



Health Legislation Amendment Act 1986

No. 75 of 1986

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Health Legislation Amendment Act 1986

No. 75 of 1986

An Act to amend various laws relating to health, and for related purposes

[Assented to 24 June 1986]

BE IT ENACTED by the Queen, and the Senate and the House of Representatives of the Commonwealth of Australia, as follows:

PART I—PRELIMINARY

Short title

1. This Act may be cited as the *Health Legislation Amendment Act 1986*.

Commencement

2. (1) Section 1, this section, section 3, sub-section 19 (2), section 23, sub-section 47 (1), section 53, Part III, section 57, sections 61 to 71 (inclusive) and Parts V and VI shall come into operation on the twenty-eighth day after the day on which this Act receives the Royal Assent.

- (e) by inserting after the definition of “participating optometrist” in sub-section (1) the following definition:
 - “‘pathologist-determinable service’ means a pathology service specified, or a pathology service included in a class of pathology services specified, in a determination in force under section 4BA;”;
 - (f) by omitting from sub-section (1) the definition of “prescribed pathology service” and substituting the following definition:
 - “‘prescribed pathology service’ means a pathology service specified, or a pathology service included in a class of pathology services specified, in a determination in force under section 4BB;”;
 - and
 - (g) by omitting “, within the meaning of section 16A,” from paragraph (d) of the definition of “professional service” in sub-section (1).
- (2) Section 3 of the Principal Act is amended—
- (a) by omitting “wife” from sub-paragraph (aa) (i) of the definition of “dependant” in sub-section (1) and substituting “spouse”;
 - (b) by omitting “wife or husband” from sub-paragraph (aa) (ii) of the definition of “dependant” in sub-section (1) and substituting “spouse”;
 - (c) by omitting “wife or husband” from sub-sub-paragraph (aa) (iii) (D) of the definition of “dependant” in sub-section (1) and substituting “spouse”; and
 - (d) by omitting sub-section (10A).
- (3) Section 3 of the Principal Act is amended—
- (a) by inserting after the definition of “friendly society” in sub-section (1) the following definition:
 - “‘general medical services table’ means the table of medical services set out in Schedule 1;”;
 - (b) by omitting from sub-section (1) the definition of “pathology service” and substituting the following definitions:
 - “‘pathology service’ means a medical service to which an item of the pathology services table relates;
 - ‘pathology services table’ means the table of medical services set out in Schedule 1A;”;
 - (c) by omitting from sub-section (1) the definition of “table” and substituting the following definition:
 - “‘table’ means the table consisting of the general medical services table and the pathology services table.”;
 - (d) by inserting in sub-section (5) “general medical services” before “table”.

5. After section 3 of the Principal Act the following section is inserted:

Approved pathology practitioners to carry out pathology services or to supervise pathology services personally

“3AAA. (1) For the purposes of this Act, a pathology service shall not be taken to be rendered on behalf of an approved pathology practitioner unless the service is rendered under the personal supervision of the approved pathology practitioner.

“(2) For the purposes of this Act, a pathology service shall not be taken to be rendered under the personal supervision of an approved pathology practitioner unless the approved pathology practitioner—

- (a) exercises a reasonable level of personal control over the rendering of the service; and
- (b) has personal responsibility for the proper rendering of the service.”.

Health services not specified in an item

6. Section 3C of the Principal Act is amended by inserting in subparagraph (1) (a) (ii) “general medical services table or the pathology services” before “table”.

Variations and alterations of general medical services table

7. Section 4 of the Principal Act is amended—

- (a) by inserting in sub-section (1) “general medical services” before “table” (first occurring); and
- (b) by inserting in sub-section (2) “(other than pathology services)” after “services”.

Minister may vary pathology services table

8. Section 4A of the Principal Act is amended—

- (a) by omitting from sub-section (1) “Medicare Benefits Advisory Committee” and substituting “Pathology Services Advisory Committee”;
- (b) by omitting from sub-section (1) “table” and substituting “pathology services table (including a table that has effect by virtue of paragraph (9) (a))”;
- (c) by omitting from sub-section (2) “table” and substituting “pathology services table (including a table that has effect by virtue of paragraph (9) (a))”;
- (d) by omitting from paragraph (2) (a) “Part 7” and substituting “the table”;
- (e) by omitting from sub-section (2) “that Part” (wherever occurring) and substituting “the table”;
- (f) by inserting in sub-section (3) “pathology services” before “table” (first occurring);
- (g) by omitting sub-section (4) and substituting the following sub-section:

“(4) If the Pathology Services Advisory Committee, otherwise than pursuant to a reference to it under sub-section (1), recommends to the Minister a variation of the pathology services table, the Minister may make a determination varying the table in accordance with the recommendation.”;

- (h) by omitting from sub-section (5) “this section” (first occurring) and substituting “sub-section (3) or (4)”;
- (j) by inserting in sub-section (5) “pathology services” before “table”; and
- (k) by omitting sub-sections (6), (7), (8) and (9) and substituting the following sub-sections:

“(6) The Minister may refer to the Pathology Services Advisory Committee, for its consideration and recommendation, the question whether the table specified in the reference should be substituted for the pathology services table.

“(7) If, after consideration of a question referred to it under sub-section (6), the Committee recommends to the Minister that a table, whether or not the table specified in the reference by the Minister, be substituted for the pathology services table, the Minister may make a determination, in accordance with the recommendation, that the table specified in the determination be substituted for the pathology services table.

“(8) If the Pathology Services Advisory Committee, otherwise than pursuant to a reference to it under sub-section (6), recommends to the Minister that a table be substituted for the pathology services table, the Minister may make a determination, in accordance with the recommendation, that the table specified in the determination be substituted for the pathology services table.

“(9) Upon the coming into effect of a determination made under sub-section (7) or (8)—

- (a) the table specified in the determination has effect as if it were set out in Schedule 1A in place of the table (in this sub-section referred to as the ‘superseded table’) in that Schedule; and
- (b) the superseded table or, if another table has effect, by virtue of this section, in place of the superseded table, that other table ceases to have effect.”.

Multiple pathology services

9. Section 4B of the Principal Act is amended—

- (a) by omitting from sub-section (1) “sections 4 and” and substituting “section”;
- (b) by omitting from sub-section (2) “regulation for the purposes of section 4 or a”; and

(c) by inserting in sub-section (3) "pathology services" before "table".

10. After section 4B of the Principal Act the following sections are inserted:

Pathologist-determinable services

"4BA. The Minister may, after consulting the Royal College of Pathologists of Australasia, determine, in writing, that—

- (a) a pathology service specified in the determination is a pathologist-determinable service for the purposes of this Act; or
- (b) pathology services included in a class of pathology services specified in the determination are pathologist-determinable services for the purposes of this Act.

Prescribed pathology services

"4BB. The Minister may determine, in writing, that—

- (a) a pathology service specified in the determination is a prescribed pathology service for the purposes of this Act; or
- (b) pathology services included in a class of pathology services specified in the determination are prescribed pathology services for the purposes of this Act.

Manner of making determinations under sections 4A, 4BA and 4BB

"4BC. (1) In this section, 'relevant determination' means a determination under section 4A, 4BA or 4BB.

"(2) Sections 48, 49, 49A and 50 of the *Acts Interpretation Act 1901* apply to relevant determinations as if in those provisions references to regulations were references to relevant determinations, references to a regulation were references to a provision of a relevant determination and references to repeal were references to revocation.

"(3) Relevant determinations shall not be taken to be statutory rules within the meaning of the *Statutory Rules Publication Act 1903*, but sub-sections 5 (3) to (3C) (inclusive) of that Act apply in relation to relevant determinations as they apply to statutory rules.

"(4) For the purposes of the application of sub-section 5 (3B) of the *Statutory Rules Publication Act 1903* in accordance with sub-section (3) of this section, the reference in the first-mentioned sub-section to the Minister of State for Sport, Recreation and Tourism shall be read as a reference to the Minister administering this Act.

"(5) Section 5 of the *Evidence Act 1905* applies to a relevant determination as that section applies to an order made by the Minister."

Interpretation

11. Section 8 of the Principal Act is amended by omitting from sub-section (1) "(except sections 16B and 16C)".

Increased fee in complex cases

12. (1) Section 11 of the Principal Act is amended—

- (a) by inserting in sub-section (2) “the professional service referred to in the claim is a service other than a pathology service and” after “Where”;
- (b) by omitting from sub-section (2) “referred to in the claim”;
- (c) by inserting after sub-section (2) the following sub-section:

“(2A) Where the professional service referred to in the claim is a pathology service and the Commission considers that the professional service is of unusual length or complexity, the Commission shall—

- (a) if the Commission considers that the service is of a kind in respect of which an increased fee may be fixed in accordance with principles furnished to the Commission under paragraph (b) of this sub-section or under sub-section 12 (5)—fix an increased fee for that service, in accordance with those principles, for the purposes of this section; or
- (b) in any other case—refer to the Pathology Services Advisory Committee for its consideration and recommendation the question whether the fee specified in the item that relates to that service should, for the purpose of calculating the medicare benefit in respect of the service, be increased, having regard to the unusual features of that service, and, if it is to be increased, what principles are to be followed in fixing the amount of the increased fee for that service for the purposes of this section.”; and
- (d) by omitting from sub-section (3) “of the Committee under paragraph (2) (b)” and substituting “under paragraph (2) (b) or (2A) (b)”.

(2) Notwithstanding the amendments made by sub-section (1), section 11 of the Principal Act, as in force immediately before the commencement of this section, continues to apply, after the commencement of this section, in relation to claims for medicare benefit made before the commencement of this section.

Appeal from decision on increased fee

13. (1) Section 12 of the Principal Act is amended—

- (a) by omitting from sub-section (2) “Medicare Benefits Advisory Committee” and substituting “relevant committee”;
- (b) by omitting from sub-section (3) “Committee” and substituting “relevant committee”;
- (c) by omitting from sub-section (4) “Committee” (wherever occurring) and substituting “relevant committee”;
- (d) by omitting from sub-section (6) “Medicare Benefits Advisory Committee” and substituting “relevant committee”;

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- (e) by omitting from sub-section (6) "Committee" (last occurring) and substituting "committee"; and
- (f) by adding at the end the following sub-section:

"(8) In this section, 'relevant committee', in relation to an appeal in relation to a claim, means—

- (a) where the claim is in respect of a professional service other than a pathology service—the Medicare Benefits Advisory Committee; and
- (b) where the claim is in respect of a pathology service—the Pathology Services Advisory Committee."

(2) Notwithstanding the amendments made by sub-section (1), section 12 of the Principal Act, as in force immediately before the commencement of this section, continues to apply, after the commencement of this section, in relation to claims for medicare benefits made before the commencement of this section.

Medicare benefit in respect of 2 or more operations

14. Section 15 of the Principal Act is amended by inserting in sub-section (4) "general medical services" before "table".

15. (1) Sections 16A, 16B and 16C of the Principal Act are repealed and the following section is substituted:

Medicare benefits in relation to pathology services

"16A. (1) A medicare benefit is not payable in respect of a pathology service that has been rendered in relation to a person unless—

- (a) the service (whether a pathologist-determinable service or not) was determined to be necessary by a practitioner (in this section referred to as the 'treating practitioner') whose patient the person was; or
- (b) the service was—
 - (i) a pathologist-determinable service rendered by or on behalf of an approved pathology practitioner; and
 - (ii) determined to be necessary by that approved pathology practitioner.

"(2) A medicare benefit is not payable in respect of a pathology service (other than a prescribed pathology service to which sub-section (7) applies) unless—

- (a) the service was rendered by or on behalf of an approved pathology practitioner;
- (b) the service was rendered in an accredited pathology laboratory and was a service of a kind in respect of which the laboratory was accredited;

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(c) the proprietor of the laboratory was an approved pathology authority, or the proprietors of the laboratory were persons each of whom was an approved pathology authority; and

(d) either—

(i) the approved pathology practitioner by whom or on whose behalf the service was rendered was the proprietor, or a proprietor, of the laboratory; or

(ii) the service was rendered in the laboratory under an agreement (whether by way of contract of employment or otherwise) between—

(A) the approved pathology practitioner by whom or on whose behalf the pathology service was rendered; and

(B) the proprietor or proprietors of the laboratory.

- (i) is a member of a group of practitioners of which the treating practitioner is a member; and
- (ii) is requested by the treating practitioner to render the service.

“(8) Where—

- (a) a pathology service is rendered by or on behalf of an approved pathology practitioner (in this sub-section referred to as the ‘rendering pathologist’) in an accredited pathology laboratory;
- (b) the rendering pathologist is not the proprietor, or a proprietor, of the laboratory; and
- (c) the treating practitioner, or an approved pathology practitioner (in this sub-section referred to as the ‘referring pathologist’), made a request for that service to an approved pathology authority who is the proprietor, or a proprietor, of the laboratory,

the treating practitioner or the referring pathologist, as the case may be, shall be deemed, for the purposes of sub-section (3), to have made the request to the rendering pathologist.

“(9) Where—

- (a) a practitioner conducts a medical practice or a dental practice; and
- (b) another practitioner, or other practitioners, participate (whether as employees or otherwise) in the provision of professional services as part of that practice,

the practitioner referred to in paragraph (a) and the practitioner or practitioners referred to in paragraph (b) shall be taken, for the purposes of this section, to constitute a group of practitioners.

“(10) Where 2 or more practitioners conduct a medical practice or a dental practice as partners, those practitioners and any other practitioner who participates (whether as an employee or otherwise) in the provision of professional services as part of that practice, shall be taken, for the purposes of this section, to constitute a group of practitioners.

“(11) For the purposes of sub-section (10), where 2 or more practitioners share amongst them all the income, or a substantial part of the income, from providing professional services, those practitioners shall be deemed to conduct a practice of providing those professional services as partners.

“(12) In this section—

- (a) a reference to a request made in writing or to a confirmation in writing of a request shall be read as including a reference to a request or a confirmation, as the case may be, in such other form as the Minister approves, in writing, from time to time; and
- (b) a reference to determining that a service is necessary is a reference to determining that a service is reasonably necessary for the adequate medical care of the patient concerned.

“(13) This section does not apply in relation to a service in relation to which section 21 applies.”

(2) The amendment made by sub-section (1) applies only in relation to pathology services rendered after the commencement of this section.

Regulations may provide that medicare benefit not be payable in respect of a prescribed class of professional services

16. (1) Section 19A of the Principal Act is amended by omitting sub-section (2) and substituting the following sub-section:

“(2) Regulations shall not be made for the purposes of sub-section (1) except in accordance with a recommendation made to the Minister by—

- (a) in the case of regulations in relation to professional services other than pathology services—the Medicare Benefits Advisory Committee under paragraph 67 (1) (aa); or
- (b) in the case of regulations in relation to pathology services—the Pathology Services Advisory Committee under paragraph 78C (1) (b).”.

(2) The amendment made by sub-section (1) applies only in relation to regulations made after the commencement of this section.

Medicare benefit not payable in respect of services rendered by disqualified practitioners, &c.

17. Section 19B of the Principal Act is amended—

- (a) by inserting in sub-section (2) “(including a pathology service)” after “professional service” (first occurring); and
- (b) by adding at the end the following sub-section:

“(3) A medicare benefit is not payable in respect of a pathology service if at the time when the service was rendered, the person by whom or on whose behalf the service was rendered was a person in relation to whom a determination of the kind referred to in sub-paragraph 124FB (1) (e) (vi) was in effect in respect of that service.

Assignment of medicare benefit

18. (1) Section 20A of the Principal Act is amended—

- (a) by inserting in sub-section (4) “(other than a pathology service)” after “professional service” (last occurring); and
- (b) by inserting after sub-section (4) the following sub-section:

“(4A) Where—

- (a) a pathology service is rendered by or on behalf of an approved pathology practitioner; and
- (b) the approved pathology practitioner is acting, in relation to the rendering of the pathology service, on behalf of another person,

the pathology service shall be deemed, for the purposes of this section, not to have been rendered on behalf of that other person.”.

(2) The amendments made by sub-section (1) apply only in relation to services rendered after the commencement of this section.

19. (1) After Part II of the Principal Act the following Part is inserted:

“PART IIA—SPECIAL PROVISIONS RELATING TO PATHOLOGY

“Division 1—Preliminary

Interpretation

“23DA. (1) In this Part, unless the contrary intention appears—

‘officer’, in relation to a body corporate, means a director, secretary, manager or employee of the body corporate;

‘relevant offence’ means—

- (a) a relevant offence within the meaning of Part VB;
- (b) an offence against sub-section 23DP (1), (2) or (3); or
- (c) an offence against—
 - (i) section 6, 7 or 7A of the *Crimes Act 1914*; or
 - (ii) sub-section 86 (1) of that Act by virtue of paragraph (a) of that sub-section,being an offence that relates to an offence against sub-section 23DP (1), (2) or (3);

‘relevant person’ means a person—

- (a) to whom notice has been given under sub-section 23DL (1) or 23DM (1) or in relation to whom notice has been given to a Chairperson of a Medicare Participation Review Committee under sub-section 23DL (4), 23DM (4) or 124D (2);
- (b) to whom notice has been given under sub-section 124FA (3) or 124FE (3);
- (c) in relation to whom a Medicare Participation Review Committee has made a determination under section 124F, 124FB, 124FC or 124FF;
- (d) to whom notice has been given under sub-section 95 (1);
- (e) in relation to whom a Medical Services Committee of Inquiry has made a recommendation under section 105;
- (f) who has been convicted of a relevant offence; or
- (g) who the Minister has reasonable grounds to believe may have committed a relevant offence.

“(2) A reference in this Part to a conviction of an offence includes a reference to the making of an order under section 19B of the *Crimes Act 1914* in relation to the offence.

“(3) In this Part, ‘prescribed person’ means a person—

- (a) in relation to whom a determination under paragraph 124F (2) (d) or (e) or sub-paragraph 124FB (1) (e) (iv), (v) or (vi) or 124FC (1) (e) (iv) or (v) is in force;
- (b) who the Minister has reasonable grounds to believe may have committed a relevant offence, being a relevant offence in relation to which a determination has not been made under sub-section 124F (2);
- (c) who is a convicted practitioner within the meaning of section 19B as in force before the commencement of Part VB; or
- (d) who the Minister has reasonable grounds to believe may have committed a relevant offence within the meaning of section 19B as in force before the commencement of Part VB.

“(4) A reference in this Part to disqualification, in relation to a prescribed person is a reference to—

- (a) a determination under paragraph 124F (2) (d) or (e) or sub-paragraph 124FB (1) (e) (iv), (v) or (vi) or 124FC (1) (e) (iv) or (v) in relation to the person; or
- (b) a disqualification of the person within the meaning of section 19B as in force before the commencement of Part VB.

Forms of undertaking

“23DB. (1) The Minister may approve, in writing, forms of undertaking to be given by persons who wish to become approved pathology practitioners or approved pathology authorities.

“(2) The Minister may vary, in writing, a form of undertaking approved under sub-section (1).

“(3) A form of undertaking shall make provision for and in relation to such matters as the Minister considers appropriate.

“(4) Without limiting the generality of sub-section (3), a form of undertaking to be given by persons who wish to become approved pathology practitioners may make provision for—

- (a) an undertaking by the person that pathology services in respect of which medicare benefits may become payable that are rendered on behalf of the person shall be carried out under the person’s personal supervision;
- (b) an undertaking by the person not to render excessive pathology services; and
- (c) an undertaking by the person that pathology services in respect of which medicare benefits may become payable that are rendered by or on behalf of the person in an accredited pathology laboratory of which the person is not the proprietor or a proprietor shall not be rendered pursuant to agreements or arrangements of a kind specified in the undertaking.

“(5) Sections 48, 49, 49A and 50 of the *Acts Interpretation Act 1901* apply to approvals under sub-section (1) and variations under sub-section (2) as if in those provisions references to regulations were references to approvals or variations, references to a regulation were references to a provision of an approval or variation and references to repeal were references to revocation.

“(6) Approvals under sub-section (1) and variations under sub-section (2) shall not be taken to be statutory rules within the meaning of the *Statutory Rules Publication Act 1903*, but sub-sections 5 (3) to (3C) (inclusive) of that Act apply in relation to approvals and variations as they apply to statutory rules.

“(7) For the purposes of the application of sub-section 5 (3B) of the *Statutory Rules Publication Act 1903* in accordance with sub-section (6) of this section, the reference in the first-mentioned sub-section to the Minister of State for Sport, Recreation and Tourism shall be read as a reference to the Minister administering this Act.

“(8) Section 5 of the *Evidence Act 1905* applies to approvals and variations as that section applies to an order made by the Minister.

“Division 2—Approved pathology practitioners and approved pathology authorities

Giving and acceptance of approved pathology practitioner undertaking

“23DC. (1) Where a person who is a medical practitioner—

- (a) signs an undertaking in writing for the purposes of this section, in accordance with the appropriate approved form; and
- (b) gives the undertaking to the Minister together with—
 - (i) an application for the Minister’s acceptance of the undertaking; and
 - (ii) a fee of \$100 or such higher amount as is prescribed,

the Minister may, subject to sub-sections (3), (4) and (5)—

- (c) accept the undertaking on behalf of the Commonwealth and determine the period (being a period ending not later than 12 months after the day on which the undertaking comes into force) for which the undertaking is to have effect; or
- (d) refuse to accept the undertaking.

“(2) An application under sub-section (1) shall—

- (a) be in writing;
- (b) be in accordance with the approved form; and
- (c) contain such particulars as are determined by the Minister, in writing, for the purposes of this sub-section.

“(3) The Minister shall not accept an undertaking given by a person for the purposes of this section if a determination of the kind referred to in sub-paragraph 124FB (1) (e) (v) is in force in respect of the person.

“(4) The Minister shall not accept an undertaking given by a person for the purposes of this section if the Minister is satisfied that—

- (a) if the undertaking were accepted, the person who gave the undertaking would be likely to carry on the whole or a part of the practice or business of a prescribed person; and
- (b) the acceptance of the undertaking would be likely to have the effect of allowing a person to avoid, in whole or in part, the financial consequences of the disqualification, or the likely disqualification, of that prescribed person

“(5) The Minister shall not accept an undertaking given by a person for the purposes of this section unless the Minister is satisfied that the person is a fit and proper person to be an approved pathology practitioner.

“(6) In determining, for the purposes of sub-section (5), whether a person is a fit and proper person to be an approved pathology practitioner, the Minister shall have regard to—

- (a) the person’s formal qualifications and experience;
- (b) whether the person is a relevant person;
- (c) where a Medicare Participation Review Committee has made a determination in relation to the person under section 124F, 124FB, 124FC or 124FF—the terms of that determination;
- (d) where a Medical Services Committee of Inquiry has made a recommendation in relation to the person under section 105—the terms of that recommendation;
- (e) in a case where the person conducts, or intends to conduct, a practice or business of rendering pathology services—
 - (i) the persons who derive, or can reasonably be expected to derive, whether directly or indirectly, financial benefit from the conduct of that practice or business; and
 - (ii) whether any of those persons is a relevant person;
- (f) in a case where the person renders, or intends to render, pathology services as the employee of another person—whether that other person is a relevant person;
- (g) whether the person is or has been—
 - (i) associated with a relevant person; or
 - (ii) in a position to control the operations of a body corporate that—
 - (A) is, or has been, an approved pathology authority; and
 - (B) is a relevant person;
- (h) such matters as are prescribed for the purposes of this paragraph; and

(j) such other matters as the Minister considers relevant.

“(7) Where a person gives an undertaking under sub-section (1), the Minister may, by notice in writing given to the person, require the person to give the Minister, within such period (being a period ending not earlier than 28 days after the day on which the notice is given) as is specified in the notice, such information in relation to the undertaking, or the application that accompanied the undertaking, as is specified in the notice.

“(8) Without limiting the generality of sub-section (1), where—

- (a) the Minister gives a person notice under sub-section (7) in relation to an undertaking given by the person under sub-section (1); and
- (b) the person does not give the Minister the information specified in the notice before the end of the period specified in the notice,

the Minister may refuse to accept the undertaking.

“(9) Where the Minister accepts or refuses to accept an undertaking given under sub-section (1), the Minister shall give notice in writing of the acceptance or refusal to the person who gave the undertaking.

