



Human Services Legislation Amendment Regulations 2011 (No. 1)¹

Select Legislative Instrument 2011 No. 120

I, QUENTIN BRYCE, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Australian Citizenship Act 2007*, the *Australian Crime Commission Act 2002*, the *Child Support (Assessment) Act 1989*, the *Child Support Legislation Amendment (Reform of the Child Support Scheme — New Formula and Other Measures) Act 2006*, the *Child Support (Registration and Collection) Act 1988*, the *Civil Aviation Act 1988*, the *Commonwealth Electoral Act 1918*, the *Customs Administration Act 1985*, the *Family Law Act 1975*, the *Financial Transaction Reports Act 1988*, the *Health Insurance Act 1973*, the *Income Tax Assessment Act 1997*, the *Medicare Australia Act 1973*, the *Medical Indemnity Act 2002*, the *Military Rehabilitation and Compensation Act 2004*, the *National Health Act 1953*, the *Ombudsman Act 1976*, the *Privacy Act 1988*, the *Proceeds of Crime Act 1987*, the *Referendum (Machinery Provisions) Act 1984*, the *Remuneration Tribunal Act 1973*, the *Student Assistance Act 1973* and the *Superannuation Guarantee (Administration) Act 1992*.

Dated 30 June 2011

QUENTIN BRYCE
Governor-General

By Her Excellency's Command

TANYA PLIBERSEK

Minister for Human Services for the Minister for Tertiary Education, Skills, Jobs and Workplace Relations, the Minister for Immigration and Citizenship, the Minister for Infrastructure and Transport, the Minister for Health and Ageing, the Attorney-General, the Minister for Home Affairs, the Minister for Privacy and Freedom of Information, the Special Minister of State for the Public Service and Integrity, the Assistant Treasurer, the Minister for Veterans' Affairs and the Special Minister of State

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1 Name of Regulations

These Regulations are the *Human Services Legislation Amendment Regulations 2011 (No. 1)*.

2 Commencement

These Regulations commence on 1 July 2011.

3 Amendment of *Medicare Australia Regulations 1975*

Schedule 1 amends the *Medicare Australia Regulations 1975*.

4 Amendment of other legislation

Schedule 2 amends the following Regulations:

- (a) the *Australian Citizenship Regulations 2007*;
- (b) the *Australian Crime Commission Regulations 2002*;
- (c) the *Child Support (Assessment) Regulations 1989*;
- (d) the *Child Support Reform (New Formula and Other Measures) Regulations 2007*;
- (e) the *Child Support (Registration and Collection) Regulations 1988*;
- (f) the *Civil Aviation Safety Regulations 1998*;
- (g) the *Customs Administration Regulations 2000*;
- (h) the *Electoral and Referendum Regulations 1940*;
- (i) the *Family Law Regulations 1984*;
- (j) the *Financial Transaction Reports Regulations 1990*;
- (k) the *Health Insurance (Diagnostic Imaging Services Table) Regulations 2010*;
- (l) the *Health Insurance (General Medical Services Table) Regulations 2010*;
- (m) the *Health Insurance (Pathology Services) Regulations 1989*;
- (n) the *Health Insurance (Pathology Services Table) Regulations 2010*;

Regulation 4

- (o) the *Health Insurance (Professional Services Review) Regulations 1999*;
- (p) the *Health Insurance Regulations 1975*;
- (q) the *Health Insurance (Vocational Registration of General Practitioners) Regulations 1989*;
- (r) the *Income Tax Assessment Regulations 1997*;
- (s) the *Medical Indemnity Regulations 2003*;
- (t) the *Military Rehabilitation and Compensation Regulations 2004*;
- (u) the *National Health (Pharmaceutical Benefits) Regulations 1960*;
- (v) the *National Health (Pharmaceuticals and Vaccines — Cost Recovery) Regulations 2009*;
- (w) the *Ombudsman Regulations 1977*;
- (x) the *Privacy (Private Sector) Regulations 2001*;
- (y) the *Proceeds of Crime Regulations 1987*;
- (z) the *Remuneration Tribunal (Miscellaneous Provisions) Regulations 1976*;
- (za) the *Student Assistance Regulations 2003*;
- (zb) the *Superannuation Guarantee (Administration) Regulations 1993*.

Schedule 1 **Amendments of Medicare Regulations 1975**

(regulation 3)

[1] **Regulation 1**

substitute

1 **Name of Regulations**

These Regulations are the *Human Services (Medicare) Regulations 1975*.

[2] **Regulation 3**

substitute

3 **Definitions**

In these Regulations:

Act means the *Human Services (Medicare) Act 1973*.

