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Commonwealth of Australia

HOUSE OF REPRESENTATIVES

Presented and read a first time

Dental Benefits Bill 2008

No. , 2008

(Health and Ageing)

**A Bill for an Act to provide a framework for the
provision of dental benefits, and for related
purposes**

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1 **A Bill for an Act to provide a framework for the**
2 **provision of dental benefits, and for related**
3 **purposes**

4 The Parliament of Australia enacts:

5 **Part 1—Preliminary**
6

7 **1 Short title**

8 This Act may be cited as the *Dental Benefits Act 2008*.

9 **2 Commencement**

10 This Act commences on the day after it receives the Royal Assent.

Section 3

1 **3 Simplified outline**

2 The following is a simplified outline of this Act:

- 3 • This Act sets up a framework for the provision of dental
4 benefits.
- 5 • Dental benefit is payable if dental expenses are incurred in
6 respect of a dental service rendered to an eligible dental
7 patient.
- 8 • The amount of dental benefit payable is the amount specified
9 in, or determined in accordance with, the Dental Benefits
10 Rules.
- 11 • If dental benefit is payable, it is payable by the Medicare
12 Australia CEO to the person who incurs the dental expenses in
13 respect of the dental service. In some circumstances, dental
14 benefit is payable to the dental provider.
- 15 • Claims for dental benefit must be lodged with the Medicare
16 Australia CEO.
- 17 • The Medicare Australia CEO is to issue vouchers in relation
18 to a dental service to persons who qualify for a voucher.
- 19 • A person qualifies for a voucher if the person meets the
20 requirements of this Act or if the Dental Benefits Rules
21 provide that the person qualifies for a voucher.
- 22 • A person in respect of whom a voucher is in effect is an
23 eligible dental patient. The Dental Benefit Rules may also
24 provide that certain eligible persons are eligible dental
25 patients.
- 26 • The Minister may make Dental Benefit Rules which may
27 provide for a Dental Benefits Schedule.
- 28 • This Act also makes provision in relation to the disclosure of
29 information, offences against this Act and other matters.

4 Definitions

In this Act:

ABSTUDY scheme means the scheme known as ABSTUDY.

approved form means a form approved, in writing, by the Medicare Australia CEO.

associate, in relation to a corporation, means:

- (a) a director (within the meaning of the *Corporations Act 2001*), secretary or manager of the corporation; or
- (b) a receiver, or a receiver and manager, of any part of the undertaking of the corporation appointed under a power contained in any instrument; or
- (c) a liquidator of the corporation appointed in a voluntary winding up.

authorised disclosure has the meaning given by subsection 34(4).

bank includes, but is not limited to, a body corporate that is an ADI (authorised deposit-taking institution) for the purposes of the *Banking Act 1959*.

clinically relevant service means a service that is generally accepted in the dental profession as being necessary for the appropriate care or treatment of the patient to whom it is rendered.

dental benefit means dental benefit payable under Part 3.

Dental Benefits Rules means the Dental Benefits Rules referred to in section 60.

Dental Benefits Schedule means the Dental Benefits Schedule referred to in section 61.

dental expenses means an amount payable in respect of a dental service.

dental practitioner has the same meaning as in the *Health Insurance Act 1973*.

dental provider has the meaning given by section 6.

Section 4

1 **dental service** means a clinically relevant service specified in an
2 item, being a service rendered by or on behalf of a dental provider.

3 **disclose** means divulge or communicate.

4 **eligible dental patient** has the meaning given by section 5.

5 **eligible person** means:

6 (a) a person who is an eligible person within the meaning of
7 section 3 of the *Health Insurance Act 1973*; or

8 (b) a person who is treated as such a person because of section 6,
9 6A or 7 of that Act.

10 **employee of Medicare** means an employee within the meaning of
11 the *Medicare Australia Act 1973*.

12 **entrusted public official** has the meaning given by subsection
13 34(2).

14 **item** means an item in the Dental Benefits Schedule.

15 **making a statement**, when used in Division 3 of Part 6, includes a
16 reference to issuing or presenting a document.

17 **Medicare Australia CEO** has the same meaning as in the *Health
18 Insurance Act 1973*.

19 **private health insurer** has the same meaning as in the *Private
20 Health Insurance Act 2007*.

21 **protected information** has the meaning given by subsection 34(3).

22 **qualifies for a voucher** has the meaning given by sections 23 and
23 26.

24 **rendered on behalf of a dental provider** has the meaning given by
25 section 7.

26 **satisfies the means test** has the meaning given by section 24.

27 **Secretary** means the Secretary of the Department.

28 **this Act** includes:

29 (a) the regulations; and

1 (b) the Dental Services Rules.

2 **voucher** means a voucher issued under Part 4.

3 **youth allowance** means a payment under Part 2.11 of the *Social*
4 *Security Act 1991*.

5 **5 Meaning of *eligible dental patient***

6 (1) An ***eligible dental patient***, in relation to a dental service, is:

7 (a) a person in respect of whom a voucher in relation to the
8 dental service is in effect; or

9 (b) an eligible person included in a class of eligible persons
10 specified in the Dental Benefits Rules to be eligible dental
11 patients in relation to the dental service; or

12 (c) if the Dental Benefits Rules provide that all eligible persons
13 are eligible dental patients in relation to the dental service—
14 an eligible person.

15 (2) Without limiting the way in which a class of eligible persons may
16 be described for the purposes of paragraph (1)(b), the class may be
17 described by reference to one or both of the following:

18 (a) age;

19 (b) receipt of a specified pension, benefit or allowance at a
20 specified time or throughout a specified period.

21 **6 Meaning of *dental provider***

22 (1) A ***dental provider***, in relation to a dental service, means the
23 following:

24 (a) a dental practitioner;

25 (b) if the Dental Benefits Rules specify a class of persons to be
26 dental providers in relation to the dental service—a person
27 included in that class.

28 (2) Despite subsection (1), a dental practitioner is not a dental provider
29 in relation to a dental service, if:

30 (a) the dental practitioner is included in a class of dental
31 practitioners specified in the Dental Benefits Rules not to be
32 dental providers in relation to the dental service; or

Section 7

- 1 (b) the Dental Benefits Rules specify that dental practitioners are
2 not dental providers in relation to the dental service.

3 **7 Meaning of *rendered on behalf of a dental provider***

4 For the purposes of this Act, a dental service is taken to be
5 rendered on behalf of a dental provider if, and only if:

- 6 (a) the dental service is rendered by another person included in a
7 class of persons specified in the Dental Benefits Rules for the
8 purposes of this paragraph; and
9 (b) the other person provides the dental service, in accordance
10 with accepted dental practice, under the supervision of the
11 dental provider.

