



Health Insurance (Pathology) (Fees) (Repeal) Act 2025

No. 40, 2025

**An Act to repeal the *Health Insurance (Pathology)
(Fees) Act 1991*, 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. 40, 2025

An Act to repeal the *Health Insurance (Pathology) (Fees) Act 1991*, and for related purposes

[Assented to 4 September 2025]

The Parliament of Australia enacts:

1 Short title

This Act is the *Health Insurance (Pathology) (Fees) (Repeal) Act 2025*.

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. The whole of this Act	The day after this Act receives the Royal Assent.	5 September 2025

Note: This table relates only to the provisions of this Act as originally enacted.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Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.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

Part 1—Repeals

Health Insurance (Pathology) (Fees) Act 1991

1 The whole of the Act

Repeal the Act.

Health Insurance (Pathology) (Fees) Amendment (Norfolk Island) Act 2015

2 The whole of the Act

Repeal the Act.

Part 2—Consequential amendments

Health Insurance Act 1973

3 Subsection 23DA(1)

Repeal the following definitions:

- (a) definition of *acceptance fee*;
- (b) definition of *accreditation fee*;
- (c) definition of *Fees Act*.

4 Subsection 23DC(10)

Repeal the subsection, substitute:

- (10) If the Minister accepts an undertaking given by a person under subsection (1), the Minister must give to the person a notice that:
- (a) specifies:
 - (i) the day on which the undertaking comes into force; and
 - (ii) the period determined by the Minister under paragraph (1)(c) as the period for which the undertaking is to have effect; and
 - (b) includes a statement to the effect that, subject to the *Administrative Review Tribunal Act 2024*, application may be made to the Administrative Review Tribunal by or on behalf of a person whose interests are affected by the decision, for review of the decision of the Minister determining the period for which the undertaking is to have effect.

5 Subsection 23DC(10B)

Repeal the subsection.

6 Paragraph 23DDA(1)(e)

Omit “force; and”, substitute “force.”.

7 Paragraph 23DDA(1)(f)

Repeal the paragraph.

8 Subsection 23DF(11)

Repeal the subsection, substitute:

- (11) If the Minister accepts an undertaking given by a person under subsection (1), the Minister must give to the person a notice that:
- (a) specifies:
 - (i) the day on which the undertaking comes into force; and
 - (ii) the period determined by the Minister under paragraph (1)(c) as the period for which the undertaking is to have effect; and
 - (b) includes a statement to the effect that, subject to the *Administrative Review Tribunal Act 2024*, application may be made to the Administrative Review Tribunal, by or on behalf of a person whose interests are affected by the decision, for review of the decision of the Minister determining the period for which the undertaking is to have effect.

9 Subsection 23DF(11B)

Repeal the subsection.

10 Paragraph 23DGA(1)(e)

Omit “force; and”, substitute “force.”.

11 Paragraph 23DGA(1)(f)

Repeal the paragraph.

12 Subsections 23DN(1) and (2)

Repeal the subsections, substitute:

- (2) If a person (*the applicant*) makes an application, in writing in the approved form, to the Minister for the approval of premises as an accredited pathology laboratory, the Minister may, in writing:
- (a) approve the premises as an accredited pathology laboratory; or
 - (b) refuse to approve the premises as an accredited pathology laboratory.

13 Subsection 23DN(2A)

Omit “An approval in principle under subsection (1), and an approval under subsection (2),”, substitute “An approval under subsection (2)”.

14 Subsection 23DN(5)

Omit “subsection (1) approving in principle”, substitute “subsection (2) approving”.

15 After subsection 23DN(5)

Insert:

(5A) If the decision is to approve, the Minister must also give a copy of the approval to the applicant.

16 Subsection 23DNAAA(1)

Omit “subsection 23DN(1)” (wherever occurring), substitute “subsection 23DN(2)”.

17 Paragraph 23DNAAA(1)(e)

Omit “effect; and”, substitute “effect.”.

18 Paragraph 23DNAAA(1)(f)

Repeal the paragraph.

19 Paragraphs 23DO(2C)(a) and (2D)(b)

Omit “subsection 23DN(1)”, substitute “subsection 23DN(2)”.

20 Paragraph 23DO(5)(a)

Omit “subsection 23DN(1), approving in principle”, substitute “subsection 23DN(2), approving”.

Part 3—Application and transitional provisions

21 Application—undertakings and applications for approval

The repeal of the *Health Insurance (Pathology) (Fees) Act 1991* and amendments of the *Health Insurance Act 1973* made by this Schedule apply in relation to the following:

- (a) an undertaking given by a person under subsection 23DC(1) before, on or after the commencement of this item, if the day, specified by the Minister, that the undertaking is to come into force, or is taken to have come into force, is on or after 1 July 2025;
- (b) an undertaking given by a person under subsection 23DF(1) before, on or after the commencement of this item, if the day, specified by the Minister, that the undertaking is to come into force, or is taken to have come into force, is on or after 1 July 2025;
- (c) an application for the approval of premises as an accredited pathology laboratory made under section 23DN before, on or after the commencement of this item, if the day, specified by the Minister, that the approval of premises is to come into force, or is taken to have come into force, is on or after 1 July 2025.

22 Transitional—refund of fees

The Commonwealth must refund to a person an amount equal to the amount of a fee paid by the person under the *Health Insurance (Pathology) (Fees) Act 1991* before the commencement of this item in respect of:

- (a) an acceptance of an undertaking covered by paragraph 21(a) or (b) of this Schedule; or
- (b) an approval of premises where the application for the approval of the premises is covered by paragraph 21(c) of this Schedule.

Note: For the appropriation for a refund, see section 77 of the *Public Governance, Performance and Accountability Act 2013*.

*[Minister's second reading speech made in—
House of Representatives on 24 July 2025
Senate on 31 July 2025]*

(34/25)