



Health and Other Services (Compensation) (Consequential Amendments) Act 1995

No. 132 of 1995

**An Act to make certain amendments relating to the *Health
and Other Services (Compensation) Act 1995***

[Assented to 14 November 1995]

The Parliament of Australia enacts:

Short title

1. This Act may be cited as the *Health and Other Services
(Compensation) (Consequential Amendments) Act 1995*.

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(Consequential Amendments) No. 132, 1995

Commencement

2. This Act commences on the day on which the *Health and Other Services (Compensation) Act 1995* commences.

Amendments of Acts

3. The Acts referred to in the Schedule are amended as set out in the Schedule.

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SCHEDULE

Section 3

AMENDMENTS OF ACTS

Health Insurance Act 1973

1. Subsection 18(4):

Omit “Where”, substitute “Subject to subsection (4A), where”.

2. After subsection 18(4):

Insert:

“(4A) A direction under subsection (4) cannot be made on or after the day on which the *Health and Other Services (Compensation) Act 1995* commences.”.

3. Subsection 130(25) (definition of “officer”):

Omit “under, or in relation to, this Act”, substitute “, under or in relation to this Act or the *Health Insurance Commission Act 1973*”.

Health Insurance Commission Act 1973

4. After paragraph 3A(1)(b):

Insert:

“(ba) an offence against the *Health and Other Services (Compensation) Act 1995*; or”.

5. Paragraph 3A(1)(c):

Omit “or Part VII of the *National Health Act 1953*”, substitute “, Part VII of the *National Health Act 1953* or the *Health and Other Services (Compensation) Act 1995*”.

6. Subsection 3A(2):

Omit “Divisions 2 and 3”, substitute “Division 2”.

7. After subsection 3A(2):

Insert:

“(2A) For the purposes of Division 3 of Part IID, a relevant offence is:

- (a) an offence against section 128A, 128B, 129, 129AA or 129AAA of the *Health Insurance Act 1973*; or
- (b) an offence against subsection 84L(1) or (2) or section 103 of the *National Health Act 1953*; or
- (c) an offence against the *Health and Other Services (Compensation) Act 1995*; or

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- (d) an offence against section 6, 7 or 7A or paragraph 86(1)(a) of the *Crimes Act 1914* that relates to an offence referred to in paragraph (a), (b) or (c); or
- (e) an offence against subsection 29A(1) or (2), section 29B, 29C, 29D or 30, paragraph 67(b) or (e) or section 86A of the *Crimes Act 1914* that is an offence relating to a claim for payment in respect of the rendering of a professional service; or
- (f) an offence against section 6, 7 or 7A of the *Crimes Act 1914* that relates to an offence referred to in paragraph (e)."

8. Subsection 3A(3):

Omit "paragraph (2)(d)", substitute "paragraphs (2)(d) and (2A)(e)".

9. After section 8C:

Insert:

Administration of the *Health and Other Services (Compensation) Act 1995* etc.

"8D. The functions of the Commission include administering the *Health and Other Services (Compensation) Act 1995*, the *Health and Other Services (Compensation) Care Charges Act 1995* and the *Health and Other Services (Compensation) Administration Fee Act 1995*."

10. Subsection 41B(1):

- (a) After "Part IIB" insert "of this Act or section 40 of the *Health and Other Services (Compensation) Act 1995*".
- (b) After "section 42" insert "of this Act".

National Health Act 1953

11. Subsection 59(4):

Omit "Where", substitute "Subject to subsection (4A), where".

12. After subsection 59(4):

Insert:

"(4A) A direction under subsection (4) cannot be made on or after the day on which the *Health and Other Services (Compensation) Act 1995* commences."

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***[Minister's second reading speech made in—
House of Representatives on 9 December 1994
Senate on 1 February 1995]***