



Health Insurance Amendment (General Practitioners and Quality Assurance) Act 2020

No. 50, 2020

**An Act to amend the *Health Insurance Act 1973*,
and for other purposes**

Note: An electronic version of this Act is available on the Federal Register of Legislation (<https://www.legislation.gov.au/>)

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Health Insurance Amendment (General Practitioners and Quality Assurance) Act 2020

No. 50, 2020

**An Act to amend the *Health Insurance Act 1973*,
and for other purposes**

[Assented to 16 June 2020]

The Parliament of Australia enacts:

1 Short title

This Act is the *Health Insurance Amendment (General Practitioners and Quality Assurance) Act 2020*.

No. 50, 2020

Health Insurance Amendment (General Practitioners and Quality Assurance) Act 2020

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2 Commencement

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

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	16 June 2020
2. Schedule 1	A single day to be fixed by Proclamation. However, if the provisions do not commence within the period of 12 months beginning on the day this Act receives the Royal Assent, they commence on the day after the end of that period.	16 June 2021
3. Schedule 2	The day after this Act receives the Royal Assent.	17 June 2020

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

3 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—General practitioners

Part 1—Amendments

Health Insurance Act 1973

1 Subsection 3(1) (definition of *chiropractor*)

Repeal the definition, substitute:

chiropractor means a person who is registered under the National Law in the chiropractic profession.

2 Subsection 3(1) (definition of *consultant physician*)

After “particular specialty”, insert “(other than general practice)”.

3 Subsection 3(1) (definition of *dental practitioner*)

Repeal the definition, substitute:

dental practitioner means a person who is registered under the National Law in the dental profession.

4 Subsection 3(1) (definition of *general practitioner*)

Repeal the definition, substitute:

general practitioner means:

- (a) a medical practitioner who is registered under the National Law in the specialty of general practice; or
- (b) a medical practitioner of a kind prescribed by the regulations for the purposes of this paragraph.

5 Subsection 3(1) (definition of *medical practitioner*)

Repeal the definition, substitute:

medical practitioner means a person who is registered under the National Law in the medical profession.

6 Subsection 3(1) (definition of *midwife*)

Repeal the definition, substitute:

midwife means a person who is registered under the National Law in the midwifery profession.

7 Subsection 3(1)

Insert:

National Law means:

- (a) for a State or Territory (other than Western Australia)—the Health Practitioner Regulation National Law set out in the Schedule to the *Health Practitioner Regulation National Law Act 2009* (Qld), as it applies (with or without modification) as a law of the State or Territory; or
- (b) for Western Australia—the *Health Practitioner Regulation National Law (WA) Act 2010* (WA), so far as that Act corresponds to the Health Practitioner Regulation National Law set out in the Schedule to the *Health Practitioner Regulation National Law Act 2009* (Qld).

8 Subsection 3(1) (definition of *nurse practitioner*)

Repeal the definition, substitute:

nurse practitioner means a person who is registered under the National Law in the nursing profession as a nurse practitioner.

9 Subsection 3(1) (definition of *optometrist*)

Repeal the definition, substitute:

optometrist means a person who is registered under the National Law in the optometry profession.

10 Subsection 3(1) (definition of *osteopath*)

Repeal the definition, substitute:

osteopath means a person who is registered under the National Law in the osteopathy profession.

11 Subsection 3(1) (definition of *physiotherapist*)

Repeal the definition, substitute:

physiotherapist means a person who is registered under the National Law in the physiotherapy profession.

12 Subsection 3(1) (definition of *podiatrist*)

Repeal the definition, substitute:

podiatrist means a person who is registered under the National Law in the podiatry profession.

13 Subsection 3(1) (definition of *registered nurse*)

Repeal the definition, substitute:

registered nurse means a person who is registered under the National Law in the nursing profession as a registered nurse.

14 Subsection 3(1) (definition of *specialist*)

After “particular specialty”, insert “(other than general practice)”.

15 Subsection 3(1) (definition of *vocationally registered general practitioner*)

Repeal the definition.

16 Subsection 3D(1)

After “particular specialty”, insert “(other than general practice)”.

