

2008-2009-2010

The Parliament of the
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

Presented and read a first time

**Health Legislation Amendment
(Australian Community Pharmacy
Authority and Private Health Insurance)
Bill 2010**

No. , 2010

(Health and Ageing)

**A Bill for an Act to amend the *National Health Act 1953* and the *Private Health Insurance Act 2007*,
and for related purposes**

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1 **A Bill for an Act to amend the *National Health Act***
2 ***1953 and the Private Health Insurance Act 2007,***
3 **and for related purposes**

4 The Parliament of Australia enacts:

5 **1 Short title**

6 This Act may be cited as the *Health Legislation Amendment*
7 *(Australian Community Pharmacy Authority and Private Health*
8 *Insurance) Act 2010.*

9 **2 Commencement**

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

1

Commencement information

| Column 1 | Column 2 | Column 3 |
|---|---|---------------------|
| Provision(s) | Commencement | Date/Details |
| 1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table | The day this Act receives the Royal Assent. | |
| 2. Schedule 1 | The day this Act receives the Royal Assent. | |
| 3. Schedule 2 | 1 July 2010. | 1 July 2010 |

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

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

8

3 Schedule(s)

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Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

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

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4

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6

National Health Act 1953

7

1 Subsection 90(3C)

8

Omit “30 June 2010”, substitute “30 June 2015”.

9

2 Section 99Y

10

Omit “30 June 2010”, substitute “30 June 2015”.

1
2 **Schedule 2—Amendments relating to lifetime**
3 **health cover**
4

5 *Private Health Insurance Act 2007*

6 **1 Section 34-25**

7 Repeal the section, substitute:

8 **34-25 Meaning of *lifetime health cover base day***

9 *General rule: 1 July after person turns 31*

- 10 (1) Subject to subsections (2), (3) and (4), a person's ***lifetime health***
11 ***cover base day*** is the 1 July after the person turns 31.

12 Note: See also section 37-5.

13 *Person who had lifetime health cover base day on or before*
14 *30 June 2010*

- 15 (2) If a person had a lifetime health cover base day on or before
16 30 June 2010, that lifetime health cover base day remains the
17 person's ***lifetime health cover base day***.

18 *Person who is not an Australian citizen and is not covered by*
19 *subsection (2)*

- 20 (3) Subject to subsection (4), the ***lifetime health cover base day*** of a
21 person who is not an *Australian citizen on the person's *medicare
22 eligibility day and is not covered by subsection (2) is the later of:
23 (a) the 1 July after the person turns 31; and
24 (b) the first anniversary of the person's Medicare eligibility day.

25 Note: See also section 37-5.

26 *Person overseas on day worked out under subsection (1) or (3)*

- 27 (4) However, if the person is *overseas on the day worked out under
28 subsection (1) or (3), the person's ***lifetime health cover base day*** is
29 the first anniversary of:
30 (a) the person's first return to Australia from overseas; or
-

1 (b) the person's first entry to Australia;
2 after the day worked out under subsection (1) or (3), whichever is
3 applicable.

4 *Medicare eligibility day*

5 (5) A person's *medicare eligibility day* is the day on which the person
6 is registered by the Medicare Australia CEO as an eligible person
7 within the meaning of section 3 of the *Health Insurance Act 1973*.

8 **2 Section 34-30**

9 Omit "Without", substitute "(1) Without".

10 Note: The heading to section 34-30 is altered by adding at the end "or enters Australia".

11 **3 Paragraph 34-30(b)**

12 Omit "and".

13 **4 Paragraph 34-30(c)**

14 Repeal the paragraph.

15 **5 At the end of section 34-30**

16 Add:

17 (2) For the purposes of this Part, a person is taken not to have returned
18 to Australia from *overseas, or entered Australia, if the person
19 returns to Australia, or enters Australia, but remains in Australia
20 for a period of less than 90 days.

21 **6 After paragraph 37-5(a)**

22 Insert:

23 (aa) who:

- 24 (i) was an *Australian citizen on 1 July 2000; or
25 (ii) was an Australian resident (within the meaning of
26 section 3 of the *Health Insurance Act 1973*) on 1 July
27 2000; or
28 (iii) had a lifetime health cover base day on or before
29 30 June 2010; and

30 **7 After section 37-5**

31 Insert:

1 **37-7 Person yet to turn 31**

2 If the 1 July after a person turns 31 has not arrived, lifetime health
3 cover does not yet apply to the person.

4 **8 Clause 1 of Schedule 1**

5 Insert:

6 *Australian citizen* has the same meaning as in the *Australian*
7 *Citizenship Act 2007*.

8 **9 Clause 1 of Schedule 1 (definition of *medicare eligibility***
9 ***day*)**

10 Omit “34-25(3)”, substitute “34-25(5)”.

11 **10 Clause 1 of Schedule 1 (definition of *new arrival*)**

12 Repeal the definition.