“(10) Where the Minister accepts an undertaking given by a person under sub-section (1), the notice given to the person under sub-section (9) shall—

- (a) specify the period determined by the Minister, pursuant to paragraph (1) (c), as the period for which the undertaking is to have effect; and
- (b) include a statement to the effect that, subject to the *Administrative Appeals Tribunal Act 1975*, application may be made to the Administrative Appeals Tribunal for review of the decision of the Minister determining the period for which the undertaking is to have effect by or on behalf of a person whose interests are affected by the decision.

“(11) Where the Minister refuses to accept an undertaking given by a person under sub-section (1), the notice given to the person under sub-section (9) shall include—

- (a) a statement to the effect that the person may apply to the Minister under sub-section 23DO (1) for reconsideration of the decision of the Minister refusing to accept the undertaking; and
- (b) a statement to the effect that if a person whose interests are affected by the decision of the Minister on the reconsideration is dissatisfied with that decision, that person may, subject to the *Administrative Appeals Tribunal Act 1975*, apply to the Administrative Appeals Tribunal for review of that decision.

“(12) Sections 48, 49, 49A and 50 of the *Acts Interpretation Act 1901* apply to determinations made under sub-section (2) as if in those provisions references to regulations were references to determinations, references to a regulation were references to a provision of a determination and references to repeal were references to revocation.

“(13) Determinations shall not be taken to be statutory rules within the meaning of the *Statutory Rules Publication Act 1903*, but sub-sections 5 (3) to (3C) (inclusive) of that Act apply in relation to determinations as they apply to statutory rules.

“(14) For the purposes of the application of sub-section 5 (3B) of the *Statutory Rules Publication Act 1903* in accordance with sub-section (13) of this section, the reference in the first-mentioned sub-section to the Minister of State for Sport, Recreation and Tourism shall be read as a reference to the Minister administering this Act.

“(15) Section 5 of the *Evidence Act 1905* applies to determinations as that section applies to an order made by the Minister.

“(16) Any failure to comply with the requirements of sub-section (10) or (11) in relation to a decision does not affect the validity of the decision.

“(17) In sub-section (1), ‘medical practitioner’ includes a person (other than a medical practitioner) who, immediately before 1 August 1977, was carrying on the business of rendering pathology services at the request of medical practitioners, where—

- (a) in accordance with an approval granted by the Secretary to the Department, that person issued to the person who incurred the medical expenses in respect of a pathology service so rendered (not being the practitioner who requested the rendering of the service) an account or receipt of his or her fees in respect of the service; and
- (b) medical benefit was paid before that day in respect of the service.

Period of effect of approved pathology practitioner undertaking

“23DD. (1) Where a person gives an undertaking under sub-section 23DC (1) and the Minister accepts the undertaking, the undertaking—

- (a) subject to sub-section (2), comes into force—
 - (i) on the day on which the undertaking is accepted by the Minister; or
 - (ii) on such earlier day (not being a day earlier than the day on which the undertaking was signed) as is specified by the Minister in the notice given under sub-section 23DC (9) in relation to the undertaking; and
- (b) subject to sub-section (3), ceases to be in force upon—
 - (i) the termination of the undertaking under section 23DE;
 - (ii) the revocation of the Minister’s acceptance of the undertaking in accordance with a determination by a Medicare Participation Review Committee under section 124FB;
 - (iii) in a case where the person was a medical practitioner at the time when the Minister accepted the undertaking—a person’s ceasing to be a medical practitioner; or

- (iv) the expiration of the period determined by the Minister, pursuant to paragraph 23DC (1) (c) or 23DO (2) (b), as the period for which the undertaking is to have effect,

whichever first occurs.

“(2) Where—

- (a) a person gives an undertaking (in this sub-section referred to as the ‘second undertaking’) under sub-section 23DC (1) and the second undertaking is accepted by the Minister; and
- (b) at the time when the second undertaking is accepted by the Minister, another undertaking (in this sub-section referred to as the ‘first undertaking’) given by the person for the purposes of section 23DC and accepted by the Minister under that section is in force,

the second undertaking comes into force immediately after the first undertaking ceases to be in force.

“(3) Where—

- (a) a person gives an undertaking (in this sub-section referred to as the ‘first undertaking’) under sub-section 23DC (1) and the first undertaking is accepted by the Minister;
- (b) while the first undertaking is in force, the person gives another undertaking (in this sub-section referred to as the ‘second undertaking’) under sub-section 23DC (1); and
- (c) the period referred to in sub-paragraph (1) (b) (iv) in relation to the first undertaking expires without the Minister having given the person notice under sub-section 23DC (9) in relation to the second undertaking,

sub-section (1) applies in relation to the first undertaking as if the period referred to in sub-paragraph (1) (b) (iv) were the period commencing on the day on which the first undertaking comes into force and ending on the day on which the Minister gives notice to the person under sub-section 23DC (9) in relation to the second undertaking.

Approved pathology practitioner may terminate undertaking

“23DE. An approved pathology practitioner may, at any time, terminate an undertaking given by the practitioner for the purposes of section 23DC by giving, as prescribed, a notice of termination specifying a date of termination not earlier than 30 days after the day on which the notice is given.

Giving and acceptance of approved pathology authority undertaking

“23DF. (1) Where—

- (a) an undertaking for the purposes of this section, in accordance with the appropriate approved form, is signed by or on behalf of a person (including a State, the Northern Territory or a public authority); and

- (b) the person gives the undertaking to the Minister together with—
 - (i) an application for the Minister's acceptance of the undertaking; and
 - (ii) a fee of \$100 or such higher amount as is prescribed,the Minister may, subject to sub-sections (4), (5) and (6)—

- (c) accept the undertaking on behalf of the Commonwealth and determine the period (being a period ending not later than 12 months after the day on which the undertaking comes into force) for which the undertaking is to have effect; or
- (d) refuse to accept the undertaking.

“(2) An application under sub-section (1) shall—

- (a) be in writing;
- (b) be in accordance with the approved form; and
- (c) contain such particulars as are determined by the Minister, in writing, for the purposes of this sub-section.

“(3) Without limiting the generality of sub-section (2), a determination prescribing the particulars to be contained in an application for the purposes of that sub-section may, in the case of an application by a body corporate, prescribe particulars of the directors, shareholders and officers of the body corporate.

“(4) The Minister shall not accept an undertaking given by a person for the purposes of this section if a determination by a Medicare Participation Review Committee of the kind referred to in sub-paragraph 124FC (1) (e) (v) is in force in respect of the person.

“(5) The Minister shall not accept an undertaking given by a person for the purposes of this section if the Minister is satisfied that—

- (a) if the undertaking were accepted, the person who gave the undertaking would be likely to carry on the whole or a part of the practice or business of a prescribed person; and
- (b) the acceptance of the undertaking would be likely to have the effect of allowing a person to avoid, in whole or in part, the financial consequences of the disqualification, or the likely disqualification, of that prescribed person.

“(6) The Minister shall not accept an undertaking given by a person for the purposes of this section unless the Minister is satisfied that the person is a fit and proper person to be an approved pathology authority.

“(7) In determining, for the purposes of sub-section (6), whether a person is a fit and proper person to be an approved pathology authority, the Minister shall have regard to—

- (a) whether the person is a relevant person;
- (b) where a Medicare Participation Review Committee has made a determination in relation to the person under section 124F, 124FB, 124FC or 124FF—the terms of that determination;

- (c) where a Medical Services Committee of Inquiry has made a recommendation in relation to the person under section 105—the terms of that recommendation;
- (d) in a case where the person conducts, or intends to conduct, a business of rendering pathology services—
 - (i) the persons who derive, or who can reasonably be expected to derive, whether directly or indirectly, financial benefit from the conduct of that business; and
 - (ii) whether any of those persons is a relevant person;
- (e) whether the person is or has been—
 - (i) associated with a relevant person; or
 - (ii) in a position to control the operations of a body corporate that—
 - (A) is, or has been, an approved pathology authority; and
 - (B) is a relevant person;
- (f) in a case where the person is a body corporate—whether any officer of the body corporate, or any person who is in a position to control the body corporate, is or has been—
 - (i) associated with a relevant person; or
 - (ii) in a position to control the operations of a body corporate that—
 - (A) is, or has been, an approved pathology authority; and
 - (B) is a relevant person;
- (g) such matters as are prescribed for the purposes of this paragraph; and
- (h) such other matters as the Minister considers relevant.

“(8) Where a person gives an undertaking under sub-section (1), the Minister may, by notice in writing given to the person, require the person to give the Minister, within such period (being a period ending not earlier than 28 days after the day on which the notice is given) as is specified in the notice, such information in relation to the undertaking, or the application that accompanied the undertaking, as is specified in the notice.

“(9) Without limiting the generality of sub-section (1), where—

- (a) the Minister gives a person notice under sub-section (8) in relation to an undertaking given by the person under sub-section (1); and
- (b) the person does not give the Minister the information specified in the notice before the end of the period specified in the notice,

the Minister may refuse to accept the undertaking.

“(10) Where the Minister accepts or refuses to accept an undertaking given under sub-section (1), the Minister shall give notice in writing of the acceptance or refusal to the person who gave the undertaking.

“(11) Where the Minister accepts an undertaking given by a person under sub-section (1), the notice given to the person under sub-section (10) shall—

- (a) specify the period determined by the Minister, pursuant to paragraph (1) (c), as the period for which the undertaking is to have effect; and
- (b) include a statement to the effect that, subject to the *Administrative Appeals Tribunal Act 1975*, application may be made to the Administrative Appeals Tribunal for review of the decision of the Minister determining the period for which the undertaking is to have effect by or on behalf of a person whose interests are affected by the decision.

“(12) Where the Minister refuses to accept an undertaking given by a person under sub-section (1), the notice given to the person under sub-section (10) shall include—

- (a) a statement to the effect that the person may apply to the Minister under sub-section 23DO (1) for reconsideration of the decision of the Minister refusing to accept the undertaking; and
- (b) a statement to the effect that if a person whose interests are affected by the decision of the Minister on the reconsideration is dissatisfied with that decision, that person may, subject to the *Administrative Appeals Tribunal Act 1975*, apply to the Administrative Appeals Tribunal for review of that decision.

“(13) Sections 48, 49, 49A and 50 of the *Acts Interpretation Act 1901* apply to determinations made under sub-section (2) as if in those provisions references to regulations were references to determinations, references to a regulation were references to a provision of a determination and references to repeal were references to revocation.

“(14) Determinations shall not be taken to be statutory rules within the meaning of the *Statutory Rules Publication Act 1903*, but sub-sections 5 (3) to (3C) (inclusive) of that Act apply in relation to determinations as they apply to statutory rules.

“(15) For the purposes of the application of sub-section 5 (3B) of the *Statutory Rules Publication Act 1903* in accordance with sub-section (14) of this section, the reference in the first-mentioned sub-section to the Minister of State for Sport, Recreation and Tourism shall be read as a reference to the Minister administering this Act.

“(16) Section 5 of the *Evidence Act 1905* applies to determinations as that section applies to an order made by the Minister.

“(17) Any failure to comply with the requirements of sub-section (11) or (12) in relation to a decision does not affect the validity of the decision.

“(18) In this section, ‘public authority’ means an authority (being a corporation) established by a law of the Commonwealth, of a State or of an internal Territory.

Period of effect of approved pathology authority undertaking

“23DG. (1) Where a person gives an undertaking under sub-section 23DF (1) and the Minister accepts the undertaking, the undertaking—

- (a) subject to sub-section (2), comes into force—
 - (i) on the day on which the undertaking is accepted by the Minister; or
 - (ii) on such earlier day (not being a day earlier than the day on which the undertaking was signed) as is specified by the Minister in the notice given under sub-section 23DF (10) in relation to the undertaking; and
- (b) subject to sub-section (3), ceases to be in force upon—
 - (i) the termination of the undertaking by the person under section 23DH;
 - (ii) the revocation of the Minister’s acceptance of the undertaking in accordance with a determination by a Medicare Participation Review Committee under section 124FC; or
 - (iii) the expiration of the period determined by the Minister, pursuant to paragraph 23DF (1) (c) or 23DO (2) (b), as the period for which the undertaking is to have effect,whichever first occurs.

“(2) Where—

- (a) a person gives an undertaking (in this sub-section referred to as the ‘second undertaking’) under sub-section 23DF (1) and the second undertaking is accepted by the Minister; and
 - (b) at the time when the second undertaking is accepted by the Minister, another undertaking (in this sub-section referred to as the ‘first undertaking’) given by the person for the purposes of section 23DF and accepted by the Minister under that section is in force,
- the second undertaking comes into force immediately after the first undertaking ceases to be in force.

“(3) Where—

- (a) a person gives an undertaking (in this sub-section referred to as the ‘first undertaking’) under sub-section 23DF (1) and the first undertaking is accepted by the Minister;
- (b) while the first undertaking is in force, the person gives another undertaking (in this sub-section referred to as the ‘second undertaking’) under sub-section 23DF (1); and
- (c) the period referred to in sub-paragraph (1) (b) (iii) in relation to the first undertaking expires without the Minister having given the person notice under sub-section 23DF (10) in relation to the second undertaking,

sub-section (1) applies in relation to the first undertaking as if the period referred to in sub-paragraph (1) (b) (iii) were the period commencing on the day on which the first undertaking comes into force and ending on the

day on which the Minister gives notice to the person under sub-section 23DF (10) in relation to the second undertaking.

Approved pathology authority may terminate undertaking

“23DH. An approved pathology authority may, at any time, terminate an undertaking given by the authority for the purposes of section 23DF by giving, as prescribed, a notice of termination specifying a date of termination not earlier than 30 days after the day on which the notice is given.

Repayment of fee

“23DJ. Where a person gives an undertaking under sub-section 23DC (1) or 23DF (1) together with a fee and the undertaking is not accepted, the fee shall be repaid to the person in accordance with the regulations.

Request forms and confirmation forms

“23DK. (1) Where a pathology service has been rendered by or on behalf of an approved pathology practitioner pursuant to a request made or confirmed in accordance with section 16A, the approved pathology practitioner shall retain the written request or the written confirmation of the request for the period of 18 months commencing on the day on which the service was rendered.

“(2) Where—

- (a) a request is made to an approved pathology practitioner (in this sub-section referred to as the ‘relevant pathologist’) for a pathology service or pathology services in relation to a person by the practitioner who is the treating practitioner in relation to the person for the purposes of section 16A;
- (b) the request is in writing or is confirmed in writing; and
- (c) the relevant pathologist makes a request to another approved pathology practitioner for that service, or for a service included in those services, in relation to that person,

the relevant pathologist shall retain the written request or the written confirmation of the request for the period of 18 months commencing on the day on which the request referred to in paragraph (a) is made.

“(3) An approved pathology practitioner shall, if requested to do so by an officer of the Commission, produce to the officer, as soon as practicable and in any case before the end of the day next following the day on which the request is made by the officer, a written request or a written confirmation of a kind required to be retained by the approved pathology practitioner, under sub-section (1) or (2).

“(4) An officer may make and retain copies of or take and retain extracts from, any request or confirmation produced to the officer pursuant to sub-section (3).

“(5) Where—

- (a) a practitioner makes a request for a pathology service to an approved pathology practitioner;
- (b) medicare benefit may become payable in respect of the service; and
- (c) the request is made otherwise than in writing,

the practitioner shall confirm the request in writing within the period of 14 days commencing on the day on which the request is made.

“(6) Where—

- (a) an approved pathology practitioner (in this sub-section referred to as the ‘referring pathologist’) makes a request for a pathology service to another approved pathology practitioner;
- (b) medicare benefit may become payable in respect of the service; and
- (c) the request is made otherwise than in writing,

the referring pathologist shall confirm the request in writing within the period of 14 days commencing on the day on which the request is made.

“(7) For the purposes of this section, where—

- (a) a written request or a written confirmation of a request has been recorded on film or on any other medium approved, in writing, by the Minister from time to time; or
- (b) in accordance with an approval, in writing, of the Minister, a request or confirmation (other than a written request or a written confirmation) has been recorded on a tape, disc, film or other medium,

for the purposes of storage and subsequent retrieval when required—

- (c) the retention of the record so made shall be deemed to be a retention of the request or the confirmation, as the case may be; and
- (d) the production, or the reproduction, of the record so made shall be deemed to be a production of the request or the confirmation, as the case may be.

“(8) Where the Minister gives an approval for the purposes of paragraph (7) (b), the Minister may set out in the instrument of approval any conditions to which the approval is subject, and any recording that is not in accordance with such a condition shall be deemed to be not in accordance with the approval.

“(9) A reference in this section to a request made or confirmed in accordance with section 16A includes a reference to a request made or confirmed in accordance with section 16A of this Act as in force at any time before the commencement of this section.

“(10) A reference in this section to an approved pathology practitioner includes a reference to a person who has been an approved pathology practitioner within the meaning of this Act as in force before the commencement of this section.

“(11) A reference in this section to a request made to an approved pathology practitioner includes a reference to a request that is deemed, for the purposes of section 16A, to have been made to that approved pathology practitioner.

“Division 3—Breaches of undertakings and initiation of excessive pathology services

Breaches of undertakings by approved pathology practitioners and approved pathology authorities

“23DL. (1) Where the Minister has reasonable grounds for believing that a person who is or was an approved pathology practitioner or an approved pathology authority has breached an undertaking given by the person for the purposes of section 23DC or 23DF, the Minister shall give notice in writing to the person setting out particulars of those grounds and inviting the person to make submissions to the Minister, in accordance with sub-section (2), showing cause why the Minister should not take further action in relation to the person under this section.

“(2) A person who is given notice under sub-section (1) may, within the period of 28 days commencing on the day on which the notice is given, make submissions to the Minister showing cause why the Minister should not take further action in relation to the person under this section.

“(3) Where a person makes a submission to the Minister in accordance with sub-section (2), the Minister shall have regard to that submission in determining whether to take any further action in relation to the person under this section.

“(4) Where the Minister gives notice to a person under sub-section (1), the Minister shall—

- (a) if, at the end of the period referred to in sub-section (2), the person has not made submissions to the Minister in accordance with that sub-section—give notice in writing to a Chairperson of a Medicare Participation Review Committee setting out particulars of the grounds referred to in sub-section (1);
- (b) if the person makes submissions to the Minister within the period referred to in sub-section (2) and the Minister is satisfied that there has been no breach of the undertaking—determine that no further action be taken in relation to the person under this section pursuant to the notice referred to in sub-section (1); or
- (c) if the person makes submissions to the Minister within the period referred to in sub-section (2) and the Minister is satisfied that there are reasonable grounds (being grounds that were specified in the notice referred to in sub-section (1)) for believing that there has been a breach of the undertaking—give notice in writing to a Chairperson of a Medicare Participation Review Committee setting out particulars of those grounds.

“(5) Where the Minister makes a decision pursuant to sub-section (4) in relation to a person, the Minister shall give the person notice in writing of the decision.

“(6) Where the Minister gives notice pursuant to paragraph (4) (a) or (c) to the Chairperson of a Medicare Participation Review Committee, the Minister may determine, in writing, that the undertaking in respect of which the notice is given be suspended pending the outcome of the proceedings before the Committee.

“(7) Where the Minister makes a determination under sub-section (6) in relation to an undertaking, the undertaking ceases to be in force until—

- (a) the determination is revoked by the Minister; or
- (b) a Medicare Participation Review Committee makes a determination under section 124FB or 124FC pursuant to the notice referred to in sub-section (6).

“(8) Where the Minister makes a determination under sub-section (6) in relation to an undertaking given by a person, the Minister shall give the person notice in writing of the determination.

“(9) A notice under sub-section (8) shall include a statement to the effect that, subject to the *Administrative Appeals Tribunal Act 1975*, application may be made to the Administrative Appeals Tribunal for review of the decision to which the notice relates by or on behalf of a person whose interests are affected by the decision.

“(10) Where the Minister makes a determination under sub-section (6) the Minister may, if the Minister thinks fit, publish notice of the determination in the *Gazette*.

“(11) An action or proceeding, civil or criminal, does not lie against a person for publishing in good faith a copy of, a fair extract from or a fair abstract of a publication made in accordance with sub-section (10).

“(12) For the purposes of sub-section (11), a publication shall be deemed to be made in good faith if the person by whom it is made is not actuated by ill will to the person affected by the publication or by any other improper motive.

Initiation of excessive pathology services

“23DM. (1) Where the Minister has reasonable grounds for believing that—

- (a) a person who is or was a practitioner has initiated excessive pathology services;
- (b) a person has caused or permitted a practitioner employed by the person to initiate excessive pathology services; or
- (c) a person, being an officer of a body corporate, has caused or permitted a practitioner employed by the body corporate to initiate excessive pathology services,

the Minister shall give notice in writing to the person setting out particulars of those grounds and inviting the person to make submissions to the Minister, in accordance with sub-section (2), showing cause why the Minister should not take further action in relation to the person under this section.

“(2) A person who is given notice under sub-section (1) may, within a period of 28 days commencing on the day on which the notice is given, make submissions to the Minister showing cause why the Minister should not take further action in relation to the person under this section.

“(3) Where a person makes a submission to the Minister in accordance with sub-section (2), the Minister shall have regard to that submission in determining whether to take any further action in relation to the person under this section.

“(4) Where the Minister gives notice to a person under sub-section (1), the Minister shall—

- (a) if, at the end of the period referred to in sub-section (2), the person has not made submissions to the Minister pursuant to that sub-section—give notice in writing to a Chairperson of a Medicare Participation Review Committee setting out particulars of the grounds referred to in sub-section (1);
- (b) if the person makes submissions to the Minister within the period referred to in sub-section (2) and the Minister is satisfied that there are no reasonable grounds for believing that the person has initiated excessive pathology services, or caused or permitted excessive pathology services to be initiated as referred to in the notice under sub-section (1), as the case requires—determine that no further action be taken in relation to the person under this section in relation to the notice referred to in sub-section (1); or
- (c) if the person makes submissions to the Minister within the period referred to in sub-section (2) and the Minister is satisfied that there are reasonable grounds (being grounds that were specified in the notice referred to in sub-section (1)) for believing that the person has initiated excessive pathology services, or caused or permitted excessive pathology services to be initiated as referred to in that notice, as the case requires—give notice in writing to a Chairperson of a Medicare Participation Review Committee setting out particulars of those grounds.

“(5) Where the Minister makes a decision pursuant to sub-section (4) in relation to a person, the Minister shall give the person notice in writing of the decision.

“Division 4—Accredited pathology laboratories

Accredited pathology laboratories

“23DN. (1) Where a person—

- (a) makes an application, in writing, in accordance with the approved form, to the Minister for the approval of premises as an accredited pathology laboratory; and

(b) pays the prescribed fee,
the Minister may, in writing, approve the premises, for the purposes of this Act, as an accredited pathology laboratory and, where the Minister gives such approval, the Minister shall specify in the approval—

- (c) the kind of pathology services in respect of which the premises are approved for the purposes of this Act; and
- (d) the period (being a period ending not later than 3 years after the day on which the approval takes effect) for which the approval is to have effect.

“(2) The Minister may, in writing, determine principles to be applied by the Minister in the exercise of the Minister’s powers under sub-section (1).

“(3) The Minister shall, in exercising the Minister’s powers under sub-section (1) at a particular time, apply the principles determined under sub-section (2) that are in force at that time.

“(4) An approval under sub-section (1)—

- (a) takes effect on the day on which the approval is given or on such later day as is specified in the approval; and
- (b) ceases to have effect upon—
 - (i) the revocation of the approval; or
 - (ii) the expiration of the period specified in the approval as the period for which the approval is to have effect,

whichever first occurs,

“(5) Where the Minister makes a decision under sub-section (1) approving or refusing to approve premises as an accredited pathology laboratory, the Minister shall give notice in writing of the decision to the person who applied for the approval.

“(6) Where the Minister varies or revokes an approval given under sub-section (1) in relation to premises, the Minister shall give notice in writing of the variation or revocation to the proprietor of the premises.

“(7) A notice under sub-section (5) or (6) shall include a statement to the effect that, subject to the *Administrative Appeals Tribunal Act 1975*, application may be made to the Administrative Appeals Tribunal for review of the decision to which the notice relates by or on behalf of a person whose interests are affected by the decision.

“(8) Where a person gives an application under sub-section (1) together with a fee and the application is not granted, the fee shall be repaid to the person in accordance with the regulations.

