



National Health Amendment (General Co-payment) Act 2022

No. 53, 2022

An Act to amend the *National Health Act 1953*, and for related 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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No. 53, 2022

An Act to amend the *National Health Act 1953*, and for related purposes

[Assented to 9 November 2022]

The Parliament of Australia enacts:

1 Short title

This Act is the *National Health Amendment (General Co-payment) Act 2022*.

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.	9 November 2022
2. Schedule 1	1 January 2023.	1 January 2023
3. Schedule 2	1 July 2023.	1 July 2023

Note: This table relates only to the provisions of this Act as originally enacted.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Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.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—Amendments

National Health Act 1953

1 Subsection 84(1)

Insert:

eligible for increased discounting: see section 87AA.

general patient charge amount means \$30.00.

Note: The figure in this definition is adjusted annually under section 99G.

2 Paragraph 84C(4)(c)

Omit “\$28.60” (first occurring), substitute “the general patient charge amount”.

3 Subparagraph 84C(4)(c)(i)

Omit “\$28.60”, substitute “if the supply is not eligible for increased discounting—the general patient charge amount”.

4 After subparagraph 84C(4)(c)(i)

Insert:

- (ia) if the supply is eligible for increased discounting—the amount charged for the supply under paragraph 87(2)(e);

5 Paragraph 87(2)(e)

Omit “supplied \$28.60 (less any allowable discount)”, substitute:
supplied either:

- (i) in any case—the general patient charge amount (less any allowable discount); or
- (ii) if the supply is eligible for increased discounting—an amount that is less than the lowest amount chargeable under subparagraph (i), but greater than nil.

6 Subsection 87(2) (note 1)

After “in dollars”, insert “, and the general patient charge amount,”.

7 At the end of subsection 87(2)

Add:

Note 3: For the purposes of subparagraph (e)(ii), the lowest amount chargeable under subparagraph (e)(i) is the amount that would be chargeable under that subparagraph if the pharmacist or medical practitioner gave the maximum allowable discount.

8 After section 87

Insert:

87AA Meaning of *eligible for increased discounting*

A supply of a pharmaceutical benefit by an approved pharmacist or an approved medical practitioner is *eligible for increased discounting* if:

- (a) the supply is upon a general benefit prescription (other than one relating to a supply to which paragraph 87(2)(b) applies); and
- (b) the supply is not an early supply of a specified pharmaceutical benefit; and
- (c) at the time of the supply, the Commonwealth price in relation to the pharmaceutical benefit is:
 - (i) greater than the general patient charge amount; and
 - (ii) less than or equal to \$42.50.

Note: The general patient charge amount and the figure in subparagraph (c)(ii) are adjusted annually under section 99G.

9 Paragraphs 99(2A)(a), (aa) and (b)

Omit “\$28.60”, substitute “the general patient charge amount”.

10 Subsection 99(2A) (note)

Repeal the note.

11 After subsection 99(2B)

Insert:

- (2C) If a supply is eligible for increased discounting, then:
- (a) subject to paragraph (b) of this subsection, paragraph (2)(b) applies in relation to the supply as if the reference in

paragraph (2)(b) to the amount (without any allowable discount) that the pharmacist or medical practitioner was entitled to charge under subsection 87(2) were a reference to the general patient charge amount; and

- (b) if an amount is charged for the supply under subparagraph 87(2)(e)(ii)—subsection (2) of this section does not apply in relation to the supply.

Note: Subparagraph 87(2)(e)(i) allows an approved pharmacist or approved medical practitioner to charge the general patient charge amount (less any allowable discount) for certain supplies. Subparagraph 87(2)(e)(ii) allows the approved pharmacist or approved medical practitioner to charge a lower amount if the supply is eligible for increased discounting.

12 Section 99F (definition of *general patient charge*)

Omit “each amount of \$28.60 referred to in paragraph 84C(4)(c) or 87(2)(e) or subsection 99(2A)”, substitute “the amount specified in the definition of *general patient charge amount* in subsection 84(1)”.

13 Section 99F

Insert:

increased discounting upper Commonwealth price means the amount specified in subparagraph 87AA(c)(ii).

14 Subsection 99G(1)

Omit “after 2005”.

15 Subsection 99G(1) (at the end of the table)

Add:

5.	Increased discounting upper Commonwealth price	1 January	September
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16 Indexation

General patient charge

- (1) The amount mentioned in item 1 of the table in subsection 99G(1) of the *National Health Act 1953*, as amended by this Schedule, is to be indexed under section 99G of that Act:
- (a) on 1 January 2024; and
 - (b) on 1 January in each year after 2024.

Increased discounting upper Commonwealth price

- (2) The amount mentioned in item 5 of that table is to be indexed under that section:
- (a) on 1 January 2023 (immediately after the commencement of this item); and
 - (b) on 1 January in each year after 2023.

Schedule 2—Special arrangements

National Health Act 1953

1 Subsections 100(1) and (2)

After “The Minister may”, insert “, by legislative instrument,”.

*[Minister’s second reading speech made in—
House of Representatives on 7 September 2022
Senate on 25 October 2022]*

(88/22)