Part 2—Entitlement to dental benefits

8 Simplified outline

The following is a simplified outline of this Part:

- This Part creates a basic entitlement to dental benefit in respect of a dental service.
- Dental benefit is payable if dental expenses are incurred in respect of the dental service.
- The amount of dental benefit payable is the amount specified in, or determined in accordance with, the Dental Benefit Rules.

9 Entitlement to dental benefits

Basic entitlement

- (1) If dental expenses are incurred in respect of a dental service rendered in Australia to an eligible dental patient, dental benefit is payable under section 11 in respect of the dental service.

Amount payable

- (2) The amount of dental benefit payable in respect of a dental service is the amount specified in, or determined in accordance with, the Dental Benefits Rules.

Note: See also sections 61 and 62.

- (3) The amount of dental benefit payable in respect of a dental service must not exceed the dental expenses incurred in respect of the dental service.

Part 3 Payment of dental benefits

Division 1 Introduction

Section 10

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2 **Part 3—Payment of dental benefits**

3 **Division 1—Introduction**

4 **10 Simplified outline**

5 The following is a simplified outline of this Part:

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- This Part deals with the payment of dental benefit in respect of a dental service.
 - Dental benefit is payable by the Medicare Australia CEO to:
 - (a) the person who incurs the dental expenses in respect of the dental service; or
 - (b) the dental provider, if there has been an assignment of dental benefits or if there has been a request that the dental provider be paid.
 - Claims for dental benefit must be lodged with the Medicare Australia CEO.
 - Dental benefit is not payable in certain circumstances.

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2 **Division 2—Payment of dental benefits**

3 **11 Payment of dental benefits to persons who incur dental expenses**

- 4 (1) Subject to this Part, dental benefit in respect of a dental service:
- 5 (a) is payable by the Medicare Australia CEO on behalf of the
- 6 Commonwealth to the person who incurs the dental expenses
- 7 in respect of the dental service; and
- 8 (b) is to be paid in such manner as the Medicare Australia CEO
- 9 determines.
- 10 (2) A determination under paragraph (1)(b) may provide for the
- 11 amount of dental benefit to be paid to the credit of a bank account
- 12 in such circumstances (if any), and subject to such conditions (if
- 13 any), as are specified in the Dental Benefits Rules.
- 14 (3) Subsection (2) does not limit paragraph (1)(b).

15 **12 Assignment of dental benefits**

16 *Scope*

- 17 (1) This section applies if dental benefit is payable under section 11 to
- 18 a person in respect of a dental service.

19 *Assignment of dental benefits*

- 20 (2) The person and the dental provider by whom, or on whose behalf,
- 21 the dental service is rendered may enter into an agreement, in
- 22 accordance with the approved form, under which:
- 23 (a) the person assigns his or her right to the payment of the
- 24 dental benefit to the dental provider; and
- 25 (b) the dental provider accepts the assignment in full payment of
- 26 the dental expenses incurred by the person in respect of the
- 27 dental service.
- 28 (3) An assignment of a dental benefit must not be made except in
- 29 accordance with this section.

Section 13

1 *Agents*

- 2 (4) If a person renders a dental service on behalf of a dental provider,
3 the person may enter into an agreement under subsection (2) on
4 behalf of the dental provider only if the person is authorised to do
5 so by the dental provider.

6 **13 Payment of assigned dental benefits**

- 7 (1) If an assignment under section 12 takes effect with respect to a
8 dental benefit, the dental benefit is, subject to section 15, payable
9 in accordance with the assignment.
- 10 (2) Dental benefit payable under subsection (1) is to be paid in such
11 manner as the Medicare Australia CEO determines.
- 12 (3) A determination under subsection (2) may provide for the amount
13 of dental benefit to be paid to the credit of a bank account in such
14 circumstances (if any), and subject to such conditions (if any), as
15 are specified in the Dental Benefits Rules.
- 16 (4) Subsection (3) does not limit subsection (2).

17 **14 Payment of dental benefits to dental providers if a request is**
18 **made**

19 *Scope*

- 20 (1) This section applies if:
21 (a) dental benefit is payable under section 11 to a person in
22 respect of a dental service; and
23 (b) the person has not paid the dental expenses that the person
24 incurred in respect of the dental service.

25 *Dental benefit not to be paid to the person*

- 26 (2) Dental benefit is not to be paid to the person.

27 *Dental benefit to be paid to the dental provider if a request is made*

- 28 (3) The person may request the Medicare Australia CEO to:

Section 14

- 1 (a) give the person personally; or
2 (b) send by post to the address specified by the person;
3 a cheque for the amount of dental benefit payable in respect of the
4 dental service in lieu of a payment to the person under section 11
5 in respect of the dental service.
- 6 (4) The Medicare Australia CEO must comply with a request under
7 subsection (3).
- 8 (5) A cheque given or sent as requested under subsection (3) must be
9 drawn in favour of the dental provider by whom, or on whose
10 behalf, the dental service was rendered.

Section 15

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2 **Division 3—Claims for dental benefits**

3 **15 Claims for dental benefits**

4 *Claims for unassigned dental benefits*

- 5 (1) A claim for a dental benefit (other than a dental benefit assigned
6 under section 12) must be made in accordance with the approved
7 form and:
8 (a) lodged with the Medicare Australia CEO; or
9 (b) sent, in such circumstances (if any), and subject to such
10 conditions (if any), as are specified in the Dental Benefits
11 Rules, to the Medicare Australia CEO in such manner as he
12 or she determines.

13 *Claims for assigned dental benefits*

- 14 (2) A claim for a dental benefit assigned under section 12 must be
15 made in accordance with the approved form and:
16 (a) lodged with the Medicare Australia CEO; or
17 (b) sent, in such circumstances (if any), and subject to such
18 conditions (if any), as are specified in the Dental Benefits
19 Rules, to the Medicare Australia CEO in such manner as he
20 or she determines;
21 within the period of 2 years, or such longer period as is allowed
22 under subsection 16(2), after the rendering of the dental service to
23 which the dental benefit relates.
- 24 (3) A claim referred to in subsection (2) must not be paid unless the
25 claimant satisfies the Medicare Australia CEO that, after signing
26 the relevant agreement under subsection 12(2), the assignor
27 retained in his or her possession a copy of the agreement.
- 28 (4) A determination under paragraph (2)(b) may provide for a claim
29 for a dental benefit to be sent by electronic transmission.
- 30 (5) Subsection (4) does not limit paragraph (2)(b).