“(9) Sections 48, 49, 49A and 50 of the *Acts Interpretation Act 1901* apply to determinations made under sub-section (2) as if in those provisions references to regulations were references to determinations, references to a

regulation were references to a provision of a determination and references to repeal were references to revocation.

“(10) Determinations shall not be taken to be statutory rules within the meaning of the *Statutory Rules Publication Act 1903*, but sub-sections 5 (3) to (3C) (inclusive) of that Act apply in relation to determinations as they apply to statutory rules.

“(11) For the purposes of the application of sub-section 5 (3B) of the *Statutory Rules Publication Act 1903* in accordance with sub-section (10) of this section, the reference in the first-mentioned sub-section to the Minister of State for Sport, Recreation and Tourism shall be read as a reference to the Minister administering this Act.

“(12) Section 5 of the *Evidence Act 1905* applies to determinations as that section applies to an order made by the Minister.

“Division 5—Miscellaneous

Review of decisions

“23DO. (1) Where a person gives an undertaking under sub-section 23DC (1) or 23DF (1) and the Minister refuses to accept the undertaking, the person may, within the period of 28 days commencing on the day on which the person is given notice, under sub-section 23DC (9) or 23DF (10), as the case requires, of the Minister’s decision, apply to the Minister for reconsideration by the Minister of the decision.

“(2) Where a person applies to the Minister under sub-section (1) for reconsideration of a decision by the Minister refusing to accept an undertaking given by the person, the Minister may—

- (a) affirm the decision; or
- (b) accept the undertaking on behalf of the Commonwealth and determine the period (being a period ending not later than 12 months after the day on which the undertaking comes into force) for which the undertaking is to have effect.

“(3) Where the Minister makes a decision under sub-section (2) in relation to an application by a person under sub-section (1), the Minister shall give notice in writing of the decision to the person who applied for the review.

“(4) A notice under sub-section (3) of a decision by the Minister shall include a statement to the effect that, subject to the *Administrative Appeals Tribunal Act 1975*, application may be made to the Administrative Appeals Tribunal for review of the decision by or on behalf of a person whose interests are affected by the decision.

“(5) Applications may be made to the Administrative Appeals Tribunal for review of—

- (a) a decision by the Minister, under sub-section 23DN (1), approving or refusing to approve premises as an accredited pathology laboratory for the purposes of this Act;
- (b) a decision by the Minister varying or revoking an approval given under sub-section 23DN (1);
- (c) a decision by the Minister under sub-section (2) of this section;
- (d) a decision by the Minister, pursuant to paragraph 23DC (1) (c) or 23DF (1) (c), determining the period for which an undertaking is to have effect; or
- (e) a decision by the Minister under sub-section 23DL (6) determining that an undertaking be suspended.

“(6) In this section, ‘decision’ has the same meaning as in the *Administrative Appeals Tribunal Act 1975*.

Offences in relation to request forms and confirmation forms

“23DP. (1) An approved pathology practitioner who, without reasonable excuse, contravenes sub-section 23DK (1), (2), (3) or (6) is guilty of an offence punishable, upon conviction, by a fine not exceeding \$1,000.

“(2) A practitioner who, without reasonable excuse, contravenes sub-section 23DK (5) is guilty of an offence punishable, upon conviction, by a fine not exceeding \$1,000.

“(3) An approved pathology practitioner or an approved pathology authority shall not, without reasonable excuse, provide (whether directly or indirectly) to a practitioner a pathology request form that is not in accordance with the approved form.

Penalty: \$1,000.

“(4) In this section—

- (a) a reference to an approved pathology practitioner includes a reference to a person who has been an approved pathology practitioner;
- (b) a reference to an approved pathology authority includes a reference to a person who has been an approved pathology authority; and
- (c) a reference to a practitioner includes a reference to a person who has been a practitioner.

“(5) In this section, ‘pathology request form’ means a document for use by a practitioner in requesting pathology services.”.

(2) A person may give an undertaking for the purposes of section 23DC or 23DF of the Principal Act as amended by sub-section (1), and the Minister may accept such an undertaking, as if that sub-section had come into operation on the day on which this sub-section comes into force but any undertaking so given and accepted before the day on which sub-section (1) comes into operation does not come into force until the day on which sub-section (1) comes into operation.

Functions of Committee

20. Section 67 of the Principal Act is amended—

- (a) by inserting in sub-paragraph (1) (a) (i) “of the general medical services table” after “items” (first occurring);
- (b) by inserting in sub-paragraph (1) (a) (ii) “of the general medical services table” after “item”;
- (c) by inserting in sub-paragraph (1) (a) (ii) “of that table” after “items”;
- (d) by inserting in paragraph (1) (aa) “(other than pathology services)” after “professional services”;
- (e) by omitting paragraphs (1) (ab) and (ac); and
- (f) by inserting in paragraph (1) (b) “(other than a pathology service)” after “professional service”.

21. After Division 2 of Part V of the Principal Act the following Division is inserted:

“Division 2A—Pathology Services Advisory Committee

Interpretation

“78A. In this Division, unless the contrary intention appears—

‘Chairperson’ means the Chairperson of the Committee, and includes a person acting as Chairperson pursuant to an appointment under section 78J;

‘Committee’ means the Pathology Services Advisory Committee;

‘member’ means a member of the Committee and includes—

- (a) the Chairperson; and
- (b) a person acting as a member pursuant to an appointment under section 78J.

Establishment of Pathology Services Advisory Committee

“78B. There is established by this section a committee by the name of the Pathology Services Advisory Committee.

Functions of Committee

“78C. (1) The functions of the Committee are—

- (a) pursuant to a reference to it by the Minister or on its own initiative, to consider—
 - (i) in what manner, and to what extent, a particular treatment or combination of treatments should be specified in an item or items of the pathology services table and the appropriate fee or fees that should be specified in that item or those items; or
 - (ii) whether the scope of, or the amount of the fee set out in, an item of the pathology services table is anomalous, having regard to the other items of that table,

and to make recommendations, in writing, to the Minister arising out of that consideration;

- (b) pursuant to a reference to it by the Minister or on its own initiative, to consider whether medicare benefits should continue to be payable in respect of pathology services rendered in particular circumstances, and to make recommendations, in writing, to the Minister arising out of that consideration;
- (c) pursuant to a reference to it by the Minister under sub-section 4A (1) or on its own initiative, to consider whether the pathology services table should be varied in accordance with section 4A and, if so, the manner in which it should be so varied, and to make recommendations, in writing, to the Minister arising out of that consideration;
- (d) pursuant to a reference to it by the Minister under sub-section 4A (6) or on its own initiative, to consider whether a table should be substituted for the pathology services table in accordance with section 4A and, if so, to make recommendations, in writing, to the Minister arising out of that consideration;
- (e) pursuant to a reference to it by the Commission under section 11, to determine whether a fee with respect to a pathology service should be increased for the purposes of a particular claim and, if it is to be so increased, to formulate the principles to be followed in fixing the increased fee, and to make recommendations, in writing, to the Commission accordingly; and
- (f) pursuant to a reference to it by the Minister under section 12, to determine whether an appeal under that section should be allowed or dismissed and, if the appeal is to be allowed, to determine the amount of increased fee to be fixed with respect to the service concerned and, if the Committee thinks fit, to formulate the principles followed by the Committee in fixing that increased fee.

“(2) The Minister may, in writing, determine principles to be applied by the Committee in the performance of its functions and the Committee shall perform its functions in accordance with the principles so determined.

“(3) Sections 48, 49, 49A and 50 of the *Acts Interpretation Act 1901* apply to determinations under sub-section (2) as if in those provisions references to regulations were references to determinations, references to a regulation were references to a provision of a determination and references to repeal were references to revocation.

“(4) Determinations under sub-section (2) shall not be taken to be statutory rules within the meaning of the *Statutory Rules Publication Act 1903*, but sub-sections 5 (3) to (3C) (inclusive) of that Act apply in relation to determinations as they apply to statutory rules.

“(5) For the purposes of the application of sub-section 5 (3B) of the *Statutory Rules Publication Act 1903* in accordance with sub-section (4) of this section, the reference in the first-mentioned sub-section to the

Minister of State for Sport, Recreation and Tourism shall be read as a reference to the Minister administering this Act.

“(6) Section 5 of the *Evidence Act 1905* applies to determinations as that section applies to an order made by the Minister.

Constitution of Committee

“78D. (1) The Committee shall consist of 7 members, namely—

- (a) a Chairperson appointed in accordance with sub-section (2);
- (b) a member appointed in accordance with sub-section (3);
- (c) 2 members appointed in accordance with sub-section (4); and
- (d) 3 other members.

“(2) A person shall not be appointed as Chairperson unless the person is a Deputy President of the Australian Conciliation and Arbitration Commission.

“(3) Before making an appointment to the office of member referred to in paragraph (1) (b), the Minister shall request the Australian Medical Association to nominate a panel of not less than 3 medical practitioners for consideration for appointment to that office and the Minister shall not appoint a person to that office unless the person is included in a panel nominated in accordance with the request.

“(4) Before making an appointment to the office of a member referred to in paragraph (1) (c), the Minister shall request the Royal College of Pathologists of Australasia to nominate a panel of not less than 3 medical practitioners for consideration for appointment to that office and the Minister shall not appoint a person to that office unless the person is included in a panel nominated in accordance with the request.

“(5) The members shall be appointed by the Minister in writing and hold office on a part-time basis.

“(6) A member holds office, subject to this Act, for such term, not exceeding 3 years, as is specified in the instrument of appointment, but is eligible for re-appointment.

“(7) A person who has attained the age of 65 years shall not be appointed as a member and a person shall not be appointed as a member for a period that extends beyond the day on which the person will attain the age of 65 years.

“(8) An appointment of a member is not invalid on the grounds that there is a defect or irregularity in connection with the nomination of the member for appointment.

“(9) The Chairperson may be referred to as the Chairman or the Chairwoman, as the case requires.

“(10) The exercise of the powers, or the performance of the functions, of the Committee is not affected by reason only of a vacancy or vacancies in membership of the Committee.

Remuneration and allowances

“78E. (1) The Chairperson shall not be paid remuneration and allowances in respect of his or her capacity as Chairperson, but for the purposes of payment of travelling expenses to the Chairperson, his or her duties as Deputy President of the Australian Conciliation and Arbitration Commission shall be deemed to include his or her duties as Chairperson.

“(2) A member (other than the Chairperson) shall be paid such remuneration as is determined by the Remuneration Tribunal, but, if no determination of that remuneration by that Tribunal is in operation, the member shall be paid such remuneration as is prescribed.

“(3) A member (other than the Chairperson) shall be paid such allowances as are prescribed.

“(4) Sub-sections (2) and (3) have effect subject to the *Remuneration Tribunals Act 1973*.

Resignation

“78F. A member may resign office by writing signed by the member and delivered to the Minister.

Leave of absence

“78G. (1) The Minister may grant leave of absence to the Chairperson upon such terms and conditions as the Minister thinks fit.

“(2) The Chairperson may grant leave of absence to another member of the Committee on such terms and conditions as the Chairperson thinks fit.

Termination of appointment

“78H. (1) The Chairperson ceases to hold office as Chairperson if the Chairperson ceases to hold office as Deputy President of the Australian Conciliation and Arbitration Commission.

“(2) The Minister shall terminate the appointment of the member referred to in paragraph 78D (1) (b) if the Australian Medical Association requests the Minister, in writing, to do so.

“(3) The Minister shall terminate the appointment of a member referred to in paragraph 78D (1) (c) if the Royal College of Pathologists of Australasia requests the Minister, in writing, to do so.

“(4) The Minister may terminate the appointment of the Chairperson or a member referred to in paragraph 78D (1) (b) or (c) for misbehaviour or physical or mental incapacity.

“(5) The Minister shall terminate the appointment of a member if the member—

- (a) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with the member's creditors or makes an assignment of the member's remuneration for their benefit;
- (b) being the Chairperson, is absent, except with the leave of the Minister, from 3 consecutive meetings of the Committee; or
- (c) being a member other than the Chairperson, is absent, without leave of the Chairperson, from 3 consecutive meetings of the Committee.

“(6) The Minister may, at any time, terminate the appointment of a member referred to in paragraph 78D (1) (d).

Acting appointments

“78J. (1) The Minister may appoint a member to act as the Chairperson—

- (a) during a vacancy in the office of Chairperson, whether or not an appointment has previously been made to the office; or
- (b) during any period, or during all periods, when the Chairperson is absent from Australia or is, for any reason, unable to perform the duties of the office of Chairperson.

“(2) The Minister may appoint a person to act as an ordinary member—

- (a) during a vacancy in the office of an ordinary member, whether or not an appointment has previously been made to the office; or
- (b) during any period, or during all periods, when an ordinary member is acting as the Chairperson, is absent from Australia or is, for any reason, unable to perform the duties of the office.

“(3) An appointment of a person under sub-section (1) or (2) may be expressed to have effect only in such circumstances as are specified in the instrument of appointment.

“(4) A person appointed under sub-section (1) or (2) to act during a vacancy in an office of Chairperson or ordinary member, as the case may be, shall not continue so to act for more than 12 months.

“(5) Where a person is acting as the Chairperson or an ordinary member otherwise than by reason of a vacancy in the office of Chairperson or ordinary member, as the case may be, and the office of Chairperson or ordinary member, as the case may be, becomes vacant while the person is so acting, then, subject to sub-section (3), the person may continue so to act until the Minister otherwise directs, the vacancy is filled or a period of 12 months from the date on which the vacancy occurs expires, whichever occurs first.

“(6) While a person is acting as the Chairperson or an ordinary member, the person has and may exercise all the powers, and shall perform all the duties, of the Chairperson or ordinary member, as the case may be.

“(7) The Minister may—

- (a) determine the terms and conditions of appointment, including remuneration and allowances, of a person appointed to act as the Chairperson or an ordinary member; and
- (b) terminate such an appointment at any time.

“(8) A person appointed to act as the Chairperson or an ordinary member may resign by writing signed by the person and delivered to the Minister.

“(9) Anything done by or in relation to a person purporting to act under sub-section (1) or (2) is not invalid on the ground that—

- (a) the occasion for the person’s appointment had not arisen;
- (b) there is a defect or irregularity in connection with the person’s appointment;
- (c) the person’s appointment had ceased to have effect; or
- (d) the occasion for the person to act had not arisen or had ceased.

“(10) In this section, ‘ordinary member’ means a member other than the Chairperson.

Meetings of Committee

“78K. (1) The Chairperson shall convene such meetings of the Committee as are necessary for the efficient conduct of its affairs.

“(2) The Chairperson shall preside at all meetings of the Committee at which the Chairperson is present.

“(3) In the event of the absence of the Chairperson from a meeting of the Committee, the members present shall elect one of their number to preside at that meeting and the member so elected shall preside accordingly.

“(4) Subject to sub-section (5), the quorum for a meeting of the Committee is 5 members.

“(5) A quorum for a meeting of the Committee shall consist of—

- (a) at least 2 persons who are members referred to in either paragraph 78D (1) (b) or paragraph 78D (1) (c); and
- (b) at least 2 persons who are members referred to in paragraph 78D (1) (d).

“(6) A question arising at a meeting of the Committee shall be decided by a majority of the votes of the members of the Committee present and voting and, for that purpose, the member presiding shall have a deliberative vote only.

“(7) In the event of an equality of votes on a question before a meeting of the Committee, the question shall be deemed to be unresolved and the

member presiding may direct that the question be reconsidered at a time and place fixed by that member.

Proceedings at meetings

“78L. (1) Subject to this Act and the regulations, the Committee may regulate and conduct proceedings at its meetings as it thinks fit.

“(2) The meetings of the Committee shall be held in private.”.

Interpretation

22. Section 79 of the Principal Act is amended—

- (a) by omitting sub-sections (1A) and (1B) and substituting the following sub-sections:

“(1A) A reference in section 94, 95, 104 or 105 to a practitioner includes a reference to a person who has been a practitioner.

“(1B) A reference in this Division to excessive services is a reference to professional services (other than pathology services), being services in respect of which medicare benefit has become or may become payable and which were not reasonably necessary for the adequate medical or dental care of the patient concerned.”;

- (b) by omitting from sub-section (4) “or initiates a pathology service”; and
- (c) by omitting from sub-section (4) “or that pathology service to have been initiated, as the case may be,”.

Members of Committees under the National Health Act may be deemed to be members of Committees under this Division

23. (1) Section 81 of the Principal Act is amended by inserting in sub-section (1) “(Pharmaceutical Benefits)” after “Inquiry” (first occurring).

(2) The amendment made by sub-section (1) shall not be taken to affect the membership of a person of the Medical Services Committee of Inquiry for a State, being the committee of that name established under the *Health Insurance Act 1973*, that resulted from a direction of the Minister under sub-section 81 (1) of that Act issued before the commencement of this section.

24. Section 82 of the Principal Act is repealed and the following section is substituted:

Functions of Committees

“82. A Committee shall inquire into, and submit to the Minister its report and recommendations on, any matter referred to the Committee by the Minister, being a matter that—

- (a) is relevant to the operation or administration of this Act or the *National Health Act 1953* (other than Part VII of that Act); and

- (b) arises out of or relates to the rendering of a professional service (other than a pathology service), on or after 15 April 1977, in the State for which the Committee is established.”.

Hearing by Committee

25. Section 94 of the Principal Act is amended—

- (a) by omitting paragraphs (a) and (b);
- (b) by adding at the end of paragraph (d) “and”;
- (c) by omitting from paragraph (e) “services,” and substituting “services,”;
- (d) by omitting paragraphs (f), (g) and (h); and
- (e) by omitting from paragraph (k) “(a) to (h)” and substituting “(c) to (e)”.

Notice to practitioner or other person of hearing

26. Section 95 of the Principal Act is amended by omitting sub-section (1) and substituting the following sub-section:

“(1) A Committee shall, if it proposes to hold a hearing into a matter in so far as the matter relates to a circumstance referred to in paragraph 94 (c), (d) or (e), give notice in writing of the time and place of the proposed hearing, at least 10 days before the date of the proposed hearing, to the person first referred to in that paragraph.”.

Report by Committee

27. Section 104 of the Principal Act is amended—

- (a) by adding at the end of paragraph (a) “and”;
- (b) by omitting from paragraph (b) “services,” and substituting “services,”; and
- (c) by omitting paragraphs (c) and (d).

Recommendation by Committee

28. Section 105 of the Principal Act is amended—

- (a) by omitting sub-section (1);
- (b) by omitting from paragraph (2) (a) “or that a practitioner has initiated excessive pathology services”;
- (c) by omitting paragraph (2) (d);
- (d) by omitting from sub-paragraph (2A) (a) (i) “or to initiate excessive pathology services”;
- (e) by omitting paragraph (2A) (e);
- (f) by omitting sub-section (3);
- (g) by omitting from sub-section (4) “recommends under sub-section (1) the refusal of the acceptance of an undertaking, or”; and
- (h) by omitting from sub-section (4) “, (2A) or (3)” and substituting “or (2A)”.

Determination by Minister

29. Section 106 of the Principal Act is amended by omitting from sub-section (1) “, (2A) or (3)” and substituting “or (2A)”.

Interpretation

30. Section 107 of the Principal Act is amended by omitting “16C (4) or” from paragraph (a) of the definition of “determination”.

References and applications to Tribunal or Court

31. Section 107A of the Principal Act is amended by omitting paragraph (1) (c) and substituting the following paragraph:

“(c) if the determination is a determination made under section 106FK in accordance with a recommendation referred to in sub-section 106FJ (4), apply to a prescribed Court in accordance with Division 4 for a judicial review of the determination.”.

Proceedings on review

32. Section 119 of the Principal Act is amended—

- (a) by omitting from sub-paragraph (1) (b) (i) “16C (4) or”; and
- (b) by omitting from sub-paragraph (1) (b) (ii) “, 105 (2A) (f) or (g) or 105 (3) (c) or (d)” and substituting “or 105 (2A) (f) or (g)”.

Interpretation

33. Section 124B of the Principal Act is amended—

- (a) by inserting “, 124FB (1), 124FC (1) or 124FF (1)” after “124F (2)” in the definition of “determination” in sub-section (1);
- (b) by inserting after the definition of “member” in sub-section (1) the following definition:

“‘officer’, in relation to a body corporate, means a director, secretary, manager or employee of the body corporate;”;

- (c) by omitting paragraph (e) of the definition of “practitioner” in sub-section (1) and substituting the following paragraph:

“(e) an approved pathology practitioner;”;

- (d) by adding at the end the following sub-sections:

“(4) A reference in this Part to an approved pathology practitioner includes a reference to a person who has been an approved pathology practitioner.

“(5) A reference in this Part to an approved pathology authority includes a reference to a person who has been an approved pathology authority.

“(6) A reference in this Part to a practitioner includes a reference to a person who has been a practitioner.”.

Chairperson, &c., to be notified if practitioner convicted of relevant offence

34. Section 124D is amended by omitting sub-section (6).

Chairperson to establish Medicare Participation Review Committee

35. Section 124E of the Principal Act is amended—

- (a) by inserting in sub-section (1) “or (2C)” after “sub-section (2)”;
- (b) by inserting after sub-section (2) the following sub-sections:

“(2A) Upon receiving a notice under sub-section 23DL (4) in relation to an approved pathology practitioner or an approved pathology authority, a Chairperson shall, subject to sub-section (2C), establish a Medicare Participation Review Committee.

“(2B) Upon receiving a notice under sub-section 23DM (4) in relation to a person, a Chairperson shall, subject to sub-section (2C), establish a Medicare Participation Review Committee.

“(2C) Where a Chairperson who is given a notice under section 124D or sub-section 23DL (4) or 23DM (4) has a direct or indirect interest (whether pecuniary or otherwise) in a matter that is about to be the subject of proceedings before a Committee that the Chairperson would, but for this sub-section, be required to establish under sub-section (1), (2A) or (2B) of this section—

- (a) the Chairperson shall immediately inform the Minister of that interest;
- (b) the Chairperson shall be deemed not to be required to establish, and shall not establish, a Committee under that sub-section; and
- (c) the Minister shall give another notice in the same terms to another Chairperson.”;
- (c) by inserting in sub-section (3) “, (2A) or (2B)” after “sub-section (1)”;
- (d) by omitting from paragraph (3) (b) “and (11)” and substituting “, (11), (12) and (13)”;
- (e) by omitting from paragraph (3) (c) “and (11)” and substituting “, (11), (12) and (13)”;
- (f) by omitting from sub-section (10) “practitioner” (wherever occurring) and substituting “person”; and
- (g) by omitting sub-section (11) and substituting the following sub-sections:

“(11) Subject to sub-sections (12) and (13), the person selected by the Chairperson under paragraph (3) (b) or (c) shall be a medical practitioner.

“(12) Where the person in relation to whom a Committee is convened is—

- (a) an approved pathology practitioner;

- (b) a dental practitioner; or
 - (c) an optometrist,
- the person selected by the Chairperson under paragraph (3) (b) or (c) shall be—
- (d) where paragraph (a) applies—an approved pathology practitioner (whether or not a medical practitioner);
 - (e) where paragraph (b) applies—a dental practitioner; or
 - (f) where paragraph (c) applies—an optometrist.

“(13) Where a Committee is convened in relation to an approved pathology authority, the person selected by the Chairperson under paragraph (3) (b) or (c) shall be an approved pathology practitioner (whether or not a medical practitioner).”.

Determinations in relation to relevant offences

36. Section 124F of the Principal Act is amended—

- (a) by inserting in sub-section (1) “under sub-section 124E (1)” after “established”;
- (b) by inserting in sub-section (2) “established under sub-section 124E (1) in relation to a practitioner” after “Committee”;
- (c) by omitting from sub-section (2) “a practitioner” and substituting “the practitioner”;
- (d) by inserting in sub-section (3) “under sub-section (2)” after “determination” (first occurring); and
- (e) by inserting in sub-section (4) “under sub-section (2)” after “determination”.

37. After section 124F of the Principal Act the following sections are inserted:

Committee may add parties to proceedings in relation to breach of undertaking by approved pathology practitioner or approved pathology authority

“124FA. (1) Where—

- (a) a Committee is established under section 124E (2A) in relation to an approved pathology practitioner; and
- (b) the Committee has reasonable grounds to believe that an approved pathology authority that employs or employed the approved pathology practitioner has breached an undertaking given by the approved pathology authority under section 23DF,

the Committee may determine, in writing, that the Committee should consider whether the approved pathology authority has breached that undertaking.