Aged Care Act means the *Aged Care Act 1997*.

approved supplier has the meaning given by subsection 84 (1) of the National Health Act.

emergency means an emergency or disaster that occurs in Australia, or that affects one or more Australian citizens or permanent residents, and includes:

- (a) an emergency or disaster that has been the subject of a declaration under section 80J or 80K of the *Privacy Act 1988*; or
- (b) any circumstance in relation to which the Australian Government has decided that a program of special assistance involving the provision of a service, benefit, program or facility is to be implemented.

Examples

- 1 A natural disaster.
- 2 A terrorist act.

healthcare providers includes:

- (a) medical practitioners; and
- (b) prescribers; and
- (c) pharmacists; and
- (d) approved suppliers; and
- (e) dentists; and
- (f) State and Territory health departments; and
- (g) State and Territory mental health authorities; and
- (h) private and public pain management clinics; and
- (i) private and public alcohol or drug detoxification centres; and
- (j) private and public hospitals.

Health Department means the Department administered by the Minister administering the National Health Act.

Health Insurance Act means the *Health Insurance Act 1973*.

Health Secretary means the Secretary of the Health Department.

lifetime health cover has the meaning given by section 31-1 of the Private Health Insurance Act.

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

PBS information means information collected for the administration of the Pharmaceutical Benefits Scheme established under Part VII of the National Health Act.

person affected by an emergency has a meaning affected by regulation 3A.

personal information has the meaning given by subsection 6 (1) of the *Privacy Act 1988*.

Pharmaceutical Benefits Regulations means the *National Health (Pharmaceutical Benefits) Regulations 1960*.

Private Health Insurance Act means the *Private Health Insurance Act 2007*.

reappraisal period is the period under section 27-2 of the Aged Care Act in which a reappraisal of the classification of the level of care needed by an aged care recipient must be made.

State or Territory body means:

- (a) a State or Territory Minister; or
- (b) a Department of a State or Territory; or
- (c) a body (whether incorporated or not) established for a public purpose under a law of a State or Territory.

[3] Regulation 3A

substitute

3A Person affected by an emergency

In these Regulations, a reference to a *person affected by an emergency* includes:

- (a) a person who is indirectly affected by the emergency; and
- (b) an individual who has a family member who is directly or indirectly affected by the emergency; and
- (c) an unincorporated organisation that is directly or indirectly affected by an emergency.

[4] Paragraph 9 (3) (g)

omit

section 15.12

insert

section 15.12, 15.20 or 15.33

[5] Paragraph 12 (b)

substitute

- (b) on behalf of the Health Secretary, to make information about an aged care service publicly available as permitted by subsections 86-9 (1) and (2) of the Aged Care Act.

[6] **Part 3**
substitute

Part 3 **Prescribed functions — general**

18 **Prescribed functions**

For paragraph 5 (1) (e) of the Act, this Part prescribes functions of the Chief Executive Medicare.

19 **Delegated functions**

- (1) A prescribed function is to perform functions delegated to the Chief Executive Medicare under:
 - (a) a law of the Commonwealth; or
 - (b) a law of a State or Territory.
- (2) Paragraph (1) (b) applies only if the Chief Executive Medicare is allowed by sections 8AD and 8AE of the Act to perform the function.

20 **Functions in relation to prescription shopping**

- (1) A prescribed function is to detect and prevent prescription shopping, which includes the functions mentioned in this regulation.
- (2) The Chief Executive Medicare may use PBS information (including personal information) for the performance of the functions mentioned in this regulation.
- (3) The education and prevention function is to:
 - (a) promote awareness of the Prescription Shopping Program to healthcare providers, prescription shoppers and the general public; and
 - (b) promote measures to assist healthcare providers to manage prescription shoppers or people who may be at risk of prescription shopping; and

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- (c) educate healthcare providers and prescription shoppers about the law and requirements within which the Prescription Shopping Program operates; and
 - (d) encourage prescription shoppers to have a nominated prescriber; and
 - (e) encourage prescribers to become nominated prescribers; and
 - (f) encourage communication between prescribers, approved suppliers and pharmacists; and
 - (g) discourage inefficient and improper use of pharmaceutical benefits.
- (4) The identification and detection function is to:
- (a) identify prescription shoppers, prescribers prescribing pharmaceutical benefits to prescription shoppers and approved suppliers supplying pharmaceutical benefits to prescription shoppers; and
 - (b) establish and maintain databases containing information about prescription shoppers; and
 - (c) detect and identify prescription shoppers who may be improperly using, stockpiling, swapping, diverting or illegally dealing with pharmaceutical benefits.
- (5) The disclosure function is to:
- (a) disclose PBS information about whether a person is or is not a prescription shopper; and
 - (b) disclose PBS information about a prescription shopper to:
 - (i) the prescription shopper; and
 - (ii) a prescriber, to assist the prescriber to make decisions about prescribing to a prescription shopper who has visited or is visiting that prescriber or is a patient of that prescriber; and
 - (iii) an approved supplier who is proposing to supply, or has supplied, pharmaceutical benefits to the prescription shopper, to assist the approved supplier (or a pharmacist employed by the approved supplier) to make decisions about supplying pharmaceutical benefits to that prescription shopper.