1 **16 Application for a longer period to lodge claims for assigned**
2 **dental benefits**

- 3 (1) A person may, in accordance with the approved form, apply to the
4 Medicare Australia CEO for a longer period within which to lodge
5 a claim referred to in subsection 15(2).
- 6 (2) If an application under subsection (1) is made, the Medicare
7 Australia CEO may, by notice in writing given to the person, allow
8 a longer period for the lodgment of the claim.
- 9 (3) The Medicare Australia CEO must, in exercising his or her power
10 under subsection (2), have regard to all matters that the Medicare
11 Australia CEO considers relevant including, but not limited to, any
12 hardship that might be caused to the person if a longer period is not
13 allowed.

Section 17

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2 **Division 4—When dental benefit is not payable**

3 **17 Dental benefit is not payable unless particulars are recorded on**
4 **the account etc.**

- 5 (1) Dental benefit is not payable in respect of a dental service unless
6 subsection (2) is satisfied.
- 7 (2) This subsection is satisfied if:
- 8 (a) the dental provider by whom, or on whose behalf, the dental
9 service was rendered; or
- 10 (b) an employee of that dental provider;
11 has recorded on one or more of the following:
- 12 (c) the account or receipt for fees in respect of the dental service;
13 (d) the voucher that relates to the dental service;
- 14 (e) if an assignment has been made in accordance with
15 section 12 in relation to the dental benefit in respect of the
16 dental service—on the form of the assignment;
17 such particulars (if any) as are specified in the Dental Benefits
18 Rules in relation to dental services generally or in relation to a
19 class of dental services in which the dental service is included.

20 **18 Dental benefit is not payable unless conditions specified in the**
21 **Dental Benefits Rules are satisfied**

- 22 (1) The Dental Benefits Rules may provide that dental benefit is not
23 payable in respect of a dental service unless the conditions
24 specified in the Dental Benefits Rules are satisfied.
- 25 (2) Conditions specified in the Dental Benefits Rules for the purposes
26 of subsection (1) may include, but are not limited to, conditions
27 relating to:
- 28 (a) the dental service; or
29 (b) the circumstances in which the dental service is rendered; or
30 (c) the dental provider by whom, or on whose behalf, the dental
31 service is rendered; or

Section 19

- 1 (d) the eligible dental patient to whom the dental service is
2 rendered; or
3 (e) dental services rendered by, on behalf of or under an
4 arrangement with:
5 (i) the Commonwealth; or
6 (ii) a State; or
7 (iii) an internal Territory; or
8 (iv) a local governing body; or
9 (v) an authority established by a law of the Commonwealth,
10 a law of a State or a law of an internal Territory.

11 Note: For specification by class, see subsection 13(3) of the *Legislative*
12 *Instruments Act 2003*.

13 **19 Dental benefit is not payable if a benefit has been received etc.**
14 **under a complying health insurance policy**

- 15 (1) Dental benefit is not payable to a person in respect of a dental
16 service if:
17 (a) under a complying health insurance policy with a private
18 health insurer, the person is covered, in whole or in part, for
19 the liability to pay fees and charges in respect of the dental
20 service; and
21 (b) the person has received, or chooses to receive, a benefit from
22 the private health insurer in respect of the dental service.

23 (2) In this section:

24 *complying health insurance policy* has the same meaning as in the
25 *Private Health Insurance Act 2007*.

26 *cover*, in relation to a complying health insurance policy, has the
27 same meaning as in the *Private Health Insurance Act 2007*.

28 **20 Dental benefit is not payable in respect of a dental service**
29 **rendered as part of an episode of hospital treatment etc.**

- 30 (1) Dental benefit is not payable in respect of a dental service rendered
31 to an eligible dental patient if the dental service is rendered:

Part 3 Payment of dental benefits

Division 4 When dental benefit is not payable

Section 21

- 1 (a) as part of an episode of hospital treatment provided to the
2 eligible dental patient; or
3 (b) as part of hospital-substitute treatment provided to the
4 eligible dental patient in respect of which the eligible dental
5 patient chooses to receive a benefit from a private health
6 insurer.

7 (2) In this section:

8 *hospital-substitute treatment* has the same meaning as in the
9 *Private Health Insurance Act 2007*.

10 *hospital treatment* has the same meaning as in the *Private Health*
11 *Insurance Act 2007*.

12 **21 Dental Benefits Rules may provide that dental benefit is not**
13 **payable**

14 (1) The Dental Benefits Rules may provide that dental benefit is not
15 payable in respect of a dental service.

16 (2) Without limiting subsection (1), the Dental Benefits Rules may
17 provide that:

- 18 (a) dental benefit is not payable in respect of a specified dental
19 service; or
20 (b) dental benefit is not payable in respect of a dental service
21 provided in specified circumstances; or
22 (c) dental benefit is not payable in respect of a dental service
23 rendered by, or on behalf of, a specified dental provider; or
24 (d) dental benefit is not payable in respect of a dental service
25 rendered to a specified eligible dental patient; or
26 (e) dental benefit is not payable in respect of a dental service
27 rendered by, on behalf of or under an arrangement with:
28 (i) the Commonwealth; or
29 (ii) a State; or
30 (iii) an internal Territory; or
31 (iv) a local governing body; or
32 (v) an authority established by a law of the Commonwealth,
33 a law of a State or a law of an internal Territory.

Section 21

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Note: For specification by class, see subsection 13(3) of the *Legislative Instruments Act 2003*.

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2 **Part 4—Dental benefits vouchers**

3 **Division 1—Introduction**

4 **22 Simplified outline**

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The following is a simplified outline of this Part:

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- This Part sets up a framework for the issuing of vouchers in relation to a dental service to persons who qualify for a voucher.
- A person qualifies for a voucher for a calendar year if he or she is aged between 12 and 18 years at any time during the calendar year, is an eligible person and satisfies the means test.
- The Dental Benefit Rules may also provide that an eligible person qualifies for a voucher for a calendar year.
- The Medicare Australia CEO must issue a voucher to a person if the person qualifies for the voucher on or before 31 October in a calendar year.
- A person who qualifies for a voucher may request the Medicare Australia CEO to issue the voucher.
- Unless the Dental Benefit Rules provide otherwise:
 - (a) only one voucher may be issued in relation to a dental service in respect of a person for a calendar year; and
 - (b) a voucher for a calendar year remains in effect until the end of the calendar year.

1

2 **Division 2—Qualification for vouchers**

3 **23 Qualification for a voucher—teenagers**

4 *Section applies to certain teenagers*

- 5 (1) This section applies to a person, in relation to a calendar year, if:
6 (a) the person is aged at least 12 years but is aged under 18 years
7 on 1 January in the calendar year; or
8 (b) the person will, in the ordinary course of events, reach the
9 age of 12 years at any time during the calendar year.