“(2) Where—

- (a) a Committee is established under sub-section 124E (2A) in relation to an approved pathology authority; and

(b) the Committee has reasonable grounds to believe that an approved pathology practitioner who is or was employed by the authority has breached an undertaking given by the approved pathology practitioner under section 23DC,
the Committee may determine, in writing, that the Committee should consider whether the approved pathology practitioner has breached that undertaking.

“(3) Where a Committee makes a determination under sub-section (1) or (2) in relation to an approved pathology authority or an approved pathology practitioner, the Committee shall give the authority or the practitioner notice in writing of the determination.

Determinations in relation to breach of undertaking by approved pathology practitioner

“124FB. (1) Subject to sub-section 124J (8), where—

- (a) a Committee is established under sub-section 124E (2A) in relation to an approved pathology practitioner; or
- (b) a Committee has made a determination, under sub-section 124FA (2), that the Committee should consider whether an approved pathology practitioner has breached an undertaking,

the Committee shall—

- (c) determine whether the practitioner has breached the undertaking given by the practitioner;
- (d) if the Committee determines that the practitioner has breached the undertaking given by the practitioner by reason of having rendered excessive pathology services—identify those services; and
- (e) if the Committee determines that the practitioner has breached the undertaking given by the practitioner—make one or more of the following determinations:
 - (i) that no action should be taken against the practitioner;
 - (ii) that it should counsel the practitioner;
 - (iii) that it should reprimand the practitioner;
 - (iv) that the undertaking given by the practitioner should be revoked;
 - (v) that no undertaking given by the practitioner should be accepted by the Minister under section 23DC during the period specified in the determination (being a period expiring not later than 5 years after the day on which the determination takes effect);
 - (vi) that medicare benefits should not be payable, during the period specified in the determination (being a period expiring not later than 5 years after the day on which the determination takes effect), in respect of pathology services, being pathology services of a kind specified in the

determination, that are rendered by or on behalf of the practitioner;

- (vii) where a medicare benefit is payable, but has not been paid, to the practitioner in respect of a pathology service and the Committee is of the opinion that the practitioner failed to comply with the undertaking in relation to that service—that the medicare benefit or a specified part of the medicare benefit cease to be payable;
- (viii) where a medicare benefit has been paid to the practitioner, or has been paid, or is payable, to a person other than the practitioner, in respect of a pathology service and the Committee is of the opinion that the practitioner failed to comply with the undertaking in relation to that service—that the amount of the medicare benefit or a specified part of that amount be payable by the practitioner to the Commonwealth.

“(2) In making a determination under sub-section (1) in relation to a practitioner, the Committee shall comply with guidelines in force under section 124H.

“(3) A determination under sub-section (1) shall be made in writing.

Determinations in relation to breach of undertaking by approved pathology authority

“124FC. (1) Subject to sub-section 124J (8), where—

- (a) a Committee is established under sub-section 124E (2A) in relation to an approved pathology authority; or
- (b) a Committee has made a determination, under sub-section 124FA (1), that the Committee should consider whether an approved pathology authority has breached an undertaking,

the Committee shall—

- (c) determine whether the authority has breached the undertaking given by the authority;
- (d) if the Committee determines that the authority has breached the undertaking given by the authority by reason of having permitted the rendering of excessive pathology services at an accredited pathology laboratory of which the authority is the proprietor—identify those services; and
- (e) if the Committee determines that the authority has breached the undertaking given by the authority—make one or more of the following determinations:
 - (i) that no action should be taken against the authority;
 - (ii) that it should counsel one or more of the following persons:
 - (A) the authority;
 - (B) an employee of the authority;

- (C) where the authority is a body corporate—an officer of the authority;
- (iii) that it should reprimand one or more of the following persons:
 - (A) the authority;
 - (B) an employee of the authority;
 - (C) where the authority is a body corporate—an officer of the authority;
- (iv) that the undertaking should be revoked;
- (v) that no undertaking given by the authority should be accepted by the Minister under section 23DF during the period specified in the determination (being a period expiring not later than 5 years after the day on which the determination takes effect);
- (vi) where a medicare benefit has been paid, or is payable, to a person other than the authority, in respect of a pathology service and the Committee is of the opinion that the authority failed to comply with the undertaking in relation to that service—that the amount of the medicare benefit or a specified part of that amount be payable by the authority to the Commonwealth.

“(2) In making a determination under sub-section (1) in relation to an authority, the Committee shall comply with guidelines in force under section 124H.

“(3) A determination under sub-section (1) shall be made in writing.

Committee may be established and proceedings may continue after undertaking ceases to be in force

“124FD. Where—

- (a) the Minister gives a Chairperson notice under sub-section 23DL (4) in relation to an undertaking; and
- (b) the undertaking ceases to be in force—
 - (i) before the Chairperson establishes a Committee pursuant to the notice; or
 - (ii) before a Committee established pursuant to the notice makes a determination under section 124FB or 124FC,

then, notwithstanding that the undertaking has ceased to be in force, the Chairperson may establish a Committee pursuant to the notice and a Committee so established may make a determination under section 124FB or 124FC pursuant to the notice.

Committee may add parties to proceedings in relation to initiation of excessive pathology services

“124FE. (1) Where a Committee established under sub-section 124E (2B) in relation to a practitioner has reasonable grounds to believe that a person who—

- (a) employs or employed the practitioner; or

- (b) is or was an officer of a body corporate that employs or employed the practitioner,

may have caused or permitted the practitioner to initiate excessive pathology services, the Committee may determine, in writing, that the Committee should consider whether the person caused or permitted the practitioner to initiate excessive pathology services.

“(2) Where a Committee established under sub-section 124E (2B) in relation to a body corporate that employs or employed a practitioner has reasonable grounds to believe that a person who is or was an officer of the body corporate may have caused or permitted the practitioner to initiate excessive pathology services, the Committee may determine, in writing, that the Committee should consider whether the officer caused or permitted the practitioner to initiate excessive pathology services.

“(3) Where a Committee makes a determination under sub-section (1) or (2) in relation to a person, the Committee shall give the person notice in writing of the determination.

Determinations in relation to initiation of excessive pathology services

“124FF. (1) Subject to sub-section 124J (8), where—

- (a) a Committee is established under sub-section 124E (2B) in relation to a person; or
 - (b) a Committee has determined, under sub-section 124FE (1) or (2), that the Committee should consider whether a person caused or permitted a practitioner to initiate excessive pathology services,
- the Committee shall—
- (c) determine whether the person initiated excessive pathology services, or caused or permitted excessive pathology services to be initiated, as the case requires;
 - (d) if the Committee determines that the person initiated excessive pathology services, or caused or permitted excessive pathology services to be initiated, as the case requires—identify those services; and
 - (e) if the Committee determines that the person initiated excessive pathology services, or caused or permitted excessive pathology services to be initiated, as the case requires, and medicare benefit is payable, or has been paid, in respect of any of those services—make one or more of the following determinations:
 - (i) that no action should be taken against the person;
 - (ii) that it should counsel the person;
 - (iii) that it should reprimand the person;
 - (iv) where the medicare benefit is payable, or has been paid, to a person other than the person referred to in paragraph (a) or (b)—that the amount of the medicare benefit be payable to the Commonwealth by the person referred to in that paragraph.

“(2) In making a determination under sub-section (1) in relation to a person, the Committee shall comply with guidelines in force under section 124H.

“(3) A determination under sub-section (1) shall be made in writing.”.

Hearings

38. (1) Section 124G of the Principal Act is amended—

- (a) by omitting from sub-section (1) “practitioner” and substituting “person”;
- (b) by omitting sub-section (2) and substituting the following sub-section:

“(2) In accordance with guidelines (if any) in force under section 124H relating to this sub-section, a Committee established in relation to a person may, if it is satisfied, upon the evidence or other material available to it, that no action should be taken against the person, determine that sub-section (1) of this section does not apply in relation to the making of a determination in relation to the person.”; and

- (c) by omitting from sub-section (3) “practitioner” and substituting “person”.

(2) Notwithstanding the amendments made by sub-section (1), a determination made under sub-section 124G (2) of the Principal Act and in force immediately before the commencement of this section continues in force, after the commencement of this section, as if the amendments had not been made.

Guidelines relating to making of determinations

39. Section 124H of the Principal Act is amended—

- (a) by omitting from sub-section (1) “determinations under sub-sections 124F (2) and 124G (2)” and substituting “relevant determinations”;
- (b) by omitting from sub-section (2) “determinations of specified kinds under sub-section 124F (2) and determinations under sub-section 124G (2)” and substituting “relevant determinations”; and
- (c) by adding at the end the following sub-section:

“(7) In this section, ‘relevant determination’ means a determination under sub-section 124F (2), 124FA (1) or (2), 124FB (1), 124FC (1), 124FE (1) or (2), 124FF (1) or 124G (2).”.

Procedure of hearings

40. Section 124J of the Principal Act is amended—

- (a) by omitting from sub-section (2) “The Chairperson” and substituting “Subject to sub-section (2A), the Chairperson”;
- (b) by omitting from sub-section (2) “practitioner” (wherever occurring) and substituting “person”;

- (c) by inserting after sub-section (2) the following sub-section:

“(2A) Where a Committee makes a determination, under sub-section 124FA (1) or (2) or 124FE (1) or (2), that the Committee should consider a matter in relation to a person, the Chairperson shall, at least 28 days before the commencement of a proposed hearing in relation to that matter, give a notice in writing to the person setting out—

- (a) the time and place of the proposed hearing; and
 - (b) particulars of the matter to which the proposed hearing relates.”;
- (d) by omitting from sub-section (4) “practitioner” (first occurring) and substituting “person”;
- (e) by omitting from paragraph (4) (a) “the practitioner” and substituting “a relevant party”;
- (f) by omitting from paragraph (4) (b) “practitioner” (wherever occurring) and substituting “relevant party”;
- (g) by inserting in paragraph (5) (a) “and the regulations” after “Act”;
- (h) by inserting after sub-section (5) the following sub-sections:

“(5A) A Committee may—

- (a) conduct simultaneously a hearing pursuant to a notice under sub-section 23DL (4) and a hearing or hearings pursuant to a determination or determinations made under sub-section 124FA (1) or (2) in the course of proceedings in relation to that notice; and
- (b) conduct simultaneously a hearing pursuant to a notice under sub-section 23DM (4) and a hearing or hearings pursuant to a determination or determinations made under sub-section 124FE (1) or (2) in the course of proceedings pursuant to that notice.

“(5B) The regulations may make provision in relation to the procedure to be followed in conducting a hearing by a Committee pursuant to a determination under sub-section 124FA (1) or (2) or 124FE (1) or (2).”;

- (j) by inserting in sub-section (8) “under sub-section 124E (1), (2A) or (2B)” after “established”;
- (k) by omitting from sub-section (8) “section 124E” and substituting “that sub-section”;
- (m) by omitting from paragraph (8) (b) “practitioner” (wherever occurring) and substituting “person”; and
- (n) by adding at the end the following sub-section:

“(10) In this section, ‘relevant party’, in relation to a hearing by a Committee in relation to a person, means the person and—

- (a) in the case of a hearing pursuant to a notice under sub-section 23DL (4)—any person in relation to whom the Committee makes a determination under sub-section 124FA (1) or (2) in the course of the proceedings pursuant to that notice;
- (b) in the case of a hearing pursuant to a determination made under sub-section 124FA (1) or (2) in the course of proceedings pursuant to a notice under sub-section 23DL (4)—
 - (i) the person to whom the notice under sub-section 23DL (4) relates; and
 - (ii) any other person in relation to whom the Committee makes a determination under sub-section 124FA (1) or (2) in the course of those proceedings;
- (c) in the case of a hearing pursuant to a notice under sub-section 23DM (4)—any person in relation to whom the Committee makes a determination under sub-section 124FE (1) or (2) in the course of the proceedings pursuant to that notice; and
- (d) in the case of a hearing pursuant to a determination made under sub-section 124FE (1) or (2) in the course of proceedings pursuant to a notice under sub-section 23DM (4)—
 - (i) the person to whom the notice under sub-section 23DM (4) relates; and
 - (ii) any other person in relation to whom the Committee makes a determination under sub-section 124FE (1) or (2) in the course of those proceedings.”.

Chairperson to give notice of determinations by Committee

41. Section 124Q of the Principal Act is amended—

- (a) by omitting from sub-section (1) “practitioner” (wherever occurring) and substituting “person”; and
- (b) by omitting from sub-section (2) “practitioner” and substituting “person”.

Review by Administrative Appeals Tribunal

42. Section 124R of the Principal Act is amended by omitting “practitioner” and substituting “person”.

Giving effect to determinations

43. Section 124S of the Principal Act is amended—

- (a) by omitting from paragraph (1) (a) “practitioner” and substituting “person”;
- (b) by omitting from sub-section (2) “practitioner” (wherever occurring) and substituting “person”; and
- (c) by adding at the end the following sub-sections:

“(3) Where a Committee determines that an undertaking given by an approved pathology practitioner or an approved pathology authority should be revoked, the Minister shall revoke the undertaking as soon as practicable after the determination takes effect.

“(4) Where a Committee gives to the Minister a notice under paragraph 124Q (1) (a), in relation to a determination under section 124FB or 124FC, the Minister—

- (a) may, if the Minister thinks fit, publish a copy of the notice in the *Gazette*; and
- (b) shall cause a copy of the notice to be laid before each House of the Parliament within 15 sitting days of that House after the notice has been given to the Minister.

“(5) An action or proceeding, civil or criminal, does not lie against a person for publishing in good faith a copy of, a fair extract from or a fair abstract of a publication made in accordance with this section.

“(6) For the purposes of sub-section (6), a publication shall be deemed to be made in good faith if the person by whom it is made is not actuated by ill will to the person affected by the publication or by any other improper motive.

“(7) Nothing in sub-section (5) or (6) limits or prevents the operation of any rule of absolute privilege relating to the publication by either House of the Parliament of any document laid before it.

“(8) Nothing in this section authorizes the publication of the name of a patient or particulars that would enable a patient to be identified.

“(9) Where a determination of the kind referred to in sub-paragraph 124FB (1) (e) (iv), (v) or (vi) or 124FC (1) (e) (iv) or (v) takes effect, the Minister shall publish particulars of the determination in accordance with the regulations.”.

Chairperson to abolish Committee

44. Section 124T of the Principal Act is amended—

- (a) by inserting in paragraph (1) (a) “under sub-section 124E (1)” after “established”; and
- (b) by inserting in paragraph (2) (b) “or sub-paragraph 124FB (1) (e) (ii) or (iii), 124FC (1) (e) (ii) or (iii) or 124FF (1) (e) (ii) or (iii)” after “124F (2) (b) or (c)”.

False statements relating to medicare benefits, &c.

45. Section 128A of the Principal Act is amended—

- (a) by inserting in paragraph (2) (b) “claim for a” after “with a”; and
- (b) by inserting in paragraph (3) (a) “, manager” after “secretary”.

Knowingly making false statements relating to medicare benefits, &c.

46. Section 128B of the Principal Act is amended—

- (a) by inserting in paragraph (2) (b) “claim for a” after “with a”;
- (b) by inserting in paragraph (3) (a) “, manager” after “secretary”; and
- (c) by inserting in sub-section (4) “or, where the offence is prosecuted summarily, the court” after “the jury”.

Bribery, &c.

47. (1) Section 129AA of the Principal Act is amended by inserting “, manager” after “secretary” in paragraph (a) of the definition of “officer” in sub-section (6).

(2) Section 129AA of the Principal Act is amended by omitting paragraph (1) (a) and substituting the following paragraphs:

- “(a) being a person who renders pathology services, carries on the business of rendering pathology services or is a proprietor of premises at which pathology services are rendered—directly or indirectly offers any inducement (whether by way of money, property or other benefit or advantage), or threatens any detriment or disadvantage, to a practitioner or any other person in order to encourage the practitioner to request the rendering of a pathology service or pathology services;
- (aa) being a person who renders pathology services, carries on the business of rendering pathology services or is a proprietor of premises at which pathology services are rendered—
 - (i) directly or indirectly invites a practitioner to request the rendering of a pathology service or pathology services; or
 - (ii) does any act or thing that the person knows, or ought reasonably to know, is likely to have the effect of directly or indirectly encouraging a practitioner to request the rendering of a pathology service or pathology services; or”.

Prohibited practices in relation to rendering of pathology services

48. Section 129AAA of the Principal Act is amended by omitting from sub-section (9) the definition of “approved pathology practitioner” and substituting the following definition:

“‘approved pathology practitioner’ includes an approved pathology authority (other than a State, the Northern Territory or a public authority within the meaning of section 23DF);”.

Recovery of amounts

49. Section 129AD of the Principal Act is amended by inserting “, or by a Medicare Participation Review Committee under sub-section 124FB (1), 124FC (1) or 124FF (1),” after “106FK (1)”.

Delegation

50. Section 131 of the Principal Act is amended by omitting from sub-sections (1) and (2) “or the Secretary” and substituting “, the Secretary or the General Manager of the Commission”.

Amendment of Schedule

51. Schedule 1 to the Principal Act is amended—

- (a) by inserting “GENERAL” before “MEDICAL” (wherever occurring); and
- (b) by omitting Part 7.

New Schedule 1A to Principal Act

52. (1) The Principal Act is amended by inserting after Schedule 1 the Schedule set out in Schedule 1 to this Act.

(2) The amendment made by sub-section (1) applies only in relation to professional services rendered after the commencement of this section.

Minor amendments

53. (1) The Principal Act is amended as set out in Schedule 2.

(2) A person who, immediately before the commencement of this section, held office as the Chairman of a Committee established under Division 1, 2 or 3 of Part V of the Principal Act, or as the Deputy Chairman of a Committee established under Division 2 or 3 of Part V of the Principal Act, shall, subject to the Principal Act as amended and in force after that commencement, continue to hold office after that commencement as the Chairperson or Deputy Chairperson, as the case may be, of the Committee.

Saving of certain proceedings

54. Notwithstanding the amendments made by sections 22 and 24 to 32 (inclusive), the Principal Act continues to apply after the commencement of this section in relation to a question or matter referred to a Medical Services Committee of Inquiry under section 82 of the Principal Act as if those amendments had not been made.

PART III—AMENDMENTS OF HEALTH INSURANCE COMMISSION ACT 1973

Principal Act

55. The *Health Insurance Commission Act 1973*² is in this Part referred to as the Principal Act.

Borrowing and investment

56. Section 36 of the Principal Act is amended by omitting sub-section (6A) and substituting the following sub-section:

“(6A) Where moneys held by the Commission for the performance of its medibank private functions are not immediately required by the

Commission for the performance of those functions, the moneys may be invested—

- (a) by the Commission in such manner as the Commission considers fit; or
- (b) on behalf of the Commission by a person or body approved by the Commission, being a person or body engaged in the business of investment management, in such manner (subject to any directions given to the person or body by the Commission) as the person or body thinks fit,

and any income derived from investments so made shall be apportioned between the health benefits funds conducted by the Commission in accordance with principles in force under sub-section (6B).”.

PART IV—AMENDMENTS OF NATIONAL HEALTH ACT 1953

Principal Act

57. The *National Health Act 1953*³ is in this Part referred to as the Principal Act.

Interpretation

58. Section 4 of the Principal Act is amended—

- (a) by inserting after the definition of “day hospital facility” in sub-section (1) the following definition:
 - “‘de facto spouse’ means a person who is living with another person of the opposite sex on a *bona fide* domestic basis although not legally married to that other person;”;
- (b) by omitting “wife” from paragraph (a) of the definition of “dependant” (in relation to a pensioner) in sub-section (1) and substituting “spouse”;
- (c) by omitting “wife or husband” from paragraph (b) of that definition and substituting “spouse”;
- (d) by omitting “wife or husband” from sub-paragraph (c) (iv) of that definition and substituting “spouse”;
- (e) by inserting after the definition of “short-term respite care patient” in sub-section (1) the following definition:
 - “‘spouse’ includes a de facto spouse;”;
- (f) by omitting sub-section (2); and
- (g) by omitting from sub-section (3) “sub-sections (1D) and (2)” and substituting “sub-section (1D)”.

Interpretation

59. Section 84 of the Principal Act is amended—

- (a) by omitting “wife” from sub-paragraph (a) (i) of the definition of “dependant” in sub-section (1) and substituting “spouse”;

- (b) by omitting “wife or husband” from sub-paragraph (a) (ii) of that definition and substituting “spouse”;
- (c) by omitting “wife or husband” from sub-sub-paragraph (a) (iii) (D) of that definition and substituting “spouse”; and
- (d) by omitting sub-sections (5) and (6).

Limited charges for pharmaceutical benefits

60. Section 87 of the Principal Act is amended by omitting from sub-section (1) “, a participating dental practitioner”.

Interpretation

61. Section 107 of the Principal Act is amended by omitting sub-section (1).

Repeal of heading and substitution of new heading

62. The heading to Division 2 of Part VIII of the Principal Act is omitted and the following heading is substituted:

“Division 2—Medical Services Committees of Inquiry (Pharmaceutical Benefits)”.

Medical Services Federal Committee of Inquiry (Pharmaceutical Benefits)

63. Section 108 of the Principal Act is amended by inserting in sub-section (1) “(Pharmaceutical Benefits)” after “Inquiry”.

Functions of Federal Committee

64. Section 109 of the Principal Act is amended—

- (a) by inserting “(Pharmaceutical Benefits)” after “Inquiry”; and
- (b) by omitting all the words after “practitioners” and substituting “in connection with the supply of pharmaceutical benefits under Part VII.”.

Medical Services State Committees of Inquiry (Pharmaceutical Benefits)

65. Section 110 of the Principal Act is amended by inserting in sub-section (1) “(Pharmaceutical Benefits)” after “Inquiry”.

Functions of State Committees

66. Section 111 of the Principal Act is amended by omitting all the words after “practitioners” and substituting “in connection with the supply in the State in which the Committee is established of pharmaceutical benefits under Part VII.”.

Medical consultants

67. Section 111A of the Principal Act is amended by omitting sub-section (1).

Functions of Federal Committee

68. Section 114 of the Principal Act is amended by omitting all the words after “chemists” and substituting “in connection with the supply of pharmaceutical benefits under Part VII.”.

Functions of State Committee

69. Section 116 of the Principal Act is amended by omitting all the words after “chemists” and substituting “in connection with the supply in the State of pharmaceutical benefits under Part VII.”.

Minor amendments

70. The Principal Act is amended as set out in Schedule 3.

Savings

71. (1) The Medical Services Federal Committee of Inquiry established by the Minister under section 108 of the Principal Act, being the Committee as constituted immediately before the commencement of this section shall, subject to the Principal Act as amended and in force after the commencement of this section, continue in existence after that commencement as if it had been established under that section of the Principal Act as amended by this Act and shall, after that commencement, be known as the Medical Services Federal Committee of Inquiry (Pharmaceutical Benefits).

(2) The Medical Services State Committee of Inquiry for a State established by the Minister under section 110 of the Principal Act, being the Committee as constituted immediately before the commencement of this section shall, subject to the Principal Act as amended and in force after the commencement of this section, continue in existence after that commencement as if it had been established under that section of the Principal Act as amended by this Act and shall, after that commencement, be known as the Medical Services Committee of Inquiry (Pharmaceutical Benefits) for the State.

(3) A person who, immediately before the commencement of this section, held office as the Chairman of the Pharmaceutical Benefits Remuneration Tribunal, or as the Chairman of a Committee established under Part VIII of the Principal Act, shall, subject to the Principal Act as amended and in force after that commencement, continue to hold office after that commencement as the Chairperson of the Pharmaceutical Benefits Remuneration Tribunal, or as the Chairperson of the Committee, as the case may be.

**PART V—AMENDMENTS OF STATES GRANTS (NURSE
EDUCATION TRANSFER ASSISTANCE) ACT 1985**

Principal Act

72. The *States Grants (Nurse Education Transfer Assistance) Act 1985*⁴ is in this Part referred to as the Principal Act.

Special nurse education transfer grants

73. (1) Section 4 of the Principal Act is amended—

- (a) by inserting in paragraph (3) (b) “or such later day as the Minister determines” after “that year” (first occurring);
- (b) by omitting from paragraph (4) (a) “\$1,620,000” and substituting “\$1,820,000”;
- (c) by omitting from paragraph (4) (b) “\$4,431,000” and substituting “\$5,427,000”; and
- (d) by omitting from paragraph (4) (c) “\$8,205,000” and substituting “\$10,080,000”.

