



# **Regulatory Reform Omnibus Act 2025**

**No. 73, 2025**

**An Act to repeal certain Acts and provisions of Acts  
and to make various amendments of the statute law  
of the Commonwealth, 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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# Regulatory Reform Omnibus Act 2025

No. 73, 2025

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**An Act to repeal certain Acts and provisions of Acts  
and to make various amendments of the statute law  
of the Commonwealth, and for related purposes**

*[Assented to 4 December 2025]*

The Parliament of Australia enacts:

## **1 Short title**

This Act is the *Regulatory Reform Omnibus Act 2025*.

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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.	4 December 2025
2. Schedule 1, Part 1	The day after this Act receives the Royal Assent.	5 December 2025
3. Schedule 1, Part 2, Divisions 1 to 3	The day after this Act receives the Royal Assent.	5 December 2025
4. Schedule 1, Part 2, Division 4	1 February 2027.	1 February 2027
5. Schedule 1, Part 2, Divisions 5 to 12	The day after this Act receives the Royal Assent.	5 December 2025
6. Schedule 1, Parts 3 to 5	The day after this Act receives the Royal Assent.	5 December 2025
7. Schedule 2, Part 1	The later of: (a) 1 July 2026; and (b) the day after the end of the period of 6 months beginning on the day this Act receives the Royal Assent.	1 July 2026 (paragraph (a) applies)
8. Schedule 2, Part 2	The later of: (a) 1 July 2026; and (b) the day after this Act receives the Royal Assent.	1 July 2026 (paragraph (a) applies)
9. Schedule 2, Parts 3 to 5	The day after this Act receives the Royal Assent.	5 December 2025

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<b>Commencement information</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions</b>	<b>Commencement</b>	<b>Date/Details</b>
10. Schedule 3	The day after this Act receives the Royal Assent.	5 December 2025
11. Schedule 4, Parts 1 to 4	The day after this Act receives the Royal Assent.	5 December 2025
12. Schedule 4, Part 5, Division 1	The day after this Act receives the Royal Assent.	5 December 2025
13. Schedule 4, Part 5, Division 2	The later of: (a) 1 July 2026; and (b) the day after this Act receives the Royal Assent.	1 July 2026 (paragraph (a) applies)
14. Schedule 4, Part 5, Divisions 3 and 4	The day after this Act receives the Royal Assent.	5 December 2025
15. Schedule 4, Part 6	The day after this Act receives the Royal Assent.	5 December 2025
16. Schedule 4, Part 7, Divisions 1 to 6	The day after this Act receives the Royal Assent.	5 December 2025
17. Schedule 4, Part 7, Division 7	19 March 2026. However, the provisions do not commence at all if this Act does not receive the Royal Assent before 19 March 2026.	19 March 2026
18. Schedule 5	The day after this Act receives the Royal Assent.	5 December 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.

**Schedule 1** Amendments to support a ‘tell us once’ approach to government service delivery

**Part 1** Removing barriers to digital evidence of Australian citizenship

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### **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.

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## **Schedule 1—Amendments to support a ‘tell us once’ approach to government service delivery**

### **Part 1—Removing barriers to digital evidence of Australian citizenship**

#### **Division 1—Electronic evidence of citizenship**

##### ***Australian Citizenship Act 2007***

###### **1 Section 38 (heading)**

After “of”, insert “physical”.

###### **2 After paragraph 38(1)(b)**

Insert:

and (c) the notice was given to the person in a physical form;

###### **3 Subsection 38(2)**

After “section 37”, insert “and the notice was given to the person in a physical form”.

##### ***Electronic Transactions Act 1999***

###### **4 Subparagraph 2(1)(b)(iii) of Schedule 1**

Repeal the subparagraph.

###### **5 Subparagraph 2(1)(b)(iv) of Schedule 1**

After “citizenship”, insert “if the notice was given to a person in a physical form”.

###### **6 Application of amendments**

The amendments made by this Division apply in relation to the following:

- (a) an application for evidence of a person’s Australian citizenship made on or after the commencement of this Division;
- (b) an application for evidence of a person’s Australian citizenship made before the commencement of this Division if the Minister had not made a decision on the application before that commencement.

## **Division 2—Applications for evidence of citizenship**

### ***Australian Citizenship Act 2007***

#### **7 After subsection 46(1)**

Insert:

- (1AA) However, paragraphs (1)(a) and (b) do not apply to an application made under section 37 (evidence of Australian citizenship) if the application:
- (a) is made in a manner prescribed by the regulations; and
  - (b) contains the information prescribed by the regulations.

#### **8 After subsection 46(2A)**

Insert:

- (2B) However, subsection (2A) does not apply to an application made under section 37 (evidence of Australian citizenship) if the application:
- (a) is made in a manner prescribed under paragraph (1AA)(a) of this section; and
  - (b) contains the information prescribed under paragraph (1AA)(b) of this section.

#### **9 Application of amendments**

The amendments made by this Division apply in relation to an application for evidence of a person’s Australian citizenship made on or after the commencement of this Division.

## **Part 2—Enhancing use and adoption of healthcare identifiers**

### **Division 1—Healthcare Provider Directory**

#### ***Healthcare Identifiers Act 2010***

##### **10 Subsection 5(1)**

Insert:

***Healthcare Provider Directory Operator*** has the meaning given by section 6A.

##### **11 After section 6**

Insert:

##### **6A Identity of Healthcare Provider Directory Operator**

The ***Healthcare Provider Directory Operator*** is:

- (a) the service operator; or
- (b) if a body established by a law of the Commonwealth is prescribed by the regulations to be the ***Healthcare Provider Directory Operator***—that body.

Note: Section 33 provides that the Minister must consult with the Ministerial Council before making regulations.

##### **12 Subsection 7(1)**

After “service operator”, insert “or Healthcare Provider Directory Operator”.

##### **13 Subsection 7(1)**

After “service operator’s”, insert “or Healthcare Provider Directory Operator’s (as the case may be)”.

##### **14 Subsection 7(2)**

After “service operator”, insert “or Healthcare Provider Directory Operator”.

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**15 Subsection 7(2)**

After “service operator’s”, insert “or Healthcare Provider Directory Operator’s (as the case may be)”.

**16 Paragraph 9A(8)(c)**

Repeal the paragraph.

**17 Subparagraph 9A(8)(e)(iv)**

Repeal the subparagraph.

**18 Paragraph 9BA(3)(c)**

Repeal the paragraph.

**19 Subsections 31(1) to (3)**

Repeal the subsections, substitute:

- (1) The Healthcare Provider Directory Operator must establish and maintain a record (the ***Healthcare Provider Directory***) of the professional and business details of identified healthcare providers.
- (2) The purposes of the Healthcare Provider Directory are the following:
  - (a) to make professional and business details of healthcare providers available to entities that are authorised to access the directory;
  - (b) to enable communication between entities that are authorised to access the directory and healthcare providers about:
    - (i) healthcare and support services; and
    - (ii) health administration;
  - (c) any other purpose prescribed by the regulations.
- (3) Subject to subsection (8), the Healthcare Provider Directory may be kept in any form that the Healthcare Provider Directory Operator considers appropriate.
- (3A) The Healthcare Provider Directory Operator is authorised to:
  - (a) collect and use the following information:
    - (i) a healthcare identifier of an identified healthcare provider;



- (ii) identifying information of an identified healthcare provider;
    - (iii) professional and business details of an identified healthcare provider;for the purposes of the Healthcare Provider Directory; and
  - (b) disclose that information on the Healthcare Provider Directory to the following:
    - (i) an identified individual healthcare provider;
    - (ii) an identified healthcare provider organisation;
    - (iii) a health administration entity;
    - (iv) an entity prescribed by the regulations;for the purposes of the Healthcare Provider Directory.
- (3B) The service operator is authorised to disclose the following information to the Healthcare Provider Directory Operator for the purposes of the Healthcare Provider Directory:
- (a) a healthcare identifier of an identified healthcare provider;
  - (b) identifying information of an identified healthcare provider;
  - (c) professional and business details of an identified healthcare provider.

Note: Subsections (3A) and (3B) provide an authorisation for the purposes of the *Privacy Act 1988* and other laws.

## **20 After paragraph 31(4)(a)**

Insert:

- (aa) for the purpose of health administration; or

## **21 At the end of section 31**

Add:

- (5) An identified healthcare provider may request the Healthcare Provider Directory Operator not disclose personal information of the identified healthcare provider on the Healthcare Provider Directory.
- (6) A request under subsection (5) must comply with any requirements prescribed by the regulations.

**Schedule 1** Amendments to support a ‘tell us once’ approach to government service delivery

**Part 2** Enhancing use and adoption of healthcare identifiers

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- (7) If an identified healthcare provider makes a request under subsection (5), the Healthcare Provider Directory Operator must comply with the request.
- (8) The regulations may make provision for, or in relation to, the establishment and maintenance of the Healthcare Provider Directory for the purposes of the Healthcare Provider Directory.
- (9) Without limiting subsection (8), the regulations may do the following:
  - (a) prescribe requirements in relation to the disclosure of information on the Healthcare Provider Directory;
  - (b) prescribe requirements for the administration of the Healthcare Provider Directory;
  - (c) prescribe requirements for access to the Healthcare Provider Directory;
  - (d) prescribe requirements in relation to dealing with requests made under subsection (5).

**22 Subsection 31A(1)**

Omit “service operator is authorised”, substitute “Healthcare Provider Directory Operator and the service operator are authorised”.

**23 Subsection 31A(2)**

After “disclose to the”, insert “Healthcare Provider Directory Operator or the”.

**24 At the end of Part 5**

Add:

**31AA Information to be provided to the Healthcare Provider Directory Operator for the purposes of the Healthcare Provider Directory**

The regulations may, for the purposes of the Healthcare Provider Directory, require an identified healthcare provider to provide to the Healthcare Provider Directory Operator information that:

- (a) relates to the healthcare provider; and

- (b) is prescribed by the regulations for the purposes of this section.

## **25 Application—Healthcare Provider Directory**

- (1) This item applies if a Healthcare Provider Directory established under subsection 31(1) of the *Healthcare Identifiers Act 2010* was in existence immediately before the commencement of this item.
- (2) On and after that commencement, the Healthcare Provider Directory exists as if it had been established by the Healthcare Provider Directory Operator under subsection 31(1) of the *Healthcare Identifiers Act 2010* as substituted by this Division.

## **26 Application—use and disclosure of information**

The amendments made by this Division of sections 31 and 31A of the *Healthcare Identifiers Act 2010* apply in relation to the use and disclosure of information on or after the commencement of this item, whether the information was obtained before, on or after that commencement.

## **Division 2—Subcontracted service providers**

### ***Healthcare Identifiers Act 2010***

## **27 Subsection 5(1)**

Insert:

***subcontracted service provider***, of a healthcare provider, means an entity:

- (a) that is a party to a contract (the ***subcontract***) with a contracted service provider for the healthcare provider; and
- (b) who is responsible under the subcontract for the provision of:
- (i) information technology services relating to the communication of health information; or
- (ii) health information management services;
- to the healthcare provider, or to the contracted service provider for the healthcare provider.

**28 Section 36AA**

Omit “or contracted service provider” (wherever occurring), substitute “, contracted service provider or subcontracted service provider”.

**29 Division 2 of Part 7 (heading)**

After “contractors,”, insert “subcontractors,”.

**30 After paragraph 36(b)**

Insert:

- (baa) a subcontracted service provider of the first entity, if:
  - (i) the first entity is a healthcare provider; and
  - (ii) the duties of the subcontracted service provider under a contract with a contracted service provider for the healthcare provider involve implementing that purpose by providing information technology services relating to the communication of health information, or health information management services, to the healthcare provider or to the contracted service provider for the healthcare provider; or

**31 After paragraph 36(ba)**

Insert:

- (bb) a person (the *subcontractor*) performing services under a contract between the subcontractor and another person (the *contractor*), if:
  - (i) the first entity is the My Health Record System Operator or the operator of the National Repositories Service (within the meaning of the *My Health Records Act 2012*); and
  - (ii) the first entity has a contract with the contractor; and
  - (iii) the contract between the subcontractor and the contractor relates to the My Health Record system; or

**32 Subparagraph 36(c)(i)**

After “(b) applies”, insert “, a subcontracted service provider to which paragraph (baa) applies”.

**33 Subparagraph 36(c)(i)**

Omit “or of a contractor to which paragraph (ba) applies”, substitute “, a contractor to which paragraph (ba) applies or a subcontractor to which paragraph (bb) applies”.

**34 Section 36A (heading)**

Omit “and contracted service providers”, substitute “, contracted service providers and subcontracted service providers”.

**35 After paragraph 36A(b)**

Insert:

- (ba) a subcontracted service provider of the healthcare provider, if the duties of the subcontracted service provider under a contract with a contracted service provider for the healthcare provider involve, or are reasonably connected with implementing that purpose by providing:
  - (i) information technology services relating to the communication of health information; or
  - (ii) health information management services;to the healthcare provider or to the contracted service provider for the healthcare provider; or

**36 Subparagraph 36A(c)(i)**

After “(b) applies”, insert “or of a subcontracted service provider to which paragraph (ba) applies”.

**37 Application—contractual relationships**

The amendments made by this Division to the *Healthcare Identifiers Act 2010* apply to contractual relationships existing on or after the commencement of this item, whether the contract was entered into before, on or after that commencement.

**38 Application—use and disclosure of information**

The amendments made by this Division to the *Healthcare Identifiers Act 2010* apply in relation to the use and disclosure of information on or after the commencement of this item, whether the information was obtained before, on or after that commencement.

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**Division 3—Health technology providers etc.—  
amendments commencing day after Royal  
Assent**

***Healthcare Identifiers Act 2010***

**39 After section 15**

Insert:

**15A Collection, use and disclosure—research**

An entity may collect, use or disclose the healthcare identifier of a healthcare recipient if:

- (a) the collection, use or disclosure is for the purpose of assisting the entity to conduct research that has been approved by a Human Research Ethics Committee or is authorised by another Australian law; and
- (b) the healthcare recipient has consented to the collection, use or disclosure.

**40 Section 36AA (after the paragraph beginning “If an entity is authorised to disclose information to a healthcare provider”)**

Insert:

Certain authorisations under this Act extend to providers of electronic services.
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**41 Division 2 of Part 7 (heading)**

After “partnerships,” insert “providers of electronic services,”.

**42 Before section 36C**

Insert:

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**36BB Authorisations extending to providers of electronic services**

An authorisation under this Act for a healthcare provider, or a health administration entity, to collect, use or disclose information extends to a provider of an electronic service (within the meaning of the *Online Safety Act 2021*) if the collection, use or disclosure is done by means of the service.

**Division 4—Health technology providers etc—  
amendments commencing 1 February 2027**

***Healthcare Identifiers Act 2010***

**43 Subsection 5(1)**

Insert:

*health technology provider* has the meaning given by section 20A.

*permitted health technology purpose* has the meaning given by section 20B.

**44 Section 11 (after the paragraph beginning “A healthcare provider can obtain the healthcare identifier of a healthcare recipient”)**

Insert:

<p>A health technology provider can collect, use or disclose the healthcare identifier of a healthcare recipient, or identifying information of the healthcare recipient, in certain circumstances. Other entities can also collect, use or disclose such information in certain circumstances relating to the communication and management of information by health technology providers.</p>
--

**45 After Division 2 of Part 3**

Insert:

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## **Division 2A—Health technology providers**

### **20A Meaning of *health technology provider***

A ***health technology provider*** is a provider of an electronic service (within the meaning of the *Online Safety Act 2021*) the sole or primary purpose of which is to communicate with any or all of the following about healthcare, or support services, that have been, are being or may be received by a healthcare recipient:

- (a) the healthcare recipient;
- (b) a healthcare provider;
- (c) a health administration entity.

### **20B Meaning of *permitted health technology purpose***

The ***permitted health technology purpose***, in relation to a health technology provider and a healthcare recipient, is the purpose of assisting the health technology provider to:

- (a) communicate with the healthcare recipient, an identified healthcare provider or a health administration entity about healthcare, or support services, that have been, are being or may be received by the healthcare recipient; or
- (b) manage or monitor health information about the healthcare recipient for the purposes of communication that is covered by paragraph (a).

### **20C Collection, use and disclosure—health technology providers**

An entity mentioned in column 1 of an item of the following table, is authorised to take action of the kind described in column 2 of that item with information of the kind described in column 3 of that item in the circumstances described in column 4 of that item.

<b>Collection, use and disclosure in relation to health technology providers</b>				
<b>Item</b>	<b>Column 1 Entity</b>	<b>Column 2 Permitted action</b>	<b>Column 3 Information</b>	<b>Column 4 Circumstances</b>
1	service operator	collect from a health technology provider	healthcare identifier of a healthcare	the collection is for the permitted health technology purpose



<b>Collection, use and disclosure in relation to health technology providers</b>				
<b>Item</b>	<b>Column 1 Entity</b>	<b>Column 2 Permitted action</b>	<b>Column 3 Information</b>	<b>Column 4 Circumstances</b>
			recipient identifying information of a healthcare recipient	in relation to the health technology provider and the healthcare recipient, and the healthcare recipient has consented to the collection
2	service operator	use disclose to a health technology provider	healthcare identifier of a healthcare recipient	the use or disclosure is for the permitted health technology purpose in relation to a health technology provider and the healthcare recipient, and the healthcare recipient has consented to the use or disclosure
3	identified healthcare provider health administrati on entity health technology provider	collect from: (a) a healthcare recipient; or (b) a responsible person (within the meaning of the <i>Privacy Act 1988</i> ) for the healthcare recipient use	healthcare identifier of the healthcare recipient	the collection or use is for the permitted health technology purpose in relation to a health technology provider and the healthcare recipient, and the healthcare recipient has consented to the collection or use
4	identified healthcare provider health administrati on entity	disclose to a health technology provider	healthcare identifier of a healthcare recipient identifying information of a healthcare	the disclosure is for the permitted health technology purpose in relation to the health technology provider and the healthcare recipient, and the healthcare

**Schedule 1** Amendments to support a ‘tell us once’ approach to government service delivery

**Part 2** Enhancing use and adoption of healthcare identifiers

<b>Collection, use and disclosure in relation to health technology providers</b>				
<b>Item</b>	<b>Column 1 Entity</b>	<b>Column 2 Permitted action</b>	<b>Column 3 Information</b>	<b>Column 4 Circumstances</b>
			recipient	recipient has consented to the disclosure
5	responsible person (within the meaning of the <i>Privacy Act 1988</i> ) for a healthcare recipient	disclose to: (a) an identified healthcare provider; or (b) a health administration entity; or (c) a health technology provider	healthcare identifier of the healthcare recipient	the disclosure is for the permitted health technology purpose in relation to a health technology provider and the healthcare recipient, and the healthcare recipient has consented to the disclosure
6	health technology provider	collect from: (a) the service operator; or (b) a health administration entity; or (c) an identified healthcare provider use	healthcare identifier of a healthcare recipient identifying information of a healthcare recipient	the collection or use is for the permitted health technology purpose in relation to the health technology provider and the healthcare recipient, and the healthcare recipient has consented to the collection or use
7	health technology provider	disclose to: (a) a health administration entity; or (b) a healthcare recipient; or (c) an identified healthcare provider; or (d) the service operator; or (e) another entity	healthcare identifier of the healthcare recipient identifying information of the healthcare recipient	the disclosure is for the permitted health technology purpose in relation to the health technology provider and the healthcare recipient, and the healthcare recipient has consented to the disclosure

<b>Collection, use and disclosure in relation to health technology providers</b>				
<b>Item</b>	<b>Column 1 Entity</b>	<b>Column 2 Permitted action</b>	<b>Column 3 Information</b>	<b>Column 4 Circumstances</b>
8	entity to whom information about a healthcare recipient is disclosed for the permitted health technology purpose in relation to a health technology provider and the healthcare recipient	collect use disclose	healthcare identifier of the healthcare recipient identifying information of the healthcare recipient	the collection, use or disclosure is for the purpose for which the information was disclosed

## **20D Regulations relating to health technology providers**

- (1) The regulations may prescribe rules relating to the collection, use or disclosure of healthcare identifiers or other information by health technology providers.
- (2) Without limiting subsection (1), the regulations may prescribe rules relating to the retention or destruction of records.

**Division 5—Collection, use and disclosure of healthcare identifiers—providing healthcare to a healthcare recipient**

***Healthcare Identifiers Act 2010***

**46 Subsection 14(1)**

Omit “(1)”.

**47 Subsection 14(2)**

Repeal the subsection.

**Division 6—Data standards**

***Healthcare Identifiers Act 2010***

**48 Section 3A**

After:

- |  |
|--|
| (a) the creation of a Healthcare Provider Directory, to allow healthcare providers to check the professional and business details of healthcare providers; and |
|--|

insert:

- |   |
|---|
| (aa) the making of data standards about health information and other clinical data; and |
|---|

**49 Subsection 5(1)**

Insert:

***data standard*** means a data standard made under subsection 31AC(1).

***Health Chief Executives Forum*** has the same meaning as in the *My Health Records Act 2012*.

***Secretary*** means the Secretary of the Department.

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**50 Section 31AA**

Renumber as section 30A.