10 *Point in time at which person qualifies for a voucher*

- 11 (2) The person *qualifies for a voucher* for the calendar year, in
12 relation to a dental service specified in the Dental Benefits Rules
13 for the purposes of this section, at the first time in the calendar year
14 when:
15 (a) the person is an eligible person; and
16 (b) the person satisfies the means test set out in section 24.

17 **24 When a person satisfies the means test**

18 *Basic rule*

- 19 (1) For the purposes of section 23, a person *satisfies the means test* at
20 a particular time if, at that time:
21 (a) the person is receiving a payment under the ABSTUDY
22 scheme, or another person is receiving such a payment in
23 respect of the person; or
24 (b) the person is receiving youth allowance; or
25 (c) the person is an FTB(A) teenager; or
26 (d) the person is included in a class of persons specified in the
27 Dental Benefits Rules as satisfying the means test for the
28 purposes of this paragraph.

Section 24

1 *When a person is an FTB(A) teenager*

- 2 (2) For the purposes of this section, a person (the *teenager*) is an
3 **FTB(A) teenager** at a particular time if, at that time:
- 4 (a) there is in force a section 16 determination that the teenager,
5 or the teenager's partner, is entitled to be paid family tax
6 benefit at a Part A rate that is greater than nil; or
 - 7 (b) there is in force a section 16 determination that an FTB
8 recipient in relation to the teenager is entitled to be paid
9 family tax benefit in respect of the teenager at a Part A rate
10 that is greater than nil; or
 - 11 (c) the teenager, or the teenager's partner, has received an FTB
12 lump sum payment in respect of the last income year ending
13 before the start of the calendar year during which the time
14 occurs; or
 - 15 (d) an FTB recipient in relation to the teenager has received an
16 FTB lump sum payment that is:
 - 17 (i) in respect of the teenager; and
 - 18 (ii) in respect of the last income year ending before the start
19 of the calendar year during which the time occurs; or
 - 20 (e) the teenager is included in a class of person specified in the
21 Dental Benefits Rules to be an FTB(A) teenager for the
22 purposes of this paragraph.

23 *Definitions*

- 24 (3) In this section:

25 **approved care organisation** has the same meaning as in the *A New*
26 *Tax System (Family Assistance) Act 1999*.

27 **FTB child**, in relation to family tax benefit, has the same meaning
28 as in the *A New Tax System (Family Assistance) Act 1999*.

29 **FTB lump sum payment** means a payment of family tax benefit
30 under section 24 of the *A New Tax System (Family Assistance)*
31 *(Administration) Act 1999* that has a Part A rate that is greater than
32 nil.

33 **FTB recipient**, in relation to a teenager, means:

Section 25

- 1 (a) a person of whom the teenager is an FTB child in relation to
2 family tax benefit; or
3 (b) an approved care organisation of which the teenager is a
4 client (within the meaning of the *A New Tax System (Family*
5 *Assistance) Act 1999*).

6 **income year** has the same meaning as in subsection 3(1) of the *A*
7 *New Tax System (Family Assistance) Act 1999*.

8 **Part A rate** means the Part A rate calculated under the *A New Tax*
9 *System (Family Assistance) Act 1999*.

10 **partner** has the same meaning as in the *A New Tax System (Family*
11 *Assistance) Act 1999*.

12 **receive:**

- 13 (a) in relation to a payment under the ABSTUDY scheme—has
14 the meaning given by subsection (4); and
15 (b) in relation to youth allowance—has the same meaning as in
16 section 23 of the *Social Security Act 1991*.

17 **section 16 determination** means a determination under section 16
18 of the *A New Tax System (Family Assistance) (Administration) Act*
19 *1999*.

20 *When a person is receiving ABSTUDY*

- 21 (4) For the purposes of this section, a person is taken to be receiving a
22 payment under the ABSTUDY scheme:
23 (a) from the earliest day on which the payment is payable to the
24 person, even if an instalment of the payment, or the payment,
25 it is not paid until a later day; and
26 (b) until the latest day on which the payment is payable to the
27 person, even if the last instalment of the payment, or the
28 payment, is not paid until a later day.

29 **25 Dental Benefits Rules must specify certain matters**

- 30 (1) Dental Benefits Rules made for the purposes of paragraph 24(1)(d)
31 must specify the time, or how to work out the time, at which a
32 person satisfies the means test for the purposes of the paragraph.

Part 4 Dental benefits vouchers

Division 2 Qualification for vouchers

Section 26

- 1 (2) Dental Benefits Rules made for the purposes of paragraph 24(2)(e)
2 must specify the time, or how to work out the time at which, a
3 person is an FTB(A) teenager for the purposes of the paragraph.

4 **26 Qualification for a voucher—other persons**

5 The Dental Benefits Rules may provide that each eligible person
6 included in a specified class of eligible persons *qualifies for a*
7 *voucher* for a calendar year in relation to a specified dental service.

1

2 **Division 3—Issue of vouchers and other matters**

3 **27 Medicare Australia CEO must issue vouchers**

4 *Persons who qualify on or before 31 October*

- 5 (1) The Medicare Australia CEO must issue a voucher for a calendar
6 year in respect of a person, in relation to a dental service, if:
7 (a) the person qualifies for the voucher on or before whichever
8 of the following dates is applicable:
9 (i) 31 October in the calendar year;
10 (ii) if an earlier or later date in the calendar year is specified
11 in the Dental Benefits Rules for the purposes of this
12 paragraph—the specified date; and
13 (b) subject to subsection (5), the Medicare Australia CEO has
14 not already issued a voucher for the calendar year in respect
15 of the person in relation to the dental service.

16 *Persons who request a voucher*

- 17 (2) The Medicare Australia CEO must issue a voucher for a calendar
18 year in respect of a person, in relation to a dental service, if:
19 (a) the person qualifies for the voucher; and
20 (b) the Medicare Australia CEO is requested by or on behalf of
21 the person to issue the voucher; and
22 (c) subject to subsection (5), the Medicare Australia CEO has
23 not already issued a voucher for the calendar year in respect
24 of the person in relation to the dental service.

25 *Timing and form of a request*

- 26 (3) A request under subsection (2):
27 (a) must be made not later than 15 days, or such other number of
28 days as is specified in the Dental Benefits Rules for the
29 purposes of this paragraph, before the end of the calendar
30 year; and
31 (b) must be in the approved form.

