

2004-2005

The Parliament of the  
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

*Presented and read a first time*

## **Health Legislation Amendment Bill 2005**

**No.     , 2005**

*(Health and Ageing)*

**A Bill for an Act to amend legislation relating to  
health, and for related purposes**

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1     **A Bill for an Act to amend legislation relating to**  
2     **health, and for related purposes**

3     The Parliament of Australia enacts:

4     **1 Short title**

5                     This Act may be cited as the *Health Legislation Amendment Act*  
6                     *2005*.

7     **2 Commencement**

8                     (1) Each provision of this Act specified in column 1 of the table  
9                     commences, or is taken to have commenced, in accordance with  
10                    column 2 of the table. Any other statement in column 2 has effect  
11                    according to its terms.  
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**Commencement information**

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<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.	
2. Schedule 1	The day on which this Act receives the Royal Assent.	
3. Schedule 2, items 1 to 7	The day after this Act receives the Royal Assent.	
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> .	
5. Schedule 2, items 12 to 21	The day after this Act receives the Royal Assent.	
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> .	
7. Schedule 2, items 26 to 33	The day after this Act receives the Royal Assent.	
8. Schedule 3	The day on which this Act receives the Royal Assent.	

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

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

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**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.

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2

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

3

4

5

6

*National Health Act 1953*

7

**1 Subsection 90(3C)**

8

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

9

**2 Section 99Y**

10

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

1  
2 **Schedule 2—Amendments relating to**  
3 **dependants**  
4

5 *National Health Act 1953*

6 **1 Subsection 4(1) (definition of *waiting period*)**

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

9 **2 Subsection 73AAI(2) (definition of *health insurance***  
10 ***product*)**

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

13 **3 Paragraph 73BD(1)(a)**

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

16 **4 Paragraph 73BD(2)(a)**

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

18 **5 Paragraph 73BD(2)(d)**

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

20 **6 Paragraph 73BD(2)(d)**

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

22 **7 Paragraph 73BD(3)(b)**

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

25 **8 Paragraph 73BDAAA(1)(c)**

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

27 **9 Paragraph 73BDAAA(1)(d)**

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

1 **10 Subsection 73BDAAA(4)**

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

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

5 **11 Subsection 73BDAAA(5)**

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

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

9 **12 Paragraph 73BDAA(1)(c)**

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

11 **13 Paragraph 73BDAA(1)(c)**

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

13 **14 Paragraph 73BDAA(2)(a)**

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

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

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

18 **16 At the end of paragraph 73BDA(1)(a)**

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

20 **17 Paragraph 73BDA(2)(b)**

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

22 **18 Paragraph 73BDA(2)(c)**

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

24 **19 Paragraph 73BDA(2)(c)**

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

26 **20 Paragraph 73BDA(4)(b)**

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



1 **21 Subparagraph 73BDB(d)(i)**

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

3 **22 Subparagraph (1)(bl)(iv) of Schedule 1**

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

5 **23 Subparagraph (1)(bl)(v) of Schedule 1**

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

8 **24 Subparagraph (1)(bm)(ii) of Schedule 1 (table item 1)**

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

10 **25 Subparagraph (1)(bm)(ii) of Schedule 1 (table item 4)**

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

12 **26 Subparagraph (1)(hb)(i) of Schedule 1**

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

14 **27 Subparagraph (1)(hb)(ii) of Schedule 1**

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

16 **28 Subparagraph (1)(hb)(iii) of Schedule 1**

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

18 **29 Paragraph (1)(hba) of Schedule 1**

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

20 **30 Paragraph (1)(hba) of Schedule 1**

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

22 **31 Paragraph (1)(hba) of Schedule 1**

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

24 **32 Paragraph (1)(l) of Schedule 1**

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

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

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

1  
2 **Schedule 3—Amendments relating to health**  
3 **services tables etc.**  
4

5 ***Health Insurance Act 1973***

6 **1 At the end of subsection 4(1)**

7 Add:

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

10 **2 At the end of subsection 4AA(1)**

11 Add:

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

14 **3 At the end of subsection 4A(1)**

15 Add:

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

18 **4 After section 4B**

19 Insert:

20 **4BAA Conditional specification of services in table items**

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

1                   (3) This section applies to a table prescribed before or after the  
2                   commencement of this section.

3                   (4) This section is enacted for the avoidance of doubt.

4                   **5 At the end of section 19A**

5                   Add:

6                   (3) The Minister may, by legislative instrument, determine that  
7                   medicare benefits are not payable in respect of professional  
8                   services rendered in specified circumstances.

9                   (4) Subsections (1) and (3) do not limit each other.

10                  Note:    The heading to section 19A is altered by adding at the end “**etc.**”.