

**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.*

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.

———————

**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(l)(b):**

Insert:

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

**5. Paragraph 3A(l)(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

**SCHEDULE**—continued

(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.”.

[Minister’s second reading speech made in—

House of Representatives on 9 December 1994 Senate on 1 February 1995]