Section 28

1 *Voucher to be issued as soon as reasonably practicable*

2 (4) The Medicare Australia CEO must issue a voucher under
3 subsection (1) or (2) as soon as reasonably practicable after the
4 person qualifies for the voucher or the request for the voucher is
5 made, as the case requires.

6 *Exception to the one voucher per year rule*

7 (5) The Dental Benefits Rules may specify circumstances in which
8 more than one voucher in relation to a dental service, may be
9 issued in respect of a person for a calendar year.

10 *When voucher is not required to be issued*

11 (6) This section has effect subject to sections 28 and 29.

12 **28 When voucher is not required to be issued—person dies**

13 Despite section 27, if:

- 14 (a) a person qualifies for a voucher for a calendar year; and
15 (b) the person dies before the Medicare Australia CEO issues the
16 voucher for the calendar year in respect of the person;
17 the Medicare Australia CEO is not required to issue the voucher.

18 **29 When voucher is not required to be issued—circumstances
19 specified in the Dental Benefit Rules**

20 The Dental Benefit Rules may specify circumstances in which the
21 Medicare Australia CEO is not required to issue a voucher for a
22 calendar year in respect of a person who qualifies for the voucher.

23 **30 Voucher must specify dental service**

24 A voucher must specify the dental service to which it relates.

25 **31 Voucher remains in effect until the end of a calendar year**

26 A voucher for a calendar year takes effect on the day on which it is
27 issued and remains in effect until the end of the calendar year,

1 unless the Dental Benefits Rules provide for a different period of
2 effect.

3 **32 Dental Benefits Rules may provide for other matters**

4 The Dental Benefits Rules may provide for the following:

- 5 (a) matters relating to requests for vouchers;
6 (b) altering the period of effect of vouchers;
7 (c) the persons to whom vouchers are to be issued;
8 (d) lost vouchers.

1

2 **Part 5—Disclosure of protected information**

3 **Division 1—Introduction**

4 **33 Simplified outline**

5 The following is a simplified outline of this Part:

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- Except as authorised by this Part, an entrusted public official must not disclose protected information.
 - An entrusted public official must not, except for the purposes of this Act, be required:
 - (a) to disclose protected information to a court or tribunal; or
 - (b) produce documents that contain protected information in a court or tribunal.
 - This Part also sets out a number of offences relating to the disclosure etc. of protected information.

1

2 **Division 2—Disclosure of protected information**

3 **34 Prohibition on disclosure of protected information**

4 *Offence*

- 5 (1) A person commits an offence if:
- 6 (a) the person is, or was at any time, an entrusted public official;
 - 7 and
 - 8 (b) the person has, or has at any time had, a duty, function or
 - 9 power under this Act; and
 - 10 (c) the person discloses information to another person; and
 - 11 (d) the information is protected information; and
 - 12 (e) the disclosure is not an authorised disclosure.

13 Penalty: Imprisonment for 2 years or 120 penalty units, or both.

14 *Entrusted public official*

- 15 (2) Each of the following persons is an ***entrusted public official***:
- 16 (a) the Medicare Australia CEO;
 - 17 (b) an employee of Medicare Australia;
 - 18 (c) a consultant engaged under section 21 of the *Medicare*
 - 19 *Australia Act 1973*;
 - 20 (d) the Secretary of the Department administered by the Minister
 - 21 who administers this Act;
 - 22 (e) an APS employee in that Department;
 - 23 (f) any other person employed or engaged by that Department.

24 *Protected information*

- 25 (3) Information is ***protected information*** if the information relates to a
- 26 person other than the person who obtained it and:
- 27 (a) the information is obtained by a person in the course of
 - 28 performing duties or functions, or exercising powers, under
 - 29 this Act; or

Section 35

- 1 (b) the information was information to which paragraph (a)
2 applied and is obtained by a person by way of an authorised
3 disclosure under section 36.

4 *Authorised disclosure*

- 5 (4) A disclosure of information is an *authorised disclosure* if the
6 disclosure is one that a person may make under section 35, 36, 37,
7 38, 39, 40 or 41.

8 **35 Authorised disclosure—official duties**

9 For the purposes of subsection 34(4), a person may disclose
10 protected information if the disclosure is made:

- 11 (a) in the course of performing a duty or function, or exercising a
12 power, under this Act; or
13 (b) for the purposes of enabling another person to perform duties
14 or functions, or exercise powers, under this Act; or
15 (c) for the purposes of enabling a person to perform duties or
16 functions, or exercise powers, under the *Medicare Australia*
17 *Act 1973*.

18 **36 Authorised disclosure—public interest**

- 19 (1) For the purposes of subsection 34(4), a person may disclose
20 protected information if:
21 (a) the disclosure is, or is a kind of disclosure, certified, in
22 writing by the Secretary or the Medicare Australia CEO, to
23 be in the public interest; and
24 (b) the disclosure is made in accordance with any requirements
25 specified in the Dental Benefit Rules.
26 (2) An instrument made under paragraph (1)(a) is not a legislative
27 instrument.

28 **37 Authorised disclosure—authorisation by affected person**

29 For the purposes of subsection 34(4), the Secretary or the Medicare
30 Australia CEO may disclose protected information to a person who

1 is expressly or impliedly authorised by the person to whom the
2 protected information relates to obtain it.

3 **38 Authorised disclosure—enforcement of the criminal law etc.**

4 (1) For the purposes of subsection 34(4), the Secretary or the Medicare
5 Australia CEO may disclose protected information to an agency if:

- 6 (a) the Secretary or the Medicare Australia CEO believes on
7 reasonable grounds that the disclosure is reasonably
8 necessary for:
9 (i) the enforcement of the criminal law; or
10 (ii) the enforcement of a law imposing a pecuniary penalty;
11 or
12 (iii) the protection of the public revenue; and
13 (b) the functions of the agency include that enforcement or
14 protection; and
15 (c) the disclosure is for the purposes of that enforcement or
16 protection.

17 (2) In this section:

18 *agency* includes:

- 19 (a) a police force of a State or Territory; or
20 (b) any other authority or person responsible for the enforcement
21 of the laws of the State or Territory.

22 **39 Authorised disclosure—preventing or lessening a serious and**
23 **imminent threat to the life or health of a person**

24 For the purposes of subsection 34(4), the Secretary or the Medicare
25 Australia CEO may disclose protected information if:

- 26 (a) the Secretary or the Medicare Australia CEO believes on
27 reasonable grounds that the disclosure is necessary to prevent
28 or lessen a serious and imminent threat to the life or health of
29 a person; and
30 (b) the disclosure is for the purposes of preventing or lessening
31 that threat.