**51 After Part 5**

Insert:

**Part 5AA—Data standards**

**31AB Simplified outline of this Part**

The Secretary may make data standards about health information and other clinical data.
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**31AC Making data standards**

- (1) The Secretary may, by writing, make, for publication on the internet under section 31AD, one or more data standards about each of the following matters:
- (a) the format and description of health information or other clinical data;
  - (b) the storage and disclosure of health information or other clinical data;
  - (c) the interoperability of clinical or health information management systems;
  - (d) health or clinical terminology;
  - (e) the implementation of data standards;
  - (f) any other matter prescribed by the regulations for the purposes of this paragraph.

*Complying with determinations when making data standards etc.*

- (2) The Secretary must comply with any determination in force under section 31AE when making a data standard (including a data standard varying or revoking a data standard), including complying with any related requirements specified in such a determination about:
- (a) approval; or

- (b) consultation; or
- (c) the formation of committees, advisory panels and consultative groups.

Note: The determination could, for example, require a proposed data standard to be approved by a specified person or body before it is made.

- (3) Without limiting subsection (2) of this section, the Secretary must make, under subsection (1), a data standard about a particular matter mentioned in subsection (1) if a determination in force under section 31AE so requires.

*Consultation with Health Chief Executives Forum*

- (4) Before the Secretary makes a data standard under subsection (1), the Secretary must consult the Health Chief Executives Forum.
- (5) Subsection (4) does not limit the Minister’s power to determine additional requirements about consultation under section 31AE.

*Data standards are not legislative instruments*

- (6) A data standard made under subsection (1) of this section is not a legislative instrument.

**31AD Data standards must be published on internet**

The Secretary must publish on the internet each data standard made under subsection 31AC(1).

Note: Once published, the data standards will be available for free.

**31AE Requirements for making data standards**

The Minister may, by legislative instrument, determine:

- (a) requirements relating to making a data standard (including a data standard varying or revoking a data standard); or
- (b) any other matters that the provisions of this Part provide may be specified, or otherwise dealt with, in a determination made under this section.

**31AF Application of the *Acts Interpretation Act 1901***

The *Acts Interpretation Act 1901* applies in relation to the power to make a data standard under subsection 31AC(1) of this Act in the same way as the *Acts Interpretation Act 1901* applies in relation to a power to make an instrument of an administrative character (other than a legislative instrument, a notifiable instrument or a rule of court).

**52 At the end of Division 3 of Part 7**

Add:

**36F Delegations by Secretary**

- (1) The Secretary may, by writing, delegate one or more of the Secretary’s functions or powers under Part 5AA to an SES employee or acting SES employee in the Department.
- (2) A delegate must comply with any written directions of the Secretary.

**Division 7—Connecting with healthcare identifier service**

***Healthcare Identifiers Act 2010***

**53 After subsection 20(4)**

Insert:

- (4A) Without limiting subsection (4), the regulations may prescribe rules about requirements that must be complied with, including any requirements specified in a data standard:
  - (a) before a request may be made to the service operator to disclose the healthcare identifier of a healthcare recipient; or
  - (b) if the service operator discloses a healthcare identifier of a healthcare recipient.

**54 After subsection 25D(4)**

Insert:

- (4A) Without limiting subsection (4), the regulations may prescribe rules about requirements that must be complied with, including any requirements specified in a data standard:
- (a) before a request may be made to the service operator to disclose the healthcare identifier of a healthcare provider; or
  - (b) if the service operator discloses a healthcare identifier of a healthcare provider.

**55 At the end of section 39**

Add:

*Incorporation by reference*

- (3) Despite subsection 14(2) of the *Legislation Act 2003*, the regulations may make provision in relation to a matter by applying, adopting or incorporating, with or without modification, any matter contained in an instrument or other writing as in force or existing from time to time.

**Division 8—Meaning of health administration**

***Healthcare Identifiers Act 2010***

**56 Section 7A**

Before “In this Act”, insert “(1)”.

**57 Paragraph 7A(1)(e)**

Repeal the paragraph, substitute:

- (e) verifying healthcare identifiers and identifying information, including for the purposes of providing healthcare or support services;

**58 At the end of paragraph 7A(1)(i)**

Add:

- ; (iv) to inform reporting on, or responses to, an adverse health event;



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## 59 At the end of section 7A

Add:

- (2) For the purposes of subparagraph (1)(i)(iv), an ***adverse health event*** is an event, act or omission related to the provision of healthcare to a healthcare recipient that results in, may result in, or could have resulted in, an unintended or harmful effect on the safety, health or welfare of the healthcare recipient.

## Division 9—Purpose of the Healthcare Identifiers Act 2010

### *Healthcare Identifiers Act 2010*

#### 60 Title

Repeal the title, substitute:

**An Act to enable the safe and accurate exchange of information about healthcare and support services through unique healthcare identifiers and data standards, and for related purposes**

#### 61 Section 3

Repeal the section, substitute:

#### 8HI3 Purpose of this Act

The purpose of this Act is to enable the safe and accurate exchange of information about healthcare and support services by:

- (a) assigning unique identifiers to healthcare providers and recipients; and
- (b) authorising the collection, use and disclosure of healthcare identifiers and identifying information by trusted entities for health, health-related and health administration purposes; and
- (c) providing for a comprehensive Healthcare Provider Directory to facilitate communication between healthcare providers and manage information about healthcare and support services; and

- (d) providing for the making of data standards about health information and other clinical data.

## **Division 10—My Health Records information**

### ***My Health Records Act 2012***

#### **62 After subsection 59A(1)**

Insert:

- (1A) A person must not use health information included in a healthcare recipient’s My Health Record for a prohibited purpose, if the person obtained the information in the following way:
  - (a) the health information was originally obtained by a participant in the My Health Record system by means of the My Health Record system in accordance with this Act;
  - (b) after the health information was so obtained, it was stored in such a way that it could be obtained other than by means of the My Health Record system;
  - (c) the person subsequently obtained the health information by those other means.

Civil penalty: 1,500 penalty units.

#### **63 Subsection 59A(2)**

After “Subsection (1)”, insert “or (1A)”.

#### **64 Subsection 71(1)**

Omit “The prohibitions”, substitute “Subject to subsection (5), the prohibitions”.

#### **65 At the end of section 71**

Add:

- (5) This section does not apply to the prohibition in subsection 59A(1A).

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**66 Subsection 79(2) (table item 1, column 2, after paragraph (d))**

Insert:

(da) subsection 59A(1A);

**67 Application of amendments**

The amendments made by this Division apply to a person using health information on or after the commencement of this item, whether the person obtained the health information before, on or after that commencement.

**Division 11—Extension of authorisations**

***My Health Records Act 2012***

**68 After paragraph 99(a)**

Insert:

(aa) an individual healthcare provider, if:

- (i) the first entity is a registered healthcare provider organisation; and
- (ii) the first entity provides services or facilities to the individual healthcare provider, to facilitate the provision of healthcare by the individual healthcare provider; or

**69 After paragraph 99(c)**

Insert:

(ca) a person (the ***subcontractor***) performing services under a contract between the subcontractor and another person (the ***contractor***), if:

- (i) the first entity is the System Operator or the operator of the National Repositories Service; and
- (ii) the first entity has a contract with the contractor; and
- (iii) the contract between the subcontractor and the contractor relates to the My Health Record system; or

**Schedule 1** Amendments to support a ‘tell us once’ approach to government service delivery

**Part 2** Enhancing use and adoption of healthcare identifiers

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**70 Subparagraph 99(d)(i)**

Omit “contractor to which paragraph (c) applies”, substitute “person to whom paragraph (c) or (ca) applies”.

**71 Subparagraph 99(d)(ii)**

Before “contract”, insert “relevant”.

**Division 12—Authorisations for the Australian  
Immunisation Register Act 2015**

***Australian Immunisation Register Act 2015***

**72 Section 4**

Insert:

*healthcare identifier* has the same meaning as in the *Healthcare Identifiers Act 2010*.

*healthcare identifier information* for a person has the meaning given by section 5B.

**73 Section 4 (paragraph (c) of the definition of *relevant identifying information*)**

Omit “(within the meaning of the *Healthcare Identifiers Act 2010*)”.

**74 After section 5A**

Insert:

**5B Meaning of *healthcare identifier information***

- (1) Each of the following is *healthcare identifier information* for a person:
- (a) if the person is a healthcare provider that has a healthcare identifier—the healthcare identifier;
  - (b) if the person is an individual healthcare provider linked to a healthcare provider organisation that has a healthcare identifier—the healthcare identifier for the healthcare provider organisation.

(2) In subsection (1), the following terms have the same meaning as in the *Healthcare Identifiers Act 2010*:

- (a) *healthcare provider*;
- (b) *healthcare provider organisation*;
- (c) *individual healthcare provider*;
- (d) *linked*.

**75 Subparagraphs 9(b)(iii) and (iv)**

After “provider identification information”, insert “and healthcare identifier information”.

**76 Subparagraph 9(d)(iii)**

After “contact details of”, insert “, and healthcare identifier information for,”.

## **Part 3—Simplifying information sharing for connected service delivery**

### **Division 1—Information sharing amendments**

#### ***A New Tax System (Family Assistance) (Administration) Act 1999***

##### **77 Subsection 161(1)**

Repeal the subsection.

##### **78 After paragraph 162(2)(dae)**

Insert:

(daf) for the purposes of:

- (i) the *Child Support (Assessment) Act 1989*; or
- (ii) the *Child Support (Registration and Collection) Act 1988*; or

(dag) for the purposes of a centrelink program; or

(dah) for the purposes of a medicare program; or

##### **79 Subparagraph 168(1)(b)(ii)**

Omit “obtain it; or”, substitute “obtain it.”.

##### **80 Subparagraphs 168(1)(b)(iii) and (iv)**

Repeal the subparagraphs.

#### ***Child Support (Assessment) Act 1989***

##### **81 After paragraph 150(2A)(a)**

Insert:

(aa) for the purposes of a centrelink program; or

(ab) for the purposes of a medicare program; or

##### **82 Paragraph 150(3)(bb)**

Repeal the paragraph.

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***Child Support (Registration and Collection) Act 1988***

**83 Subsection 4(1)**

Insert:

*centrelink program* has the same meaning as in the *Human Services (Centrelink) Act 1997*.

**84 Subsection 4(1) (definition of *Chief Executive Medicare*)**

Repeal the definition.

**85 After paragraph 16(2A)(a)**

Insert:

- (aa) for the purposes of a centrelink program; or
- (ab) for the purposes of a medicare program; or

**86 Paragraph 16(3)(bb)**

Repeal the paragraph.

***Paid Parental Leave Act 2010***

**87 Section 6**

Insert:

*centrelink program* has the same meaning as in the *Human Services (Centrelink) Act 1997*.

*medicare program* has the same meaning as in the *Human Services (Medicare) Act 1973*.

**88 Subsection 126(1)**

Repeal the subsection.

**89 After paragraph 127(2)(dc)**

Insert:

- (dd) for the purposes of:
  - (i) the *Child Support (Assessment) Act 1989*; or

- (ii) the *Child Support (Registration and Collection) Act 1988*; or
- (de) for the purposes of a centrelink program; or
- (df) for the purposes of a medicare program; or

***Social Security (Administration) Act 1999***

**90 Subsection 201(1)**

Repeal the subsection.

**91 After paragraph 202(2)(dac)**

Insert:

- (dad) for the purposes of:
  - (i) the *Child Support (Assessment) Act 1989*; or
  - (ii) the *Child Support (Registration and Collection) Act 1988*; or
- (dae) for the purposes of a centrelink program; or
- (daf) for the purposes of a medicare program; or

**92 Subparagraph 208(1)(b)(iii)**

Omit “agreement; or”, substitute “agreement.”.

**93 Subparagraphs 208(1)(b)(iv) and (v)**

Repeal the subparagraphs.

***Student Assistance Act 1973***

**94 After paragraph 351(2)(dd)**

Insert:

- (de) for the purposes of:
  - (i) the *Child Support (Assessment) Act 1989*; or
  - (ii) the *Child Support (Registration and Collection) Act 1988*; or
- (df) for the purposes of a centrelink program; or
- (dg) for the purposes of a medicare program; or



**95 Subsection 351(3)**

Repeal the subsection.

**96 Subparagraphs 355(1)(b)(iii) and (iv)**

Repeal the subparagraphs.

**97 Application of amendments**

The amendments made by this Division apply in relation to the recording, use or disclosure (however described) of information that occurs on or after the commencement of this Division, whether the information was obtained or generated before, on or after that commencement.

**Division 2—Disclosure of protected information under the Paid Parental Leave Act 2010**

***Paid Parental Leave Act 2010***

**98 Paragraph 127(2)(e)**

Omit “section 128”, substitute “section 127A or 128”.

**99 After section 127**

Insert:

**127A Protection of certain documents etc. from production to court etc.**

An officer must not, except for the purposes of this Act or the *Royal Commissions Act 1902*, be required:

- (a) to produce any document in the officer’s possession; or
- (b) to disclose any matter or thing of which the officer had notice;

because of the performance or exercise of the officer’s duties, functions or powers under this Act to:

- (c) a court; or
- (d) a tribunal; or
- (e) an authority; or

- (f) a person;  
that has power to require the production of documents or the answering of questions.

**100 Section 128 (heading)**

Repeal the heading, substitute:

**128 Disclosure of information by Secretary**

**101 Subsection 128(1)**

Omit “Despite sections 129 to 132”, substitute “Despite sections 127A, 129, 130, 131 and 132”.

**102 Paragraph 128(1)(b)**

Omit “, but only if the disclosure of the information is required by a law of the Commonwealth”.

**103 At the end of section 128**

Add:

(7) If:

- (a) the Secretary or an officer is served with a summons or notice, or is otherwise subject to a requirement, under the *Royal Commissions Act 1902*; and
- (b) in order to comply with the summons, notice or requirement, the Secretary or officer would be required to disclose information that is protected information;

then, despite sections 127A, 129, 130, 131 and 132 of this Act, the Secretary or officer must, subject to the *Royal Commissions Act 1902*, disclose that information. The information is taken to have been disclosed for the purposes of the *Royal Commissions Act 1902* and of the Royal Commission concerned.

## Part 4—Improving arrangements for transferring customers between payment types

### *Social Security (Administration) Act 1999*

#### 104 Subsection 12(1)

Repeal the subsection, substitute:

- (1) The Secretary may determine that, for the purposes of the social security law, a person is taken to have made a claim for an income support payment (the *new payment*) if the person became qualified for the new payment while receiving, or immediately after ceasing to receive, another income support payment (the *other payment*).

#### 105 Before subsection 12(2)

Insert:

*When a claim is taken to be made*

#### 106 At the end of section 12

Add:

*Some eligibility requirements taken to be satisfied etc.*

- (3) If the new payment and the other payment are social security payments, then subsections (4) and (5) apply in relation to the Secretary considering, for the purposes of deciding whether to make the determination, whether the person became qualified for the new payment.
- (4) The Secretary may treat the person as having satisfied an eligibility requirement (the *new requirement*) for the new payment if:
  - (a) the new requirement is the same as an eligibility requirement (the *current requirement*) for the other payment; and
  - (b) at a particular time, the Secretary was satisfied that the person satisfied the current requirement; and
  - (c) since that time, no information or statement has been given to the Department about an event, a change of circumstances or

a matter that might affect whether the person satisfies the current requirement.

- (5) If an eligibility factor (the ***new factor***) for the new payment is the same as an eligibility factor (the ***current factor***) for the other payment, the Secretary may:
- (a) treat the new factor as existing in relation to the person, if:
    - (i) at a particular time, the Secretary was satisfied that the current factor existed in relation to the person; and
    - (ii) since that time, no information or statement has been given to the Department about an event, a change of circumstances or a matter that might affect whether the current factor exists in relation to the person; or
  - (b) treat the new factor as not existing in relation to the person, if:
    - (i) at a particular time, the Secretary was satisfied that the current factor did not exist in relation to the person; and
    - (ii) since that time, no information or statement has been given to the Department about an event, a change of circumstances or a matter that might affect whether the current factor exists in relation to the person.

*Other powers not limited*

- (6) Subsections (3) to (5) do not, by implication, limit any other power of the Secretary to do the following in making a determination under subsection (1):
- (a) treat a person as having satisfied an eligibility requirement;
  - (b) treat an eligibility factor as existing, or not existing, in relation to a person.

*Definitions*

- (7) In this section:

***eligibility factor***, for an income support payment, means a fact, matter or circumstance the existence of which in relation to a person is relevant to:

- (a) whether the person qualifies for the payment; or
- (b) whether the payment is payable to the person.

**eligibility requirement**, for an income support payment, means a requirement that a person must satisfy:

- (a) to qualify for the payment; or
- (b) for the payment to be payable to the person.

## **107 After section 37AA**

Insert:

### **37AB Grant of claim—eligibility requirements taken to be satisfied etc.**

- (1) If a claim for a social security payment or concession card (the **new benefit**) is made by a person receiving or holding another social security payment or concession card (the **current benefit**), then subsections (2) and (3) apply in relation to the Secretary considering, for the purposes of determining under section 37 whether the claim is to be granted:
  - (a) whether the Secretary is satisfied that the person is qualified, or is expected to be qualified, for the new benefit; and
  - (b) if the new benefit is a social security payment—whether the Secretary is satisfied that the new benefit is, would be, or is expected to be, payable to the person.
- (2) The Secretary may treat the person as having satisfied an eligibility requirement (the **new requirement**) for the new benefit if:
  - (a) the new requirement is the same as an eligibility requirement (the **current requirement**) for the current benefit; and
  - (b) at a particular time, the Secretary was satisfied that the person satisfied the current requirement; and
  - (c) since that time, no information or statement has been given to the Department about an event, a change of circumstances or a matter that might affect whether the person satisfies the current requirement.
- (3) If an eligibility factor (the **new factor**) for the new benefit is the same as an eligibility factor (the **current factor**) for the current benefit, the Secretary may:
  - (a) treat the new factor as existing in relation to the person, if:

- (i) at a particular time, the Secretary was satisfied that the current factor existed in relation to the person; and
  - (ii) since that time, no information or statement has been given to the Department about an event, a change of circumstances or a matter that might affect whether the current factor exists in relation to the person; or
- (b) treat the new factor as not existing in relation to the person, if:
  - (i) at a particular time, the Secretary was satisfied that the current factor did not exist in relation to the person; and
  - (ii) since that time, no information or statement has been given to the Department about an event, a change of circumstances or a matter that might affect whether the current factor exists in relation to the person.

*Other powers not limited*

- (4) This section does not, by implication, limit any other power of the Secretary to do the following in making a determination under section 37:
  - (a) treat a person as having satisfied an eligibility requirement;
  - (b) treat an eligibility factor as existing, or not existing, in relation to a person.

*Definitions*

- (5) In this section:

***eligibility factor*** means:

- (a) for a social security payment—a fact, matter or circumstance the existence of which in relation to a person is relevant to:
  - (i) whether the person qualifies for the payment; or
  - (ii) whether the payment is payable to the person; or
- (b) for a concession card—a fact, matter or circumstance the existence of which in relation to a person is relevant to whether the person qualifies for the card.

***eligibility requirement*** means:

- (a) for a social security payment—a requirement that a person must satisfy:

- (i) to qualify for the payment; or
- (ii) for the payment to be payable to the person; or
- (b) for a concession card—a requirement that a person must satisfy to qualify for the card.

**Schedule 1** Amendments to support a ‘tell us once’ approach to government service delivery

**Part 5** Simplifying re-issue processes for non-income tested Commonwealth seniors health cards

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## **Part 5—Simplifying re-issue processes for non-income tested Commonwealth seniors health cards**

### ***Social Security Act 1991***

#### **108 Subsection 1061ZJA(4) (note 1)**

Omit “Note 1”, substitute “Note”.

#### **109 Subsection 1061ZJA(4) (note 2)**

Repeal the note.

#### **110 After subsection 1061ZJA(4)**

Insert:

(5) If:

- (a) the person previously held a seniors health card issued under subsection (3) or (4) or this subsection; and
- (b) the person does not currently hold a seniors health card; and
- (c) the person is qualified for a seniors health card;

the Secretary must issue a seniors health card to the person.

Note 1: If the person is temporarily absent from Australia, the person continues to be qualified for a seniors health card for a maximum period of up to 19 weeks (see Division 4).

Note 2: The person does not need to make a claim for the card.

Note 3: A person may be issued a seniors health card more than once under this subsection.

### ***Social Security (Administration) Act 1999***

#### **111 Subsection 11(3)**

Omit “subsection 1061ZJA(3) or (4)”, substitute “subsection 1061ZJA(3), (4) or (5)”.

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**112 Subsection 37A(1A)**

Omit “subsection 1061ZJA(3) or (4)”, substitute  
“subsection 1061ZJA(3), (4) or (5)”.