(2) Payments (including advances) by way of financial assistance made to a State or to the Northern Territory under the Principal Act shall be deemed to have been made for the purpose of the Principal Act as amended by this Part.

PART VI—AMENDMENTS OF TUBERCULOSIS ACT 1948

Principal Act

74. The *Tuberculosis Act 1948*^s is in this Part referred to as the Principal Act.

Advisory Council

75. Sub-sections 8 (1), (2), (3) and (6) of the Principal Act are amended by omitting “Chairman” (wherever occurring) and substituting “Chairperson”.

SCHEDULE 1

Section 52

NEW SCHEDULE 1A TO HEALTH INSURANCE ACT 1973

SCHEDULE 1A

Section 3

PATHOLOGY SERVICES TABLE

RULES FOR INTERPRETATION OF THE PATHOLOGY SERVICES TABLE

1. Where an item includes the symbol “(SP)”, the item shall be taken to relate to a pathology service to which sub-section 16A (3) applies when rendered by or on behalf of an approved pathology practitioner who is a recognized pathologist, other than a pathology service—

- (a) rendered pursuant to a request made in the course of the provision of an out-patient service at a recognized hospital;
- (b) rendered pursuant to a request made in respect of a person who was, at the time when the request was made, a private patient in a recognized hospital; or
- (c) in the rendering of which—
 - (i) any pathology equipment of a recognized hospital, or a laboratory included in a prescribed class of laboratories, is used; or
 - (ii) any member of the staff of a recognized hospital, or a laboratory included in a prescribed class of laboratories, participates.

2. In rule 1, “recognized pathologist” means a medical practitioner who, by reason of a determination under section 61, is to be recognized for the purposes of this Act as a specialist in the specialty of pathology.

3. For the purposes of rule 1, each of the following classes of laboratories is a prescribed class of laboratories:

- (a) laboratories operated by the Commonwealth;
- (b) laboratories operated by a State or an authority of a State;
- (c) laboratories operated by the Northern Territory;
- (d) laboratories operated by the Australian Capital Territory Health Authority;
- (e) laboratories operated by an Australian university.

4. Where an item includes the symbol “(OP)”, the item shall be taken to relate to—

- (a) a pathology service other than a pathology service—
 - (i) to which an item that includes the symbol “(SP)” relates; or
 - (ii) to which sub-section 16A (7) applies; or
- (b) a pathology service rendered outside Australia.

5. Each item in Division 9 shall be taken to relate to a pathology service to which sub-section 16A (7) applies.

6. Where—

- (a) a procedure of one of 2 or more kinds of procedure described in an item (being an item that is expressed to apply in relation to one procedure) that includes the symbol “(SP)”; or
- (b) a procedure of one of 2 or more kinds of procedure described in an item (being an item that is expressed to apply in relation to one procedure) that includes the symbol “(OP)”,

SCHEDULE 1—continued

is rendered in respect of a person by or on behalf of an approved pathology practitioner (in this rule referred to as the “relevant pathologist”) pursuant to a request, made on a particular day, to the relevant pathologist by—

- (c) the practitioner (in this rule referred to as the “treating practitioner”) who determined that the procedure was necessary; or
- (d) another approved pathology practitioner who is not the treating practitioner, and the request is the only such request in respect of a procedure of that kind, or any other kind described in that item, made on that day in respect of that person to the relevant pathologist by the treating practitioner or that other approved pathology practitioner, that procedure shall be treated as one service consisting of that procedure.

7. Where—

- (a) 2 or more procedures each of which is a procedure of one of 2 or more kinds of procedure described in an item (being an item that is expressed, whether directly or indirectly, to apply to that number of procedures) that includes the symbol “(SP)”;
- (b) 2 or more procedures each of which is a procedure of one of 2 or more kinds of procedure described in an item (being an item that is expressed, whether directly or indirectly, to apply to that number of procedures) that includes the symbol “(OP)”;

are rendered in respect of a person by or on behalf of an approved pathology practitioner (in this rule referred to as the “relevant pathologist”) pursuant to a request, or requests, made on the one day to the relevant pathologist by—

- (c) the practitioner (in this rule referred to as the “treating practitioner”) who determined that the procedures were necessary; or
- (d) another approved pathology practitioner who is not the treating practitioner, those procedures shall, unless the contrary intention appears, be treated as one service consisting of those procedures.

8. Where—

- (a) a procedure of one of 2 or more kinds of procedure described in an item (being an item that is expressed to apply in relation to one procedure) that includes the symbol “(OP)”, being a procedure determined on a particular day to be necessary by an approved pathology practitioner, is rendered in respect of a person by or on behalf of that approved pathology practitioner; and
- (b) the procedure is the only procedure of that kind, or any other kind described in that item, that was so determined on that day to be necessary in respect of that person by that approved pathology practitioner,

that procedure shall be treated as one service consisting of that procedure.

9. Where 2 or more procedures each of which is a procedure of one of 2 or more kinds of procedure described in an item (being an item that is expressed, whether directly or indirectly, to apply to that number of procedures) that includes the symbol “(OP)”, being procedures determined on the one day to be necessary by an approved pathology practitioner are rendered in respect of a person by or on behalf of that approved pathology practitioner, those procedures shall, unless the contrary intention appears, be treated as one service consisting of those procedures.

10. Where—

- (a) a procedure of one of the kinds of procedure described in item 2334 is rendered in respect of a person (in this rule referred to as the “relevant patient”) by or

SCHEDULE 1—continued

on behalf of a medical practitioner other than an approved pathology practitioner (in this rule referred to as the “relevant practitioner”) and—

- (i) the procedure was determined to be necessary by the relevant practitioner; or
 - (ii) the procedure was rendered pursuant to a request made by the person who determined that the procedure was necessary, being a medical practitioner other than an approved pathology practitioner who, at the time when the request was made, was a member of a group of practitioners, within the meaning of section 16A, of which the relevant practitioner was then a member; and
- (b) that procedure is the only procedure of that kind, or any other kind included in that item, that, on the day on which the procedure was determined to be necessary or on which the request for the procedure was made, as the case may be, was—
- (i) so determined to be necessary in respect of the relevant patient by the relevant practitioner; or
 - (ii) so requested in respect of the relevant patient by a medical practitioner other than an approved pathology practitioner who, on that day, was a member of a group of practitioners, within the meaning of section 16A, of which the relevant practitioner was then a member,

that procedure shall be treated as one service consisting of that procedure.

11. Where—

- (a) 2 or more procedures each of which is a procedure of one of the kinds of procedure described in item 2335 or 2336 are rendered in respect of a person by or on behalf of a medical practitioner (in this rule referred to as the “relevant practitioner”) other than an approved pathology practitioner;
- (b) each of the procedures was—
 - (i) determined to be necessary by the relevant practitioner; or
 - (ii) rendered pursuant to a request made by the person who determined that the procedure was necessary, being a medical practitioner other than an approved pathology practitioner who, at the time when the request was made, was a member of a group of practitioners, within the meaning of section 16A, of which the relevant practitioner was then a member; and
- (c) each of the procedures was so determined to be necessary, or so requested, on the one day,

those procedures shall be treated as one service consisting of those procedures.

12. In rules 6 to 11 (inclusive), “procedure” includes an assay, an estimation and a test.

13. A reference in these rules to a request made to an approved pathology practitioner includes a reference to a request that is deemed, for the purposes of section 16A, to have been made to that approved pathology practitioner.

SCHEDULE 1—continued

Item No.	Pathology Service	Fees					
		N.S.W.	Vic.	Qld	S.A.	W.A.	Tas.
		\$	\$	\$	\$	\$	\$
<i>Division 1—Haematology</i>							
1006	Blood count consisting of erythrocyte count, erythrocyte sedimentation rate, haematocrit estimation, haemoglobin estimation, platelet count, or leucocyte count—one procedure (SP)	5.70	5.70	5.70	5.70	5.70	5.70
1007	Blood count consisting of erythrocyte count, erythrocyte sedimentation rate, haematocrit estimation, haemoglobin estimation, platelet count or leucocyte count—one procedure (excluding haemoglobin estimation or erythrocyte sedimentation rate when not referred by another medical practitioner) (OP)	4.30	4.30	4.30	4.30	4.30	4.30
1008	Two procedures to which Item 1006 applies (SP)	6.90	6.90	6.90	6.90	6.90	6.90
1009	Two procedures to which Item 1007 applies (OP)	5.20	5.20	5.20	5.20	5.20	5.20
1011	Three or more procedures to which Item 1006 applies including calculation of erythrocyte indices where done (SP)	10.35	10.35	10.35	10.35	10.35	10.35
1012	Three or more procedures to which Item 1007 applies including calculation of erythrocyte indices where done (OP)	7.80	7.80	7.80	7.80	7.80	7.80
1014	Blood film, examination of, including erythrocyte morphology, differential count by one or more methods and the qualitative estimation of platelets (SP)	8.55	8.55	8.55	8.55	8.55	8.55
1015	Blood film, examination of, including erythrocyte morphology, differential count by one or more methods and the qualitative estimation of platelets (OP)	6.45	6.45	6.45	6.45	6.45	6.45
1019	Blood film, examination by special stains to demonstrate the presence of basophilic stippling, eosinophils (where wet preparation or film is used), haemoglobin H, reticulocytes, or similar conditions, cells or substances—one procedure (SP)	4.60	4.60	4.60	4.60	4.60	4.60
1020	Blood film, examination by special stains to demonstrate the presence of basophilic stippling, eosinophils (where wet preparation or film is used), haemoglobin H, reticulocytes, or similar conditions, cells or substances—one procedure (OP)	3.45	3.45	3.45	3.45	3.45	3.45
1021	Two or more procedures to which Item 1019 applies (SP)	6.90	6.90	6.90	6.90	6.90	6.90
1022	Two or more procedures to which Item 1020 applies (OP)	5.20	5.20	5.20	5.20	5.20	5.20
1028	Blood film, examination by special stains to demonstrate the presence of foetal haemoglobin, Heinz bodies, iron, malarial or other parasites, neutrophil alkaline phosphatase, PAS, Sudan black positive granules, sickle cells, or any similar cells, substances or parasites—one procedure (SP)	6.90	6.90	6.90	6.90	6.90	6.90

SCHEDULE 1—continued

Item No.	Pathology Service	Fees					
		N.S.W.	Vic.	Qld	S.A.	W.A.	Tas.
		\$	\$	\$	\$	\$	\$
1029	Blood film, examination by special stains to demonstrate the presence of foetal haemoglobin, Heinz bodies, iron, malarial or other parasites, neutrophil alkaline phosphatase, PAS, Sudan black positive granules, sickle cells, or any similar cells, substances or parasites—one procedure (OP)	5.20	5.20	5.20	5.20	5.20	5.20
1030	Two or more procedures to which Item 1028 applies (SP)	11.40	11.40	11.40	11.40	11.40	11.40
1032	Two or more procedures to which Item 1029 applies (OP)	8.55	8.55	8.55	8.55	8.55	8.55
1036	Erythrocytes, qualitative assessment of metabolism or haemolysis by—erythrocyte autohaemolysis test, erythrocyte fragility test (mechanical), glucose-6-phosphate dehydrogenase estimation, glutathione deficiencies test, pyruvate kinase estimation or sugar water test (or similar) for paroxysmal nocturnal haemoglobinuria—one procedure (SP)	11.40	11.40	11.40	11.40	11.40	11.40
1037	Erythrocytes, qualitative assessment of metabolism or haemolysis by—erythrocyte autohaemolysis test, erythrocyte fragility test (mechanical), glucose-6-phosphate dehydrogenase estimation, glutathione deficiencies test, pyruvate kinase estimation or sugar water test (or similar) for paroxysmal nocturnal haemoglobinuria—one procedure (OP)	8.55	8.55	8.55	8.55	8.55	8.55
1038	Two or more procedures to which Item 1036 applies (SP)	23.00	23.00	23.00	23.00	23.00	23.00
1040	Two or more procedures to which Item 1037 applies (OP)	17.25	17.25	17.25	17.25	17.25	17.25
1044	Erythrocytes, quantitative assessment of metabolism or haemolysis by—acid haemolysis test (or similar) for paroxysmal nocturnal haemoglobinuria, erythrocyte fragility to hypotonic saline test without incubation, erythrocyte fragility to hypotonic saline test after incubation, glutathione stability test, glucose-6-phosphate dehydrogenase estimation, or pyruvate kinase estimation—one procedure (SP)	23.00	23.00	23.00	23.00	23.00	23.00
1045	Erythrocytes, quantitative assessment of metabolism or haemolysis by—acid haemolysis test (or similar) for paroxysmal nocturnal haemoglobinuria, erythrocyte fragility to hypotonic saline test without incubation, erythrocyte fragility to hypotonic saline test after incubation, glutathione stability test, glucose-6-phosphate dehydrogenase estimation, or pyruvate kinase estimation—one procedure (OP)	17.25	17.25	17.25	17.25	17.25	17.25
1048	Two or more procedures to which Item 1044 applies (SP)	46.00	46.00	46.00	46.00	46.00	46.00
1049	Two or more procedures to which Item 1045 applies (OP)	34.50	34.50	34.50	34.50	34.50	34.50

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SCHEDULE 1—continued

Item No.	Pathology Service	Fees					
		N.S.W.	Vic.	Qld	S.A.	W.A.	Tas.
		\$	\$	\$	\$	\$	\$
1052	Viscosity of plasma or whole blood, estimation of—each procedure (SP) . . .	9.10	9.10	9.10	9.10	9.10	9.10
1053	Viscosity of plasma or whole blood, estimation of—each procedure (OP) . . .	6.90	6.90	6.90	6.90	6.90	6.90
<i>Bone Marrow Examination</i>							
1062	Bone marrow examination (including use of special stains where indicated) of bone marrow aspirate, clot section or trephine section—one procedure (SP)	69.00	69.00	69.00	69.00	69.00	69.00
1063	Bone marrow examination (including use of special stains where indicated) of bone marrow aspirate, clot section or trephine section—one procedure (OP)	51.75	51.75	51.75	51.75	51.75	51.75
1064	Two or more procedures to which Item 1062 applies (SP)	114.00	114.00	114.00	114.00	114.00	114.00
1065	Two or more procedures to which Item 1063 applies (OP)	85.50	85.50	85.50	85.50	85.50	85.50
<i>Blood Transfusion Procedures</i>							
1080	Blood grouping (including back grouping when performed)—ABO and Rh (D antigen) (not covered by Item 1089) (SP)	11.40	11.40	11.40	11.40	11.40	11.40
1081	Blood grouping (including back grouping when performed)—ABO and Rh (D antigen) (not covered by Item 1090) (OP)	8.55	8.55	8.55	8.55	8.55	8.55
1089	Blood grouping (including back grouping when performed)—ABO and Rh (D antigen) when performed in association with the compatability testing covered by Item 1112 or 1114 (SP)	20.50	20.50	20.50	20.50	20.50	20.50
1090	Blood grouping (including back grouping when performed)—ABO and Rh (D antigen) when performed in association with the compatability testing covered by Item 1113 or 1116 (OP)	15.40	15.40	15.40	15.40	15.40	15.40
1101	Blood grouping—Rh phenotypes, Kell system, Duffy system, M and N factors or any other blood group system—one system (SP)	23.00	23.00	23.00	23.00	23.00	23.00
1102	Blood grouping—Rh phenotypes, Kell system, Duffy system, M and N factors or any other blood group system—one system (OP)	17.25	17.25	17.25	17.25	17.25	17.25
1104	Two procedures to which Item 1101 applies (SP).	46.00	46.00	46.00	46.00	46.00	46.00
1105	Two procedures to which Item 1102 applies (OP)	34.50	34.50	34.50	34.50	34.50	34.50
1106	Each procedure to which Item 1101 applies in excess of two (SP)	11.40	11.40	11.40	11.40	11.40	11.40
1108	Each procedure to which Item 1102 applies in excess of two (OP)	8.55	8.55	8.55	8.55	8.55	8.55
1111	Compatability testing by saline, papain, albumin or indirect Coombs techniques (by one or more of those techniques), including auto-cross-match and donor group check where performed—testing involving one or two units of blood (SP)	34.50	34.50	34.50	34.50	34.50	34.50

SCHEDULE 1—continued

Item No.	Pathology Service	Fees					
		N.S.W.	Vic.	Qld	S.A.	W.A.	Tas.
		\$	\$	\$	\$	\$	\$
1112	Compatability testing by saline, papain, albumin or indirect Coombs techniques (by one or more of those techniques), including auto-cross-match and donor group check where performed—testing involving one or two units of blood (OP)	25.90	25.90	25.90	25.90	25.90	25.90
1114	Compatability testing by saline, papain, albumin or indirect Coombs techniques (by one or more of those techniques), including auto-cross-match and donor group check where performed—each unit of blood tested in excess of two (SP)	12.90	12.90	12.90	12.90	12.90	12.90
1116	Compatability testing by saline, papain, albumin or indirect Coombs techniques (by one or more of those techniques), including auto-cross-match and donor group check where performed—each unit of blood tested in excess of two (OP)	9.70	9.70	9.70	9.70	9.70	9.70
1121	Examination of serum for Rh antibodies or other blood group antibodies or both Rh antibodies and other blood group antibodies—screening test (by one or more of those techniques) (SP) . . .	17.20	17.20	17.20	17.20	17.20	17.20
1122	Examination of serum for Rh antibodies or other blood group antibodies or both Rh antibodies and other blood group antibodies—screening test (by one or more of those techniques) (OP) . . .	12.90	12.90	12.90	12.90	12.90	12.90
1124	Examination of serum for Rh antibodies or other blood group antibodies or both Rh antibodies and other blood group antibodies—screening test (by one or more of those techniques) and quantitative estimation of one antibody (SP)	46.00	46.00	46.00	46.00	46.00	46.00
1125	Examination of serum for Rh antibodies or other blood group antibodies or both Rh antibodies and other blood group antibodies—screening test (by one or more of those techniques) and quantitative estimation of one antibody (OP)	34.50	34.50	34.50	34.50	34.50	34.50
1126	Examination of serum for Rh antibodies or other blood group antibodies or both Rh antibodies and other blood group antibodies—quantitative estimation of one antibody (SP)	34.50	34.50	34.50	34.50	34.50	34.50
1128	Examination of serum for Rh antibodies or other blood group antibodies or both Rh antibodies and other blood group antibodies—quantitative estimation of one antibody (OP)	25.90	25.90	25.90	25.90	25.90	25.90
1129	Examination of serum for Rh antibodies or other blood group antibodies or both Rh antibodies and other blood group antibodies—quantitative estimation of each antibody in excess of one (SP)	23.00	23.00	23.00	23.00	23.00	23.00

SCHEDULE 1—continued

Item No.	Pathology Service	Fees					
		N.S.W.	Vic.	Qld	S.A.	W.A.	Tas.
		\$	\$	\$	\$	\$	\$
1130	Examination of serum for Rh antibodies or other blood group antibodies or both Rh antibodies and other blood group antibodies—quantitative estimation of each antibody in excess of one (OP)	17.25	17.25	17.25	17.25	17.25	17.25
1136	Coombs test, direct (SP)	11.40	11.40	11.40	11.40	11.40	11.40
1137	Coombs test, direct (OP)	8.55	8.55	8.55	8.55	8.55	8.55
1144	Coombs test, indirect (not associated with Item 1112, 1114, 1121, 1124, 1126 or 1129, except where part of neo-natal screening or in investigation of haemolytic anaemia) (SP)	17.20	17.20	17.20	17.20	17.20	17.20
1145	Coombs test, indirect (not associated with Item 1113, 1116, 1122, 1125, 1128 or 1130, except where part of neo-natal screening or in investigation of haemolytic anaemia) (OP)	12.90	12.90	12.90	12.90	12.90	12.90
1152	Examination of serum for blood group haemolysins (SP)	23.00	23.00	23.00	23.00	23.00	23.00
1153	Examination of serum for blood group haemolysins (OP)	17.25	17.25	17.25	17.25	17.25	17.25
1159	Leucocyte agglutinins, detection of (SP)	23.00	23.00	23.00	23.00	23.00	23.00
1160	Leucocyte agglutinins, detection of (OP)	17.25	17.25	17.25	17.25	17.25	17.25
1166	Platelet agglutinins, detection of (SP)	23.00	23.00	23.00	23.00	23.00	23.00
1167	Platelet agglutinins, detection of (OP)	17.25	17.25	17.25	17.25	17.25	17.25
<i>Miscellaneous</i>							
1190	Heterophile antibodies—qualitative estimation of (test for infectious mononucleosis) (SP)	9.20	9.20	9.20	9.20	9.20	9.20
1191	Heterophile antibodies—qualitative estimation of (test for infectious mononucleosis) (OP)	6.90	6.90	6.90	6.90	6.90	6.90
1194	Heterophile antibodies—quantitative estimation of by serial dilutions with specific absorption (including qualitative estimation covered by Item 1190 where performed) (SP)	23.00	23.00	23.00	23.00	23.00	23.00
1195	Heterophile antibodies—quantitative estimation of by serial dilutions with specific absorption (including qualitative estimation covered by Item 1191 where performed) (OP)	17.25	17.25	17.25	17.25	17.25	17.25
1202	Cold agglutinins, quantitative estimation of (SP)	9.20	9.20	9.20	9.20	9.20	9.20
1203	Cold agglutinins, quantitative estimation of (OP)	6.90	6.90	6.90	6.90	6.90	6.90
1206	Cold agglutinins, quantitative estimation of by serial dilutions (including qualitative estimation covered by Item 1202 where performed) (SP)	23.00	23.00	23.00	23.00	23.00	23.00
1207	Cold agglutinins, quantitative estimation of by serial dilutions (including qualitative estimation covered by Item 1203 where performed) (OP)	17.25	17.25	17.25	17.25	17.25	17.25
1211	Blood volume, estimation of by dye method (SP)	11.40	11.40	11.40	11.40	11.40	11.40

SCHEDULE 1—continued

Item No.	Pathology Service	Fees					
		N.S.W.	Vic.	Qld	S.A.	W.A.	Tas.
		\$	\$	\$	\$	\$	\$
1212	Blood volume, estimation of by dye method (OP)	8.55	8.55	8.55	8.55	8.55	8.55
1215	Blood, spectroscopic examination of (SP)	11.40	11.40	11.40	11.40	11.40	11.40
1216	Blood, spectroscopic examination of (OP)	8.55	8.55	8.55	8.55	8.55	8.55
<i>Haemostasis</i>							
1234	Estimation of—bleeding time; coagulation time (including clot retraction); prothrombin time (one stage); thromboplastin time (partial) with or without kaolin and with or without kaolin clotting time; or thrombotest (Owren)—one procedure (SP)	11.40	11.40	11.40	11.40	11.40	11.40
1235	Estimation of—bleeding time; coagulation time (including clot retraction); prothrombin time (one stage); thromboplastin time (partial) with or without kaolin and with or without kaolin clotting time; or thrombotest (Owren)—one procedure (OP)	8.55	8.55	8.55	8.55	8.55	8.55
1236	Two procedures to which Item 1234 applies (SP)	17.20	17.20	17.20	17.20	17.20	17.20
1237	Two procedures to which Item 1235 applies (OP)	12.90	12.90	12.90	12.90	12.90	12.90
1238	Three or more procedures to which Item 1234 applies (SP)	23.00	23.00	23.00	23.00	23.00	23.00
1239	Three or more procedures to which Item 1235 applies (OP)	17.25	17.25	17.25	17.25	17.25	17.25
1242	Platelet aggregation, qualitative test for (SP)	11.40	11.40	11.40	11.40	11.40	11.40
1243	Platelet aggregation, qualitative test for (OP)	8.55	8.55	8.55	8.55	8.55	8.55
1244	Estimation of thrombin time (including test for presence of an inhibitor and serial test for fibrinogenolysis) or recalcified plasma clotting time—each procedure (SP)	11.40	11.40	11.40	11.40	11.40	11.40
1246	Estimation of thrombin time (including test for presence of an inhibitor and serial test for fibrinogenolysis) or recalcified plasma clotting time—each procedure (OP)	8.55	8.55	8.55	8.55	8.55	8.55
1247	Fibrinogen titre, determination of (SP)	11.40	11.40	11.40	11.40	11.40	11.40
1248	Fibrinogen titre, determination of (OP)	8.55	8.55	8.55	8.55	8.55	8.55
1251	Factor 13, test for presence of (SP)	17.20	17.20	17.20	17.20	17.20	17.20
1252	Factor 13, test for presence of (OP)	12.90	12.90	12.90	12.90	12.90	12.90
1255	Thromboplastin generation screening test (SP)	17.20	17.20	17.20	17.20	17.20	17.20
1256	Thromboplastin generation screening test (OP)	12.90	12.90	12.90	12.90	12.90	12.90
1259	Prothrombin time, estimation of (two stage) (SP)	17.20	17.20	17.20	17.20	17.20	17.20
1260	Prothrombin time, estimation of (two stage) (OP)	12.90	12.90	12.90	12.90	12.90	12.90