Section 40

1 **40 Authorised disclosure—professional body**

2 (1) For the purposes of subsection 34(4), the Secretary or the Medicare
3 Australia CEO may disclose to a professional body protected
4 information that relates to:

- 5 (a) a dental provider; or
6 (b) the dental services rendered by or on behalf of a dental
7 provider;

8 if the Secretary or the Medicare Australia CEO believes on
9 reasonable grounds that the dental provider should be reported to
10 the professional body.

11 (2) Subsection (1) does not apply to protected information:

12 (a) that relates to a person who is a patient of the dental provider;
13 and

14 (b) from which the identity of the person is apparent or can
15 reasonably be ascertained;

16 unless the Secretary or the Medicare Australia CEO believes on
17 reasonable grounds that the disclosure of the protected information
18 is necessary in connection with the reporting of the dental provider
19 to the professional body.

20 (3) In this section:

21 *professional body* means a body responsible for the licensing,
22 registration, accreditation or standards of professional conduct of
23 dental providers generally or a class of dental providers.

24 **41 Authorised disclosure—administration of this Act**

25 (1) For the purposes of subsection 34(4), a person may disclose
26 protected information to:

27 (a) the Medicare Australia CEO or an employee of Medicare
28 Australia; or

29 (b) the Chief Executive Officer of Centrelink or an employee of
30 Centrelink; or

31 (c) the Minister who administers:

32 (i) this Act; or

33 (ii) the *Medicare Australia Act 1973*; or

- 1 (iii) the *Social Security Act 1991* in so far as that Act relates
2 to youth allowance; or
3 (iv) the *A New Tax System (Family Assistance) Act 1999* in
4 so far as that Act relates to family tax benefit; or
5 (v) the ABSTUDY scheme; or
6 (d) the Secretary of, or an APS employee in, the Department
7 administered by a Minister mentioned in paragraph (c);
8 if the disclosure is for the purposes of administering this Act.

9 Note: For the definition of *APS employee*, see section 17AA of the *Acts*
10 *Interpretation Act 1901*.

11 (2) In this section:

12 ***Centrelink*** means the Commonwealth Services Delivery Agency.

13 ***employee of Centrelink*** means an employee within the meaning of
14 the *Commonwealth Services Delivery Agency Act 1997*.

15 ***family tax benefit*** has the same meaning as in the *A New Tax*
16 *System (Family Assistance) Act 1999*.

17 **42 Disclosure of protected information to courts or tribunals**

18 *Scope*

- 19 (1) This section applies if:
20 (a) a person is, or was at any time, an entrusted public official;
21 and
22 (b) the person obtained:
23 (i) protected information; or
24 (ii) a document that contains protected information;
25 in the course of performing duties or functions, or exercising
26 powers, under this Act.

27 *Disclosure of protected information to a court or tribunal*

- 28 (2) The person must not, except for the purposes of this Act, be
29 required:
30 (a) to disclose the protected information to a court or tribunal; or
31 (b) to produce the document in a court or tribunal.

Section 43

1

2 **Division 3—Offences relating to the disclosure etc. of**
3 **protected information**

4 **43 Offence—disclosure of protected information obtained in the**
5 **public interest**

6 A person commits an offence if:

- 7 (a) the person obtains protected information; and
8 (b) the person does so by way of an authorised disclosure under
9 section 36; and
10 (c) the person discloses the protected information; and
11 (d) the disclosure by the person is not an authorised disclosure.

12 Penalty: Imprisonment for 2 years or 120 penalty units, or both.

13 **44 Offence—soliciting disclosure of protected information**

14 A person commits an offence if:

- 15 (a) the person solicits the disclosure of information from another
16 person; and
17 (b) the information is protected information; and
18 (c) the disclosure would constitute a contravention of section 34
19 or 43.

20 Penalty: Imprisonment for 2 years or 120 penalty units, or both.

21 **45 Offence—use etc. of protected information**

22 A person commits an offence if:

- 23 (a) information is disclosed to the person; and
24 (b) the information is protected information; and
25 (c) the disclosure to the person constitutes a contravention of
26 section 34 or 43; and
27 (d) any of the following apply:
28 (i) the person solicited the disclosure of the information;
29 (ii) the person subsequently discloses the information;

1 (iii) the person uses the information.

2 Penalty: Imprisonment for 2 years or 120 penalty units, or both.

3 **46 Offence—offering to supply protected information**

4 A person commits an offence if:

5 (a) the person:

6 (i) offers; or

7 (ii) holds himself or herself out as being able;

8 to supply (whether or not to a particular person) information
9 about another person; and

10 (b) the person knows that the information is protected
11 information; and

12 (c) the supply would constitute a contravention of section 34 or
13 43.

14 Penalty: Imprisonment for 2 years or 120 penalty units, or both.

Part 6 General offences and recovery provisions

Division 1 Introduction

Section 47

1

2 **Part 6—General offences and recovery provisions**

3 **Division 1—Introduction**

4 **47 Simplified outline**

5

The following is a simplified outline of this Part:

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- Divisions 2 and 3 of this Part set out a number of offences relating to assignment agreements and the giving of information.
- Division 4 of this Part deals with the recovery of amounts paid because of false or misleading statements.

1

2 **Division 2—Offences relating to assignment agreements**

3 **48 Strict liability offence—particulars not set out in assignment**
4 **agreement**

- 5 (1) A dental provider commits an offence if:
6 (a) the dental provider, or a person acting on his or her behalf,
7 enters into an agreement under subsection 12(2) with another
8 person; and
9 (b) particulars relating to the dental service are required, by the
10 approved form, to be set out in the agreement; and
11 (c) the dental provider has not caused the particulars to be set out
12 in the agreement before the other person signs the agreement.

13 Penalty: 10 penalty units.

- 14 (2) An offence under subsection (1) is an offence of strict liability.

15 Note: For strict liability, see section 6.1 of the *Criminal Code*.

- 16 (3) In this section:

17 ***approved form*** means the form approved for the purposes of
18 subsection 12(2).

19 **49 Strict liability offence—copy of assignment agreement not given**

- 20 (1) A dental provider commits an offence if:
21 (a) the dental provider, or a person acting on his or her behalf,
22 enters into an agreement under subsection 12(2) with another
23 person; and
24 (b) the dental provider does not cause a copy of the agreement to
25 be given to the other person as soon as practicable after the
26 other person signed the agreement.

27 Penalty: 10 penalty units.

- 28 (2) An offence under subsection (1) is an offence of strict liability.