**113 Subsection 240A(3)**

Omit “subsection 1061ZJA(3) or (4)”, substitute  
“subsection 1061ZJA(3), (4) or (5)”.

**114 Paragraph 240C(1)(a)**

Omit “subsection 1061ZJA(3) or (4)”, substitute  
“subsection 1061ZJA(3), (4) or (5)”.

**115 Paragraph 240C(2)(a)**

Omit “subsection 1061ZJA(3) or (4)”, substitute  
“subsection 1061ZJA(3), (4) or (5)”.

***Veterans’ Entitlements Act 1986***

**116 After subsection 118XA(3)**

Insert:

- (4) The Commission must make a determination under section 118ZG that the person is entitled to a seniors health card if:
- (a) the person was previously the holder of a seniors health card because of a determination under subsection (3) or this section; and
  - (b) the person is not currently the holder of a seniors health card; and
  - (c) section 118X does not prevent the person from being entitled to the card; and
  - (d) the person is eligible for the card under this Part.

Note 1: For ***holder of a seniors health card*** see section 5PB.

Note 2: The person does not need to make a claim for the card.

Note 3: A person may be issued a seniors health card more than once under this subsection.

**117 Subsection 118Y(2)**

Omit “subsection 118XA(3)”, substitute “subsection 118XA(3) or (4)”.

## **Schedule 2—Amendments to improve or maintain access to government services**

### **Part 1—Removing barriers to accessing additional child care subsidy—child wellbeing**

#### *A New Tax System (Family Assistance) Act 1999*

##### **1 Section 85AA (paragraph beginning “The approved provider”)**

Omit “at risk of serious abuse or neglect”, substitute “in need of wellbeing support”.

##### **2 Subsection 85CA(4)**

Repeal the subsection, substitute:

*Child in need of wellbeing support*

- (4) The Minister’s rules may prescribe circumstances in which a child is or is not taken to be a child in need of wellbeing support.

##### **3 Subsection 85CB(1)**

Omit “at risk of serious abuse or neglect on a day (an *at risk day*)”, substitute “in need of wellbeing support on a day (a *wellbeing day*)”.

##### **4 Paragraphs 85CB(2)(c) and (d)**

Omit “an at risk day”, substitute “a wellbeing day”.

##### **5 Paragraphs 85CC(1)(b) and 85CD(1)(b)**

Omit “at any risk of serious abuse or neglect”, substitute “in any need of wellbeing support”.

##### **6 Paragraph 85CE(1)(a)**

Omit “at risk of serious abuse or neglect”, substitute “in need of wellbeing support”.

**7 Paragraph 85CE(3)(a)**

Omit “at risk of serious abuse or neglect on a day (an *at risk day*)”,  
substitute “in need of wellbeing support on a day (a *wellbeing day*)”.

**8 Paragraph 85CE(5)(a)**

Omit “an at risk day”, substitute “a wellbeing day”.

**9 Subparagraph 85CE(5)(b)(i)**

Omit “an at risk day”, substitute “a wellbeing day”.

**10 Paragraph 85CE(6)(b)**

Omit “at risk of serious abuse or neglect”, substitute “in need of  
wellbeing support”.

**11 Paragraph 85CF(1)(b)**

Omit “at any risk of serious abuse or neglect”, substitute “in any need  
of wellbeing support”.

***A New Tax System (Family Assistance) (Administration) Act  
1999***

**12 Section 67FA (paragraph beginning “Providers have”)**

Omit “at risk of serious abuse or neglect is not at risk”, substitute “in  
need of wellbeing support is not in need of wellbeing support”.

**13 Section 67FC (heading)**

Omit “at risk of serious abuse or neglect”, substitute “in need of  
wellbeing support”.

**14 Paragraphs 67FC(1)(b) and (2)(b)**

Omit “at any risk of serious abuse or neglect”, substitute “in any need  
of wellbeing support”.

**15 Subparagraph 202C(1)(a)(i)**

Omit “at risk of serious abuse or neglect”, substitute “in need of  
wellbeing support”.

**16 Paragraphs 202C(2)(b) and (c)**

Omit “at risk of serious abuse or neglect”, substitute “in need of wellbeing support”.

**17 Section 204K (heading)**

Omit “at risk of serious abuse or neglect”, substitute “in need of wellbeing support”.

**18 Subsection 204K(1)**

Omit “at risk of serious abuse or neglect”, substitute “in need of wellbeing support”.

**19 Paragraph 204K(2)(c)**

Omit “risk”, substitute “need”.

**20 Subsection 204K(3)**

Omit “at risk of serious abuse or neglect”, substitute “in need of wellbeing support”.

**21 Paragraph 204K(4)(b)**

Omit “risk”, substitute “need”.

**22 Section 219UB (table item 1, column headed “Description”)**

Omit “at risk of serious abuse or neglect”, substitute “in need of wellbeing support”.

**23 Application of amendments**

The amendments of the *A New Tax System (Family Assistance) Act 1999* and the *A New Tax System (Family Assistance) (Administration) Act 1999* made by this Part apply in relation to a session of care provided to a child in a CCS fortnight that starts on or after the commencement of this item.

**24 Transitional provisions—certificates and determinations**

- (1) A certificate that was in effect under section 85CB of the *A New Tax System (Family Assistance) Act 1999* immediately before the commencement of this item continues in effect (and may be dealt with)

on and after that commencement as if it had been made under section 85CB as amended by this Part.

- (2) An application for a determination made under subsection 85CE(1) of the *A New Tax System (Family Assistance) Act 1999* before the commencement of this item, in relation to which the Secretary has not made a decision before that commencement, is taken, on and after that commencement, to be an application made under subsection 85CE(1) as amended by this Part.
- (3) A determination that was in effect under section 85CE of the *A New Tax System (Family Assistance) Act 1999* immediately before the commencement of this item continues in effect (and may be dealt with) on and after that commencement as if it had been made under section 85CE as amended by this Part.

## **Part 2—Extending timeframes to complete diagnostic imaging services**

### ***Health Insurance Act 1973***

#### **25 Subsection 16B(5)**

Omit “7 days”, substitute “14 days”.

## **Part 3—Addressing non-operational approved pathology collection centres**

### ***Health Insurance Act 1973***

#### **26 After paragraph 23DNG(1)(b)**

Insert:

- (ba) the centre is not reasonably accessible to the public; or
- (bb) the centre does not operate under reasonable hours; or
- (bc) the approved pathology authority does not operate the centre as a specimen collection centre; or

- (1A) Without limiting paragraph (1)(bc), an approved pathology authority does not operate a centre as a specimen collection centre if, in any continuous period of 6 months beginning on the day the approval for the centre is granted under subsection 23DNBA(1), the total amount of benefit payable in respect of pathology services rendered, using pathology specimens collected at the centre, is less than the amount of benefit prescribed by the regulations for the purposes of this subsection.

#### **27 Application of amendments**

The amendments of subsection 23DNG(1) of the *Health Insurance Act 1973* made by this Part apply in relation to an approved collection centre whose approval is granted on or after the commencement of this Part.



## **Part 4—Strengthening integrity of the pharmacy approval process**

### **Division 1—Main amendments**

#### ***National Health Act 1953***

#### **28 After section 94**

Insert:

#### **94A Suspension of approval of pharmacist—State or Territory suspension**

- (1) The Secretary may suspend the approval of an approved pharmacist under section 90 if the pharmacist's registration as a pharmacist or pharmaceutical chemist under a law of a State or Territory providing for the registration of pharmacists or pharmaceutical chemists has been suspended (however described).
- (2) Before deciding to suspend the approval, the Secretary must notify the pharmacist that suspension under this section is being considered. The notice must:
  - (a) be in writing; and
  - (b) invite the pharmacist to make written submissions to the Secretary within the period of 28 days (the ***submission period***) after being given the notice.
- (3) In deciding whether to suspend the approval, the Secretary must consider any written submissions made by the person during the submission period.
- (4) The Secretary must give to the pharmacist written notice of the decision. The notice must specify the period for which the approval is suspended.

Note: Section 266 of the *Administrative Review Tribunal Act 2024* requires the person to be notified of the person's review rights.
- (5) If the Secretary does not give the pharmacist written notice of the decision within the period of 60 days after the end of the

submission period, the Secretary is taken to have decided not to suspend the approval.

- (6) If the Secretary suspends the approval, the Secretary may, by written notice at any time, further suspend the approval under subsection (1) or remove the suspension.
- (7) For the purposes of this section, a reference to a pharmacist is taken to include a person to whom subsection 90(6) applies.

#### **94B Review of suspension decisions**

- (1) If the Secretary suspends the approval of an approved pharmacist under section 94A, the pharmacist may apply, in writing, to the Secretary for reconsideration by the Secretary of the decision.
- (2) On receiving an application under subsection (1), the Secretary must reconsider the decision and:
  - (a) affirm the suspension; or
  - (b) remove the suspension.
- (3) The Secretary must give to the applicant written notice of the Secretary's decision under subsection (2).

Note: Section 105AC of this Act and section 266 of the *Administrative Review Tribunal Act 2024* require the person to be notified of the person's review rights.

- (4) In this section:

*decision* has the same meaning as in the *Administrative Review Tribunal Act 2024*.

#### **29 Section 95 (at the end of the heading)**

Add “—**investigation by Committee of Inquiry**”.

#### **30 At the end of subsection 98(2A)**

Add:

- ; or (c) a matter referred to a Committee of Inquiry concerns the conduct of the approved pharmacist and the Committee has not concluded its inquiry into the matter.

### **31 After paragraph 98(3)(b)**

Add:

- or (c) an approved pharmacist's registration as a pharmacist or pharmaceutical chemist under a law of a State or Territory providing for the registration of pharmacists or pharmaceutical chemists has been suspended (however described); or
- (d) an approved pharmacist has been deregistered (however described) as a pharmacist or pharmaceutical chemist under a law of a State or Territory providing for the registration of pharmacists or pharmaceutical chemists; or
- (e) if an approved pharmacist is a body corporate:
  - (i) a person who is a director of the body corporate has been suspended or deregistered (however described) as a pharmacist or pharmaceutical chemist under a law of a State or Territory providing for the registration of pharmacists or pharmaceutical chemists; and
  - (ii) there is no other director of the body corporate who is registered (however described) as a pharmacist or pharmaceutical chemist under a law of a State or Territory providing for the registration of pharmacists or pharmaceutical chemists; or
- (f) if an approved pharmacist is granted approval to supply pharmaceutical benefits at a particular premises in a State or territory—the approved pharmacist is not permitted, under the law of the State or Territory in which the premises are situated, to carry on business; or
- (g) an approved pharmacist has breached the conditions to which the pharmacist's approval is subject;

### **32 After subsection 105AB(7B)**

Insert:

- (7C) An application may be made to the Tribunal for review of a decision of the Secretary under subsection 94B(2).

### **33 Subsection 105AB(8A)**

Repeal the subsection, substitute:

- (8A) An application may be made to the Tribunal for a review of a decision of the Secretary:
- (a) under paragraph 98(2A)(c) to refuse to cancel an approval; or
  - (b) under subsection 98(3), (3AB) or (3A) to cancel an approval.

## **Division 2—Application provisions**

### **34 Definitions**

In this Division:

*Act* means the *National Health Act 1953*.

### **35 Suspension of approvals**

Sections 94A and 94B and subsection 105AB(7C) of the Act, as inserted by this Part, apply in relation to the suspension of an approved pharmacist's registration as a pharmacist or pharmaceutical chemist under a law of a State or Territory:

- (a) whether the suspension of the pharmacist occurred before, on or after the commencement of this Part; and
- (b) whether the pharmacist was approved before, on or after the commencement of this Part.

### **36 Cancellation of approvals**

- (1) Paragraph 98(2A)(c) of the Act, as inserted by this Part, applies in relation to a matter referred to a Committee of Inquiry concerning the conduct of an approved pharmacist on or after commencement of this Part:
  - (a) whether the conduct of the pharmacist occurred before, on or after the commencement of this Part; and
  - (b) whether the pharmacist was approved before, on or after the commencement of this Part.
- (2) Paragraph 98(3)(c) of the Act, as inserted by this Part, applies in relation to the suspension of an approved pharmacist's registration as a pharmacist or pharmaceutical chemist under a law of a State or Territory:
  - (a) whether the suspension of the pharmacist occurred before, on or after the commencement of this Part; and

- (b) whether the pharmacist was approved before, on or after the commencement of this Part.
  - (3) Paragraph 98(3)(d) of the Act, as inserted by this Part, applies in relation to the deregistration of an approved pharmacist as a pharmacist or pharmaceutical chemist under a law of a State or Territory:
    - (a) whether the deregistration of the pharmacist occurred before, on or after the commencement of this Part; and
    - (b) whether the pharmacist was approved before, on or after the commencement of this Part.
  - (4) Paragraph 98(3)(e) of the Act, as inserted by this Part, applies in relation to the suspension or deregistration of a person under a law of a State or Territory who is a director of a body corporate that is an approved pharmacist:
    - (a) whether the suspension or deregistration of the director occurred before, on or after the commencement of this Part; and
    - (b) whether the pharmacist was approved before, on or after the commencement of this Part.
  - (5) Paragraph 98(3)(f) of the Act, as inserted by this Part, applies to an approved pharmacist who is not permitted, under the law of a State or Territory, to carry on business at a particular premises:
    - (a) whether the pharmacist is not permitted to carry on business at a particular premises before, on or after the commencement of this Part; and
    - (b) whether the pharmacist was approved before, on or after the commencement of this Part.
  - (6) Paragraph 98(3)(g) of the Act, as inserted by this Part, applies in relation to a breach of conditions by an approved pharmacist:
    - (a) whether the breach by the pharmacist occurred before, on or after the commencement of this Part; and
    - (b) whether the pharmacist was approved before, on or after the commencement of this Part.
-

## Part 5—Authorising appropriate information sharing to improve the integrity of medicare

### *Dental Benefits Act 2008*

#### 37 Section 4 (definition of *disclose*)

Omit “means”, substitute “, in relation to information, includes”.

#### 38 Section 4 (definition of *Human Services Department*)

Repeal the definition.

#### 39 Section 4

Insert:

*use*, in relation to information, includes make a record of.

#### 40 Section 33

Before:

- Except as authorised by this Part, an entrusted public official must not disclose protected information.

insert:

- This Part authorises certain uses and disclosures of protected information.

#### 41 Subsection 34(2)

Repeal the subsection, substitute:

*Entrusted public official*

(2) Each of the following persons is an *entrusted public official*:

- (a) the Minister;
- (b) the Chief Executive Medicare;
- (c) the Secretary of a relevant Department;

- (d) an APS employee in a relevant Department;
- (e) a Departmental employee within the meaning of the *Human Services (Medicare) Act 1973*;
- (f) any other person employed or engaged by the Commonwealth to provide services to the Commonwealth in connection with a relevant Department or Services Australia;
- (g) any other person employed or engaged (however described) by a person described in paragraph (f) to provide services in connection with the services mentioned in that paragraph.

*Relevant Department*

(2A) For the purposes of this section, each of the following is a **relevant Department**:

- (a) the Department administered by the Minister who administers this Act;
- (b) the Department administered by the Minister who administers the *Health Insurance Act 1973*;
- (c) the Department administered by the Minister who administers the *Human Services (Centrelink) Act 1997*;
- (d) the Department administered by the Minister who administers the *Human Services (Medicare) Act 1973*;
- (e) the Department administered by the Minister who administers the *National Health Act 1953*.

**42 Subsection 34(3)**

After “relates to a person”, insert “(including a deceased person)”.

**43 Subsection 34(4)**

Omit “or 41”, substitute “, 41, 41A or 41B”.

**44 Section 35 (heading)**

After “Authorised”, insert “use or”.

**45 Section 35**

Omit “For the purposes of subsection 34(4), a person may disclose protected information if the”, substitute “A person may use or disclose protected information if the use or”.

**46 Section 36 (heading)**

After “**Authorised**”, insert “**use or**”.

**47 Subsection 36(1)**

Omit “For the purposes of subsection 34(4), a person may”, substitute  
“A person may use or”.

**48 Paragraph 36(1)(a)**

Omit “disclosure is, or is a kind of disclosure”, substitute “use or  
disclosure is, or is of a kind”.

**49 Paragraph 36(1)(b)**

Before “disclosure”, insert “use or”.

**50 Section 37**

Omit “For the purposes of subsection 34(4), the”, substitute “The”.

**51 Section 37**

Omit “who”, substitute “or body if the person or body”.

**52 Section 38**

Repeal the section, substitute:

**38 Authorised use or disclosure—law enforcement, public revenue  
or integrity purposes**

- (1) An entrusted public official may use or disclose protected information for a purpose specified in subsection (2) if:
  - (a) the official reasonably believes that using or disclosing the information is necessary for that purpose; and
  - (b) for a disclosure of information—the disclosure is to an agency (within the meaning of the *Privacy Act 1988*) whose functions are directed at that purpose.
- (2) The use or disclosure is authorised if it is for one or more of the following purposes:
  - (a) the enforcement of the criminal law;
  - (b) the enforcement of a law imposing a pecuniary penalty;



- (c) the protection of the public revenue;
- (d) an integrity purpose (within the meaning of the *Crimes Act 1914*).

### **53 Section 39 (heading)**

After “**Authorised**”, insert “**use or**”.

### **54 Section 39**

Omit “For the purposes of subsection 34(4), the Secretary or the Chief Executive Medicare may”, substitute “The Secretary or the Chief Executive Medicare may use or”.

### **55 Paragraphs 39(a) and (b)**

Omit “disclosure”, substitute “use or disclosure”.

### **56 Subsection 40(1)**

Omit “For the purposes of subsection 34(4), the”, substitute “The”.

### **57 Subsection 41(1)**

Omit “For the purposes of subsection 34(4), a”, substitute “A”.

### **58 After section 41**

Insert:

#### **41A Authorised use or disclosure—integrity of medicare programs, patient safety etc.**

- (1) A person may disclose protected information to an entrusted public official, and an entrusted public official may use or disclose protected information, for the purposes of:
  - (a) the integrity or sustainability of a medicare program; or
  - (b) the protection of a person from a risk arising from, or in connection with, the provision of a benefit or service under a medicare program.

Note: For paragraph (a), subsection (4) extends the meaning of the integrity or sustainability of a medicare program.

- (2) A person or body that receives protected information under subsection (1) may use or disclose that information for the same

purposes as the purposes for which the information is disclosed to the person or body under subsection (1).

- (3) However, this section does not authorise the following disclosures:
- (a) disclosure by any of the following persons of protected information obtained as a result of a review or investigation under Part VAA of the *Health Insurance Act 1973*:
    - (i) a person appointed under Division 2 of that Part;
    - (ii) a member of staff or a consultant engaged under section 106ZM or 106ZP of that Act;
    - (iii) a person whose services are made available under section 106ZN of that Act;
    - (iv) a person providing services under section 106ZPL of that Act;
    - (v) any other person engaged (whether as an employee or otherwise) by the Professional Services Review to provide services in connection with the performance of duties or functions, or the exercise of powers, under that Part;
  - (b) disclosure, by a person consulted under section 90 of that Act, of protected information obtained in connection with that consultation.

Note: For paragraph (a), such persons include the Director or an Associate Director of Professional Services Review or a Panel member of the Professional Services Review Panel (all within the meaning of Part VAA of the *Health Insurance Act 1973*).

*Integrity or sustainability of a medicare program*

- (4) For the purposes of subsection (1):
- (a) a reference to the purposes of the integrity or sustainability of a medicare program includes a reference to the need to ensure that access to the program is limited to circumstances where requirements or parameters (whether or not statutory) relating to the program are met; and
  - (b) a reference to a use or disclosure being for those purposes is taken to include a reference to the use or disclosure being for the purposes of ensuring that the delivery of the program is not compromised by mistakes, misconduct, fraud or

non-compliance, including in relation to those requirements or parameters.

#### **41B Authorised disclosure—other permitted disclosures**

An entrusted public official may disclose protected information to another person or a body if:

- (a) the information is lawfully in the public domain; or
- (b) the information has lawfully been disclosed to that other person or body previously; or
- (c) the information relates to that other person or body; or
- (d) the disclosure of the information is for the purposes of obtaining or providing legal advice.

#### **41C Authorised use—for authorised disclosure**

A person may use protected information for the purpose of making an authorised disclosure.

#### **41D Authorisations and exemptions do not limit each other**

An authorisation or exemption (however described) under a provision of this Division does not limit, and is not limited by, any other authorisation or exemption under any other provision of this Act (including this Division).

### ***Health Insurance Act 1973***

#### **59 Subsection 3(1)**

Insert:

***disclose***, in relation to information, includes divulge or communicate.

***entrusted public official*** means any of the following:

- (a) the Minister;
- (b) the Chief Executive Medicare;
- (c) the Secretary of a relevant Department;
- (d) an APS employee in a relevant Department;

- (e) a Departmental employee within the meaning of the *Human Services (Medicare) Act 1973*;
- (f) any other person employed or engaged by the Commonwealth to provide services to the Commonwealth in connection with a relevant Department or Services Australia;
- (g) any other person employed or engaged (however described) by a person described in paragraph (f) to provide services in connection with the services mentioned in that paragraph.

