made by the Secretary on or after the commencement day, regardless of when the application was made.