29 Note: For strict liability, see section 6.1 of the *Criminal Code*.

Section 50

1

2 **Division 3—Offences relating to the giving of information**

3 **50 Strict liability offence—false or misleading statements relating to**
4 **dental benefit**

5 *Offence*

- 6 (1) A person commits an offence if:
7 (a) the person makes, or authorises the making of, an oral or
8 written statement; and
9 (b) the statement is false or misleading in a material particular;
10 and
11 (c) the statement is capable of being used in connection with a
12 claim for dental benefit.

13 Penalty: 20 penalty units.

14 *Strict liability*

- 15 (2) An offence under subsection (1) is an offence of strict liability.

16 Note: For strict liability, see section 6.1 of the *Criminal Code*.

17 *Prosecution—time limit*

- 18 (3) Despite section 15B of the *Crimes Act 1914*, a prosecution for an
19 offence under subsection (1) must be instituted within 3 years after
20 the time at which the statement is alleged to have been made.

21 **51 Strict liability offence—false or misleading statements by**
22 **employees etc.**

23 *Offence*

- 24 (1) A person (the *first person*) commits an offence if:
25 (a) the first person is an employee, associate or agent of another
26 person (the *second person*); and
27 (b) the second person makes an oral or written statement (the
28 *claim statement*); and

- 1 (c) the claim statement is false or misleading in a material
2 particular; and
3 (d) the claim statement is capable of being used in connection
4 with a claim for dental benefit; and
5 (e) the material particular in respect of which the claim statement
6 is false or misleading is substantially based upon another
7 statement (the *employee statement*); and
8 (f) the employee statement was made by the first person:
9 (i) to the second person; or
10 (ii) to an agent of the second person; and
11 (g) the employee statement was false or misleading in a material
12 particular.

13 Penalty: 20 penalty units.

14 *Strict liability*

- 15 (2) An offence under subsection (1) is an offence of strict liability.

16 Note: For strict liability, see section 6.1 of the *Criminal Code*.

17 *Prosecution—time limit*

- 18 (3) Despite section 15B of the *Crimes Act 1914*, a prosecution for an
19 offence under this section must be instituted within 3 years after
20 the time at which the claim statement is alleged to have been made.

21 **52 Offence—statement that person knows is false or misleading**

22 A person commits an offence if:

- 23 (a) the person makes, or authorises the making of, an oral or
24 written statement; and
25 (b) the person knows:
26 (i) that the statement is false or misleading in a material
27 particular; and
28 (ii) that the statement is capable of being used in connection
29 with a claim for dental benefit.

30 Penalty: Imprisonment for 5 years or 100 penalty units, or both.

Section 53

1 **53 Offence—statement based on statement that employee etc. knows**
2 **is false or misleading**

3 A person (the *first person*) commits an offence if:

- 4 (a) the first person is an employee, associate or agent of another
5 person (the *second person*); and
6 (b) the second person makes an oral or written statement (the
7 *claim statement*); and
8 (c) the claim statement is false or misleading in a material
9 particular; and
10 (d) the claim statement is capable of being used in connection
11 with a claim for dental benefit; and
12 (e) the material particular in respect of which the claim statement
13 is false or misleading is substantially based upon another
14 statement (the *employee statement*); and
15 (f) the employee statement was made by the first person:
16 (i) to the second person; or
17 (ii) to an agent of the second person; and
18 (g) the first person knew that the employee statement was false
19 or misleading in a material particular; and
20 (h) the first person knew that, or was reckless as to whether, the
21 employee statement would be used in the preparation of the
22 claim statement.

23 Penalty: Imprisonment for 5 years or 100 penalty units, or both.

24 **54 False statements etc.**

25 A person commits an offence if:

- 26 (a) the person gives information under or for the purposes of this
27 Act; and
28 (b) the person knows that the information is false or misleading
29 in a material particular.

30 Penalty: Imprisonment for 5 years or 100 penalty units.

31 **55 Prosecution of certain offences**

- 32 (1) An offence against section 52, 53 or 54 is an indictable offence.
-

Section 55

- 1 (2) Despite subsection (1), a court of summary jurisdiction may hear
2 and determine proceedings in respect of an offence referred to in
3 that subsection if:
4 (a) the court is satisfied that it is proper to do so; and
5 (b) the defendant and the prosecutor consent.
- 6 (3) If, in accordance with subsection (2), a court of summary
7 jurisdiction convicts a person of an offence referred to in
8 subsection (1), the penalty that the court may impose is:
9 (a) imprisonment for a period not exceeding 6 months; or
10 (b) a fine not exceeding 10 penalty units.

Section 56

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Division 4—Recovery of amounts paid because of false or misleading statements

3

4

56 Recovery of amounts paid because of false or misleading statements

5

6

Scope

7

(1) This section applies if:

8

(a) an amount is paid purportedly by way of a payment of dental benefit; and

9

10

(b) as a result of the making of a false or misleading statement, the amount paid exceeds the amount (if any) that should have been paid.

11

12

13

Debt due to the Commonwealth

14

(2) The amount of the excess is recoverable as a debt due to the Commonwealth from:

15

16

(a) the person by or on behalf of whom the statement was made; or

17

18

(b) the estate of that person.

19

(3) Subsection (2) applies:

20

(a) whether or not the amount was paid to the person by or on behalf of whom the statement was made; and

21

22

(b) whether or not any person has been convicted of an offence in relation to the making of the statement.

23

24

57 Interest payable on amounts paid because of false or misleading statements

25

26

Scope

27

(1) This section applies if:

28

(a) an amount (the *principal sum*) is recoverable as a debt due to the Commonwealth from a person or estate under section 56; and

29

30

1 (b) the Medicare Australia CEO has given a written notice to the
2 person or estate claiming the amount as a debt due to the
3 Commonwealth.

4 *Interest payable*

5 (2) Interest is payable on the amount of the principal sum that remains
6 unpaid from time to time if:

7 (a) a repayment arrangement in relation to the principal sum was
8 entered into during the relevant period and there is a default
9 (whether before or after the end of the relevant period) in
10 repaying all or part of the principal sum as required by the
11 arrangement; or

12 (b) at the end of the relevant period, a repayment arrangement
13 has not been entered into and all or part of the principal sum
14 remains unpaid.

15 (3) For the purposes of subsection (2), the *relevant period* is:

16 (a) the period of 3 months beginning on the day after the written
17 notice is given to the person or estate under paragraph (1)(b);
18 or

19 (b) such longer period as the Medicare Australia CEO allows.

20 (4) Interest under subsection (2) is payable from:

21 (a) the day after the end of the relevant period; or

22 (b) such later day ordered by a court in any proceedings
23 instituted by the Commonwealth to recover an amount due
24 under this section.