**60 Subsection 3(1) (definition of *Human Services Department*)**

Repeal the definition.

**61 Subsection 3(1)**

Insert:

***relevant Department*** means any of the following:

- (a) the Department administered by the Minister who administers this Act;
- (b) the Department administered by the Minister who administers the *Dental Benefits Act 2008*;
- (c) the Department administered by the Minister who administers the *Human Services (Centrelink) Act 1997*;
- (d) the Department administered by the Minister who administers the *Human Services (Medicare) Act 1973*;
- (e) the Department administered by the Minister who administers the *National Health Act 1953*.

***use***, in relation to information, includes make a record of.

**62 Subsection 89A(1)**

Omit “the person under review may, in relation to services provided by the person during the review period,”, substitute “a person may”.

**63 Subsection 89A(2)**

Omit “If the Director has acted under subsection (1), he or she”, substitute “If material or a copy of material sent to the Chief Executive Medicare under subsection (1) relates to a person under review and services provided by the person during the review period, the Director”.

#### **64 Subsection 106N(1)**

Omit “the person under review may, in relation to the referred services,”, substitute “a person may”.

#### **65 After subsection 106N(1)**

Insert:

(1A) If the Committee acts under subsection (1), the Committee may also:

- (a) notify the Director that the person may have committed the relevant offence, the relevant civil contravention or the relevant dental benefits offence; and
- (b) give the Director any additional information (including information about the person) in relation to the possible commission of that offence or contravention.

Note: If the Committee gives the Director additional information that is not also given to the Chief Executive Medicare under subsection (1), the Director may disclose that additional information to the Chief Executive Medicare under subsection 89A(1) or 129E(4), whichever is applicable.

#### **66 Subsection 106N(2)**

Omit “If the Committee acts under subsection (1)”, substitute “If material or a copy of material sent to the Chief Executive Medicare under subsection (1) relates to the referred services in relation to any Committee investigation resulting from a referral”.

#### **67 At the end of Division 5A of Part VAA**

Add:

#### **106XC Additional information about practitioner referred by Committee or Determining Authority**

- (1) This section applies if a written statement is given by a Committee or the Determining Authority to the Director under subsection 106XA(1) or 106XB(1), stating its concerns that:
  - (a) conduct by a practitioner (including a person who has been a practitioner) has caused, is causing, or is likely to cause, a significant threat to the life or health of any other person; or

- (b) a practitioner (including a person who has been a practitioner) has failed to comply with professional standards.
- (2) The Committee or the Determining Authority, as the case may be, may give the Director additional information in relation to:
  - (a) the review or investigation in connection with which the written statement is given; or
  - (b) any matter covered by the review or investigation or the statement; or
  - (c) the services or benefits provided, or purportedly provided, by the practitioner under a medicare program.

**68 Paragraph 106ZPQ(3)(b)**

Omit “subsection 106XA(2) or (3) or subsection 106XB(2)”, substitute “subsection 106XA(2) or (3), 106XB(2), 106XC(2) or 129E(2) or (3)”.

**69 Subsection 124W(1) (definition of *disclose*)**

Repeal the definition.

**70 After section 129A**

Insert:

**129B Authorisations—dealings with certain information relating to medicare benefits for program integrity etc.**

- (1) This section applies to information that:
  - (a) relates to a person; and
  - (b) is held by an agency (whether or not the information was obtained by that agency, or any other agency, after the commencement of this section); and
  - (c) is any of the following:
    - (i) information obtained by the agency, or any other agency, in connection with a claim for a medicare benefit;
    - (ii) information relating to a person’s eligibility or purported eligibility to be paid a medicare benefit;

- (iii) information relating to a person who rendered or purportedly rendered a service in respect of which a medicare benefit is payable or purportedly payable.

*Authorised collection, use and disclosure of information*

- (2) Information to which this section applies may be collected, used or disclosed for one or more of the purposes specified in subsection (3) in any of the following circumstances:
    - (a) the disclosure is by an officer (within the meaning of section 130) to an entrusted public official;
    - (b) the collection, use or disclosure is by an entrusted public official;
    - (c) if the information was previously disclosed to a person (the **recipient**) by an entrusted public official:
      - (i) the disclosure of the information is by the recipient to an entrusted public official; or
      - (ii) the use of the information is by the recipient for the purpose for which it was previously disclosed; or
      - (iii) the disclosure of the information is by the recipient to any other person for the purpose for which it was previously disclosed.
- Note 1: Certain disclosures by persons related to Professional Services Review under Part VAA are not authorised by this section (see subsection (6)).
- Note 2: Collection, use or disclosure authorised by this subsection is not prohibited by subsection 130(1) (see subsection 130(1A)).
- Note 3: This subsection also constitutes an authorisation for the purposes of other laws, such as the *Privacy Act 1988*.
- (3) The collection, use or disclosure is authorised if it is for one or more of the following purposes:
    - (a) the integrity or sustainability of a medicare program;
    - (b) the protection of a person from a risk arising from, or in connection with, the provision of a benefit or service under a medicare program;
    - (c) statistical analysis;
    - (d) medical research;
    - (e) research and development in relation to health, disability or aged care;

- (f) development, analysis, administration and review of, and reporting related to, government policy and programs in relation to health, disability or aged care;
- (g) a disclosure of information that is required or authorised under an Australian law.

Note 1: For paragraph (a), section 130AAB extends the meaning of the integrity or sustainability of a Medicare program.

Note 2: For paragraphs (c), (d) and (e), additional requirements apply to disclosures for the purposes of statistical analysis, medical research, or research and development in relation to health, disability or aged care (see subsections (4) and (5)).

*Additional matters for disclosures relating to research or statistics*

- (4) This section does not authorise a disclosure for the purposes of medical research if:
  - (a) a person (the **identifiable person**) is reasonably identifiable from the information that is proposed to be disclosed; and
  - (b) the person disclosing the information is not satisfied that:
    - (i) the identifiable person has given informed consent to the use and disclosure of the information for that research; or
    - (ii) the research is to be conducted in accordance with guidelines issued by the National Health and Medical Research Council under section 95 of the *Privacy Act 1988*.
- (5) Before disclosing information under this section for the purposes of statistical analysis, medical research, or research and development in relation to health, disability or aged care, the person disclosing the information must consider the extent to which the disclosure complies with the data minimisation principle.

*Disclosures relating to Professional Services Review not authorised*

- (6) This section does not authorise the following disclosures:
  - (a) disclosure by any of the following persons of information obtained as a result of a review or investigation under Part VAA:



- (i) a person appointed under Division 2 of that Part;
  - (ii) a member of staff or a consultant engaged under section 106ZM or 106ZP;
  - (iii) a person whose services are made available under section 106ZN;
  - (iv) a person providing services under section 106ZPL;
  - (v) any other person engaged (whether as an employee or otherwise) by the Professional Services Review to provide services in connection with the performance of duties or functions, or the exercise of powers, under Part VAA;
- (b) disclosure, by a person consulted under section 90, of information obtained in connection with that consultation.

Note: For paragraph (a), such persons include the Director or an Associate Director of Professional Services Review or a Panel member of the Professional Services Review Panel (all within the meaning of Part VAA).

*No interference with information handling for My Health Record or data-matching*

- (7) Nothing in this section prevents:
- (a) the My Health Record System Operator including information to which this section applies in the My Health Record of a healthcare recipient; or
  - (b) the matching of information under subsection 132B(1) of the *National Health Act 1953* or the operation of Part VIIIA of that Act generally.

*Definitions*

- (8) In this section:

**agency** has the same meaning as in the *Privacy Act 1988*.

**data minimisation principle** means the principle of only using or disclosing as much information to which this section applies as is reasonably needed to achieve the purpose of the use or disclosure of the information.

*My Health Record* has the same meaning as in the *My Health Records Act 2012*.

*My Health Record System Operator* has the same meaning as System Operator has in the *My Health Records Act 2012*.

**129C Authorisations—dealings with officer obtained or generated information for program integrity etc.**

- (1) This section applies to information that:
  - (a) is obtained or generated by an officer (within the meaning of section 130) in the performance of duties or functions, or in the exercise of powers, under this Act; and
  - (b) relates to the affairs of a person.
- (2) Information to which this section applies may be collected, used or disclosed for one or more of the purposes specified in subsection (3) in any of the following circumstances:
  - (a) the disclosure is by a person who is or has been an officer (within the meaning of section 130) to an entrusted public official;
  - (b) the collection, use or disclosure is by an entrusted public official;
  - (c) if the information was previously disclosed to a person (the **recipient**) by an entrusted public official:
    - (i) the disclosure of the information is by the recipient to an entrusted public official; or
    - (ii) the use of the information is by the recipient for the purpose for which it was previously disclosed; or
    - (iii) the disclosure of the information is by the recipient to any other person for the purpose for which it was previously disclosed.
- Note 1: Collection, use or disclosure authorised by this subsection is not prohibited by subsection 130(1) (see subsection 130(1A)).
- Note 2: This subsection also constitutes an authorisation for the purposes of other laws, such as the *Privacy Act 1988*.
- (3) The collection, use or disclosure is authorised if it is for one or more of the following purposes:
  - (a) the integrity or sustainability of a medicare program;

- (b) the protection of a person from a risk arising from, or in connection with, the provision of a benefit or service under a medicare program;
- (c) the administration of a centrelink program (within the meaning of the *Human Services (Centrelink) Act 1997*);
- (d) the administration of the following Acts:
  - (i) the *Child Support (Assessment) Act 1989*;
  - (ii) the *Child Support (Registration and Collection) Act 1988*.

Note: For paragraph (a), section 130AAB extends the meaning of the integrity or sustainability of a medicare program.

- (4) However, this section does not authorise the following disclosures:
  - (a) disclosure by any of the following persons of information obtained as a result of a review or investigation under Part VAA:
    - (i) a person appointed under Division 2 of that Part;
    - (ii) a member of staff or a consultant engaged under section 106ZM or 106ZP;
    - (iii) a person whose services are made available under section 106ZN;
    - (iv) a person providing services under section 106ZPL;
    - (v) any other person engaged (whether as an employee or otherwise) by the Professional Services Review to provide services in connection with the performance of duties or functions, or the exercise of powers, under Part VAA;
  - (b) disclosure, by a person consulted under section 90, of information obtained in connection with that consultation.

Note: For paragraph (a), such persons include the Director or an Associate Director of Professional Services Review or a Panel member of the Professional Services Review Panel (all within the meaning of Part VAA).

## **129D Authorisations—dealings with information for enforcement, public revenue or integrity purposes**

- (1) This section applies to information that:

- (a) is obtained or generated by an officer (within the meaning of section 130) in the performance of duties or functions, or in the exercise of powers, under this Act; and
  - (b) relates to the affairs of a person.
- (2) An entrusted public official may use or disclose information for a purpose specified in subsection (3) if:
  - (a) the official reasonably believes that using or disclosing the information is necessary for that purpose; and
  - (b) for a disclosure of information—the disclosure is to an agency (within the meaning of the *Privacy Act 1988*) whose functions are directed at that purpose.
- (3) The use or disclosure is authorised if it is for one or more of the following purposes:
  - (a) the enforcement of the criminal law;
  - (b) the enforcement of a law imposing a pecuniary penalty;
  - (c) the protection of the public revenue;
  - (d) an integrity purpose (within the meaning of the *Crimes Act 1914*).

**129E Authorisation—disclosure of information by Director of Professional Services Review**

- (1) This section applies to information that:
  - (a) is obtained or generated by an officer (within the meaning of section 130) in the performance of duties or functions, or in the exercise of powers, under this Act; and
  - (b) relates to the affairs of a person.

*Disclosure to certain professional bodies*

- (2) The Director of Professional Services Review appointed under section 83 (the **Director**) may disclose to a person or body information to which this section applies if:
  - (a) the person or body has received from the Director:
    - (i) a statement under subsection 106XA(2) or (3), stating concerns that conduct by a practitioner (including a person who has been a practitioner) has caused, is

- causing, or is likely to cause, a significant threat to the life or health of any other person; or
- (ii) a statement under subsection 106XB(2), stating concerns that a practitioner (including a person who has been a practitioner) has failed to comply with professional standards; and
- (b) the information relates to any of the following:
  - (i) the review or investigation in connection with which the statement is given;
  - (ii) any matter covered by the review or investigation or the statement;
  - (iii) the services or benefits provided, or purportedly provided, by the practitioner under a medicare program; and
- (c) the Director is satisfied that the disclosure is:
  - (i) necessary for the purposes of the National Law; and
  - (ii) in the public interest.

*Disclosure for program integrity, patient safety etc.*

- (3) The Director may disclose information to which this section applies if:
  - (a) the disclosure is for the purposes of any of the following:
    - (i) the integrity or sustainability of a medicare program;
    - (ii) the protection of a person from a risk arising from, or in connection with, the provision of a benefit or service under a medicare program;
    - (iii) proceedings to recover an amount that is recoverable under this Act, the *Dental Benefits Act 2008* or the *National Health Act 1953* as a debt due to the Commonwealth, or is otherwise required by or under those Acts to be repaid to the Commonwealth;
    - (iv) any other proceedings in relation to compliance with a requirement under this Act; and
  - (b) the Director is satisfied that the disclosure is in the public interest.

Note: For subparagraph (a)(i), section 130AAB extends the meaning of the integrity or sustainability of a medicare program.

*Disclosure for duties, functions or powers under any Act*

- (4) The Director may disclose information to which this section applies to facilitate the performance of duties or functions, or the exercise of powers, by the Director or any other person under this Act or any other Act.

Note 1: Subsections (2), (3) and (4) constitute permissions or authorisations for the purposes of section 106ZR or 130 (see subsection 106ZR(1) (which exempts disclosures required or permitted under this Act) and subsection 130(1A)).

Note 2: Subsections (2), (3) and (4) also constitute authorisations for the purposes of other laws, such as the *Privacy Act 1988*.

*Terms and conditions applicable to recipients*

- (5) If the Director discloses information to a person or body (the **recipient**) under subsection (2), (3) or (4), the Director may, by instrument in writing, specify terms and conditions subject to which the information may be used or disclosed by the recipient.
- (6) Without limiting subsection (5), the instrument may require the recipient to give an undertaking in writing with respect to the use or disclosure of the information by the recipient, which may include an undertaking not to disclose any of the information to any other person or body.
- (7) An instrument under subsection (5) is not a legislative instrument.

**129F Authorisation—use for authorised disclosure**

- (1) This section applies to information that:
- (a) is obtained or generated by an officer (within the meaning of section 130) in the performance of duties or functions, or in the exercise of powers, under this Act; and
  - (b) relates to the affairs of a person.
- (2) A person may use information to which this section applies for the purpose of disclosing the information under section 129B, 129C, 129D, 129E or 130.

**71 Subsections 130(1) to (4)**

Repeal the subsections, substitute:

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*Offence—use or disclosure by officer outside course of duty*

- (1) A person (the **relevant person**) commits an offence if:
- (a) the relevant person is or has been an officer; and
  - (b) the relevant person uses or discloses information; and
  - (c) the information:
    - (i) relates to the affairs of a person other than the relevant person; and
    - (ii) is obtained or generated by the relevant person in the performance of duties or functions, or in the exercise of powers, under this Act.

Penalty: 5 penalty units.

- (1A) Subsection (1) does not apply if the use or disclosure is:
- (a) authorised or exempted under a provision of this Act; or
  - (b) otherwise required or authorised under an Australian law.

Note 1: The defendant bears an evidential burden in relation to the matter in this subsection. See subsection 13.3(3) of the *Criminal Code*.

Note 2: For the purposes of this subsection, examples of provisions of this Act that authorise the use or disclosure of information include sections 129B, 129C, 129D and 129E.

*Authorisation—performance of functions*

- (2) An officer may use or disclose information of a kind referred to in paragraph (1)(c):
- (a) in the performance of duties or functions, or in the exercise of powers, under this Act or any other Act; or
  - (b) for the purpose of enabling the officer or any other person to perform duties or functions, or exercise powers, in relation to a medicare program; or
  - (c) in the case of disclosure to the Minister—for the purposes of the Minister's performance of the Minister's functions.

*Authorisation—use or disclosure in the public interest*

- (3) An officer may use or disclose information of a kind referred to in paragraph (1)(c) if:

- (a) the Secretary or the Chief Executive Medicare certifies, by instrument in writing, that it is in the public interest to disclose the information to a specified person or body for a specified purpose; and
- (b) the officer:
  - (i) discloses the information to the person or body for that purpose; or
  - (ii) uses the information for purposes related to such a disclosure.

Note: Information disclosed to a person under this subsection for a specified purpose must only be further used or disclosed for that purpose (see subsection (3G)).

- (3A) The Secretary or the Chief Executive Medicare may, by instrument in writing, specify terms and conditions subject to which the information may be used or disclosed by the person.
- (3B) Without limiting subsection (3A), the instrument may require the person to give an undertaking in writing with respect to the use or disclosure of the information by the person, which may include an undertaking not to disclose any of the information to any other person or body.
- (3C) An instrument under paragraph (3)(a) or subsection (3A) is not a legislative instrument.
- (3D) Subsection (3) has effect subject to rules made under subsection (3E) (if any).
- (3E) The Minister may, by legislative instrument, make rules for the purposes of subsection (3D).

*Authorisation—disclosing to prescribed person or body*

- (3F) An officer may disclose information of a kind referred to in paragraph (1)(c) to a person or body for a specified purpose if regulations made for the purposes of this subsection provide that:
  - (a) the person or body is a prescribed person or body; and
  - (b) the information is prescribed information; and
  - (c) the information may be provided to the person or body for that purpose.



Note: Information disclosed to a person or body under this subsection for a specified purpose must only be further used or disclosed for that purpose (see subsection (3G)).

*Obligation on further use or disclosure of disclosed information*

- (3G) A person or body that receives information under subsection (3) or (3F) for a specified purpose must ensure that any further use or disclosure of the information is only for that purpose.

*Authorisation—use or disclosure by officer in certain circumstances*

- (4) An officer may use or disclose information of a kind referred to in paragraph (1)(c) if:
- (a) the information is lawfully in the public domain; or
  - (b) the person to whom the information relates has expressly or impliedly consented to the use or disclosure; or
  - (c) the use or disclosure is for the purpose of obtaining or providing legal advice; or
  - (d) if the disclosure is to a person or body—the information relates to that person or body; or
  - (e) if the disclosure (the *present disclosure*) is to a person or body—the information has lawfully been disclosed to that person or body previously (the *previous disclosure*), and the present disclosure is for the same purpose as the previous disclosure.

**72 Subsection 130(4A)**

Repeal the subsection.

**73 Subsection 130(5)**

Repeal the subsection, substitute:

*Authorisation—statistical information*

- (5) An officer may use or disclose information of a kind referred to in paragraph (1)(c) for the purpose of deriving or publishing statistics that do not enable the identification of any person (other than the Commonwealth, a State or a Territory).

**74 Before subsection 130(5A)**

Insert:

*Exemption—dealings with certain information about hospitals*

**75 Before subsection 130(5E)**

Insert:

*Exemption—dealings with information relevant to Professional  
Services Review Scheme*

**76 Subsections 130(5G) and (5H)**

Repeal the subsections.

**77 Before subsection 130(5J)**

Insert:

*Authorisation—data-matching by a Commonwealth entity*

**78 Subsection 130(5J)**

Omit “divulge”, substitute “disclose”.

**79 Before subsection 130(6)**

Insert:

*Authorisation—disclosing information relating to convictions etc.*

**80 Subsection 130(6)**

Omit “divulge any information acquired by an officer in the performance of his or her duties, or in the exercise of his or her powers or functions”, substitute “disclose any information acquired by an officer in the performance of duties or functions, or in the exercise of powers”.

**81 Paragraph 130(6)(ca)**

Omit “a Departmental employee (within the meaning of the *Human Services (Centrelink) Act 1997*)”, substitute “a person engaged (whether as an employee or otherwise) by Services Australia”.

**82 Before subsection 130(7)**

Insert:

*Authorisation—disclosing certified information for purposes of certain Commonwealth Acts, National Law or private health insurance*

**83 Paragraph 130(7)(a)**

Repeal the paragraph.

**84 Subsection 130(7)**

Omit “his or her duties, or in the exercise of his or her powers or functions, under this Act, should be divulged, the Secretary or the Chief Executive Medicare may divulge”, substitute “duties or functions, or in the exercise of powers, under this Act, should be disclosed, the Secretary or the Chief Executive Medicare may disclose”.

**85 Paragraph 130(7)(e)**

Repeal the paragraph.

**86 Before subsection 130(8)**

Insert:

*Restrictions on disclosing information relating to rendering of professional service*

**87 Subsection 130(8)**

Omit “divulged”, substitute “disclosed”.

**88 Before subsection 130(9)**

Insert:

*Offence—recipients of information relating to convictions etc. or that is certified*

**89 Subsection 130(9)**

Omit “divulged” (first occurring), substitute “disclosed”.