SCHEDULE 1—continued

Item No.	Pathology Service	Fees					
		N.S.W.	Vic.	Qld	S.A.	W.A.	Tas.
		\$	\$	\$	\$	\$	\$
1261	Qualitative, quantitative or qualitative and quantitative estimation of fibrin degradation products (SP)	13.80	13.80	13.80	13.80	13.80	13.80
1262	Qualitative, quantitative or qualitative and quantitative estimation of fibrin degradation products (OP)	10.35	10.35	10.35	10.35	10.35	10.35
1263	Quantitative estimation of—platelet adhesion, prothrombin consumption or protamine sulphate—each procedure (SP)	17.20	17.20	17.20	17.20	17.20	17.20
1264	Quantitative estimation of—platelet adhesion, prothrombin consumption or protamine sulphate—each procedure (OP)	12.90	12.90	12.90	12.90	12.90	12.90
1267	Euglobulin lysis time, estimation of (SP)	34.50	34.50	34.50	34.50	34.50	34.50
1268	Euglobulin lysis time, estimation of (OP)	25.90	25.90	25.90	25.90	25.90	25.90
1271	Quantitative estimation of platelet antibodies (by one or more techniques), platelet Factor III availability or one or more blood coagulation factors (including antihæmophilic globulin)—each procedure (SP)	34.50	34.50	34.50	34.50	34.50	34.50
1272	Quantitative estimation of platelet antibodies (by one or more techniques), platelet Factor III availability or one or more blood coagulation factors (including antihæmophilic globulin)—each procedure (OP)	25.90	25.90	25.90	25.90	25.90	25.90
1277	Platelet aggregation test using—ADP, collagen, 5HT, ristocetin, or similar substance—one procedure (SP) . . .	34.50	34.50	34.50	34.50	34.50	34.50
1278	Platelet aggregation test using—ADP, collagen, 5HT, ristocetin, or similar substance—one procedure (OP) . . .	25.90	25.90	25.90	25.90	25.90	25.90
1279	Two or more procedures to which Item 1277 applies (SP)	69.00	69.00	69.00	69.00	69.00	69.00
1280	Two or more procedures to which Item 1278 applies (OP)	51.75	51.75	51.75	51.75	51.75	51.75

Division 2—Chemistry of Body Fluids and Tissues

1296	Quantitative estimation of any substance by reagent strip with reflectance meter (not associated with Items 1301 to 1312) by or on behalf of an approved pathology practitioner where the patient is referred by a medical practitioner for the estimation and where the referring medical practitioner is not a member of a group of practitioners of which the first-mentioned practitioner is a member—one or more estimations (SP)	12.90	12.90	12.90	12.90	12.90	12.90
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SCHEDULE 1—continued

Item No.	Pathology Service	Fees					
		N.S.W.	Vic.	Qld	S.A.	W.A.	Tas.
		\$	\$	\$	\$	\$	\$
1297	Quantitative estimation of any substance by reagent strip with reflectance meter (not associated with Items 1301 to 1312) by or on behalf of an approved pathology practitioner where the patient is referred by a medical practitioner for the estimation and where the referring medical practitioner is not a member of a group of practitioners of which the first-mentioned practitioner is a member—one or more estimations (OP)	9.70	9.70	9.70	9.70	9.70	9.70
1301	Estimation by any method, except by reagent strip with or without reflectance meter, of—albumin; alkaline phosphatase; ALT; AST; bicarbonate; bilirubin (direct); bilirubin (indirect); calcium (including serum ionized calcium); chloride; cholesterol; CK; CK isoenzymes; creatinine; GGTP; globulin; glucose; HBD; LD; phosphate; potassium; protein (total); sodium; triglycerides; urate or urea or estimation of a substance referred to in any other item in this Division other than Items 1302 and 1303 where the estimation is performed on a multichannel analyser—one estimation (SP)	12.90	12.90	12.90	12.90	12.90	12.90
1302	Estimation by any method, except by reagent strip with or without reflectance meter, of—albumin; alkaline phosphatase; ALT; AST; bicarbonate; bilirubin (direct); bilirubin (indirect); calcium (including serum ionized calcium); chloride; cholesterol; CK; CK isoenzymes; creatinine; GGTP; globulin; glucose; HBD; LD; phosphate; potassium; protein (total); sodium; triglycerides; urate or urea or estimation of a substance referred to in any other item in this Division other than Items 1301 and 1303 where the estimation is performed on a multichannel analyser—one estimation (OP)	9.70	9.70	9.70	9.70	9.70	9.70
1304	Two estimations of a kind specified in Item 1301 (SP)	17.25	17.25	17.25	17.25	17.25	17.25
1305	Two estimations of a kind specified in Item 1302 (OP)	12.95	12.95	12.95	12.95	12.95	12.95
1307	Three to five estimations of a kind specified in Item 1301 (SP)	21.40	21.40	21.40	21.40	21.40	21.40
1308	Three to five estimations of a kind specified in Item 1302 (OP)	16.05	16.05	16.05	16.05	16.05	16.05
1310	Six or more estimations of a kind specified in Item 1301 (SP)	23.65	23.65	23.65	23.65	23.65	23.65
1311	Six or more estimations of a kind specified in Item 1302 (OP)	17.75	17.75	17.75	17.75	17.75	17.75
1313	Glycosylated haemoglobin, estimation of, in the management of established diabetes, with a maximum of three estimations in any twelve month period (SP)	20.50	20.50	20.50	20.50	20.50	20.50

SCHEDULE 1—continued

Item No.	Pathology Service	Fees					
		N.S.W.	Vic.	Qld	S.A.	W.A.	Tas.
		\$	\$	\$	\$	\$	\$
1314	Glycosylated haemoglobin, estimation of, in the management of established diabetes, with a maximum of three estimations in any twelve month period (OP)	15.40	15.40	15.40	15.40	15.40	15.40
1319	Qualitative estimation of—acidity (by pH meter or titration), blood in faeces (occult blood), cryoglobulins, cryoproteins, euglobulins, macroglobulins (Sia test), PBG, protein (Bence-Jones) in urine, UBG or any other substance not specified in any other item in this Division—one estimation (SP)	5.70	5.70	5.70	5.70	5.70	5.70
1320	Qualitative estimation of—acidity (by pH meter or titration), blood in faeces (occult blood), cryoglobulins, cryoproteins, euglobulins, macroglobulins (Sia test), PBG, protein (Bence-Jones) in urine, UBG or any other substance not specified in any other item in this Division—one estimation (OP)	4.30	4.30	4.30	4.30	4.30	4.30
1322	Two or more estimations to which Item 1319 applies (SP)	11.40	11.40	11.40	11.40	11.40	11.40
1323	Two or more estimations to which Item 1320 applies (OP)	8.55	8.55	8.55	8.55	8.55	8.55
1324	Quantitative estimation of blood gases (including pO ₂ , oxygen saturation, PCO ₂ and estimation of bicarbonate and pH) (SP)	34.50	34.50	34.50	34.50	34.50	34.50
1325	Quantitative estimation of blood gases (including pO ₂ , oxygen saturation, PCO ₂ and estimation of bicarbonate and pH) (OP)	25.90	25.90	25.90	25.90	25.90	25.90
1327	Qualitative estimation of—foetoprotein, gastric acidity (by dye method) or porphyrins—each estimation (SP)	23.00	23.00	23.00	23.00	23.00	23.00
1328	Qualitative estimation of—foetoprotein, gastric acidity (by dye method) or porphyrins—each estimation (OP)	17.25	17.25	17.25	17.25	17.25	17.25
1330	Chromatography, qualitative estimation of a substance not specified in any other item in this Division (SP)	23.00	23.00	23.00	23.00	23.00	23.00
1331	Chromatography, qualitative estimation of a substance not specified in any other item in this Division (OP)	17.25	17.25	17.25	17.25	17.25	17.25
1333	Electrophoresis, qualitative (SP)	23.00	23.00	23.00	23.00	23.00	23.00
1334	Electrophoresis, qualitative (OP)	17.25	17.25	17.25	17.25	17.25	17.25
1336	Australia antigen or similar antigen, detection of by any method including radioimmunoassay (SP)	23.00	23.00	23.00	23.00	23.00	23.00
1337	Australia antigen or similar antigen, detection of by any method including radioimmunoassay (OP)	17.25	17.25	17.25	17.25	17.25	17.25
1339	Osmolality, estimation of in serum or urine (SP)	23.00	23.00	23.00	23.00	23.00	23.00
1340	Osmolality, estimation of in serum or urine (OP)	17.25	17.25	17.25	17.25	17.25	17.25

SCHEDULE 1—continued

Item No.	Pathology Service	Fees					
		N.S.W.	Vic.	Qld	S.A.	W.A.	Tas.
		\$	\$	\$	\$	\$	\$
1342	Quantitative estimation of—acid phosphatase, aldolase, alpha foeto-proteins in serum, amylase, lipase, amylase and lipase, antithrombin 3, antitrypsin alpha-1, bromide, BSP, caeruloplasmin, carotene, complement (total or fraction), any other specific protein (excluding immunoglobulins) (where estimated by immunodiffusion, nephelometry, Laurell rocket or similar technique), creatine, cryofibrinogen, haemoglobin F, hexosamine, lactate, lithium, magnesium, pyruvate, salicylate or xylose—each estimation (SP)	23.00	23.00	23.00	23.00	23.00	23.00
1343	Quantitative estimation of—acid phosphatase, aldolase, alpha foeto-proteins in serum, amylase, lipase, amylase and lipase, antithrombin 3, antitrypsin alpha-1, bromide, BSP, caeruloplasmin, carotene, complement (total or fraction), any other specific protein (excluding immunoglobulins) (where estimated by immunodiffusion, nephelometry, Laurell rocket or similar technique), creatine, cryofibrinogen, haemoglobin F, hexosamine, lactate, lithium, magnesium, pyruvate, salicylate or xylose—each estimation (OP)	17.25	17.25	17.25	17.25	17.25	17.25
1345	Quantitative estimation of—arsenic, copper, gold, lead, mercury, strontium, zinc, any other element not specified in any other item in this Division, folic acid, vitamin B12, any other vitamin not specified in any other item in this Division, alcohol, ammonia, neo-natal bilirubin (direct and indirect), cholinesterase, coproporphyrin, erythroporphyrin, uroporphyrin or any other porphyrin factor, carboxyhaemoglobin, delta ALA, 5HIAA, iron (including iron-binding capacity), oxalate, oxosteroids, oxogenic steroids, PBG, urine oestriol, transketolase or any other substance not specified in any other item in this Division—each estimation (SP)	34.50	34.50	34.50	34.50	34.50	34.50
1346	Quantitative estimation of—arsenic, copper, gold, lead, mercury, strontium, zinc, any other element not specified in any other item in this Division, folic acid, vitamin B12, any other vitamin not specified in any other item in this Division, alcohol, ammonia, neo-natal bilirubin (direct and indirect), cholinesterase, coproporphyrin, erythroporphyrin, uroporphyrin or any other porphyrin factor, carboxyhaemoglobin, delta ALA, 5HIAA, iron (including iron-binding capacity), oxalate, oxosteroids, oxogenic steroids, PBG, urine oestriol, transketolase or any other substance not specified in any other item in this Division—each estimation (OP)	25.90	25.90	25.90	25.90	25.90	25.90

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SCHEDULE 1—continued

Item No.	Pathology Service	Fees					
		N.S.W.	Vic.	Qld	S.A.	W.A.	Tas.
		\$	\$	\$	\$	\$	\$
1348	Dibucaine number or similar, determination of (SP)	34.50	34.50	34.50	34.50	34.50	34.50
1349	Dibucaine number or similar, determination of (OP)	25.90	25.90	25.90	25.90	25.90	25.90
1351	Indican, qualitative test for (SP)	34.50	34.50	34.50	34.50	34.50	34.50
1352	Indican, qualitative test for (OP)	25.90	25.90	25.90	25.90	25.90	25.90
1354	Calculus, analysis of (SP)	34.50	34.50	34.50	34.50	34.50	34.50
1355	Calculus, analysis of (OP)	25.90	25.90	25.90	25.90	25.90	25.90
1357	Amniotic fluid spectrophotometric analysis of (SP)	34.50	34.50	34.50	34.50	34.50	34.50
1358	Amniotic fluid spectrophotometric analysis of (OP)	25.90	25.90	25.90	25.90	25.90	25.90
1360	Electrophoresis, quantitative (including quantitative test) (SP)	34.50	34.50	34.50	34.50	34.50	34.50
1362	Electrophoresis, quantitative (including quantitative test) (OP)	25.90	25.90	25.90	25.90	25.90	25.90
1364	Quantitative estimation of—catecholamines (one or more components), faecal fat, HMMA, hydroxyproline, non-pregnancy oestrogens, pregnanediol, pregnanetriol, any other steroid fraction (where not estimated in the same process as another steroid fraction) or multiple steroid fractions estimated in the same process—each estimation (SP)	46.00	46.00	46.00	46.00	46.00	46.00
1366	Quantitative estimation of—catecholamines (one or more components), faecal fat, HMMA, hydroxyproline, non-pregnancy oestrogens, pregnanediol, pregnanetriol, any other steroid fraction (where not estimated in the same process as another steroid fraction) or multiple steroid fractions estimated in the same process—each estimation (OP)	34.50	34.50	34.50	34.50	34.50	34.50
1368	Chromatography, quantitative estimation (including qualitative test) of any substance not specified in any other item in this Division (SP)	46.00	46.00	46.00	46.00	46.00	46.00
1370	Chromatography, quantitative estimation (including qualitative test) of any substance not specified in any other item in this Division (OP)	34.50	34.50	34.50	34.50	34.50	34.50
1372	Lecithin/sphingomyelin ratio of amniotic fluid, determination of (SP)	46.00	46.00	46.00	46.00	46.00	46.00
1374	Lecithin/sphingomyelin ratio of amniotic fluid, determination of (OP)	34.50	34.50	34.50	34.50	34.50	34.50
1376	Drug assays—qualitative estimations or screenings procedures, by colorimetric methods—one or more estimations or procedures on each specimen (SP)	11.40	11.40	11.40	11.40	11.40	11.40
1378	Drug assays—qualitative estimations or screenings procedures, by colorimetric methods—one or more estimations or procedures on each specimen (OP)	8.55	8.55	8.55	8.55	8.55	8.55

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SCHEDULE 1—continued

Item No.	Pathology Service	Fees					
		N.S.W.	Vic.	Qld	S.A.	W.A.	Tas.
		\$	\$	\$	\$	\$	\$
1380	Assay by radioimmunoassay, enzyme linked immunoassay, gas liquid chromatography or any other method of barbiturates, carbamazepine, digoxin or phenytoin—estimation of one substance by one or more methods (SP)	28.50	28.50	28.50	28.50	28.50	28.50
1381	Assay by radioimmunoassay, enzyme linked immunoassay, gas liquid chromatography or any other method of barbiturates, carbamazepine, digoxin or phenytoin—estimation of one substance by one or more methods (OP)	21.40	21.40	21.40	21.40	21.40	21.40
1382	Estimation of two substances referred to in Item 1380 by using one or more of the methods specified in that item in relation to each (SP)	46.00	46.00	46.00	46.00	46.00	46.00
1384	Estimation of two substances referred to in Item 1381 by using one or more of the methods specified in that item in relation to each (OP)	34.50	34.50	34.50	34.50	34.50	34.50
1385	Estimation of three or more substances referred to in Item 1380 by using one or more of the methods specified in that item in relation to each (SP)	57.00	57.00	57.00	57.00	57.00	57.00
1387	Estimation of three or more substances referred to in Item 1381 by using one or more of the methods specified in that item in relation to each (OP)	42.75	42.75	42.75	42.75	42.75	42.75
1392	Assay by radioimmunoassay, enzyme linked immunoassay, gas liquid chromatography or any other method of diazepam, ethosuximide, methotrexate, morphine, procainamide, quinidine or a similar substance not referred to in any item in this Division, other than this item and Item 1393—estimation of one substance by one or more methods (SP)	34.50	34.50	34.50	34.50	34.50	34.50
1393	Assay by radioimmunoassay, enzyme linked immunoassay, gas liquid chromatography or any other method of diazepam, ethosuximide, methotrexate, morphine, procainamide, quinidine or a similar substance not referred to in any item in this Division, other than this item and Item 1392—estimation of one substance by one or more methods (OP)	25.90	25.90	25.90	25.90	25.90	25.90
1394	Estimation of two substances referred to in Item 1392 by using one or more of the methods specified in that item in relation to each (SP)	57.00	57.00	57.00	57.00	57.00	57.00
1395	Estimation of two substances referred to in Item 1393 by using one or more of the methods specified in that item in relation to each (OP)	42.75	42.75	42.75	42.75	42.75	42.75
1397	Estimation of three or more substances referred to in Item 1392 by using one or more of the methods specified in that item in relation to each (SP)	69.00	69.00	69.00	69.00	69.00	69.00

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SCHEDULE 1—continued

Item No.	Pathology Service	Fees					
		N.S.W.	Vic.	Qld	S.A.	W.A.	Tas.
		\$	\$	\$	\$	\$	\$
1398	Estimation of three or more substances referred to in Item 1393 by using one or more of the methods specified in that item in relation to each (OP) . . .	51.75	51.75	51.75	51.75	51.75	51.75
1401	HDL cholesterol, estimation of, in proven cases of hyperlipidaemia—two estimations in any twelve month period—each estimation (SP)	23.00	23.00	23.00	23.00	23.00	23.00
1402	HDL cholesterol, estimation of, in proven cases of hyperlipidaemia—two estimations in any twelve month period—each estimation (OP)	17.25	17.25	17.25	17.25	17.25	17.25
<i>Hormone Assays not covered by any other item in this Division</i>							
1421	Assay of T3 resin uptake, thyroxine (T4) or normalised thyroxine (effective thyroxine ratio)—using any technique—one estimation (SP)	17.20	17.20	17.20	17.20	17.20	17.20
1422	Assay of T3 resin uptake, thyroxine (T4) or normalised thyroxine (effective thyroxine ratio)—using any technique—one estimation (OP)	12.90	12.90	12.90	12.90	12.90	12.90
1424	Assay of T3 resin uptake, thyroxine (T4) or normalised thyroxine (effective thyroxine ratio)—using any technique—two or more estimations (SP)	28.50	28.50	28.50	28.50	28.50	28.50
1425	Assay of T3 resin uptake, thyroxine (T4) or normalised thyroxine (effective thyroxine ratio)—using any technique—two or more estimations (OP)	21.40	21.40	21.40	21.40	21.40	21.40
1452	Hormone assays—assay of insulin, growth hormone, TSH, LH, FSH, T3, prolactin, renin, gastrin, cortisol (selenium labelled), ACTH, HPL but not including assay of a thyroid hormone covered by Item 1421 or 1424, using gamma emitting labels or other unspecified technique—one estimation of any one hormone (SP)	34.50	34.50	34.50	34.50	34.50	34.50
1453	Hormone assays—assay of insulin, growth hormone, TSH, LH, FSH, T3, prolactin, renin, gastrin, cortisol (selenium labelled), ACTH, HPL but not including assay of a thyroid hormone covered by Item 1422 or 1425, using gamma emitting labels or other unspecified technique—one estimation of any one hormone (OP)	25.90	25.90	25.90	25.90	25.90	25.90
1455	Two estimations of any one hormone using any technique referred to in Item 1452 (SP)	52.00	52.00	52.00	52.00	52.00	52.00
1456	Two estimations of any one hormone using any technique referred to in Item 1453 (OP)	39.00	39.00	39.00	39.00	39.00	39.00
1458	Three estimations of any one hormone using any technique referred to in Item 1452 (SP)	69.00	69.00	69.00	69.00	69.00	69.00
1459	Three estimations of any one hormone using any technique referred to in Item 1453 (OP)	51.75	51.75	51.75	51.75	51.75	51.75

SCHEDULE 1—continued

Item No.	Pathology Service	Fees					
		N.S.W.	Vic.	Qld	S.A.	W.A.	Tas.
		\$	\$	\$	\$	\$	\$
1461	Each estimation of any one hormone in excess of three estimations using any technique referred to in Item 1452 (SP)	6.90	6.90	6.90	6.90	6.90	6.90
1462	Each estimation of any one hormone in excess of three estimations using any technique referred to in Item 1453 (OP)	5.20	5.20	5.20	5.20	5.20	5.20
1469	Hormone receptor assay on proven primary breast carcinoma or on subsequent lesion in the breast—one or more assays (SP)	92.00	92.00	92.00	92.00	92.00	92.00
1470	Hormone receptor assay on proven primary breast carcinoma or on subsequent lesion in the breast—one or more assays (OP)	69.00	69.00	69.00	69.00	69.00	69.00
1475	Hormone assays (including assay of progesterone, testosterone, cortisol (tritium labelled), 17-hydroxyprogesterone, oestradiol or aldosterone) using beta emitting labels or bioassay techniques—one estimation of any one hormone (SP)	57.00	57.00	57.00	57.00	57.00	57.00
1476	Hormone assays (including assay of progesterone, testosterone, cortisol (tritium labelled), 17-hydroxyprogesterone, oestradiol or aldosterone) using beta emitting labels or bioassay techniques—one estimation of any one hormone (OP)	42.75	42.75	42.75	42.75	42.75	42.75
1478	Hormone assay using beta emitting labels or bioassay techniques—two estimations of any one hormone (SP)	92.00	92.00	92.00	92.00	92.00	92.00
1479	Hormone assay using beta emitting labels or bioassay techniques—two estimations of any one hormone (OP)	69.00	69.00	69.00	69.00	69.00	69.00
1481	Hormone assay using beta emitting labels or bioassay techniques—three estimations of any one hormone (SP)	114.00	114.00	114.00	114.00	114.00	114.00
1482	Hormone assay using beta emitting labels or bioassay techniques—three estimations of any one hormone (OP)	85.50	85.50	85.50	85.50	85.50	85.50
1484	Hormone assay using beta emitting labels or bioassay techniques—each estimation of any one hormone in excess of three (SP)	11.40	11.40	11.40	11.40	11.40	11.40
1485	Hormone assay using beta emitting labels or bioassay techniques—each estimation of any one hormone in excess of three (OP)	8.55	8.55	8.55	8.55	8.55	8.55

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SCHEDULE 1—continued

Item No.	Pathology Service	Fees					
		N.S.W.	Vic.	Qld	S.A.	W.A.	Tas.
		\$	\$	\$	\$	\$	\$
<i>Procedural Services</i>							
1504	Procedural service associated with -ACTH stimulation test, adrenaline tolerance test, arginine infusion test, bromsulphthalein test, carbohydrate tolerance test, creatinine clearance test, gastric function test requiring intubation, glucagon tolerance test, histidine loaded FIGLU test, L-dopa stimulation test, phenolsulphthalein excretion test, TSH stimulation test (other than the administration of TSH), urea clearance test, urea concentration test, vasopressin stimulation test, xylose absorption test, or any similar test (SP)	11.40	11.40	11.40	11.40	11.40	11.40
1505	Procedural service associated with -ACTH stimulation test, adrenaline tolerance test, arginine infusion test, bromsulphthalein test, carbohydrate tolerance test, creatinine clearance test, gastric function test requiring intubation, glucagon tolerance test, histidine loaded FIGLU test, L-dopa stimulation test, phenolsulphthalein excretion test, TSH stimulation test (other than the administration of TSH), urea clearance test, urea concentration test, vasopressin stimulation test, xylose absorption test, or any similar test (OP)	8.55	8.55	8.55	8.55	8.55	8.55
1511	Procedural services associated with -tolbutamide test, insulin hypoglycaemia stimulation test, gonadotrophin releasing hormone stimulation test (other than the administration of gonadotrophin releasing hormone), thyrotrophin releasing hormone stimulation test (other than the administration of thyroid stimulating hormone), urine acidification test, or any similar test (SP)	34.50	34.50	34.50	34.50	34.50	34.50
1512	Procedural services associated with -tolbutamide test, insulin hypoglycaemia stimulation test, gonadotrophin releasing hormone stimulation test (other than the administration of gonadotrophin releasing hormone), thyrotrophin releasing hormone stimulation test (other than the administration of thyroid stimulating hormone), urine acidification test, or any similar test (OP)	25.90	25.90	25.90	25.90	25.90	25.90
1516	Procedural services associated with the administration of -thyrotrophin releasing hormone, gonadotrophin releasing hormone or thyroid stimulating hormone (SP)	28.50	28.50	28.50	28.50	28.50	28.50
1517	Procedural services associated with the administration of -thyrotrophin releasing hormone, gonadotrophin releasing hormone or thyroid stimulating hormone (OP)	21.40	21.40	21.40	21.40	21.40	21.40