25 (5) Interest under subsection (2):

26 (a) is payable at the rate prescribed from time to time for the
27 purposes of subsection 129AC(2) of the *Health Insurance*
28 *Act 1973*; and

29 (b) is recoverable as a debt due to the Commonwealth from the
30 person or estate.

31 *Definition*

32 (6) In this section:

Section 58

1 **repayment arrangement**, in relation to a principal sum, means an
2 arrangement entered into by the Medicare Australia CEO and a
3 person, or the person's estate, for the repayment of the principal
4 sum.

5 **58 Reduction in dental benefit payments because of previous**
6 **overpayments**

- 7 (1) The Medicare Australia CEO may reduce one or more amounts of
8 dental benefit payable to a person if:
- 9 (a) an amount or amounts have previously been paid under this
10 Act to the person purportedly by way of dental benefit; and
 - 11 (b) the amount or amounts referred to in paragraph (a) exceed
12 the amount (if any) that should have been paid to the person.
- 13 (2) The amount of the excess referred to in paragraph (1)(b) is the
14 **overpayment amount**.

15 *Amount of reduction—no previous recovery or reduction*

- 16 (3) If subsection (4) does not apply, the amount of a reduction under
17 subsection (1) must not exceed the overpayment amount.

18 *Amount of reduction—previous recovery or reduction*

- 19 (4) If either or both of the following have occurred:
- 20 (a) the Medicare Australia CEO has previously reduced, under
21 this section, one or more amounts (the **reduced amounts**) of
22 dental benefit payable to the person;
 - 23 (b) one or more amounts (the **recovered amounts**) have been
24 previously recovered from the person under section 56;
- 25 the amount of a reduction under subsection (1) must not exceed the
26 amount by which the overpayment amount exceeds the sum of the
27 reduced amounts (if any) and the recovered amounts (if any).

28 *Reduction to nil*

- 29 (5) A reduction under subsection (1) may result in one or more
30 amounts of dental benefit being reduced to nil.

Part 7—Dental Benefits Rules

59 Simplified outline

The following is a simplified outline of this Part:

- The Minister may make Dental Benefits Rules.
- The Dental Benefits Rules may provide for a Dental Benefits Schedule that sets out:
 - (a) items specifying dental services; and
 - (b) the amount of dental benefit payable, or a method for determining the amount of dental benefit payable, in respect of a dental service.
- The specification of a dental service in an item in the Dental Benefits Schedule may be unconditional or subject to specified conditions, limitations or restrictions.

60 Minister may make Dental Benefits Rules

Dental Benefits Rules

- (1) The Minister may, by legislative instrument, make ***Dental Benefits Rules*** providing for matters:
 - (a) required or permitted by this Act to be provided; or
 - (b) necessary or convenient to be provided in order to carry out or give effect to this Act.

Dental Benefits Rules may confer power

- (2) The Dental Benefits Rules may make provision for or in relation to a matter by conferring a power on the Minister or on the Medicare Australia CEO.

Section 61

- 1 *Dental Benefits Rules may incorporate material*
- 2 (3) The Dental Benefits Rules may make provision in relation to a
- 3 matter by applying, adopting or incorporating, with or without
- 4 modification, any matter contained in any other instrument or
- 5 writing:
- 6 (a) as in force or existing at a particular time; or
- 7 (b) as in force or existing from time to time.
- 8 (4) Subsection (3) has effect despite anything in the *Legislative*
- 9 *Instruments Act 2003*.

10 **61 Dental Benefits Schedule**

- 11 (1) The Dental Benefits Rules may provide for a Dental Benefits
- 12 Schedule that sets out the following:
- 13 (a) items specifying dental services;
- 14 (b) the amount of dental benefit payable, or a method for the
- 15 determining the amount of dental benefit payable, in respect
- 16 of a dental service.
- 17 Note: The amount of dental benefit payable in respect of a dental service
- 18 must not exceed the dental expenses incurred in respect of the dental
- 19 service: see subsection 9(3).
- 20 (2) The Dental Benefits Rules may sets out rules for interpretation of
- 21 the Dental Benefits Schedule.

22 **62 Specification of items in Dental Benefits Schedule may be**

23 **conditional**

- 24 (1) The specification of a dental service in an item in the Dental
- 25 Benefits Schedule may be:
- 26 (a) unconditional; or
- 27 (b) subject to such conditions, limitations or restrictions as are
- 28 specified in the Dental Benefits Rules (including the Dental
- 29 Benefits Schedule).
- 30 (2) Conditions, limitations or restrictions specified in the Dental
- 31 Benefits Rules may include, but are not limited to, imposing a

Section 62

- 1 monetary limit on the amount of dental benefit payable in respect
2 of:
3 (a) a specified dental service; or
4 (b) dental services provided to an eligible dental patient; or
5 (c) dental services provided to an eligible dental patient during a
6 specified period.

1

2

Part 8—Other matters

3

4

63 Simplified outline

5

The following is a simplified outline of this Part:

6

- This Part makes provision in relation to:

7

(a) the functions of the Medicare Australia CEO; and

8

(b) the appropriation of the Consolidated Revenue Fund; and

9

10

(c) the delegation of the Secretary's functions or powers under this Act; and

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(d) the making of regulations for the purposes of this Act.

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64 Additional functions of the Medicare Australia CEO

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(1) In addition to the functions of the Medicare Australia CEO under the *Medicare Australia Act 1973*, the Medicare Australia CEO has such additional functions as are conferred on the Medicare Australia CEO by or under this Act.

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(2) Anything done by or on behalf of the Medicare Australia CEO in the performance of such additional functions is taken, for all purposes, to have been done in the performance of his or her functions under the *Medicare Australia Act 1973*.

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65 Appropriation

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Amounts of dental benefit payable under this Act are payable out of the Consolidated Revenue Fund, which is appropriated accordingly.

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1 **66 Delegation**

2 (1) The Secretary may, by writing, delegate any or all of his or her
3 functions or powers under this Act to an SES employee, or acting
4 SES employee, in the Department.

5 Note: The expressions *SES employee* and *acting SES employee* are defined
6 in section 17AA of the *Acts Interpretation Act 1901*.

7 (2) In exercising powers or performing functions delegated under
8 subsection (1), the delegate must comply with any directions of the
9 Secretary.

10 **67 Regulations**

11 The Governor-General may make regulations prescribing matters:

- 12 (a) required or permitted by this Act to be prescribed; or
13 (b) necessary or convenient to be prescribed for carrying out or
14 giving effect to this Act.