**90 Paragraph 130(9)(a)**

Repeal the paragraph.

**91 Paragraph 130(9)(aa)**

Omit “a Departmental employee (within the meaning of the *Human Services (Centrelink) Act 1997*)”, substitute “a person engaged (whether as an employee or otherwise) by Services Australia”.

**92 Paragraph 130(9)(aa)**

Omit “for Social Security”, substitute “administering the *Human Services (Centrelink) Act 1997*”.

**93 Paragraphs 130(9)(b) to (d)**

Omit “his or her duties, or in the exercise of his or her powers or functions”, substitute “duties or functions, or in the exercise of powers”.

**94 Subsection 130(9)**

Omit “make a record of, or divulge or communicate to any person, any information so divulged”, substitute “use, or disclose to any person, any information so disclosed”.

**95 Before subsection 130(10)**

Insert:

*Disclosed information relating to convictions etc. or certified  
information generally not to be disclosed to courts*

**96 Subsection 130(10)**

Omit “divulged”, substitute “disclosed”.

**97 Subsection 130(10)**

Omit “the exercise of powers or functions”, substitute “functions or the exercise of powers”.

**98 Subsection 130(10)**

Omit “(a),”.

**99 Paragraph 130(10)(b)**

Omit “divulge or communicate”, substitute “disclose”.

**100 Subsections 130(11) to (13)**

Repeal the subsections.

**101 Subsection 130(13A)**

Omit “divulge”, substitute “disclose”.

**102 Before subsection 130(14)**

Insert:

*Offences—solicitation of certain information held by Department*

**103 Subsection 130(15)**

Repeal the subsection.

**104 After subsection 130(18)**

Insert:

*Offence—conduct relating to information unlawfully disclosed*

(18A) A person commits an offence if:

- (a) protected information is disclosed to the person; and
- (b) the disclosure contravenes this section; and
- (c) the person:
  - (i) in any way solicited the disclosure of the information to the person; or
  - (ii) discloses the information to another person; or
  - (iii) uses the information otherwise than by disclosing it to another person.

**105 Paragraph 130(19)(a)**

Omit “subsection (15)”, substitute “subsection (18A)”.

**106 Subsection 130(20)**

Omit “subsection (15)”, substitute “subsection (18A)”.

**107 Before subsection 130(21)**

Insert:

*Offences—offer to supply certain information held by Department*

**108 Before subsection 130(23)**

Insert:

*Penalty for offences against solicitation, conduct relating to  
information unlawfully disclosed or offer to supply*

**109 Subsection 130(23)**

Omit “(15), (17)”, substitute “(17), (18A)”.

**110 Subsection 130(24)**

Repeal the subsection.

**111 Before subsection 130(25)**

Insert:

*Definitions*

**112 Subsection 130(25) (definition of *indemnity legislation*)**

Repeal the definition.

**113 Subsection 130(25) (definition of *officer*)**

Repeal the definition, substitute:

*officer* means any of the following:

- (a) a person performing duties or functions, or exercising powers, under or in relation to this Act or a medicare program;
- (b) any other person employed or engaged by the Commonwealth to provide services to the Commonwealth in connection with a relevant Department or Services Australia;
- (c) any other person employed or engaged (however described) by a person described in paragraph (b) to provide services in connection with the services mentioned in that paragraph.

## **114 After section 130**

Insert:

### **130AAA Authorisations and exemptions do not limit each other**

An authorisation or exemption (however described) under section 129B, 129C, 129D, 129E, 129F or 130 does not limit, and is not limited by, any other authorisation or exemption under:

- (a) that section or any other of those sections; or
- (b) any other section of this Act.

### **130AAB References to the integrity or sustainability of a medicare program**

- (1) This section is made for the purposes of the following provisions:
  - (a) paragraph 129B(3)(a);
  - (b) paragraph 129C(3)(a);
  - (c) subparagraph 129E(3)(a)(i).
- (2) For the purposes of each of those provisions, and the section in which the provision is located:
  - (a) a reference in the section to the purposes of the integrity or sustainability of a medicare program includes a reference to the need to ensure that access to the program is limited to circumstances where requirements or parameters (whether or not statutory) relating to the program are met; and
  - (b) a reference in the section to a collection, use or disclosure being for those purposes is taken to include a reference to the collection, use or disclosure being for the purposes of ensuring that the delivery of the program is not compromised by mistakes, misconduct, fraud or non-compliance, including in relation to those requirements or parameters.

### **130AAC Information relating to deceased persons**

Sections 129B, 129C, 129D, 129E, 129F, 130, 130AAA and 130AAB apply in relation to information relating to a deceased person in the same way as they apply in relation to information relating to a person who is not deceased.

***National Health Act 1953***

**115 Subsection 4(1)**

Insert:

***disclose***, in relation to information, includes divulge or communicate.

***entrusted public official*** means any of the following:

- (a) the Minister;
- (b) the Chief Executive Medicare;
- (c) the Secretary of a relevant Department;
- (d) an APS employee in a relevant Department;
- (e) a Departmental employee within the meaning of the *Human Services (Medicare) Act 1973*;
- (f) any other person employed or engaged by the Commonwealth to provide services to the Commonwealth in connection with a relevant Department or Services Australia;
- (g) any other person employed or engaged (however described) by a person described in paragraph (f) to provide services in connection with the services mentioned in that paragraph.

**116 Subsection 4(1) (definition of *Human Services Minister*)**

Repeal the definition.

**117 Subsection 4(1)**

Insert:

***relevant Department*** means any of the following:

- (a) the Department administered by the Minister who administers this Act;
- (b) the Department administered by the Minister who administers the *Dental Benefits Act 2008*;
- (c) the Department administered by the Minister who administers the *Health Insurance Act 1973*;
- (d) the Department administered by the Minister who administers the *Human Services (Centrelink) Act 1997*;



- (e) the Department administered by the Minister who administers the *Human Services (Medicare) Act 1973*.

*use*, in relation to information, includes make a record of.

### **118 Paragraph 98E(2)(a)**

Omit “make a record of, or divulge or communicate”, substitute “use, or disclose”.

### **119 Subsections 135A(1) to (5)**

Repeal the subsections, substitute:

*Offence—use or disclosure by officer outside course of duty*

- (1) A person (the **relevant person**) commits an offence if:
- (a) the relevant person is or has been an officer; and
  - (b) the relevant person uses or discloses information; and
  - (c) the information:
    - (i) relates to the affairs of a person other than the relevant person; and
    - (ii) is obtained or generated by the relevant person in the performance of duties or functions, or in the exercise of powers, under this Act.

Penalty: Imprisonment for 2 years or 50 penalty units, or both.

- (1A) Subsection (1) does not apply if the use or disclosure is:
- (a) authorised or exempted under a provision of this Act; or
  - (b) otherwise required or authorised under an Australian law.

Note 1: The defendant bears an evidential burden in relation to the matter in this subsection. See subsection 13.3(3) of the *Criminal Code*.

Note 2: For the purposes of this subsection, examples of provisions of this Act that authorise the use or disclosure of information include sections 135ABA, 135ABB and 135ABC.

*Authorisation—performance of functions*

- (2) An officer may use or disclose information of a kind referred to in paragraph (1)(c):

- (a) in the performance of duties or functions, or in the exercise of powers, under this Act or any other Act; or
- (b) for the purpose of enabling the officer or any other person to perform duties or functions, or exercise powers, in relation to a medicare program; or
- (c) in the case of disclosure to the Minister—for the purposes of the Minister’s performance of the Minister’s functions.

*Authorisations—use or disclosure in public interest*

- (3) An officer may use or disclose information of a kind referred to in paragraph (1)(c) if:
  - (a) the Secretary or the Chief Executive Medicare certifies, by instrument in writing, that it is in the public interest to disclose the information to a specified person or body for a specified purpose; and
  - (b) the officer:
    - (i) discloses the information to the person or body for that purpose; or
    - (ii) uses the information for purposes related to such a disclosure.

Note: Information disclosed to a person under this subsection for a specified purpose must only be further used or disclosed for that purpose (see subsection (3G)).

- (3A) The Secretary or the Chief Executive Medicare may, by instrument in writing, specify terms and conditions subject to which the information may be used or disclosed by the person.
- (3B) Without limiting subsection (3A), the instrument may require the person to give an undertaking in writing with respect to the use or disclosure of the information by the person, which may include an undertaking not to disclose any of the information to any other person or body.
- (3C) An instrument under paragraph (3)(a) or subsection (3A) is not a legislative instrument.
- (3D) Subsection (3) has effect subject to rules made under subsection (3E) (if any).

- (3E) The Minister may, by legislative instrument, make rules for the purposes of subsection (3D).

*Authorisation—disclosing to prescribed person or body*

- (3F) An officer may disclose information of a kind referred to in paragraph (1)(c) to a person or body for a specified purpose if regulations made for the purposes of this subsection provide that:
- (a) the person or body is a prescribed person or body; and
  - (b) the information is prescribed information; and
  - (c) the information may be provided to the person or body for that purpose.

Note: Information disclosed to a person or body under this subsection for a specified purpose must only be further used or disclosed for that purpose (see subsection (3G)).

*Obligation on further use or disclosure of disclosed information*

- (3G) A person or body that receives information under subsection (3) or (3F) for a specified purpose must ensure that any further use or disclosure of the information is only for that purpose.

*Authorisation—use or disclosure by officer in certain circumstances*

- (4) An officer may use or disclose information of a kind referred to in paragraph (1)(c) if:
- (a) the information is lawfully in the public domain; or
  - (b) the person to whom the information relates has expressly or impliedly consented to the use or disclosure; or
  - (c) the use or disclosure is for the purpose of obtaining or providing legal advice; or
  - (d) if the disclosure is to a person or body—the information relates to that person or body; or
  - (e) if the disclosure (the **present disclosure**) is to a person or body—the information has lawfully been disclosed to that person or body previously (the **previous disclosure**), and the present disclosure is for the same purpose as the previous disclosure.

*Authorisation—statistical information*

- (5) An officer may use or disclose information of a kind referred to in paragraph (1)(c) for the purpose of deriving or publishing statistics that do not enable the identification of any person (other than the Commonwealth, a State or a Territory).

**120 Subsection 135A(5C)**

Repeal the subsection.

**121 Before subsection 135A(5D)**

Insert:

*Authorisation—data-matching by a Commonwealth entity*

**122 Before subsection 135A(6)**

Insert:

*Authorisation—disclosing information relating to convictions etc.*

**123 Subsection 135A(6)**

Omit “divulge any information acquired by an officer in the performance of duties, or in the exercise of powers or functions”, substitute “disclose any information acquired by an officer in the performance of duties or functions, or in the exercise of powers”.

**124 Paragraph 135A(6)(ea)**

Omit “a Departmental employee (within the meaning of the *Human Services (Centrelink) Act 1997*)”, substitute “a person engaged (whether as an employee or otherwise) by Services Australia”.

**125 Before subsection 135A(7)**

Insert:

*Authorisation—disclosing certified information for purposes of certain laws or private health insurance*

**126 Paragraph 135A(7)(a)**

Repeal the paragraph.

**127 Subsection 135A(7)**

Omit “duties, or in the exercise of powers or functions, under this Act, should be divulged, the Secretary may divulge”, substitute “duties or functions, or in the exercise of powers, under this Act, should be disclosed, the Secretary may disclose”.

**128 Paragraph 135A(7)(g)**

Repeal the paragraph.

**129 Before subsection 135A(8)**

Insert:

*Restrictions on disclosing information relating to rendering of certain professional services*

**130 Subsection 135A(8)**

Omit “divulged”, substitute “disclosed”.

**131 Before subsection 135A(9)**

Insert:

*Offence—recipients of information relating to convictions etc. or certified information*

**132 Subsection 135A(9)**

Omit “divulged” (first occurring), substitute “disclosed”.

**133 Paragraph 135A(9)(a)**

Repeal the paragraph.

**134 Paragraph 135A(9)(aa)**

Repeal the paragraph, substitute:

(aa) in the case of the Chief Executive Centrelink or a person engaged (whether as an employee or otherwise) by Services Australia—in the performance of duties or functions, or in the exercise of powers, under an Act administered by the Minister administering the *Human Services (Centrelink) Act 1997*; or

**135 Paragraphs 135A(9)(b) to (d)**

Omit “duties, or in the exercise of powers or functions”, substitute  
“duties or functions, or in the exercise of powers”.

**136 Subsection 135A(9)**

Omit “divulge or communicate to any person, any information so  
divulged”, substitute “use, or further disclose to any person, any  
information so disclosed”.

**137 Subsections 135A(10) to (12)**

Repeal the subsections.

**138 Subsection 135A(12A)**

Omit “divulge”, substitute “disclose”.

**139 Before subsection 135A(13)**

Insert:

*Offences—solicitation of certain information held by Department*

**140 Subsection 135A(14)**

Repeal the subsection.

**141 After subsection 135A(17)**

Insert:

*Offence—conduct relating to information unlawfully disclosed*

(17A) A person commits an offence if:

- (a) protected information is disclosed to the person; and
- (b) the disclosure contravenes this section; and
- (c) the person:
  - (i) in any way solicited the disclosure of the information to the person; or
  - (ii) discloses the information to another person; or
  - (iii) uses the information otherwise than by disclosing it to another person.

**142 Paragraph 135A(18)(a)**

Omit “(14)”, substitute “(17A)”.

**143 Subsection 135A(19)**

Omit “(14)”, substitute “(17A)”.

**144 Before subsection 135A(20)**

Insert:

*Offences—offer to supply certain information held by Department*

**145 Before subsection 135A(22)**

Insert:

*Penalty for offences against solicitation, conduct relating to  
information unlawfully disclosed or offer to supply*

**146 Subsection 135A(22)**

Omit “(14), (16)”, substitute “(16), (17A)”.

**147 Subsection 135A(23)**

Repeal the subsection.

**148 Before subsection 135A(24)**

Insert:

*Definitions*

**149 Subsection 135A(24) (definition of *court*)**

Repeal the definition.

**150 Subsection 135A(24) (definition of *indemnity legislation*)**

Repeal the definition.

**151 Subsection 135A(24) (definition of *officer*)**

Repeal the definition, substitute:

*officer* means any of the following:

- (a) a person performing duties or functions, or exercising powers, under or in relation to this Act or a medicare program;
- (b) any other person employed or engaged by the Commonwealth to provide services to the Commonwealth in connection with a relevant Department or Services Australia;
- (c) any other person employed or engaged (however described) by a person described in paragraph (b) to provide services in connection with the services mentioned in that paragraph.

**152 Paragraphs 135AAA(2)(c) and (4)(c)**

Omit “duties, or in the exercise of the powers or functions”, substitute “duties or functions, or in the exercise of the powers”.

**153 Sections 135AA and 135AB**

Repeal the sections, substitute:

**135ABA Authorisations—dealings with certain information relating to pharmaceutical benefits for program integrity etc.**

- (1) This section applies to information that:
  - (a) relates to a person; and
  - (b) is held by an agency (whether or not the information was obtained by that agency, or any other agency, after the commencement of this section); and
  - (c) is any of the following:
    - (i) information obtained by the agency, or any other agency, in connection with a claim for payment of a benefit under the Pharmaceutical Benefits Program;
    - (ii) information obtained by the agency, or any other agency, in connection with a supply of a pharmaceutical benefit;
    - (iii) information relating to a person’s eligibility or entitlement to receive a pharmaceutical benefit, to receive payment in respect of the supply of a pharmaceutical benefit or to be paid a benefit under the Pharmaceutical Benefits Program.



*Authorised collection, use and disclosure of information*

- (2) Information to which this section applies may be collected, used or disclosed for one or more of the purposes specified in subsection (3) in any of the following circumstances:
- (a) the disclosure is by an officer (within the meaning of section 135A) to an entrusted public official;
  - (b) the collection, use or disclosure is by an entrusted public official;
  - (c) if the information was previously disclosed to a person (the **recipient**) by an entrusted public official:
    - (i) the disclosure of the information is by the recipient to an entrusted public official; or
    - (ii) the use of the information is by the recipient for the purpose for which it was previously disclosed; or
    - (iii) the disclosure of the information is by the recipient to any other person for the purpose for which it was previously disclosed.
- Note 1: Collection, use or disclosure authorised by this subsection is not prohibited by subsection 135A(1) (see subsection 135A(1A)).
- Note 2: This subsection also constitutes an authorisation for the purposes of other laws, such as the *Privacy Act 1988*.
- (3) The collection, use or disclosure is authorised if it is for one or more of the following purposes:
- (a) the integrity or sustainability of a medicare program;
  - (b) the protection of a person from a risk arising from, or in connection with, the provision of a benefit or service under a medicare program;
  - (c) statistical analysis;
  - (d) medical research;
  - (e) research and development in relation to health, disability or aged care;
  - (f) development, analysis, administration and review of, and reporting related to, government policy and programs in relation to health, disability or aged care;
  - (g) a disclosure of information that is required or authorised under an Australian law.

**Schedule 2** Amendments to improve or maintain access to government services

**Part 5** Authorising appropriate information sharing to improve the integrity of medicare

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Note 1: For paragraph (a), section 135ACC extends the meaning of the integrity or sustainability of a medicare program.

Note 2: For paragraphs (c), (d) and (e), additional requirements apply to disclosures for the purposes of statistical analysis, medical research, or research and development in relation to health, disability or aged care (see subsections (4) and (5)).

*Additional matters for disclosures relating to research or statistics*

- (4) However, this section does not authorise a disclosure for the purposes of medical research if:
- (a) a person (the **identifiable person**) is reasonably identifiable from the information that is proposed to be disclosed; and
  - (b) the person disclosing the information is not satisfied that:
    - (i) the identifiable person has given informed consent to the use and disclosure of the information for that research; or
    - (ii) the research is to be conducted in accordance with guidelines issued by the National Health and Medical Research Council under section 95 of the *Privacy Act 1988*.
- (5) Before disclosing information under this section for the purposes of statistical analysis, medical research, or research and development in relation to health, disability or aged care, the person disclosing the information must consider the extent to which the disclosure complies with the data minimisation principle.

*No interference with information handling for My Health Record or data-matching*

- (6) Nothing in this section prevents:
- (a) the My Health Record System Operator including information to which this section applies in the My Health Record of a healthcare recipient; or
  - (b) the matching of information under subsection 132B(1) or the operation of Part VIIIA generally.

*Definitions*

- (7) In this section:

**agency** has the same meaning as in the *Privacy Act 1988*.

**data minimisation principle** means the principle of only using or disclosing as much information to which this section applies as is reasonably needed to achieve the purpose of the use or disclosure of the information.

**My Health Record** has the same meaning as in the *My Health Records Act 2012*.

**My Health Record System Operator** has the same meaning as System Operator has in the *My Health Records Act 2012*.

**Pharmaceutical Benefits Program** means the program for supplying pharmaceutical benefits under Part VII of this Act.

**135ABB Authorisations—dealings with officer obtained or generated information for program integrity etc.**

- (1) This section applies to information that:
  - (a) is obtained or generated by an officer (within the meaning of section 135A) in the performance of duties or functions, or in the exercise of powers, under this Act; and
  - (b) relates to the affairs of a person.
- (2) Information to which this section applies may be collected, used or disclosed for one or more of the purposes specified in subsection (3) in any of the following circumstances:
  - (a) the disclosure is by a person who is or has been an officer (within the meaning of section 135A) to an entrusted public official;
  - (b) the collection, use or disclosure is by an entrusted public official;
  - (c) if the information was previously disclosed to a person (the **recipient**) by an entrusted public official:
    - (i) the disclosure of the information is by the recipient to an entrusted public official; or
    - (ii) the use of the information is by the recipient for the purpose for which it was previously disclosed; or

- (iii) the disclosure of the information is by the recipient to any other person for the purpose for which it was previously disclosed.

Note 1: Collection, use or disclosure authorised by this subsection is not prohibited by subsection 135A(1) (see subsection 135A(1A)).

Note 2: This subsection also constitutes an authorisation for the purposes of other laws, such as the *Privacy Act 1988*.

- (3) The collection, use or disclosure is authorised if it is for one or more of the following purposes:
  - (a) the integrity or sustainability of a medicare program;
  - (b) the protection of a person from a risk arising from, or in connection with, the provision of a benefit or service under a medicare program;
  - (c) the administration of a centrelink program (within the meaning of the *Human Services (Centrelink) Act 1997*);
  - (d) the administration of the following Acts:
    - (i) the *Child Support (Assessment) Act 1989*;
    - (ii) the *Child Support (Registration and Collection) Act 1988*.

Note: For paragraph (a), section 135ACC extends the meaning of the integrity or sustainability of a medicare program.