- (6) The Chief Executive Medicare may perform the disclosure function for the following purposes:
- (a) administering and enforcing the Chief Executive Medicare's functions under the National Health Act;
 - (b) protecting public revenue;
 - (c) discouraging inefficient and improper use of pharmaceutical benefits.
- (7) The evaluation and reporting function is to use PBS information and information collected by the Chief Executive Medicare under the National Health Act to:
- (a) evaluate the Prescription Shopping Program; and
 - (b) report (using de-identified PBS information) to the Health Department and other bodies on the administration and outcomes of the Program.
- (8) In this regulation:
- nominated prescriber***, in relation to a prescription shopper, means a prescriber nominated by the prescription shopper from time to time to be that person's main prescriber.
- prescriber*** means a person who is authorised to prescribe a pharmaceutical benefit or purports to be authorised to prescribe a pharmaceutical benefit.
- prescription shopper*** has the meaning given by subregulation (9).
- Prescription Shopping Program*** means the program administered by the Department and the Health Department to reduce doctor shopping.
- target pharmaceutical benefits*** means pharmaceutical benefits in any of the following categories of the Anatomical Therapeutic Chemical classification system:
- (a) N02 (Analgesics);
 - (b) N03 (Antiepileptics);
 - (c) N04 (Anti-Parkinson Drugs);
 - (d) N05 (Psycholeptics);
 - (e) N06 (Psychoanaleptics);
 - (f) N07 (Other central nervous system drugs);
 - (g) R03 (Drugs for obstructive airway diseases);

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- (h) C10A (Serum lipid reducing agents);
 - (i) A02B (Drugs for peptic ulcer and gastro-oesophageal reflux diseases);
 - (j) J01 (Antibacterials for systemic use);
 - (k) M01 (Anti-inflammatory and antirheumatic products);
 - (l) A10A (Insulin and analogues);
 - (m) C02 (Antihypertensives).

Note The Anatomical Therapeutic Chemical classification system is published by the World Health Organisation's Collaborating Centre for Drug Statistics Methodology.

- (9) In this regulation, *prescription shopper* means a person who, within any 3 month period:
 - (a) has had supplied to him or her pharmaceutical benefits prescribed by 6 or more different prescribers; or
 - (b) has had supplied to him or her a total of 25 or more target pharmaceutical benefits; or
 - (c) has had supplied to him or her a total of 50 or more pharmaceutical benefits.
- (10) Paragraph (9) (a) does not include a prescriber who is a specialist within the meaning of subsection 3 (1) of the Health Insurance Act and who has prescribed pharmaceutical benefits to a person in that capacity.

21 Functions in relation to provision of emergency services

- (1) The following are prescribed functions:
 - (a) providing a service, benefit, program or facility to a person affected by an emergency (an *emergency service*);
 - (b) participating in disaster policy and planning activities, including activities undertaken by disaster policy and planning committees.
- (2) Without limiting subregulation (1), the Chief Executive Medicare may perform the functions for, or under an arrangement with, a State or Territory body.

- (3) The function mentioned in paragraph (1) (a) includes the following:
- (a) establishing and maintaining a register of persons affected by the emergency;
 - (b) receiving, processing, investigating, deciding and paying claims for assistance;
 - (c) operating a telephone enquiry line;
 - (d) providing call centre assistance;
 - (e) making arrangements for health assessments and other assistance in relation to health care;
 - (f) referring a person to another organisation if the person requires assistance provided by that organisation;
 - (g) working with, and providing information to, other government and non-government bodies in relation to the provision of assistance;
 - (h) providing information to a State or Territory body about a person affected by the emergency that will assist the State or Territory body to provide a payment, benefit or other assistance to the person;
 - (i) undertaking action (including starting legal proceedings) to recover payments that should not have been made;
 - (ij) disclosing statistical information (including de-identified information from the register mentioned in paragraph (a)) about assistance provided;
 - (k) undertaking compliance, audit, review, investigation, enforcement and recovery services ancillary to the emergency service.
- (4) Information in subregulation (3) includes personal information.
- (5) If the Chief Executive Medicare provides an emergency service to a person, or the person makes a request for an emergency service, the Chief Executive Medicare may:
- (a) collect information about the person or the person's family, including personal information; and
 - (b) maintain records about the emergency service or the request.