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SCHEDULE 1—continued

Item No.	Pathology Service	Fees					
		N.S.W.	Vic.	Qld	S.A.	W.A.	Tas.
		\$	\$	\$	\$	\$	\$
<i>Division 3—Microbiology</i>							
1529	Microscopical examination, wet film, not covered by Item 1536 (SP)	6.90	6.90	6.90	6.90	6.90	6.90
1530	Microscopical examination, wet film, not covered by Item 1537 (OP)	5.20	5.20	5.20	5.20	5.20	5.20
1536	Microscopical examination of urine and examination for one or more of pH, specific gravity, blood, albumin, urobilinogen, sugar, acetone and bile pigments (SP)	9.20	9.20	9.20	9.20	9.20	9.20
1537	Microscopical examination of urine and examination for one or more of pH, specific gravity, blood, albumin, urobilinogen, sugar, acetone and bile pigments (where the patient is referred by another medical practitioner) (OP)	6.90	6.90	6.90	6.90	6.90	6.90
1545	Microscopical examination using gram or similar stain (e.g. Loeffler, methylene blue, Giemsa)—one stain (SP)	9.20	9.20	9.20	9.20	9.20	9.20
1546	Microscopical examination using gram or similar stain (e.g. Loeffler, methylene blue, Giemsa)—one stain (OP)	6.90	6.90	6.90	6.90	6.90	6.90
1548	Microscopical examination using gram or similar stain (e.g. Loeffler, methylene blue, Giemsa)—two or more stains (SP)	11.40	11.40	11.40	11.40	11.40	11.40
1549	Microscopical examination using gram or similar stain (e.g. Loeffler, methylene blue, Giemsa)—two or more stains (OP)	8.55	8.55	8.55	8.55	8.55	8.55
1556	Microscopical examination using special stain (e.g. Ziehl-Neelsen or similar stain)—one stain (SP)	11.40	11.40	11.40	11.40	11.40	11.40
1557	Microscopical examination using special stain (e.g. Ziehl-Neelsen or similar stain)—one stain (OP)	8.55	8.55	8.55	8.55	8.55	8.55
1566	Microscopical examination using two or more stains, one or more of which is a special stain referred to in Item 1556 (SP)	17.20	17.20	17.20	17.20	17.20	17.20
1567	Microscopical examination using two or more stains, one or more of which is a special stain referred to in Item 1557 (OP)	12.90	12.90	12.90	12.90	12.90	12.90
1586	Microscopical examination for dermatophytes—examination of material from one site (SP)	11.40	11.40	11.40	11.40	11.40	11.40
1587	Microscopical examination for dermatophytes—examination of material from one site (OP)	8.55	8.55	8.55	8.55	8.55	8.55

SCHEDULE 1—continued

Item No.	Pathology Service	Fees					
		N.S.W.	Vic.	Qld	S.A.	W.A.	Tas.
		\$	\$	\$	\$	\$	\$
1588	Microscopical examination for dermatophytes—examination of material from two or more sites (SP)	23.00	23.00	23.00	23.00	23.00	23.00
1589	Microscopical examination for dermatophytes—examination of material from two or more sites (OP)	17.25	17.25	17.25	17.25	17.25	17.25
1604	Microscopical examination of exudate by dark ground illumination for <i>Treponema pallidum</i> (SP)	28.50	28.50	28.50	28.50	28.50	28.50
1606	Microscopical examination of exudate by dark ground illumination for <i>Treponema pallidum</i> (OP)	21.40	21.40	21.40	21.40	21.40	21.40
1609	Cultural examination of material other than urine for aerobic micro-organisms (including fungi) with, where indicated, the use of relevant stains, selective media or sensitivity testing or any two or more of those procedures—examination of material from one site (SP)	17.25	17.25	17.25	17.25	17.25	17.25
1610	Cultural examination of material other than urine for aerobic micro-organisms (including fungi) with, where indicated, the use of relevant stains, selective media or sensitivity testing or any two or more of those procedures—examination of material from one site (OP)	12.95	12.95	12.95	12.95	12.95	12.95
1612	Cultural examination of material other than urine for aerobic micro-organisms (including fungi) with, where indicated, the use of relevant stains, selective media or sensitivity testing or any two or more of those procedures—examination of material from two or more sites where processed independently (SP)	30.00	30.00	30.00	30.00	30.00	30.00
1613	Cultural examination of material other than urine for aerobic micro-organisms (including fungi) with, where indicated, the use of relevant stains, selective media or sensitivity testing or any two or more of those procedures—examination of material from two or more sites where processed independently (OP)	22.50	22.50	22.50	22.50	22.50	22.50
1615	Cultural examination of material other than blood or urine for aerobic and anaerobic microorganisms using an anaerobic atmosphere for the culture of anaerobes, with, where indicated, the use of relevant stains, selective media or sensitivity testing or any two or more of those procedures—examination of material from one site (SP)	25.90	25.90	25.90	25.90	25.90	25.90

SCHEDULE 1—continued

Item No.	Pathology Service	Fees					
		N.S.W.	Vic.	Qld	S.A.	W.A.	Tas.
		\$	\$	\$	\$	\$	\$
1616	Cultural examination of material other than blood or urine for aerobic and anaerobic micro-organisms using an anaerobic atmosphere for the culture of anaerobes, with, where indicated, the use of relevant stains, selective media or sensitivity testing or any two or more of those procedures—examination of material from one site (OP)	19.45	19.45	19.45	19.45	19.45	19.45
1619	Cultural examination of material other than blood or urine for aerobic and anaerobic micro-organisms using an anaerobic atmosphere for the culture of anaerobes, with, where indicated, the use of relevant stains, selective media or sensitivity testing or any two or more of those procedures—examination of material from two or more sites where processed independently (SP)	45.00	45.00	45.00	45.00	45.00	45.00
1620	Cultural examination of material other than blood or urine for aerobic and anaerobic micro-organisms using an anaerobic atmosphere for the culture of anaerobes, with, where indicated, the use of relevant stains, selective media or sensitivity testing or any two or more of those procedures—examination of material from two or more sites where processed independently (OP)	33.75	33.75	33.75	33.75	33.75	33.75
1622	Cultural examination for mycobacteria—each specimen (SP)	23.00	23.00	23.00	23.00	23.00	23.00
1623	Cultural examination for mycobacteria—each specimen (OP)	17.25	17.25	17.25	17.25	17.25	17.25
1633	Blood culture, including sub-culture, using both aerobic and anaerobic media, with, where indicated, the use of relevant stains or sensitivity testing or relevant stains and sensitivity testing, but not involving organism identification—each set of cultures to a maximum of three sets (SP)	25.90	25.90	25.90	25.90	25.90	25.90
1634	Blood culture, including sub-culture, using both aerobic and anaerobic media, with, where indicated, the use of relevant stains or sensitivity testing or relevant stains and sensitivity testing, but not involving organism identification—each set of cultures to a maximum of three sets (OP)	19.45	19.45	19.45	19.45	19.45	19.45
1637	Screening test for mycoplasma or ureaplasma or both (SP)	5.70	5.70	5.70	5.70	5.70	5.70
1638	Screening test for mycoplasma or ureaplasma or both (OP)	4.30	4.30	4.30	4.30	4.30	4.30
1640	Coagulase test for organism identification by slide or tube method, not being a test conducted in conjunction with a service specified in Item 1644, 1647, 1661 or 1664 that is performed for the purpose of identifying the same organism (SP)	5.70	5.70	5.70	5.70	5.70	5.70

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SCHEDULE 1—continued

Item No.	Pathology Service	Fees					
		N.S.W.	Vic.	Qld	S.A.	W.A.	Tas.
		\$	\$	\$	\$	\$	\$
1641	Coagulase test for organism identification by slide or tube method, not being a test conducted in conjunction with a service specified in Item 1645, 1648, 1662 or 1665 that is performed for the purpose of identifying the same organism (OP)	4.30	4.30	4.30	4.30	4.30	4.30
1644	Identification of pathogenic micro-organisms other than M tuberculosis, using biochemical tests or other special techniques involving sub-culture or biochemical tests and other special techniques involving sub-culture—identification of one organism (SP)	11.40	11.40	11.40	11.40	11.40	11.40
1645	Identification of pathogenic micro-organisms other than M tuberculosis, using biochemical tests or other special techniques involving sub-culture or biochemical tests and other special techniques involving sub-culture—identification of one organism (OP)	8.55	8.55	8.55	8.55	8.55	8.55
1647	Identification of two or more organisms, excluding M tuberculosis, by the method referred to in Item 1644 (SP)	23.00	23.00	23.00	23.00	23.00	23.00
1648	Identification of two or more organisms, excluding M tuberculosis, by the method referred to in Item 1645 (OP)	17.25	17.25	17.25	17.25	17.25	17.25
1661	Identification of pathogenic micro-organisms using a serological technique (including the immunofluorescent or immunoenzymic method)- a procedure involving one technique (SP)	11.40	11.40	11.40	11.40	11.40	11.40
1662	Identification of pathogenic micro-organisms using a serological technique (including the immunofluorescent or immunoenzymic method)- a procedure involving one technique (OP)	8.55	8.55	8.55	8.55	8.55	8.55
1664	Two or more of any procedures of a kind referred to in Item 1661 using different techniques (SP)	17.20	17.20	17.20	17.20	17.20	17.20
1665	Two or more of any procedures of a kind referred to in Item 1662 using different techniques (OP)	12.90	12.90	12.90	12.90	12.90	12.90
1668	Anaerobic culture of urine obtained by suprapubic aspiration of the bladder where previous aerobic urine culture is negative, plus microscopical examination of urine, with cell count, relevant stains (if indicated), aerobic cultural examination and colony count of micro-organisms (not being a service to which Item 1682 or 1683 applies), together with sensitivity testing (where indicated) and general examination for one or more of pH, specific gravity, blood, albumin, urobilinogen, sugar, acetone and bile pigments (not covered by Item 1673, 1674 or 1676) (SP)	32.65	32.65	32.65	32.65	32.65	32.65

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SCHEDULE 1—continued

Item No.	Pathology Service	Fees					
		N.S.W.	Vic.	Qld	S.A.	W.A.	Tas.
		\$	\$	\$	\$	\$	\$
1669	Anaerobic culture of urine obtained by suprapubic aspiration of the bladder where previous aerobic urine culture is negative, plus microscopical examination of urine, with cell count, relevant stains (if indicated), aerobic cultural examination and colony count of micro-organisms (not being a service to which Item 1682 or 1683 applies), together with sensitivity testing (where indicated) and general examination for one or more of pH, specific gravity, blood, albumin, urobilinogen, sugar, acetone and bile pigments (not covered by Item 1673, 1674 or 1676) (OP)	24.50	24.50	24.50	24.50	24.50	24.50
1673	Microscopical examination of urine, with cell count, relevant stains (if indicated), aerobic cultural examination and colony count of micro-organisms (other than by simple microscopy and simple culture, e.g. dip slide and microbiological kit tests covered by Item 1682), with sensitivity testing and testing for substances inhibitory to micro-organisms where indicated and with general examination for one or more of the following where indicated—pH, specific gravity, blood, albumin, urobilinogen, sugar, acetone and bile pigments (SP)	24.00	24.00	24.00	24.00	24.00	24.00
1674	Microscopical examination of urine, with cell count, relevant stains (if indicated), aerobic cultural examination and colony count of micro-organisms (other than by simple microscopy and simple culture, e.g. dip slide and microbiological kit tests covered by Item 1682), with sensitivity testing and testing for substances inhibitory to micro-organisms where indicated and with general examination for one or more of the following where indicated—pH, specific gravity, blood, albumin, urobilinogen, sugar, acetone and bile pigments (OP)	18.00	18.00	18.00	18.00	18.00	18.00
1682	Microscopical examination of urine and simple culture by means of dip slide or microbiological kit test (where the patient is referred by another medical practitioner) (SP)	11.40	11.40	11.40	11.40	11.40	11.40
1683	Microscopical examination of urine and simple culture by means of dip slide or microbiological kit test (where the patient is referred by another medical practitioner) (OP)	8.55	8.55	8.55	8.55	8.55	8.55
1687	Microscopical examination of faeces or body fluids for parasites, cysts or ova, with or without simple stains or concentration techniques (SP)	17.20	17.20	17.20	17.20	17.20	17.20
1688	Microscopical examination of faeces or body fluids for parasites, cysts or ova, with or without simple stains or concentration techniques (OP)	12.90	12.90	12.90	12.90	12.90	12.90

SCHEDULE 1—continued

Item No.	Pathology Service	Fees					
		N.S.W.	Vic.	Qld	S.A.	W.A.	Tas.
		\$	\$	\$	\$	\$	\$
1693	Identification of helminths (SP)	11.40	11.40	11.40	11.40	11.40	11.40
1694	Identification of helminths (OP)	8.55	8.55	8.55	8.55	8.55	8.55
1702	Cultural examination for parasites, other than trichomonas—culture of one parasite (SP).	23.00	23.00	23.00	23.00	23.00	23.00
1703	Cultural examination for parasites, other than trichomonas—culture of one parasite (OP)	17.25	17.25	17.25	17.25	17.25	17.25
1705	Cultural examination for parasites, other than trichomonas—culture of two or more parasites (SP)	40.00	40.00	40.00	40.00	40.00	40.00
1706	Cultural examination for parasites, other than trichomonas—culture of two or more parasites (OP)	30.00	30.00	30.00	30.00	30.00	30.00
1721	Determination of the minimum inhibitory concentration of an antibiotic or chemotherapeutic agent by tube technique or by agar plate dilution—one organism (SP)	23.00	23.00	23.00	23.00	23.00	23.00
1722	Determination of the minimum inhibitory concentration of an antibiotic or chemotherapeutic agent by tube technique or by agar plate dilution—one organism (OP)	17.25	17.25	17.25	17.25	17.25	17.25
1724	Determination of the minimum inhibitory concentration of an antibiotic or chemotherapeutic agent by tube technique or by agar plate dilution—two or more organisms (SP)	28.50	28.50	28.50	28.50	28.50	28.50
1725	Determination of the minimum inhibitory concentration of an antibiotic or chemotherapeutic agent by tube technique or by agar plate dilution—two or more organisms (OP)	21.40	21.40	21.40	21.40	21.40	21.40
1732	Detection of substances inhibitory to micro-organisms in a body fluid (excluding urine)(SP)	5.70	5.70	5.70	5.70	5.70	5.70
1733	Detection of substances inhibitory to micro-organisms in a body fluid (excluding urine)(OP).	4.30	4.30	4.30	4.30	4.30	4.30
1743	Quantitative assay of an antibiotic or a chemotherapeutic agent in a body fluid (including urine)(SP)	23.00	23.00	23.00	23.00	23.00	23.00
1744	Quantitative assay of an antibiotic or a chemotherapeutic agent in a body fluid (including urine)(OP).	17.25	17.25	17.25	17.25	17.25	17.25
1747	Serological tests for hepatitis—for each test (maximum of 2 tests)(SP)	23.00	23.00	23.00	23.00	23.00	23.00
1748	Serological tests for hepatitis—for each test (maximum of 2 tests)(OP).	17.25	17.25	17.25	17.25	17.25	17.25
1756	Agglutination tests (screening)—one test (SP)	5.70	5.70	5.70	5.70	5.70	5.70
1757	Agglutination tests (screening)—one test (OP)	4.30	4.30	4.30	4.30	4.30	4.30
1758	Agglutination tests (screening)—two or more tests (SP)	6.90	6.90	6.90	6.90	6.90	6.90

SCHEDULE 1—continued

Item No.	Pathology Service	Fees					
		N.S.W.	Vic.	Qld	S.A.	W.A.	Tas.
		\$	\$	\$	\$	\$	\$
1759	Agglutination tests (screening)—two or more tests (OP)	5.20	5.20	5.20	5.20	5.20	5.20
1760	Agglutination test (quantitative), including those for enteric fever and brucellosis—one antigen (SP)	17.20	17.20	17.20	17.20	17.20	17.20
1761	Agglutination test (quantitative), including those for enteric fever and brucellosis—one antigen (OP)	12.90	12.90	12.90	12.90	12.90	12.90
1763	Agglutination tests (quantitative), including those for enteric fever and brucellosis—second to sixth antigen—each antigen (SP)	9.20	9.20	9.20	9.20	9.20	9.20
1764	Agglutination tests (quantitative), including those for enteric fever and brucellosis—second to sixth antigen—each antigen (OP)	6.90	6.90	6.90	6.90	6.90	6.90
1766	Agglutination tests (quantitative), including those for enteric fever and brucellosis—each antigen in excess of six (SP)	4.60	4.60	4.60	4.60	4.60	4.60
1767	Agglutination tests (quantitative), including those for enteric fever and brucellosis—each antigen in excess of six (OP)	3.45	3.45	3.45	3.45	3.45	3.45
1772	Flocculation test, including V.D.R.L., Kahn, Kline or similar test—one test (SP)	5.70	5.70	5.70	5.70	5.70	5.70
1773	Flocculation test, including V.D.R.L., Kahn, Kline or similar test—one test (OP)	4.30	4.30	4.30	4.30	4.30	4.30
1775	Flocculation test, including V.D.R.L., Kahn, Kline or similar tests—two or more tests (SP)	6.90	6.90	6.90	6.90	6.90	6.90
1776	Flocculation test, including V.D.R.L., Kahn, Kline or similar tests—two or more tests (OP)	5.20	5.20	5.20	5.20	5.20	5.20
1781	Complement fixation tests—one test (SP)	23.00	23.00	23.00	23.00	23.00	23.00
1782	Complement fixation tests—one test (OP)	17.25	17.25	17.25	17.25	17.25	17.25
1784	Complement fixation tests—each test in excess of one (SP)	5.70	5.70	5.70	5.70	5.70	5.70
1785	Complement fixation tests—each test in excess of one (OP)	4.30	4.30	4.30	4.30	4.30	4.30
1793	Fluorescent serum antibody test (FTA test, FTA—absorbed test or similar)—one test (SP)	17.20	17.20	17.20	17.20	17.20	17.20
1794	Fluorescent serum antibody test (FTA test, FTA—absorbed test or similar)—one test (OP)	12.90	12.90	12.90	12.90	12.90	12.90
1796	Each test referred to in Item 1793 in excess of one (SP)	9.20	9.20	9.20	9.20	9.20	9.20
1797	Each test referred to in Item 1794 in excess of one (OP)	6.90	6.90	6.90	6.90	6.90	6.90
1805	Haemagglutination tests—one test (SP)	11.40	11.40	11.40	11.40	11.40	11.40
1806	Haemagglutination tests—one test (OP)	8.55	8.55	8.55	8.55	8.55	8.55
1808	Haemagglutination tests—each test in excess of one (SP)	5.70	5.70	5.70	5.70	5.70	5.70

SCHEDULE 1—continued

Item No.	Pathology Service	Fees					
		N.S.W.	Vic.	Qld	S.A.	W.A.	Tas.
		\$	\$	\$	\$	\$	\$
1809	Haemagglutination tests—each test in excess of one (OP)	4.30	4.30	4.30	4.30	4.30	4.30
1823	Haemagglutination inhibition tests—one test (SP)	11.40	11.40	11.40	11.40	11.40	11.40
1824	Haemagglutination inhibition tests—one test (OP)	8.55	8.55	8.55	8.55	8.55	8.55
1826	Haemagglutination inhibition tests—each test in excess of one (SP)	5.70	5.70	5.70	5.70	5.70	5.70
1827	Haemagglutination inhibition tests—each test in excess of one (OP)	4.30	4.30	4.30	4.30	4.30	4.30
1839	Antistreptolysin O titre or similar test, qualitative, not associated with Item 1843 or 1846 (SP)	5.70	5.70	5.70	5.70	5.70	5.70
1840	Antistreptolysin O titre or similar test, qualitative, not associated with Item 1844 or 1847 (OP)	4.30	4.30	4.30	4.30	4.30	4.30
1843	Antistreptolysin O titre test, antidesoxy-ribonuclease B titre test or similar test (quantitative)—one test (SP)	17.20	17.20	17.20	17.20	17.20	17.20
1844	Antistreptolysin O titre test, antidesoxy-ribonuclease B titre test or similar test (quantitative)—one test (OP)	12.90	12.90	12.90	12.90	12.90	12.90
1846	Antistreptolysin O titre test, antidesoxy-ribonuclease B titre test or similar test (quantitative)—two or more tests (SP)	26.00	26.00	26.00	26.00	26.00	26.00
1847	Antistreptolysin O titre test, antidesoxy-ribonuclease B titre test or similar test (quantitative)—two or more tests (OP)	19.50	19.50	19.50	19.50	19.50	19.50
1851	Total and differential cell count on any body fluid (SP)	11.40	11.40	11.40	11.40	11.40	11.40
1852	Total and differential cell count on any body fluid (OP)	8.55	8.55	8.55	8.55	8.55	8.55
1858	Autogenous vaccine, preparation of—each organism (SP)	46.00	46.00	46.00	46.00	46.00	46.00
1859	Autogenous vaccine, preparation of—each organism (OP)	34.50	34.50	34.50	34.50	34.50	34.50
<i>Division 4—Immunology</i>							
1877	Immunoelectrophoresis using polyvalent antisera (SP)	34.50	34.50	34.50	34.50	34.50	34.50
1878	Immunoelectrophoresis using polyvalent antisera (OP)	25.90	25.90	25.90	25.90	25.90	25.90
1884	Immunoelectrophoresis using monovalent antiserum—each antiserum (SP)	5.70	5.70	5.70	5.70	5.70	5.70
1885	Immunoelectrophoresis using monovalent antiserum—each antiserum (OP)	4.30	4.30	4.30	4.30	4.30	4.30
1888	Immunoglobulins G, A, M or D, quantitative estimation of by immunodiffusion or any other method—estimation of one immunoglobulin (SP)	23.00	23.00	23.00	23.00	23.00	23.00
1889	Immunoglobulins G, A, M or D, quantitative estimation of by immunodiffusion or any other method—estimation of one immunoglobulin (OP)	17.25	17.25	17.25	17.25	17.25	17.25