- (4) However, this section does not authorise the following disclosures:
  - (a) disclosure by any of the following persons of information obtained as a result of a review or investigation under Part VAA of the *Health Insurance Act 1973*:
    - (i) a person appointed under Division 2 of that Part;
    - (ii) a member of staff or a consultant engaged under section 106ZM or 106ZP of that Act;
    - (iii) a person whose services are made available under section 106ZN of that Act;
    - (iv) a person providing services under section 106ZPL of that Act;
    - (v) any other person engaged (whether as an employee or otherwise) by the Professional Services Review to provide services in connection with the performance of duties or functions, or the exercise of powers, under that Part;

- (b) disclosure, by a person consulted under section 90 of that Act, of information obtained in connection with that consultation.

Note: For paragraph (a), such persons include the Director or an Associate Director of Professional Services Review or a Panel member of the Professional Services Review Panel (all within the meaning of Part VAA of the *Health Insurance Act 1973*).

### **135ABC Authorisations—dealings with information for enforcement, public revenue or integrity purposes**

- (1) This section applies to information that:
  - (a) is obtained or generated by an officer (within the meaning of section 135A) in the performance of duties or functions, or in the exercise of powers, under this Act; and
  - (b) relates to the affairs of a person.
- (2) An entrusted public official may use or disclose information for a purpose specified in subsection (3) if:
  - (a) the official reasonably believes that using or disclosing the information is necessary for that purpose; and
  - (b) for a disclosure of information—the disclosure is to an agency (within the meaning of the *Privacy Act 1988*) whose functions are directed at that purpose.
- (3) The use or disclosure is authorised if it is for one or more of the following purposes:
  - (a) the enforcement of the criminal law;
  - (b) the enforcement of a law imposing a pecuniary penalty;
  - (c) the protection of the public revenue;
  - (d) an integrity purpose (within the meaning of the *Crimes Act 1914*).

### **154 Section 135AC (heading)**

Repeal the heading, substitute:

**135AC Authorisation—collection of particular health information  
under health law**

**155 After section 135AC**

Insert:

**135ACA Authorisation—use for authorised disclosure**

- (1) This section applies to information that:
  - (a) is obtained or generated by an officer (within the meaning of section 135A) in the performance of duties or functions, or in the exercise of powers, under this Act; and
  - (b) relates to the affairs of a person.
- (2) A person may use information to which this section applies for the purpose of disclosing the information under section 135A, 135ABA, 135ABB or 135ABC.

**135ACB Authorisations and exemptions do not limit each other**

An authorisation or exemption (however described) under section 135A, 135AAA, 135ABA, 135ABB, 135ABC, 135AC or 135ACA does not limit, and is not limited by, any other authorisation or exemption under:

- (a) that section or any other of those sections; or
- (b) any other section of this Act.

**135ACC References to the integrity or sustainability of a medicare  
program**

- (1) This section is made for the purposes of the following provisions:
  - (a) paragraph 135ABA(2)(a);
  - (b) paragraph 135ABB(3)(a).
- (2) For the purposes of each of those provisions, and the section in which the provision is located:
  - (a) a reference in the section to the purposes of the integrity or sustainability of a medicare program includes a reference to the need to ensure that access to the program is limited to

- circumstances where requirements or parameters (whether or not statutory) relating to the program are met; and
- (b) a reference in the section to a collection, use or disclosure being for those purposes is taken to include a reference to the collection, use or disclosure being for the purposes of ensuring that the delivery of the program is not compromised by mistakes, misconduct, fraud or non-compliance, including in relation to those requirements or parameters.

### **135ACD Information relating to deceased persons**

Sections 135A, 135AAA, 135ABA, 135ABB, 135ABC, 135AC, 135ACA, 135ACB and 135ACC apply in relation to information relating to a deceased person in the same way as they apply in relation to information relating to a person who is not deceased.

### **156 Application provision—information obtained or generated before, on or after commencement**

- (1) The following provisions, as amended or inserted by this Part, apply in relation to uses or disclosures of information on or after the commencement of this Part:
- (a) subsections 130(1) and (18A) of the *Health Insurance Act 1973*;
  - (b) subsections 135A(1) and (17A) of the *National Health Act 1953*.
- (2) Subject to subitem (1), the amendments made by this Part apply in relation to information obtained or generated in the performance of duties or functions, or in the exercise of powers, under any of the following Acts before, on or after the commencement of this Part:
- (a) the *Dental Benefits Act 2008*;
  - (b) the *Health Insurance Act 1973*;
  - (c) the *National Health Act 1953*.
- (3) The following provisions, as inserted by this Part, apply in relation to information held by an agency (within the meaning of the *Privacy Act 1988*) before, on or after the commencement of this Part:
- (a) section 129B of the *Health Insurance Act 1973*;
  - (b) section 135ABA of the *National Health Act 1953*.

**157 Transitional provision—instruments in force immediately before commencement**

- (1) An instrument made by the Minister under paragraph 130(3)(a) of the *Health Insurance Act 1973* that is in force immediately before the commencement of this Part continues in force (and may be dealt with) as if it had been made by the Secretary under paragraph 130(3)(a) of that Act as amended by this Part.
- (2) Regulations made for the purposes of subsection 130(3A) of the *Health Insurance Act 1973* that are in force immediately before the commencement of this Part continue in force (and may be dealt with) as if the regulations had been made for the purposes of subsection 130(3F) of that Act as amended by this Part.
- (3) An instrument made by the Minister under paragraph 135A(3)(a) of the *National Health Act 1953* that is in force immediately before the commencement of this Part continues in force (and may be dealt with) as if it had been made by the Secretary under subsection 135A(3) of that Act as amended by this Part.
- (4) Regulations made for the purposes of paragraph 135A(3)(b) of the *National Health Act 1953* that are in force immediately before the commencement of this Part continue in force (and may be dealt with) as if the regulations had been made for the purposes of subsection 135A(3F) of that Act as inserted by this Part.

**158 Transitional rules**

- (1) The Minister may, by legislative instrument, make rules prescribing matters of a transitional nature (including prescribing any saving or application provisions) relating to the enactment of this Part.
- (2) To avoid doubt, the rules may not do the following:
  - (a) create an offence or civil penalty;
  - (b) provide powers of:
    - (i) arrest or detention; or
    - (ii) entry, search or seizure;
  - (c) impose a tax;



- (d) set an amount to be appropriated from the Consolidated Revenue Fund under an appropriation in the following Act (the *relevant Acts*):
  - (i) this Act;
  - (ii) the *Dental Benefits Act 2008*;
  - (iii) the *Health Insurance Act 1973*;
  - (iv) the *National Health Act 1953*;
- (e) directly amend the text of the relevant Acts.

## **Schedule 3—Amendments to reduce regulatory burden**

### **Part 1—Removing risk of unintentional non-compliance for private health insurance**

#### ***Private Health Insurance Act 2007***

##### **1 At the end of section 72-1**

Add:

- (4) If an amount of a benefit payable under an insurance policy does not meet the requirements in the table in subsection (2) merely because of the operation of subsection 10(4) of the *Health Insurance Act 1973* (which rounds the calculation of a \*medicare benefit), the amount of the benefit payable is taken to meet the requirements in the table in subsection (2).

## **Part 2—Facilitating digital identity verification for marriages**

### ***Marriage Act 1961***

#### **2 At the end of paragraph 42(1)(a)**

Add “and”.

#### **3 After subparagraph 42(1)(b)(iv)**

Insert:

- (iva) identification material of a kind prescribed by the regulations for the purposes of this subparagraph, showing the date and place of birth of the party; or

#### **4 Subparagraph 42(1)(b)(v)**

After “a current passport referred to in subparagraph (iii) or (iv)”, insert “or identification material referred to in subparagraph (iva)”.

#### **5 Application of amendments**

The amendments of section 42 of the *Marriage Act 1961* made by this Part apply in relation to a notice that is given under that section after the commencement of this Part.

## Part 3—Strengthening information sharing for more consistent regulatory outcomes

### Division 1—Main amendments

#### *Offshore Petroleum and Greenhouse Gas Storage Act 2006*

#### 6 Section 642 (at the end of the paragraph beginning “NOPSEMA also has functions”)

Add:

; and (c) information sharing.
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#### 7 Section 643

Insert:

*declared oil pollution emergency* has the same meaning as in Schedule 2A.

*significant offshore petroleum incident* has the meaning given by section 576A.

#### 8 After paragraph 646(h)

Insert:

- (ha) to provide information and things to other Commonwealth agencies or authorities;
- (hb) to provide information and things for the purposes of the recipient managing or responding to:
  - (i) a serious situation relating to an identified greenhouse gas storage formation specified in a greenhouse gas injection licence, in relation to which the responsible Commonwealth Minister has given a direction under section 380; or
  - (ii) a significant offshore petroleum incident in relation to which it has given a direction in accordance with section 576B; or
  - (iii) a declared oil pollution emergency;

## **9 Paragraphs 695B(1)(a) to (d)**

Omit “and recommendations”, substitute “, recommendations and things”.

## **10 After paragraph 695B(1)(h)**

Insert:

- (ha) to provide information, assessments, analysis, reports, advice, recommendations and things to other Commonwealth agencies or authorities;
- (hb) to provide information, assessments, analysis, reports, advice, recommendations and things for the purposes of the recipient managing or responding to:
  - (i) a serious situation relating to an identified greenhouse gas storage formation specified in a greenhouse gas injection licence, in relation to which the responsible Commonwealth Minister has given a direction under section 380; or
  - (ii) a significant offshore petroleum incident (within the meaning of Division 2A of Part 6.2) in relation to which NOPSEMA has given a direction in accordance with section 576B; or
  - (iii) a declared oil pollution emergency (within the meaning of Schedule 2A);

## **11 Section 695S (paragraph (c))**

Omit “the Chief Executive Officer of NOPSEMA”, substitute “the persons mentioned in paragraph (b)”.

## **12 Section 695T**

Insert:

*declared oil pollution emergency* has the same meaning as in Schedule 2A.

*significant offshore petroleum incident* has the meaning given by section 576A.

## **13 After subsection 695U(5)**

Insert:

Note: However, section 695WA does apply in relation to offshore information or a thing so obtained: see subsection (7) of that section.

## **14 After section 695W**

Insert:

### **695WA Sharing offshore information or things for the purposes of managing or responding to certain events**

#### *Scope*

- (1) This section applies if:
- (a) the responsible Commonwealth Minister has given a direction under section 380, relating to a serious situation in relation to an identified greenhouse gas storage formation specified in a greenhouse gas injection licence; or
  - (b) NOPSEMA has given a direction in accordance with section 576B in relation to a significant offshore petroleum incident; or
  - (c) the CEO has declared a declared oil pollution emergency.

#### *Who may share and receive offshore information or things*

- (2) Any of the following persons may make offshore information or a thing relating to the situation, incident or emergency available to an agency or authority of the Commonwealth, or of a State or Territory (the *recipient*), that is responsible for emergency management coordination and response, to use as mentioned in subsection (4):
- (a) the responsible Commonwealth Minister;
  - (b) the Secretary;
  - (c) the CEO;
  - (d) the Titles Administrator.
- (3) The CEO may also make available offshore information or a thing to the Secretary (also the *recipient*) to use as mentioned in subsection (4).

*Limitations on use by recipient*

- (4) The recipient may use the offshore information or thing in the course of the following:
  - (a) coordinating the management of, or responding to, the serious situation;
  - (b) coordinating the management of, or responding to, the significant offshore petroleum incident;
  - (c) coordinating the management of, or responding to, the declared oil pollution emergency.
- (5) If offshore information or a thing is made available to a recipient under this section, the person who made the offshore information or thing available may, at any time, by written notice to the recipient, impose conditions in relation to:
  - (a) the recipient's use of the offshore information or thing; or
  - (b) whether, and the extent to which, the recipient itself may make the offshore information or thing available to any other agency or person.
- (6) A notice under subsection (5) is not a legislative instrument.

*Section applies in relation to inquiries into significant offshore incidents (Part 9.10A)*

- (7) Despite subsection 695U(5), this section applies in relation to offshore information or a thing obtained in the course of the exercise of a power, or the performance of a function, under or for the purposes of Part 9.10A (inquiries into significant offshore incidents).

**15 Section 695X (heading)**

Repeal the heading, substitute:

**695X Sharing offshore information or things with other agencies**

**16 Subsection 695X(1)**

Omit "The CEO", substitute "Any of the persons referred to in subsection 695W(1)".

**17 At the end of subsection 695X(2)**

Add:

; (l) any other agency of the Commonwealth.

**18 Subsection 695X(3)**

Omit “CEO”, substitute “person who made the offshore information or thing available”.

**19 Section 711**

Insert:

*declared oil pollution emergency* has the same meaning as in Schedule 2A.

*significant offshore petroleum incident* has the meaning given by section 576A.

**20 At the end of subsection 712(2)**

Add:

; or (e) for any of the following purposes:

- (i) coordinating the management of, or responding to, a serious situation, relating to an identified greenhouse gas storage formation specified in a greenhouse gas injection licence, in relation to which the responsible Commonwealth Minister has given a direction under section 380;
  - (ii) coordinating the management of, or responding to, a significant offshore petroleum incident in relation to which NOPSEMA has given a direction in accordance with section 576B;
  - (iii) coordinating the management of, or responding to, a declared oil pollution emergency.
- (3) If the Titles Administrator makes the information available to a person for a purpose mentioned in paragraph (2)(e), the Titles Administrator may, at any time, by written notice to the person, impose conditions in relation to:
- (a) the person’s use of the information; or



- (b) whether, and the extent to which, the person may make the information available to any other person.
- (4) A notice under subsection (3) is not a legislative instrument.

*Administration of other Acts*

- (5) Despite subsection (2), the Titles Administrator may make the information available to an agency or authority of the Commonwealth for the purposes of the administration of one or more of the following Acts:
  - (a) the *Environment Protection and Biodiversity Conservation Act 1999*;
  - (b) the *Environment Protection (Sea Dumping) Act 1981*;
  - (c) the *Offshore Electricity Infrastructure Act 2021*.
- (6) If the Titles Administrator does so, the agency or authority must not:
  - (a) make the information publicly known; or
  - (b) make the information available to any other person (other than a Minister, a Minister of a State or a Minister of the Northern Territory).

**21 At the end of subsection 713(2)**

Add:

- ; or (e) for any of the following purposes:
  - (i) coordinating the management of, or responding to, a serious situation, relating to an identified greenhouse gas storage formation specified in a greenhouse gas injection licence, in relation to which the responsible Commonwealth Minister has given a direction under section 380;
  - (ii) coordinating the management of, or responding to, a significant offshore petroleum incident in relation to which NOPSEMA has given a direction in accordance with section 576B;
  - (iii) coordinating the management of, or responding to, a declared oil pollution emergency.

- (3) If the Titles Administrator permits a person to inspect the sample for a purpose mentioned in paragraph (2)(e), the Titles Administrator may, at any time, by written notice to the person, impose conditions in relation to:
  - (a) the person's use of the sample; or
  - (b) whether, and the extent to which, the person may permit any other person to inspect the sample.
- (4) A notice under subsection (3) is not a legislative instrument.

*Administration of other Acts*

- (5) Despite subsection (2), the Titles Administrator may permit an agency or authority of the Commonwealth to inspect the sample for the purposes of the administration of one or more of the following Acts:
  - (a) the *Environment Protection and Biodiversity Conservation Act 1999*;
  - (b) the *Environment Protection (Sea Dumping) Act 1981*;
  - (c) the *Offshore Electricity Infrastructure Act 2021*.
- (6) If the Titles Administrator does so, the agency or authority must not:
  - (a) make publicly known any details of the sample; or
  - (b) permit any other person (other than a Minister, a Minister of a State or a Minister of the Northern Territory) to inspect the sample.

**22 At the end of subsection 715(2)**

Add:

- ; or (e) for any of the following purposes:
  - (i) coordinating the management of, or responding to, a serious situation, relating to an identified greenhouse gas storage formation specified in a greenhouse gas injection licence, in relation to which the responsible Commonwealth Minister has given a direction under section 380;
  - (ii) coordinating the management of, or responding to, a significant offshore petroleum incident in relation to

which NOPSEMA has given a direction in accordance with section 576B;

- (iii) coordinating the management of, or responding to, a declared oil pollution emergency.

## **23 At the end of subsection 715(3)**

Add:

; or (e) for any of the following purposes:

- (i) coordinating the management of, or responding to, a serious situation, relating to an identified greenhouse gas storage formation specified in a greenhouse gas injection licence, in relation to which the responsible Commonwealth Minister has given a direction under section 380;
  - (ii) coordinating the management of, or responding to, a significant offshore petroleum incident in relation to which NOPSEMA has given a direction in accordance with section 576B;
  - (iii) coordinating the management of, or responding to, a declared oil pollution emergency.
- (4) If a recipient Minister or second recipient Minister makes the information available to a person under paragraph (2)(e) or (3)(e), the relevant recipient Minister may, at any time, by written notice to the person, impose conditions in relation to:
- (a) the person's use of the information; or
  - (b) whether, and the extent to which, the person may make the information available to any other person.
- (5) A notice under subsection (4) is not a legislative instrument.

## **24 At the end of subsection 716(2)**

Add:

; or (e) for any of the following purposes:

- (i) coordinating the management of, or responding to, a serious situation, relating to an identified greenhouse gas storage formation specified in a greenhouse gas injection licence, in relation to which the responsible

Commonwealth Minister has given a direction under section 380;

- (ii) coordinating the management of, or responding to, a significant offshore petroleum incident in relation to which NOPSEMA has given a direction in accordance with section 576B;
- (iii) coordinating the management of, or responding to, a declared oil pollution emergency.

## **25 At the end of subsection 716(3)**

Add:

; or (e) for any of the following purposes:

- (i) coordinating the management of, or responding to, a serious situation, relating to an identified greenhouse gas storage formation specified in a greenhouse gas injection licence, in relation to which the responsible Commonwealth Minister has given a direction under section 380;
  - (ii) coordinating the management of, or responding to, a significant offshore petroleum incident in relation to which NOPSEMA has given a direction in accordance with section 576B;
  - (iii) coordinating the management of, or responding to, a declared oil pollution emergency.
- (4) If a recipient Minister or second recipient Minister permits a person to inspect the sample under paragraph (2)(e) or (3)(e), the relevant recipient Minister may, at any time, by written notice to the person, impose conditions in relation to:
- (a) the person's use of the sample; or
  - (b) whether, and the extent to which, the person may permit any other person to inspect the sample.
- (5) A notice under subsection (4) is not a legislative instrument.

## **26 Section 736**

Insert:

***declared oil pollution emergency*** has the same meaning as in Schedule 2A.

*significant offshore petroleum incident* has the meaning given by section 576A.

## **27 At the end of subsection 738(2)**

Add:

; or (e) for any of the following purposes:

- (i) coordinating the management of, or responding to, a serious situation, relating to an identified greenhouse gas storage formation specified in a greenhouse gas injection licence, in relation to which the responsible Commonwealth Minister has given a direction under section 380;
  - (ii) coordinating the management of, or responding to, a significant offshore petroleum incident in relation to which NOPSEMA has given a direction in accordance with section 576B;
  - (iii) coordinating the management of, or responding to, a declared oil pollution emergency.
- (3) If the responsible Commonwealth Minister or the Titles Administrator makes the information available to a person for a purpose mentioned in paragraph (2)(e), the responsible Commonwealth Minister or the Titles Administrator may, at any time, by written notice to the person, impose conditions in relation to:
- (a) the person's use of the information; or
  - (b) whether, and the extent to which, the person may make the information available to any other person.
- (4) A notice under subsection (3) is not a legislative instrument.

### *Administration of other Acts*

- (5) Despite subsection (2), the responsible Commonwealth Minister or the Titles Administrator may make the information available to an agency or authority of the Commonwealth for the purposes of the administration of one or more of the following Acts:
- (a) the *Environment Protection and Biodiversity Conservation Act 1999*;
  - (b) the *Environment Protection (Sea Dumping) Act 1981*;

(c) the *Offshore Electricity Infrastructure Act 2021*.

- (6) If the responsible Commonwealth Minister or the Titles Administrator does so, the agency or authority must not:
- (a) make the information publicly known; or
  - (b) make the information available to any other person (other than a Minister, a Minister of a State or a Minister of the Northern Territory).

**28 At the end of subsection 739(2)**

Add:

; or (e) for any of the following purposes:

- (i) coordinating the management of, or responding to, a serious situation, relating to an identified greenhouse gas storage formation specified in a greenhouse gas injection licence, in relation to which the responsible Commonwealth Minister has given a direction under section 380;
  - (ii) coordinating the management of, or responding to, a significant offshore petroleum incident in relation to which NOPSEMA has given a direction in accordance with section 576B;
  - (iii) coordinating the management of, or responding to, a declared oil pollution emergency.
- (3) If the responsible Commonwealth Minister or the Titles Administrator permits a person to inspect the sample for a purpose mentioned in paragraph (2)(e), the responsible Commonwealth Minister or the Titles Administrator may, at any time, by written notice to the person, impose conditions in relation to:
- (a) the person's use of the sample; or
  - (b) whether, and the extent to which, the person may permit any other person to inspect the sample.
- (4) A notice under subsection (3) is not a legislative instrument.