17 Paragraph 3D(2)(b)

After “specialty”, insert “(other than general practice)”.

18 Subsection 3D(3)

After “specialty”, insert “(other than general practice)”.

19 Subsection 3D(5) (definition of *relevant organisation*)

After “a specialty”, insert “(other than general practice)”.

20 Subsections 3DA(1) and (3)

Omit “specialty under”, substitute “specialty (other than general practice) under”.

21 Subsection 3DB(1)

Omit “specialty if”, substitute “specialty (other than general practice) if”.

22 Paragraph 3DB(1)(b)

Repeal the paragraph, substitute:

- (b) the medical practitioner is registered under the National Law as a specialist in a particular specialty (other than general practice).

23 Subsection 3DB(2)

After “particular specialty”, insert “(other than general practice)”.

24 Subsections 3DC(1) and 3E(1)

After “specialty”, insert “(other than general practice)”.

25 Sections 3EA, 3EB, 3F, 3G and 3H

Repeal the sections.

26 Paragraphs 19AA(1)(a) and (2)(a)

Before “medical practitioner”, insert “registered”.

27 Subsection 19AA(4)

Before “medical practitioner” (wherever occurring), insert “registered”.

28 Subsection 19AA(5) (definition of *intern*)

Before “medical practitioner” (wherever occurring), insert “registered”.

29 Subsection 19AA(5)

Insert:

registered medical practitioner means a person:

- (a) registered under the National Law in the medical profession;
or
- (b) registered or licensed as a medical practitioner under a law of a State or Territory that provided for the registration or licensing of medical practitioners (within the meaning of that law).

30 Subsections 19AB(1) and (2)

Before “medical practitioner” (wherever occurring), insert “registered”.

31 Subsection 19AB(7)

Insert:

registered medical practitioner means a person:

- (a) registered under the National Law in the medical profession;
or
- (b) registered or licensed as a medical practitioner under a law of a State or Territory that provided for the registration or licensing of medical practitioners (within the meaning of that law).

32 Subsection 19C(2)

Repeal the subsection.

33 Paragraphs 19C(3)(a) and (b)

Repeal the paragraphs, substitute:

- (a) a medical practitioner is not authorised under the practitioner’s registration under the National Law to render a particular professional service; and
- (b) the medical practitioner renders such a service;

34 Paragraphs 19C(4)(a) and (b)

Repeal the paragraphs, substitute:

- (a) a medical practitioner is authorised under the practitioner’s registration under the National Law to render a particular professional service only in particular circumstances; and
- (b) the medical practitioner renders such a service in other circumstances;

35 Paragraphs 19CB(1)(a) and (b)

Repeal the paragraphs, substitute:

- (a) is not authorised under the practitioner’s registration under the National Law to render a particular professional service;
or

- (b) is authorised under the practitioner’s registration under the National Law to render a particular professional service only in particular circumstances;

36 Subsection 19CB(1)

Omit “in that State or Territory”.

37 Paragraph 19CB(1)(d)

Omit “the practitioner’s licence”, substitute “the practitioner’s registration under the National Law”.

38 Subsection 19CB(3)

Repeal the subsection, substitute:

- (3) Unless sooner revoked, the direction has effect until the medical practitioner is authorised under the practitioner’s registration under the National Law to, as the case may be:
- (a) render the particular professional service; or
 - (b) render the particular professional service in circumstances in which the practitioner was not previously authorised under that registration to render it.

39 Subsection 19DA(1)

Repeal the subsection.

40 Subsection 19DA(2)

Omit “(2)”, substitute “(1)”.

41 At the end of section 19DA

Add:

- (2) In this section:

deregistered practitioner means a person who was a medical practitioner but is not currently a medical practitioner.

42 At the end of section 20

Add:

(7) In this section:

general practitioner includes a medical practitioner (other than a specialist or consultant physician) who practises in general practice.

43 Paragraph 93(8)(b)

After “body”, insert “or bodies”.

44 Subsection 93(8)

Omit “the person or body”, substitute “the person, body or bodies”.