SCHEDULE 1—continued

Item No.	Pathology Service	Fees					
		N.S.W.	Vic.	Qld	S.A.	W.A.	Tas.
		\$	\$	\$	\$	\$	\$
1891	Immunoglobulins G, A, M or D, quantitative estimation of by immunodiffusion or any other method—estimation of each immunoglobulin in excess of one (SP)	11.40	11.40	11.40	11.40	11.40	11.40
1892	Immunoglobulins G, A, M or D, quantitative estimation of by immunodiffusion or any other method—estimation of each immunoglobulin in excess of one (OP)	8.55	8.55	8.55	8.55	8.55	8.55
1897	Immunoglobulin E, quantitative estimation of (SP)	34.50	34.50	34.50	34.50	34.50	34.50
1898	Immunoglobulin E, quantitative estimation of (OP)	25.90	25.90	25.90	25.90	25.90	25.90
1903	Radioallergosorbent tests for allergen identification—identification of one allergen (SP)	11.40	11.40	11.40	11.40	11.40	11.40
1904	Radioallergosorbent tests for allergen identification—identification of one allergen (OP)	8.55	8.55	8.55	8.55	8.55	8.55
1905	Radioallergosorbent tests for allergen identification—identification of each allergen referred to in Item 1903 in excess of one allergen to a maximum of three allergens (SP)	5.70	5.70	5.70	5.70	5.70	5.70
1906	Radioallergosorbent tests for allergen identification—identification of each allergen referred to in Item 1904 in excess of one allergen to a maximum of three allergens (OP)	4.30	4.30	4.30	4.30	4.30	4.30
1911	Immunofluorescent detection of tissue antibodies, qualitative (not associated with the service specified in Item 1918), detection of one antibody (SP)	23.00	23.00	23.00	23.00	23.00	23.00
1912	Immunofluorescent detection of tissue antibodies, qualitative (not associated with the service specified in Item 1919), detection of one antibody (OP)	17.25	17.25	17.25	17.25	17.25	17.25
1913	Immunofluorescent detection of tissue antibodies, qualitative (not associated with the service specified in Item 1918), detection of each antibody in excess of one (SP)	11.40	11.40	11.40	11.40	11.40	11.40
1914	Immunofluorescent detection of tissue antibodies, qualitative (not associated with the service specified in Item 1919), detection of each antibody in excess of one (OP)	8.55	8.55	8.55	8.55	8.55	8.55
1918	Immunofluorescent detection of tissue antibodies, qualitative and quantitative—detection and estimation of each antibody (SP)	28.50	28.50	28.50	28.50	28.50	28.50
1919	Immunofluorescent detection of tissue antibodies, qualitative and quantitative—detection and estimation of each antibody (OP)	21.40	21.40	21.40	21.40	21.40	21.40
1924	Complement fixation tests on human tissue antibodies—one antibody (SP)	23.00	23.00	23.00	23.00	23.00	23.00

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SCHEDULE 1—continued

Item No.	Pathology Service	Fees					
		N.S.W.	Vic.	Qld	S.A.	W.A.	Tas.
		\$	\$	\$	\$	\$	\$
1925	Complement fixation tests on human tissue antibodies—one antibody (OP)	17.25	17.25	17.25	17.25	17.25	17.25
1926	Complement fixation tests on human tissue antibodies—each antibody in excess of one (SP)	11.40	11.40	11.40	11.40	11.40	11.40
1927	Complement fixation tests on human tissue antibodies—each antibody in excess of one (OP)	8.55	8.55	8.55	8.55	8.55	8.55
1935	Latex flocculation test—qualitative, quantitative or qualitative and quantitative (SP)	11.40	11.40	11.40	11.40	11.40	11.40
1936	Latex flocculation test—qualitative, quantitative or qualitative and quantitative (OP)	8.55	8.55	8.55	8.55	8.55	8.55
1941	Rose Waaler test, quantitative, using sheep cells (SP)	23.00	23.00	23.00	23.00	23.00	23.00
1942	Rose Waaler test, quantitative, using sheep cells (OP)	17.25	17.25	17.25	17.25	17.25	17.25
1943	Modified Rose Waaler test using stabilised sheep cells, not associated with Item 1941 (SP)	11.40	11.40	11.40	11.40	11.40	11.40
1944	Modified Rose Waaler test using stabilised sheep cells, not associated with Item 1942 (OP)	8.55	8.55	8.55	8.55	8.55	8.55
1948	Lupus erythematosus cells, preparation and examination of film for (SP)	17.20	17.20	17.20	17.20	17.20	17.20
1949	Lupus erythematosus cells, preparation and examination of film for (OP)	12.90	12.90	12.90	12.90	12.90	12.90
1955	Tanned erythrocyte haemagglutination test for tissue antibodies—one antibody (SP)	23.00	23.00	23.00	23.00	23.00	23.00
1956	Tanned erythrocyte haemagglutination test for tissue antibodies—one antibody (OP)	17.25	17.25	17.25	17.25	17.25	17.25
1957	Tanned erythrocyte haemagglutination test for tissue antibodies—each antibody in excess of one (SP)	11.40	11.40	11.40	11.40	11.40	11.40
1958	Tanned erythrocyte haemagglutination test for tissue antibodies—each antibody in excess of one (OP)	8.55	8.55	8.55	8.55	8.55	8.55
1965	Leucocyte fractionation as preliminary test to specific tests of leucocyte function—by density gradient centrifugation or any other method (SP)	34.50	34.50	34.50	34.50	34.50	34.50
1966	Leucocyte fractionation as preliminary test to specific tests of leucocyte function—by density gradient centrifugation or any other method (OP)	25.90	25.90	25.90	25.90	25.90	25.90
1971	Neutrophil or monocyte tests for phagocytic activity—visual techniques (SP)	34.50	34.50	34.50	34.50	34.50	34.50
1972	Neutrophil or monocyte tests for phagocytic activity—visual techniques (OP)	25.90	25.90	25.90	25.90	25.90	25.90
1973	Neutrophil or monocyte function tests for phagocytic activity—radioactive techniques (SP)	57.00	57.00	57.00	57.00	57.00	57.00

SCHEDULE 1—continued

Item No.	Pathology Service	Fees					
		N.S.W.	Vic.	Qld	S.A.	W.A.	Tas.
		\$	\$	\$	\$	\$	\$
1974	Neutrophil or monocyte function tests for phagocytic activity—radioactive techniques (OP)	42.75	42.75	42.75	42.75	42.75	42.75
1981	Lymphocyte cell count—E. rosette technique or similar (SP)	46.00	46.00	46.00	46.00	46.00	46.00
1982	Lymphocyte cell count—E. rosette technique or similar (OP)	34.50	34.50	34.50	34.50	34.50	34.50
1987	B lymphocyte cell count—by immunofluorescence or immunoperoxidase (SP)	46.00	46.00	46.00	46.00	46.00	46.00
1988	B lymphocyte cell count—by immunofluorescence or immunoperoxidase (OP)	34.50	34.50	34.50	34.50	34.50	34.50
1995	Lymphocyte function test—visual transformation (SP)	46.00	46.00	46.00	46.00	46.00	46.00
1996	Lymphocyte function test—visual transformation (OP)	34.50	34.50	34.50	34.50	34.50	34.50
1997	Lymphocyte function test—radioactive techniques (SP)	69.00	69.00	69.00	69.00	69.00	69.00
1998	Lymphocyte function test—radioactive techniques (OP)	51.75	51.75	51.75	51.75	51.75	51.75
2006	Tissue group typing (HLA phenotyping) (SP)	57.00	57.00	57.00	57.00	57.00	57.00
2007	Tissue group typing (HLA phenotyping) (OP)	42.75	42.75	42.75	42.75	42.75	42.75
2013	Mantoux, Schick, casoni or similar test, not being a test covered by Item 987 or 989 (SP)	11.40	11.40	11.40	11.40	11.40	11.40
2014	Mantoux, Schick, casoni or similar test, not being a test covered by Item 987 or 989 (OP)	8.55	8.55	8.55	8.55	8.55	8.55
2022	Skin sensitivity—induction and detection of sensitivity to chemical antigens (SP)	23.00	23.00	23.00	23.00	23.00	23.00
2023	Skin sensitivity—induction and detection of sensitivity to chemical antigens (OP)	17.25	17.25	17.25	17.25	17.25	17.25
<i>Division 5—Histopathology</i>							
2041	Histopathology examination of biopsy material—processing of one or more paraffin blocks, with all appropriate stains and provision of professional opinion (SP)	80.00	80.00	80.00	80.00	80.00	80.00
2042	Histopathology examination of biopsy material—processing of one or more paraffin blocks, with all appropriate stains and provision of professional opinion (OP)	60.00	60.00	60.00	60.00	60.00	60.00
2048	Immediate frozen section diagnosis of biopsy material performed at the pathologist's laboratory and confirmatory histopathology examination of this material after the frozen section using all appropriate stains (SP)	104.00	104.00	104.00	104.00	104.00	104.00
2049	Immediate frozen section diagnosis of biopsy material performed at the pathologist's laboratory and confirmatory histopathology examination of this material after the frozen section using all appropriate stains (OP)	78.00	78.00	78.00	78.00	78.00	78.00

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SCHEDULE 1—continued

Item No.	Pathology Service	Fees					
		N.S.W.	Vic.	Qld	S.A.	W.A.	Tas.
		\$	\$	\$	\$	\$	\$
2056	Immediate frozen section diagnosis of biopsy material performed at a distance of one or more kilometres from the pathologist's laboratory and confirmatory histopathology examination of this material after the frozen section using all appropriate stains (SP)	148.00	148.00	148.00	148.00	148.00	148.00
2057	Immediate frozen section diagnosis of biopsy material performed at a distance of one or more kilometres from the pathologist's laboratory and confirmatory histopathology examination of this material after the frozen section using all appropriate stains (OP)	111.00	111.00	111.00	111.00	111.00	111.00
2060	Immunofluorescent or immunoperoxidase investigation of biopsy specimen, including any other histopathology examination of the biopsy specimen and any histopathology examination of tissue obtained from the patient at the time the tissue subject to immunofluorescent or immunoperoxidase investigation was obtained—one or both investigations (SP)	104.00	104.00	104.00	104.00	104.00	104.00
2061	Immunofluorescent or immunoperoxidase investigation of biopsy specimen, including any other histopathology examination of the biopsy specimen and any histopathology examination of tissue obtained from the patient at the time the tissue subject to immunofluorescent or immunoperoxidase investigation was obtained—one or both investigations (OP).	78.00	78.00	78.00	78.00	78.00	78.00
2062	Electron microscopy examination of biopsy specimen, including any other histopathology examination of the biopsy specimen and any histopathology examination of tissue obtained from the patient at the time the tissue subject to the electron microscopy examination was obtained (SP)	120.00	120.00	120.00	120.00	120.00	120.00
2063	Electron microscopy examination of biopsy specimen, including any other histopathology examination of the biopsy specimen and any histopathology examination of tissue obtained from the patient at the time the tissue subject to the electron microscopy examination was obtained (OP)	90.00	90.00	90.00	90.00	90.00	90.00
<i>Division 6—Cytology</i>							
2081	Cytological examination for pathological change of smears from cervix and vagina, skin or mucous membrane, excluding nasal smears for cell count covered by Item 1545, 1546, 1548 or 1549—each examination (SP)	17.20	17.20	17.20	17.20	17.20	17.20

SCHEDULE 1—continued

Item No.	Pathology Service	Fees					
		N.S.W.	Vic.	Qld	S.A.	W.A.	Tas.
		\$	\$	\$	\$	\$	\$
2082	Cytological examination for pathological change of smears from cervix and vagina, skin or mucous membrane, excluding nasal smears for cell count covered by Item 1545, 1546, 1548 or 1549—each examination (OP) . . .	12.90	12.90	12.90	12.90	12.90	12.90
2091	Cytological examination of body fluid or washings for malignant cells—examination of sputum, urine, bronchial secretion, cerebrospinal fluid, peritoneal fluid, any similar fluid, gastric washings, duodenal washings, oesophageal washings or colonic washings, including collection of specimen—each examination (SP)	34.50	34.50	34.50	34.50	34.50	34.50
2092	Cytological examination of body fluid or washings for malignant cells—examination of sputum, urine, bronchial secretion, cerebrospinal fluid, peritoneal fluid, any similar fluid, gastric washings, duodenal washings, oesophageal washings or colonic washings, including collection of specimen—each examination (OP)	25.90	25.90	25.90	25.90	25.90	25.90
2093	Cytological examination for malignant cells of material obtained by fine needle aspiration of solid tissues (SP) . . .	46.00	46.00	46.00	46.00	46.00	46.00
2094	Cytological examination for malignant cells of material obtained by fine needle aspiration of solid tissues (OP) . .	34.50	34.50	34.50	34.50	34.50	34.50
2104	Hormonal assessment by cytological examination of vaginal epithelium involving cell count, index or both (SP)	17.20	17.20	17.20	17.20	17.20	17.20
2105	Hormonal assessment by cytological examination of vaginal epithelium involving cell count, index or both (OP)	12.90	12.90	12.90	12.90	12.90	12.90
2111	Cytological examination for pathological change of smears from cervix and vagina with hormonal assessment by cytological examination of vaginal epithelium involving cell count, index or both (SP)	28.50	28.50	28.50	28.50	28.50	28.50
2112	Cytological examination for pathological change of smears from cervix and vagina with hormonal assessment by cytological examination of vaginal epithelium involving cell count, index or both (OP)	21.40	21.40	21.40	21.40	21.40	21.40
2148	Chromosome studies, including preparation, count and karyotyping of amniotic fluid (SP)	172.00	172.00	172.00	172.00	172.00	172.00
2149	Chromosome studies, including preparation, count and karyotyping of amniotic fluid (OP)	129.00	129.00	129.00	129.00	129.00	129.00

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SCHEDULE 1—continued

Item No.	Pathology Service	Fees					
		N.S.W.	Vic.	Qld	S.A.	W.A.	Tas.
		\$	\$	\$	\$	\$	\$
2155	Chromosome studies, including preparation, count and karyotyping of bone marrow (SP)	114.00	114.00	114.00	114.00	114.00	114.00
2156	Chromosome studies, including preparation, count and karyotyping of bone marrow (OP)	85.50	85.50	85.50	85.50	85.50	85.50
2161	Chromosome studies, including preparation, count and karyotyping of blood, skin or any tissue or fluid not referred to in Item 2148 or 2155—each study (SP)	138.00	138.00	138.00	138.00	138.00	138.00
2162	Chromosome studies, including preparation, count and karyotyping of blood, skin or any tissue or fluid not referred to in Item 2149 or 2156—each study (OP)	103.50	103.50	103.50	103.50	103.50	103.50
2170	Chromosome identification by banding techniques (using fluorescein, Giemsa or centromeres staining)—one method (SP)	114.00	114.00	114.00	114.00	114.00	114.00
2171	Chromosome identification by banding techniques (using fluorescein, Giemsa or centromeres staining)—one method (OP)	85.50	85.50	85.50	85.50	85.50	85.50
2173	Chromosome identification by banding techniques (using fluorescein, Giemsa or centromeres staining)—two or more methods (SP)	172.00	172.00	172.00	172.00	172.00	172.00
2174	Chromosome identification by banding techniques (using fluorescein, Giemsa or centromeres staining)—two or more methods (OP)	129.00	129.00	129.00	129.00	129.00	129.00
<i>Division 8—Infertility and Pregnancy Tests</i>							
2201	Examination of semen for presence of spermatozoa (SP)	6.90	6.90	6.90	6.90	6.90	6.90
2202	Examination of semen for presence of spermatozoa (OP)	5.20	5.20	5.20	5.20	5.20	5.20
2211	Huhner's test (post-coital test)—collection of sample and examination of wet preparation (SP)	23.00	23.00	23.00	23.00	23.00	23.00
2212	Huhner's test (post-coital test)—collection of sample and examination of wet preparation (OP)	17.25	17.25	17.25	17.25	17.25	17.25
2215	Examination of semen involving measurement of volume, sperm count, gram or similar stain, morphology by differential count and motility (including duration) or viability or both (SP)	34.50	34.50	34.50	34.50	34.50	34.50
2216	Examination of semen involving measurement of volume, sperm count, gram or similar stain, morphology by differential count and motility (including duration) or viability or both (OP)	25.90	25.90	25.90	25.90	25.90	25.90
2225	Chemical analysis of semen—analysis of one substance (SP)	17.20	17.20	17.20	17.20	17.20	17.20
2226	Chemical analysis of semen—analysis of one substance (OP)	12.90	12.90	12.90	12.90	12.90	12.90

SCHEDULE 1—continued

Item No.	Pathology Service	Fees					
		N.S.W.	Vic.	Qld	S.A.	W.A.	Tas.
		\$	\$	\$	\$	\$	\$
2227	Chemical analysis of semen—analysis of two or more substances (SP)	28.50	28.50	28.50	28.50	28.50	28.50
2228	Chemical analysis of semen—analysis of two or more substances (OP)	21.40	21.40	21.40	21.40	21.40	21.40
2247	Spermagglutinating and immobilising antibodies, test for—one test (SP) . . .	17.20	17.20	17.20	17.20	17.20	17.20
2248	Spermagglutinating and immobilising antibodies, test for—one test (OP) . . .	12.90	12.90	12.90	12.90	12.90	12.90
2249	Two or more tests referred to in Item 2247 (SP)	23.00	23.00	23.00	23.00	23.00	23.00
2250	Two or more tests referred to in Item 2248 (OP)	17.25	17.25	17.25	17.25	17.25	17.25
2264	Sperm penetrability, one or more tests for—not associated with Item 2211 (SP)	23.00	23.00	23.00	23.00	23.00	23.00
2265	Sperm penetrability, one or more tests for—not associated with Item 2212 (OP)	17.25	17.25	17.25	17.25	17.25	17.25
2272	Chorionic gonadotrophin (beta-HCG), qualitative estimation or quantitative estimation or qualitative and quantitative estimation by one or more methods for any purpose not covered by Item 2285 or 2286 (SP)	11.40	11.40	11.40	11.40	11.40	11.40
2273	Chorionic gonadotrophin (beta-HCG), qualitative estimation or quantitative estimation or qualitative and quantitative estimation by one or more methods for any purpose not covered by Item 2285 or 2286 (OP)	8.55	8.55	8.55	8.55	8.55	8.55
2285	Chorionic gonadotrophin quantitative estimation of (including serial dilutions) for assessments of hormone levels in the case of proven hormone producing neoplasms by one or more methods (SP)	34.50	34.50	34.50	34.50	34.50	34.50
2286	Chorionic gonadotrophin quantitative estimation of (including serial dilutions) for assessments of hormone levels in the case of proven hormone producing neoplasms by one or more methods (OP)	25.90	25.90	25.90	25.90	25.90	25.90
2287	Pregnancy pathology assessment—comprising haemoglobin estimation, calculation of red cell indices, blood film examination, blood grouping, examination for blood group antibodies, test for syphilis, test for rubella antibodies, microscopic examination of urine and culture—one assessment in any one pregnancy (SP)	72.00	72.00	72.00	72.00	72.00	72.00
2288	Pregnancy pathology assessment—comprising haemoglobin estimation, calculation of red cell indices, blood film examination, blood grouping, examination for blood group antibodies, test for syphilis, test for rubella antibodies, microscopic examination of urine and culture—one assessment in any one pregnancy (OP).	54.00	54.00	54.00	54.00	54.00	54.00

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Item No.	Pathology Service	Fees					
		N.S.W.	Vic.	Qld	S.A.	W.A.	Tas.
		\$	\$	\$	\$	\$	\$
<i>Division 8A—Examination not otherwise covered</i>							
2294	Pathology examination of any body fluid or tissue not covered by any other item in this Part (SP)	4.60	4.60	4.60	4.60	4.60	4.60
2295	Pathology examination of any body fluid or tissue not covered by any other item in this Part (OP)	3.45	3.45	3.45	3.45	3.45	3.45
<i>Division 9—Simple Basic Pathology Tests</i>							
2334	Blood count consisting of leucocyte count, erythrocyte sedimentation rate, examination of blood film (including differential leucocyte count) or any or all of haemoglobin estimation, haematocrit estimation or erythrocyte count—one procedure	3.45	3.45	3.45	3.45	3.45	3.45
2335	Blood count consisting of leucocyte count, erythrocyte sedimentation rate, examination of blood film (including differential leucocyte count) or any or all of haemoglobin estimation, haematocrit estimation or erythrocyte count—two procedures	5.20	5.20	5.20	5.20	5.20	5.20
2336	Blood count consisting of leucocyte count, erythrocyte sedimentation rate, examination of blood film (including differential leucocyte count) or any or all of haemoglobin estimation, haematocrit estimation or erythrocyte count—three or more procedures	6.90	6.90	6.90	6.90	6.90	6.90
2342	Microscopical examination of urine	3.45	3.45	3.45	3.45	3.45	3.45
2346	Pregnancy test by one or more immunochemical methods	8.55	8.55	8.55	8.55	8.55	8.55
2352	Microscopical examination of wet film other than urine	5.20	5.20	5.20	5.20	5.20	5.20
2357	Microscopical examination of gram stained film	6.90	6.90	6.90	6.90	6.90	6.90
2362	Chemical tests for occult blood in faeces by reagent stick, strip, tablet or similar method	1.75	1.75	1.75	1.75	1.75	1.75
2369	Microscopical examination screening for fungi in skin, hair or nails—one or more sites.	5.20	5.20	5.20	5.20	5.20	5.20
2374	Mantoux test	8.55	8.55	8.55	8.55	8.55	8.55
2382	Casoni test for hydatid disease.	8.55	8.55	8.55	8.55	8.55	8.55
2388	Schick test	8.55	8.55	8.55	8.55	8.55	8.55
2392	Seminal examination for presence of spermatozoa	5.20	5.20	5.20	5.20	5.20	5.20

SCHEDULE 2

Section 53

MINOR AMENDMENTS OF HEALTH INSURANCE ACT 1973

The following provisions of the *Health Insurance Act 1973* are amended by omitting "Chairman" (wherever occurring) and substituting "Chairperson":

Sub-sections 52 (1), (2), (5) and (7), 53 (3) and 59 (1), (2) and (3), section 64, section 65 (definitions of "Chairman" and "Deputy Chairman"), sub-sections 68 (1), (2), (5) and (7), section 69, sub-sections 70 (3) and 75 (1), (2), (3) and (4), section 78, sub-section 79 (1) (definitions of "Chairman" and "Deputy Chairman"), sub-sections 83 (1), (2), (5) and (7), section 84, sub-sections 85 (2) and 90 (1), (2), (3) and (4), section 93 and sub-section 97 (2).

SCHEDULE 3

Section 70

MINOR AMENDMENTS OF NATIONAL HEALTH ACT 1953

The following provisions of the *National Health Act 1953* are amended by omitting "Chairman" (wherever occurring) and substituting "Chairperson":

Sub-section 84 (1) (definitions of "Chairman" and "member"), paragraph 98A (2) (a), sub-sections 98A (4), 98BB (1) and (2), 98BC (5), 98E (1), 99A (2) and 99B (1), paragraph 99C (1) (a), sub-sections 99C (2) and 99D (1), (3), (7), (8) and (9), section 118 (definition of "Chairman") and sub-sections 120 (1) and (2), 124 (2) and (4), 125 (1) and 126 (1).

NOTES

1. No. 42, 1974, as amended. For previous amendments, see No. 58, 1975; Nos. 59, 91, 101, 109 and 157, 1976; No. 75, 1977; Nos. 36, 89 and 133, 1978; Nos. 53 and 123, 1979; No. 132, 1980; Nos. 118 and 176, 1981; Nos. 49, 80 and 112, 1982; Nos. 54 and 139, 1983; Nos. 15, 46, 63, 120, 135 and 165, 1984; and Nos. 24, 65, 70, 95 and 167, 1985.
2. No. 41, 1974, as amended. For previous amendments, see Nos. 61, 91 and 100, 1976; Nos. 36 and 134, 1978; No. 53, 1979; Nos. 54 and 115, 1983; No. 63, 1984; and Nos. 65 and 167, 1985.
3. No. 95, 1953, as amended. For previous amendments, see No. 68, 1955; Nos. 55 and 95, 1956; No. 92, 1957; No. 68, 1958; No. 72, 1959; No. 16, 1961; No. 82, 1962; No. 77, 1963; No. 37, 1964; Nos. 100 and 146, 1965; No. 44, 1966; Nos. 14 and 100, 1967; No. 100, 1968; No. 102, 1969; No. 41, 1970; No. 85, 1971; No. 114, 1972; Nos. 49 and 202, 1973; No. 37, 1974; Nos. 1, 13 and 93, 1975; Nos. 1, 60, 91, 99, 108, 157 and 177, 1976; Nos. 98 and 100, 1977; Nos. 36, 88, 132 and 189, 1978; Nos. 54, 91 and 122, 1979; Nos. 117 and 131, 1980; Nos. 40, 74, 92, 118, 163 and 176, 1981; Nos. 49, 80 and 112, 1982; Nos. 35, 54 and 139, 1983; Nos. 46, 63, 72, 120, 135 and 165, 1984; and Nos. 24, 53, 65, 70, 95, 127 and 167, 1985.
4. No. 164, 1985.
5. No. 46, 1948, as amended. For previous amendments, see No. 216, 1973; Nos. 135 and 165, 1984; and No. 24, 1985.

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*[Minister's second reading speech made in—
House of Representatives on 8 May 1986
Senate on 30 May 1986]*