*Administration of other Acts*

- (5) Despite subsection (2), the responsible Commonwealth Minister or the Titles Administrator may permit an agency or authority of the

Commonwealth to inspect the sample for the purposes of the administration of one or more of the following Acts:

- (a) the *Environment Protection and Biodiversity Conservation Act 1999*;
  - (b) the *Environment Protection (Sea Dumping) Act 1981*;
  - (c) the *Offshore Electricity Infrastructure Act 2021*.
- (6) If the responsible Commonwealth Minister or the Titles Administrator does so, the agency or authority must not:
- (a) make publicly known any details of the sample; or
  - (b) permit any other person (other than a Minister, a Minister of a State or a Minister of the Northern Territory) to inspect the sample.

## **29 At the end of subsection 740A(2)**

Add:

- ; or (e) for any of the following purposes:
- (i) coordinating the management of, or responding to, a serious situation, relating to an identified greenhouse gas storage formation specified in a greenhouse gas injection licence, in relation to which the responsible Commonwealth Minister has given a direction under section 380;
  - (ii) coordinating the management of, or responding to, a significant offshore petroleum incident in relation to which NOPSEMA has given a direction in accordance with section 576B;
  - (iii) coordinating the management of, or responding to, a declared oil pollution emergency.

## **30 At the end of subsection 740A(3)**

Add:

- ; or (e) for any of the following purposes:
- (i) coordinating the management of, or responding to, a serious situation, relating to an identified greenhouse gas storage formation specified in a greenhouse gas injection licence, in relation to which the responsible Commonwealth Minister has given a direction under section 380;

- (ii) coordinating the management of, or responding to, a significant offshore petroleum incident in relation to which NOPSEMA has given a direction in accordance with section 576B;
  - (iii) coordinating the management of, or responding to, a declared oil pollution emergency.
- (4) If a recipient Minister or second recipient Minister makes the information available to a person under paragraph (2)(e) or (3)(e), the relevant recipient Minister may, at any time, by written notice to the person, impose conditions in relation to:
  - (a) the person's use of the information; or
  - (b) whether, and the extent to which, the person may make the information available to any other person.
- (5) A notice under subsection (4) is not a legislative instrument.

**31 At the end of subsection 740B(2)**

Add:

; or (e) for any of the following purposes:

- (i) coordinating the management of, or responding to, a serious situation, relating to an identified greenhouse gas storage formation specified in a greenhouse gas injection licence, in relation to which the responsible Commonwealth Minister has given a direction under section 380;
- (ii) coordinating the management of, or responding to, a significant offshore petroleum incident in relation to which NOPSEMA has given a direction in accordance with section 576B;
- (iii) coordinating the management of, or responding to, a declared oil pollution emergency.

**32 At the end of subsection 740B(3)**

Add:

; or (e) for any of the following purposes:

- (i) coordinating the management of, or responding to, a serious situation, relating to an identified greenhouse gas storage formation specified in a greenhouse gas



injection licence, in relation to which the responsible Commonwealth Minister has given a direction under section 380;

- (ii) coordinating the management of, or responding to, a significant offshore petroleum incident in relation to which NOPSEMA has given a direction in accordance with section 576B;
- (iii) coordinating the management of, or responding to, a declared oil pollution emergency.

- (4) If a recipient Minister or second recipient Minister permits a person to inspect the sample under paragraph (2)(e) or (3)(e), the relevant recipient Minister may, at any time, by written notice to the person, impose conditions in relation to:
  - (a) the person's use of the sample; or
  - (b) whether, and the extent to which, the person may permit any other person to inspect the sample.

- (5) A notice under subsection (4) is not a legislative instrument.

## **Division 2—Application provisions**

### **33 Sharing information and things**

The amendments made by this Part apply in relation to information, a sample or other thing obtained before, on or after the commencement of this Part.

### **34 Transitional regulations**

The Governor-General may make regulations prescribing matters of a transitional nature (including prescribing any saving or application provisions) relating to the amendments made by this Part.

## **Schedule 4—Amendments to increase government efficiency and improve productivity**

### **Part 1—Increasing efficiency of the Australian Communications and Media Authority**

#### **Division 1—Delegations relating to notices**

##### *Australian Communications and Media Authority Act 2005*

###### **1 Paragraph 53(2)(k)**

Repeal the paragraph.

#### **Division 2—Delegations relating to instruments**

##### *Australian Communications and Media Authority Act 2005*

###### **2 Section 51**

Omit “Subject to section 53”, substitute “(1) Subject to subsection (2) and section 53”.

###### **3 At the end of section 51**

Add:

- (2) The ACMA may only delegate a power to make, vary or revoke an instrument that is a legislative instrument to a person under this section if:
  - (a) the delegation is only for the purposes of one or both of the following:
    - (i) giving effect to a policy or a decision of the ACMA;
    - (ii) making changes of the kinds referred to in each paragraph of subsection 15X(2) of the *Legislation Act 2003* (about editorial changes) to instruments made under that power; and
  - (b) if the delegation is for the purposes of giving effect to a policy or a decision of the ACMA—having regard to what

would be required, necessary or convenient to give effect to the policy or decision, the ACMA is satisfied that it is appropriate for a delegate to exercise the power; and

- (c) the person is:
- (i) a member; or
  - (ii) an SES employee or an acting SES employee; or
  - (iii) a person holding, or performing the duties of, an office or position that is at a level equivalent to that of an SES employee.

Note: The expressions **SES employee** and **acting SES employee** are defined in section 2B of the *Acts Interpretation Act 1901*.

#### **4 Subsection 52(1)**

Omit “Subject to section 53”, substitute “Subject to subsection (1A) and section 53”.

#### **5 After subsection 52(1)**

Insert:

- (1A) A Division may only delegate a power to make, vary or revoke an instrument that is a legislative instrument to a person under this section if:
- (a) the delegation is only for the purposes of one or both of the following:
    - (i) giving effect to a policy or a decision of the Division;
    - (ii) making changes of the kinds referred to in each paragraph of subsection 15X(2) of the *Legislation Act 2003* (about editorial changes) to instruments made under that power; and
  - (b) if the delegation is for the purposes of giving effect to a policy or a decision of the Division—having regard to what would be required, necessary or convenient to give effect to the policy or decision, the Division is satisfied that it is appropriate for a delegate to exercise the power; and
  - (c) the person is:
    - (i) a member; or
    - (ii) an SES employee or an acting SES employee; or

- (iii) a person holding, or performing the duties of, an office or position that is at a level equivalent to that of an SES employee.

Note: The expressions *SES employee* and *acting SES employee* are defined in section 2B of the *Acts Interpretation Act 1901*.

## **6 Subsection 53(1)**

Repeal the subsection.

## **7 Subsection 53(3)**

Repeal the subsection, substitute:

- (3) Subsection (2) does not limit the generality of subsection 51(2) or 52(1A).

Note: Subsections 51(2) and 52(1A) are additional limitations on the delegation of powers in relation to instruments.

## **Part 2—Promoting consistent delegation powers for Woomera Prohibited Area**

### ***Defence Act 1903***

#### **8 Before paragraphs 72TN(1)(a) and 72TN(2)(a)**

Insert:

(aa) the Secretary; or

#### **9 Subsection 72TN(3)**

After “the following decisions”, insert “to the Secretary or”.

## **Part 3—Repealing redundant legislation**

### ***Cockatoo and Schnapper Islands Act 1949***

#### **10 The whole of the Act**

Repeal the Act.

### ***Early Years Quality Fund Special Account Act 2013***

#### **11 The whole of the Act**

Repeal the Act.

## **Part 4—Ensuring NBN Co mapping data can continue to be made publicly available**

### ***National Broadband Network Companies Act 2011***

#### **12 Subsection 98B(7) (heading)**

Repeal the heading, substitute:

*Publication of mapping data*

#### **13 Subsection 98B(7)**

Omit “made available on the National Map website  
(<https://nationalmap.gov.au>)”, substitute “published electronically”.

#### **14 At the end of subsection 98B(7)**

Add:

Note: The mapping data provided under subsection (1) could in 2025 be  
viewed on the Department’s website  
(<https://www.infrastructure.gov.au>).

#### **15 Subsection 98B(7A)**

Omit “made available on the National Map website  
(<https://nationalmap.gov.au>)”, substitute “published electronically”.

#### **16 At the end of subsection 98B(7A)**

Add:

Note: The mapping data provided under subsection (1A) could in 2025 be  
viewed on the Department’s website  
(<https://www.infrastructure.gov.au>).

## Part 5—Improving fuel security

### Division 1—Temporary reduction power

#### *Fuel Security Act 2021*

##### 17 Section 6

After “may also be suspended”, insert “or reduced”.

##### 18 Subsection 13(2) (heading)

After “*Obligation*”, insert “*reduced*”.

##### 19 Subsection 13(2)

Omit “determination made under section 37”, substitute “instrument made under section 16A or 37”.

##### 20 At the end of subsection 13(2)

Add:

Note: See subsection 16A(4) in relation to the interaction between an instrument made under section 16A and a notice given under section 18.

##### 21 After section 16

Insert:

#### 16A Temporary reduction by Minister

- (1) The Minister may, by legislative instrument, reduce the quantity of stocks of an MSO product that an entity must hold on specified obligation days.

Note: For specification by class, see subsection 13(3) of the *Legislation Act 2003*.

- (2) However, the Minister may do so only if the Minister is satisfied that the reduction is necessary:

- (a) to meet Australia’s obligations under the International Energy Agreement; or



- (b) to prevent or alleviate a disruption or likely disruption to supply of the product.
- (3) The reduction must not be greater, or apply to more obligation days, than is reasonably necessary:
  - (a) to meet those obligations; or
  - (b) to prevent or alleviate the disruption or likely disruption.
- (3A) In addition, the period of the reduction must not exceed 6 months. However, the Minister may make reductions under this section for the MSO product for the entity for additional periods not exceeding 6 months each.

*Interaction with section 18 reductions*

- (4) If the reduction applies on an obligation day that falls within a temporary reduction period under section 18 for the entity and the product, the reduction for the entity for the day is the greater of the following:
  - (a) the reduction under this section;
  - (b) the reduction under section 18.

*Working with Energy Ministers*

- (5) Before making a reduction under this section, the Minister must inform the Energy Ministers (within the meaning of the *Liquid Fuel Emergency Act 1984*) of the proposed reduction.
- (6) The Minister must consider making such a reduction if requested by one of those Energy Ministers to do so.

## **Division 2—Meaning of covered product**

### ***Petroleum and Other Fuels Reporting Act 2017***

#### **22 Subsection 5(1) (after paragraph (s) of the definition of covered product)**

Insert:

- (sa) diesel exhaust fluid; or
- (sb) technical grade urea; or

## 23 Application of amendments

A reference to the expression “covered product” or “covered products” in a provision of an instrument made under the *Petroleum and Other Fuels Reporting Act 2017*, as in force immediately before the commencement of this Division, has effect on and after that commencement as if the expression included a product referred to in paragraph (sa) or (sb) of the definition of **covered product** in subsection 5(1) of that Act (as inserted by this Division).

## Division 3—Information gathering powers

### *Petroleum and Other Fuels Reporting Act 2017*

#### 24 Paragraph 3(a)

Omit “or preparation for”, substitute “preparation for, or management of”.

#### 25 Part 2 (at the end of the heading)

Add “**and information-gathering powers**”.

#### 26 Before section 10

Insert:

## Division 1—Introduction

#### 27 At the end of section 10

Add:

The Secretary may request information or documents relating to Australia’s market for covered products if the Secretary reasonably believes there is a disruption to Australia’s fuel supply which significantly impacts Australia’s fuel market.
---

#### 28 Before section 11

Insert:

## **Division 2—Reports of fuel information**

### **29 At the end of Part 2**

Add:

## **Division 3—Information-gathering powers**

### **13E Secretary may require information or documents**

#### *Scope*

- (1) This section applies if the Secretary reasonably believes that:
  - (a) there is a disruption to Australia’s fuel supply; and
  - (b) the disruption has had, is having, or is likely to have, a significant impact on Australia’s fuel market.

#### *Notice*

- (2) The Secretary may give a regulated entity a written notice if the Secretary reasonably believes that the entity has information or documents relevant to the Australian market for a covered product.
- (3) Without limiting subsection (2), information or documents relevant to the Australian market for a covered product include information or documents relating to the following:
  - (a) the entity’s orders for any upcoming supply of the product to the market, and the scheduled timeframes for that supply;
  - (b) the entity’s orders for any upcoming demand for the product by customers;
  - (c) stock levels of the product held by the entity.

#### *Contents of notice*

- (4) The notice may require the entity to do either or both of the following:
  - (a) to give information specified in the notice to the Secretary within the period and in the manner specified in the notice;
  - (b) to produce documents specified in the notice to the Secretary within the period and in the manner specified in the notice.

Note 1: For civil penalties for failing to comply with a requirement of a notice or for providing false or misleading information or documents, see sections 13G and 13H.

Note 2: A person may commit an offence if the person provides false or misleading information or documents (see sections 137.1 and 137.2 of the *Criminal Code*).

(5) The notice must set out the effect of the following provisions:

- (a) section 13G;
- (b) section 13H;
- (c) section 137.1 of the *Criminal Code* (about an offence for giving false or misleading information);
- (d) section 137.2 of the *Criminal Code* (about an offence for producing false or misleading documents).

*Minimum period for complying with notice*

(6) A period specified under paragraph (4)(a) or (b):

- (a) must be at least 5 business days after the day the notice is given; and
- (b) may be:
  - (i) a single period; or
  - (ii) a recurring period.

**13F Additional operation of section 13E**

(1) In addition to the effect of section 13E, that section also has effect as provided by this section.

*Census and statistics power*

(2) Section 13E also has the effect it would have if:

- (a) a reference to a regulated entity included a reference to a person who is not a regulated entity; and
- (b) a reference to information or documents were expressly confined to statistical information or statistical documents.

*External affairs power*

(3) Section 13E also has the effect it would have if:

- (a) a reference to a regulated entity included a reference to a person who is not a regulated entity; and
- (b) a reference to information or documents were expressly confined to information or documents necessary to give effect to Australia's rights or obligations under:
  - (i) the Agreement; or
  - (ii) any other agreement with one or more countries.

### **13G Civil penalty for failing to comply with notice**

#### *Civil penalty*

- (1) A person contravenes this subsection if:
  - (a) the person is given a notice under section 13E; and
  - (b) the person fails to comply with a requirement of the notice.

Civil penalty: 250 penalty units.

- (2) Subsection (1) does not apply if the person has a reasonable excuse.

Note: A person bears an evidential burden in relation to the matter in this subsection (see section 96 of the Regulatory Powers Act).

#### *Continuing contravention*

- (3) If a person contravenes subsection (1) by contravening a requirement mentioned in paragraph 13E(4)(a) or (b), the maximum civil penalty for each day that the contravention continues is 10% of the maximum civil penalty that can be imposed in respect of that contravention.

Note: Subsection (1), as it relates to a contravention of a requirement mentioned in paragraph 13E(4)(a) or (b), is a continuing civil penalty provision under section 93 of the Regulatory Powers Act.

### **13H Civil penalty for false or misleading information or documents**

#### *Civil penalty*

- (1) A person contravenes this subsection if:
  - (a) the person is given a notice under section 13E; and

- (b) the person gives information or produces a document that is false or misleading in a material particular, or omits a matter or thing without which the information or the document is misleading in a material particular.

Civil penalty: 300 penalty units.

- (2) Subsection (1) does not apply if the person has a reasonable excuse.

Note: A person bears an evidential burden in relation to the matter in this subsection (see section 96 of the Regulatory Powers Act).

**30 Section 32 (at the end of the paragraph beginning “Civil penalty orders”)**

Add “and the requirement in section 13E to give information or produce documents”.

**31 Section 32 (at the end of the paragraph beginning “A person can be given”)**

Add “or section 13E”.

**32 After paragraph 39(1)(ca)**

Insert:

- (cb) section 13E (about requiring information or documents); or

**Division 4—Consequential amendments**

***Liquid Fuel Emergency Act 1984***

**33 Subsection 3(1) (definition of *civil penalty provision*)**

Omit “14(6) or (7), 14A(6) or (7),”.

**34 Subsection 3(1) (paragraph (a) of the definition of *offence against this Act*)**

Omit “14(8) or 9, 14A(8) or (9),”.

**35 Sections 14 to 14B**

Repeal the sections.

**36 Paragraph 34(1B)(c)**

Omit “, 14(6) or (7) or 14A(6) or (7)”.

**37 Paragraph 49(1)(a)**

Omit “14(4), 14A(4),”.

**38 Paragraph 49(1)(c)**

Repeal the paragraph.

## **Part 6—Improving energy performance**

### ***Greenhouse and Energy Minimum Standards Act 2012***

#### **39 After paragraph 4(ab)**

Insert:

- (ac) to promote improved energy performance through better energy use and management of the demand put on the energy system; and



## **Part 7—Ensuring consistency across social security benefits**

### **Division 1—Rounding rule for rent assistance**

#### ***Social Security Act 1991***

##### **40 Subsection 1070L(2)**

After “two-thirds of rate B”, insert “rounded to the nearest cent (rounding 0.5 cents upwards)”.

##### **41 Subsection 1070M(2)**

After “two-thirds of rate B”, insert “rounded to the nearest cent (rounding 0.5 cents upwards)”.

##### **42 Subsection 1070Q(2)**

After “two-thirds of rate B”, insert “rounded to the nearest cent (rounding 0.5 cents upwards)”.

### **Division 2—CPI methodology for Veteran’s Affairs Legislation**

#### ***Military Rehabilitation and Compensation Act 2004***

##### **43 Subsection 404(3) (formula)**

Repeal the formula, substitute:

$$\frac{\text{December index number for the previous financial year}}{\text{Highest December index number for a year before the previous financial year}}$$

##### **44 After subsection 404(5A)**

Insert:

(5B) For the purposes of the denominator in the formula in subsection (3), the year before the previous financial year must be no earlier than 2024.

## ***Veterans' Entitlements Act 1986***

### **45 Amendments of listed provisions—CPI Indexation Table**

The items of the table in subsection 59B(1) listed in the following table are amended as set out in the table.

<b>Amendments to CPI Indexation Table</b>			
<b>Item</b>	<b>Table item</b>	<b>Omit</b>	<b>Substitute</b>
1	Item 4	most recent March quarter before reference quarter	highest March quarter before reference quarter (but not earlier than March quarter 2025)
2	Item 6	most recent December quarter before reference quarter	highest December quarter before reference quarter (but not earlier than December quarter 2024)
3	Item 7	most recent December quarter before reference quarter	highest December quarter before reference quarter (but not earlier than December quarter 2024)
4	Item 8	most recent December quarter before reference quarter	highest December quarter before reference quarter (but not earlier than December quarter 2024)
5	Item 8A	most recent December quarter before reference quarter	highest December quarter before reference quarter (but not earlier than December quarter 2024)
6	Item 8B	most recent December quarter before reference quarter	highest December quarter before reference quarter (but not earlier than December quarter 2024)
7	Item 13	Most recent December quarter before reference quarter	highest December quarter before reference quarter (but not earlier than December quarter 2024)

## Division 3—CPI methodology for the Social Security Legislation

### *Social Security Act 1991*

#### 46 Amendments of listed provisions—CPI Indexation Table

The items of the table in subsection 1191(1) listed in the following table are amended as set out in the table.

<b>Amendments to CPI Indexation Table</b>			
<b>Item</b>	<b>Table item</b>	<b>Omit</b>	<b>Substitute</b>
1	Item 14	most recent March quarter before reference quarter	highest March quarter before reference quarter (but not earlier than March quarter 2025)
2	Item 14A	most recent June quarter before reference quarter	highest June quarter before reference quarter (but not earlier than June quarter 2024)
3	Item 18	most recent December quarter before reference quarter	highest December quarter before reference quarter (but not earlier than December quarter 2024)
4	Item 19	most recent December quarter before reference quarter	highest December quarter before reference quarter (but not earlier than December quarter 2024)
5	Item 20	most recent December quarter before reference quarter	highest December quarter before reference quarter (but not earlier than December quarter 2024)
6	Item 20A	most recent June quarter before reference quarter	highest June quarter before reference quarter (but not earlier than June quarter 2024)
7	Item 20B	most recent June quarter before reference quarter	highest June quarter before reference quarter (but not earlier than June quarter 2024)
8	Item 21	most recent December quarter before reference quarter	highest December quarter before reference quarter (but not earlier than December quarter 2024)

**Schedule 4** Amendments to increase government efficiency and improve productivity  
**Part 7** Ensuring consistency across social security benefits

<b>Amendments to CPI Indexation Table</b>			
<b>Item</b>	<b>Table item</b>	<b>Omit</b>	<b>Substitute</b>
			2024)
9	Item 22	most recent December quarter before reference quarter	highest December quarter before reference quarter (but not earlier than December quarter 2024)
10	Item 23	most recent December quarter before reference quarter	highest December quarter before reference quarter (but not earlier than December quarter 2024)
11	Item 25	most recent December quarter before reference quarter	highest December quarter before reference quarter (but not earlier than December quarter 2024)
12	Item 26	most recent December quarter before reference quarter	highest December quarter before reference quarter (but not earlier than December quarter 2024)
13	Item 33	most recent June quarter before reference quarter	highest June quarter before reference quarter (but not earlier than June quarter 2025)
14	Item 33AAA	most recent June quarter before reference quarter	highest June quarter before reference quarter (but not earlier than June quarter 2025)
15	Item 33AAB	most recent June quarter before reference quarter	highest June quarter before reference quarter (but not earlier than June quarter 2025)
16	Item 37	Most recent December quarter before reference quarter	highest December quarter before reference quarter (but not earlier than December quarter 2024)

## **Division 4—Pension PP (single) qualification extension period**

### ***Social Security Act 1991***

#### **47 Subparagraph 1061ZEA(2)(ga)(ii)**

Repeal the subparagraph, substitute:

- (i) in the case of a person to whom pension PP (single) ceases to be payable—continues, but for the requirement to have at least one PP child, to be qualified for that pension; and
- (ii) in the case of a person who ceases to receive benefit PP (partnered)—continues, but for the requirement to have at least one PP child, to be qualified for that benefit; and

#### **48 Subparagraph 1061ZEA(2)(h)(i)**

Omit “(ga)(ia)”, substitute “(ga)(i), (ia)”.