45 Paragraphs 106XB(2)(c) and (d)

After “body”, insert “or bodies”.

46 Subsection 106XB(3)

Repeal the subsection, substitute:

(3) The appropriate body or bodies for the purposes of paragraphs (2)(c) and (d) are the body or bodies specified by the regulations.

47 Subsections 130(5C) and (5D)

Repeal the subsections.

48 Paragraphs 130(6)(e) to (eb)

Repeal the paragraphs, substitute:

- (e) a person or body who, under the National Law, is required or permitted to:
 - (i) take disciplinary action with respect to practitioners, optometrists, midwives or nurse practitioners; or
 - (ii) investigate practitioners, optometrists, midwives or nurse practitioners in connection with the taking of such disciplinary action; or

49 Paragraphs 130(7)(c) to (cb)

Repeal the paragraphs, substitute:

- (c) the administration of the National Law to the extent it provides for the registration of practitioners, optometrists, midwives or nurse practitioners;

50 At the end of paragraphs 130(7)(e), (f) and (fa)

Add “or”.

51 Paragraphs 130(7)(g) to (gb)

Repeal the paragraphs, substitute:

- (g) if the certificate specifies a purpose of the kind referred to in paragraph (c)—a person or body who, under the National Law, is required or permitted to:
 - (i) take disciplinary action with respect to practitioners, optometrists, midwives or nurse practitioners; or
 - (ii) investigate practitioners, optometrists, midwives or nurse practitioners in connection with the taking of such disciplinary action; or

52 Paragraph 130(9)(c)

Omit “or persons referred to in paragraph (6)(e), (ea) or (eb), or (7)(g), (ga) or (gb), or a person or employee under the control of such a person or persons”, substitute “(the *first person*) or body referred to in paragraph (6)(e) or (7)(g), or a person or employee under the control of the first person or body”.

53 Paragraph 130(9)(c)

Omit “law referred to in that paragraph”, substitute “National Law”.

Part 2—Application provisions

54 Alternative method of recognition as a specialist or consultant physician

Section 3DB of the *Health Insurance Act 1973*, as amended by this Schedule, applies in relation to an application that is made before, on or after the commencement of this Schedule.

55 Divulging of certain information

Section 130 of the *Health Insurance Act 1973*, as amended by this Schedule, applies in relation to information acquired before, on or after the commencement of this Schedule.

Part 3—Repeals

Health Practitioner Regulation (Consequential Amendments) Act 2010

56 The whole of the Act

Repeal the Act.

Schedule 2—Quality assurance confidentiality

Part 1—Amendments

Health Insurance Act 1973

1 Subsection 124W(1) (subparagraph (a)(iii) of the definition of *quality assurance activity*)

Repeal the subparagraph, substitute:

- (iii) services in respect of which payments were made, or that are or would be eligible for payments, under Part 3A of the *Federal Financial Relations Act 2009*; or

Part 2—Validation

2 Validation of declarations

- (1) This item applies if:
 - (a) a declaration in relation to an activity was made by the Minister under section 124X of the *Health Insurance Act 1973* on or after 1 July 2009 and before this item commences; and
 - (b) at the time the declaration was made, the activity was a quality assurance activity within the meaning of subsection 124W(1) of that Act, as amended by Part 1 of this Schedule.
- (2) The declaration is not invalid, and is taken never to have been invalid, only because the activity was not a quality assurance activity within the meaning of subsection 124W(1) of that Act as in force when the declaration was made.

3 Compensation for acquisition of property

- (1) If the operation of item 2 would result in an acquisition of property (within the meaning of paragraph 51(xxxi) of the Constitution) from a person otherwise than on just terms (within the meaning of that paragraph), the Commonwealth is liable to pay a reasonable amount of compensation to the person.
- (2) If the Commonwealth and the person do not agree on the amount of the compensation, the person may institute proceedings in a court of competent jurisdiction for the recovery from the Commonwealth of such reasonable amount of compensation as the court determines.

[Minister's second reading speech made in—
House of Representatives on 27 February 2020
Senate on 14 May 2020]

(22/20)