#### **49 Application—extension period for pension PP (single)**

The amendments made by this Division apply in relation to:

- (a) a person to whom pension PP (single) ceases to be payable on or after the commencement of this item; and
- (b) a person to whom pension PP (single) ceased to be payable at a time within the period:
  - (i) starting on the day that is 24 weeks before the commencement of this item; and
  - (ii) ending on the commencement of this item.

## **Division 5—Accessing home equity access scheme**

### ***Social Security Act 1991***

#### **50 After paragraphs 1133(1)(d) and (2)(d)**

Insert:

; and (e) subsection (3A) does not apply to the person.

**51 After subsection 1133(3)**

Insert:

*Circumstances in which person not qualified*

(3A) This subsection applies to a person if:

(a) both of the following apply:

- (i) the person has made a request to participate in the home equity access scheme under section 52ZD of the Veterans' Entitlements Act;
- (ii) the scheme has not, since the person last made such a request, ceased to operate in relation to the person because of the effect of section 52ZJ, 52ZJA, 52ZJB or 52ZK of that Act; or

(b) the person is receiving a service pension or income support supplement.

Note: If paragraph (b) applies, the person may be eligible to participate in the home equity access scheme under the Veterans' Entitlements Act.

**52 At the end of section 1136**

Add:

*Restrictions on requests to participate*

(4) A person must not make a request if the person is already participating in the home equity access scheme.

**53 Paragraph 1138(3)(a)**

After "1141A", insert "1141B".

**54 Subsection 1138(3) (after note 1A)**

Insert:

Note 1B: Section 1141B provides that the scheme ceases to operate in relation to a person if the person starts to receive service pension or income support supplement.

**55 After section 1141A**

Insert:

**1141B Person ceases to participate in home equity access scheme if person starts receiving service pension or income support supplement**

If:

- (a) a person is qualified for, but is not receiving:
  - (i) an age pension; or
  - (ii) a disability support pension; or
  - (iii) a carer payment; and
- (b) the person is participating in the home equity access scheme; and
- (c) the person starts to receive a service pension or income support supplement;

the scheme ceases to operate in relation to the person under this Act at the beginning of the pension period (within the meaning of the Veterans' Entitlements Act) for the service pension or income support supplement being paid to the person during which the person starts to receive service pension or income support supplement.

Note 1: For repayment or recovery of the debt owed by the person, see sections 1139 and 1142A.

Note 2: The person may be eligible to participate in the home equity access scheme under the Veterans' Entitlements Act when the scheme ceases to operate in relation to the person under this section.

**56 Subsection 1142A(1)**

After "1141A", insert " , 1141B".

**57 Subsection 1142A(1) (after note 1A)**

Insert:

Note 1B: Section 1141B provides that the scheme ceases to operate in relation to a person if the person starts to receive service pension or income support supplement.

## Division 6—Accessing home equity access scheme

### *Veterans' Entitlements Act 1986*

#### **58 After paragraphs 52ZA(1)(e) and (2)(e)**

Insert:

; and (f) subsection (3A) does not apply to the person.

#### **59 After subsection 52ZA(3)**

Insert:

##### *Circumstances in which person ineligible*

(3A) This subsection applies to a person if:

(a) both of the following apply:

- (i) the person has made a request to participate in the home equity access scheme under section 1136 of the Social Security Act;
- (ii) the scheme has not, since the person last made such a request, ceased to operate in relation to the person because of the effect of section 1141, 1141A, 1141B or 1142 of that Act; or

(b) the person is receiving one of the following social security pensions under the Social Security Act:

- (i) an age pension;
- (ii) a disability support pension;
- (iii) a carer payment.

Note: If paragraph (b) applies, the person may be qualified to participate in the home equity access scheme under the Social Security Act.

#### **60 At the end of section 52ZD**

Add:

##### *Restrictions on requests to participate*

- (4) A person must not make a request if the person is already participating in the home equity access scheme.



## **61 Paragraph 52ZF(3)(a)**

After “52ZJA”, insert “, 52ZJB”.

## **62 Subsection 52ZF(3) (after note 1A)**

Insert:

Note 1B: Section 52ZJB provides that the scheme ceases to operate in relation to a person if the person starts to receive certain social security pensions.

## **63 After section 52ZJA**

Insert:

### **52ZJB Person ceases to participate in home equity access scheme if person starts receiving certain social security pensions**

If:

- (a) a person is eligible for, but is not receiving, a service pension or income support supplement; and
- (b) the person is participating in the home equity access scheme; and
- (c) the person starts to receive one of the following social security pensions under the Social Security Act:
  - (i) an age pension;
  - (ii) a disability support pension;
  - (iii) a carer payment;

the scheme ceases to operate in relation to the person under this Act at the beginning of the instalment period (within the meaning of the Social Security Act) for the pension being paid to the person during which the person starts to receive the social security pension.

Note 1: For repayment or recovery of the debt owed by the person, see sections 52ZG and 52ZKA.

Note 2: The person may be qualified to participate in the home equity access scheme under the Social Security Act when the scheme ceases to operate in relation to the person under this section.

## **64 Subsection 52ZKA(1)**

After “52ZJA”, insert “, 52ZJB”.

**65 Subsection 52ZKA(1) (after note 1A)**

Insert:

Note 1B: Section 52ZJB provides that the scheme ceases to operate in relation to a person if the person starts to receive certain social security pensions.

**Division 7—Veterans’ rent assistance**

*Veterans’ Entitlements Act 1986*

**66 Section 59A (table items 6 and 6A)**

Omit “all amounts”, substitute “item 1”.

**67 Section 59A (after table item 6A)**

Insert:

6B.	Maximum rent assistance (combined rate for couples with rent increased pensions)	pension MRA (couples)	*Rate Calculator—point SCH6-C8A
6C.	Rent threshold rate (combined rate for couples with rent increased pensions)	pension rent threshold (couples)	*Rate Calculator—point SCH6-C6A

**68 Subsection 59B(1) (after table item 3A)**

Insert:

3B.	pension MRA (couples)	(a) 20 March (b) 20 September	(a) December (b) June	highest June or December quarter before reference quarter (but not earlier than June quarter 1979)	\$5.20
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3C.	pension rent threshold (couples)	(a) 20 March (b) 20 September	(a) December (b) June	highest June or December quarter before reference quarter (but not earlier than June quarter 1979)	\$5.20
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**69 Point SCH6-C6 (cell at table item 1, column 3)**

Repeal the cell, substitute:

3,952.00

**70 Point SCH6-C6 (cell at table item 1, column 4)**

Repeal the cell, substitute:

152.00

**71 Point SCH6-C6 (cell at table item 2, column 3)**

Repeal the cell, substitute:

Half the rent threshold (combined couples)

**72 Point SCH6-C6 (cell at table item 2, column 4)**

Repeal the cell, substitute:

Half the rent threshold (combined couples)

**73 After point SCH6-C6 (note 2)**

Insert:

Note 2A: For *rent threshold (combined couples)* see point C6A.

**74 After point SCH6-C6**

Insert:

*Rent threshold (combined couples)*

SCH6-C6A For the purposes of this Module, the ***rent threshold (combined couples)*** is \$6,401.20 per year and \$246.20 per fortnight.

Note: This rate is indexed 6 monthly in line with CPI increases (see sections 59B to 59E).

**75 Subpoint SCH6-C8(1) (cell at table item 1, column 4)**

Repeal the cell, substitute:

5,600.40

**76 Subpoint SCH6-C8(1) (cell at table item 2, column 4)**

Repeal the cell, substitute:

Half the rent assistance maximum rate (combined couples)

**77 After subpoint SCH6-C8(1) (note 2)**

Insert:

Note 2A: For ***rent assistance maximum rate (combined couples)*** see point C8A.

**78 After point SCH6-C8**

Insert:

*Rent assistance maximum rate (combined couples)*

SCH6-C8A For the purposes of this Module, the ***rent assistance maximum rate (combined couples)*** is \$5,278.00 per year.

Note: This rate is indexed 6 monthly in line with CPI increases (see sections 59B to 59E).

**79 Application of amendments**

The amendments made by this Division apply in relation to working out the rate of rent assistance for days that are on or after 20 March 2026.

## **Schedule 5—Other amendments**

### **Part 1—Technical amendments**

#### ***Social Security Act 1991***

##### **1 Before subsection 23(12)**

Insert:

*Notices that are taken to be given but are not received*

##### **2 Before subsection 23(14)**

Insert:

*Family member*

##### **3 Before subsection 23(16)**

Insert:

*Not payable*

##### **4 Before subsection 23(17)**

Insert:

*Social security law*

##### **5 Before subsection 23(20)**

Insert:

*Full-time student load for a course of study*

##### **6 Before subsection 23(22)**

Insert:

*Relationship child of another person*

## Part 2—Renaming of pension loans scheme

### *Social Security Act 1991*

**7 Subsection 8(1) (note 2 to the definition of *home equity conversion agreement*)**

Omit “pension loans”, substitute “home equity access”.

**8 Subsection 23(1)**

Insert:

*participating in the home equity access scheme*: see subsection (11).

**9 Subsection 23(1) (definition of *participating in the pension loans scheme*)**

Repeal the definition.

**10 Subsection 23(11) (heading)**

Omit “*pension loans*”, substitute “*home equity access*”.

**11 Subsection 23(11)**

Omit “*pension loans*”, substitute “*home equity access*”.

**12 Paragraph 1121(5)(a)**

Omit “pension loans”, substitute “home equity access”.

**13 Division 4 of Part 3.12 (heading)**

Omit “Pension loans”, substitute “Home equity access”.

**14 Section 1133AA (heading)**

Omit “*Pension loans*”, substitute “*Home equity access*”.

**15 Subsection 1133AA(1)**

Insert:

*home equity access scheme advance payment*: see section 1134A.

*home equity access scheme advance payment period*, for a person, means the period of 26 fortnights starting on the day in relation to which the person's home equity access scheme advance payment was worked out under subsection 1134A(2).

**16 Subsection 1133AA(1)**

Repeal the following definitions:

- (a) definition of *pension loans scheme advance payment*;
- (b) definition of *pension loans scheme advance payment period*.

**17 Section 1133 (heading)**

Omit “pension loans”, substitute “home equity access”.

**18 Subsections 1133(1) and (2)**

Omit “pension loans”, substitute “home equity access”.

**19 Section 1134 (heading)**

Omit “pension loans”, substitute “home equity access”.

**20 Paragraphs 1134(1)(a) and (1A)(a)**

Omit “pension loans”, substitute “home equity access”.

**21 Paragraph 1134(1A)(b)**

Omit “pension loans” (first occurring), substitute “home equity access”.

**22 Subparagraph 1134(1A)(b)(i)**

Omit “pension loans”, substitute “home equity access”.

**23 Section 1134A (heading)**

Omit “Pension loans”, substitute “Home equity access”.

**24 Subsection 1134A(2)**

Omit “*pension loans*”, substitute “*home equity access*”.

**25 Paragraph 1134A(2)(b)**

Omit “pension loans” (wherever occurring), substitute “home equity access”.

**26 Subsection 1134A(3)**

Omit “pension loans” (first occurring), substitute “home equity access”.

**27 Paragraphs 1134A(3)(a), (b) and (c)**

Omit “pension loans” (wherever occurring), substitute “home equity access”.

**28 Subsection 1134A(4)**

Omit “pension loans”, substitute “home equity access”.

**29 Section 1135 (heading)**

Omit “pension loans”, substitute “home equity access”.

**30 Subsection 1135(1)**

Omit “pension loans”, substitute “home equity access”.

**31 Subsection 1135(3) (method statement, steps 1 and 1A)**

Omit “pension loans” (wherever occurring), substitute “home equity access”.

**32 Section 1135A (heading)**

Omit “pension loans”, substitute “home equity access”.

**33 Subsection 1135A(1)**

Omit “pension loans”, substitute “home equity access”.

**34 Subsection 1135A(1) (paragraphs (a) and (b) of the definition of *value of real assets*)**

Omit “pension loans”, substitute “home equity access”.

**35 Subsections 1136(1) and (1B) and 1137(1) and (1A)**

Omit “pension loans”, substitute “home equity access”.

**36 Section 1137AA (heading)**

Omit “pension loans”, substitute “home equity access”.



**37 Subsections 1137AA(1) and (2)**

Omit “pension loans”, substitute “home equity access”.

**38 Subsection 1138(1)**

Omit “pension loans”, substitute “home equity access”.

**39 Paragraphs 1138(2)(a) and (3)(a)**

Omit “pension loans”, substitute “home equity access”.

**40 Subsection 1138(4)**

Omit “pension loans”, substitute “home equity access”.

**41 Section 1141 (heading)**

Omit “pension loans”, substitute “home equity access”.

**42 Paragraph 1141(a)**

Omit “pension loans”, substitute “home equity access”.

**43 Section 1141A (heading)**

Omit “pension loans”, substitute “home equity access”.

**44 Paragraph 1141A(1)(a)**

Omit “pension loans”, substitute “home equity access”.

**45 Section 1142 (heading)**

Omit “pension loans”, substitute “home equity access”.

**46 Subsection 1142(1)**

Omit “pension loans”, substitute “home equity access”.

**47 Section 1142A (heading)**

Omit “pension loans”, substitute “home equity access”.

**48 Subsection 1142A(1)**

Omit “pension loans”, substitute “home equity access”.

**49 Paragraphs 1144AA(1)(b), (2)(b) and (3)(a) and (b)**

Omit “pension loans”, substitute “home equity access”.

**50 Subsection 1222(2) (table item 1, column 2)**

Omit “pension loan”, substitute “home equity access scheme”.

***Veterans’ Entitlements Act 1986***

**51 Subsection 5H(1) (note 2 to the definition of *home equity conversion agreement*)**

Omit “pension loans”, substitute “home equity access”.

**52 Paragraphs 5H(8)(ab) and 52C(5)(a)**

Omit “pension loans”, substitute “home equity access”.

**53 Subdivision E of Division 11 of Part IIIB (heading)**

Omit “Pension loans”, substitute “Home equity access”.

**54 Section 52ZAAA (heading)**

Omit “*Pension loans*”, substitute “*Home equity access*”.

**55 Subsection 52ZAAA(1)**

Insert:

*home equity access scheme advance payment*: see section 52ZBA.

*home equity access scheme advance payment period*, for a person, means the period of 26 fortnights starting on the day in relation to which the person’s home equity access scheme advance payment was worked out under subsection 52ZBA(2).

**56 Subsection 52ZAAA(1)**

Repeal the following definitions:

- (a) definition of *pension loans scheme advance payment*;
- (b) definition of *pension loans scheme advance payment period*.

**57 Subsection 52ZAAA(3)**

Omit “*pension loans*”, substitute “*home equity access*”.

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**58 Section 52ZA (heading)**

Omit “pension loans”, substitute “home equity access”.

**59 Subsections 52ZA(1) and (2)**

Omit “pension loans”, substitute “home equity access”.

**60 Section 52ZB (heading)**

Omit “pension loans”, substitute “home equity access”.

**61 Paragraphs 52ZB(1)(a) and (1A)(a)**

Omit “pension loans”, substitute “home equity access”.

**62 Paragraph 52ZB(1A)(b)**

Omit “pension loans” (first occurring), substitute “home equity access”.

**63 Subparagraph 52ZB(1A)(b)(i)**

Omit “pension loans”, substitute “home equity access”.

**64 Section 52ZBA (heading)**

Omit “Pension loans”, substitute “Home equity access”.

**65 Subsection 52ZBA(2)**

Omit “*pension loans*”, substitute “*home equity access*”.

**66 Paragraph 52ZBA(2)(b)**

Omit “pension loans” (wherever occurring), substitute “home equity access”.

**67 Subsection 52ZBA(3)**

Omit “pension loans” (first occurring), substitute “home equity access”.

**68 Paragraphs 52ZBA(3)(a), (b) and (c)**

Omit “pension loans” (wherever occurring), substitute “home equity access”.

**69 Subsection 52ZBA(4)**

Omit “pension loans”, substitute “home equity access”.

**70 Section 52ZC (heading)**

Omit “pension loans”, substitute “home equity access”.

**71 Subsection 52ZC(1)**

Omit “pension loans”, substitute “home equity access”.

**72 Subsection 52ZC(3) (method statement, steps 1 and 1A)**

Omit “pension loans”, substitute “home equity access”.

**73 Section 52ZCA (heading)**

Omit “pension loans”, substitute “home equity access”.

**74 Subsection 52ZCA(1)**

Omit “pension loans”, substitute “home equity access”.

**75 Subsection 52ZCA(1) (paragraphs (a) and (b) of the definition of *value of real assets*)**

Omit “pension loans”, substitute “home equity access”.

**76 Subsections 52ZD(1) and (1B) and 52ZE(1) and (1A)**

Omit “pension loans”, substitute “home equity access”.

**77 Section 52ZEA (heading)**

Omit “pension loans”, substitute “home equity access”.

**78 Subsections 52ZEA(1) and (2)**

Omit “pension loans”, substitute “home equity access”.

**79 Paragraph 52ZF(3)(a)**

Omit “pension loans”, substitute “home equity access”.

**80 Subsection 52ZF(4)**

Omit “pension loans”, substitute “home equity access”.

**81 Section 52ZJ (heading)**

Omit “pension loans”, substitute “home equity access”.

**82 Paragraph 52ZJ(a)**

Omit “pension loans”, substitute “home equity access”.

**83 Section 52ZJA (heading)**

Omit “pension loans”, substitute “home equity access”.

**84 Paragraph 52ZJA(1)(a)**

Omit “pension loans”, substitute “home equity access”.

**85 Section 52ZK (heading)**

Omit “pension loans”, substitute “home equity access”.

**86 Subsection 52ZK(1)**

Omit “pension loans”, substitute “home equity access”.

**87 Section 52ZKA (heading)**

Omit “pension loans”, substitute “home equity access”.

**88 Subsection 52ZKA(1)**

Omit “pension loans”, substitute “home equity access”.

**89 Paragraphs 52ZMAA(1)(b), (2)(b) and (3)(a) and (b)**

Omit “pension loans”, substitute “home equity access”.

**90 Subsection 58(3)**

Omit “pension loans”, substitute “home equity access”.

## Part 3—Employment income attribution rules for social security payments

### *Social Security Act 1991*

#### 91 After section 1073BA

Insert:

#### **1073BAB Attribution of employment income—continuing effect**

- (1) This section applies if:
- (a) a person was receiving a social security pension or a social security benefit (the *original payment*); and
  - (b) at the time the person was receiving the original payment, the person was taken, under section 1073A, 1073B or 1073BA, to have received employment income over a period (the *attributed income period*); and
  - (c) the person ceases to receive the pension or benefit before the end of the attributed income period; and
  - (d) the person claims a new social security pension or social security benefit (the *new payment*), whether or not the new payment is of the same kind as the original payment; and
  - (e) the person's start day for the new payment is before the end of the attributed income period.

Note: A person's start day in relation to a social security payment is worked out in accordance with Schedule 2 to the Administration Act (see section 42 of that Act).

- (2) For the purposes of this Act, the person is taken to continue receiving so much of the employment income for the attributed income period as is referable to the part of the period that begins on the person's start day for the new payment.
- (3) To avoid doubt, subsection (2):
- (a) applies for the purposes of working out the person's rate of payment for the new payment at any time during the attributed income period; and

- (b) does not prevent the person from being taken to receive, under section 1073A, 1073B or 1073BA, other employment income during the attributed income period.

## **92 Application of amendments**

Subsection 1073BAB(2) of the *Social Security Act 1991*, as inserted by this Part, applies in relation to an attributed income period (within the meaning of that section) that begins on or after the commencement of this Part.

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*[Minister's second reading speech made in—  
House of Representatives on 8 October 2025  
Senate on 6 November 2025]*

~~(78/25)~~

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