22 Functions in relation to aged care payments

The following are prescribed functions:

- (a) making payments as directed by the Health Department to a proprietor of eligible premises under section 56 of the National Health Act;
- (b) making payments in relation to residential care services under section 60 of the *Aged Care (Consequential Provisions) Act 1997*;
- (c) undertaking action (including starting legal proceedings) to recover any amount paid under paragraph (a) or (b) that is an overpayment.

23 Function in relation to lifetime health cover

- (1) A prescribed function is to assist the Health Department with communications to members of the public about lifetime health cover.
- (2) This function includes:
 - (a) identifying persons who have become subject to, or will soon become subject to, the operation of lifetime health cover; and
 - (b) providing persons identified under paragraph (a) with information about lifetime health cover received by the Chief Executive Medicare from the Health Department; and
 - (c) providing information and reports on matters relating to lifetime health cover to the Health Department.
- (3) In performing this function, the Chief Executive Medicare may use personal information collected for the performance of the medicare functions.

24 Functions in relation to inappropriate practices

- (1) The following are prescribed functions:
 - (a) devising and implementing measures to:
 - (i) prevent practitioners and other persons from engaging in inappropriate practice; and

- (ii) detect cases where practitioners or other persons have engaged in inappropriate practice in relation to rendering or initiating services; and
 - (iii) prevent or detect activities relating to claims for medicare benefits, or receipt of medicare benefits, that may constitute an offence under the Health Insurance Act, the *Crimes Act 1914* or the *Criminal Code*;
 - (b) if there are reasonable grounds to suspect that a person has engaged in inappropriate practice, investigating the conduct of the person to decide whether to make a request under subsection 86 (1) of the Health Insurance Act for the provision of services by the person to be reviewed;
 - (c) investigating cases where there are reasonable grounds to suspect that:
 - (i) an act in relation to a claim for medicare benefits, or receipt of medicare benefits, may constitute an offence under the Health Insurance Act, the *Crimes Act 1914* or the *Criminal Code*; or
 - (ii) a person may have committed an offence against section 23DP, 106D or 106EA, or subsection 19D (2), 19D (7), 106E (1) or 106E (2), of the Health Insurance Act;
 - (d) if an investigation under paragraph (c) discloses enough evidence for a prosecution, referring the case and the evidence to the Australian Federal Police or the Director of Public Prosecutions;
 - (e) undertaking action (including starting legal proceedings) to recover from a person an amount of medicare benefit that is recoverable by the Commonwealth, including under the Health Insurance Act.
- (2) In this regulation:
- inappropriate practice*** has the meanings given by section 82 of the Health Insurance Act.
- practitioner*** has the meaning given by section 81 of the Health Insurance Act.
- service*** has the meaning given by section 81 of the Health Insurance Act.

25 Functions in relation to provision of pharmaceutical benefits

The following are prescribed functions:

- (a) processing claims for payment relating to the provision of pharmaceutical benefits under Part VII of the National Health Act, and making payments of those claims;
- (b) on behalf of the Repatriation Commission, processing claims for payment relating to the provision of pharmaceutical benefits under the *Veterans' Entitlements Act 1986* and the *Australian Participants in British Nuclear Tests (Treatment) Act 2006*, and making payments of those claims;
- (c) on behalf of the Military Rehabilitation and Compensation Commission, processing claims for payment relating to the provision of pharmaceutical benefits under the *Military Rehabilitation and Compensation Act 2004*, and making payments of those claims;
- (d) devising and implementing measures to prevent or detect contraventions of Part VII of the National Health Act or the Pharmaceutical Benefits Regulations;
- (e) investigating cases where there are reasonable grounds to suspect that an act in relation to the provision of a pharmaceutical benefit may constitute an offence under the National Health Act, the Pharmaceutical Benefits Regulations, the *Crimes Act 1914* or the *Criminal Code*;
- (f) if an investigation under paragraph (e) discloses enough evidence for a prosecution, referring the case and the evidence to the Australian Federal Police or the Director of Public Prosecutions;
- (g) undertaking action (including starting legal proceedings) to recover from a person an amount relating to a pharmaceutical benefit that is recoverable by the Commonwealth, including under the National Health Act or the Pharmaceutical Benefits Regulations.

26 Functions in relation to hearing services

- (1) The following are prescribed functions:
 - (a) acting as the claims acceptance body for section 21 of the *Hearing Services Administration Act 1997*;
 - (b) acting as the claims payment body for that section.
- (2) Subregulation (1) has effect only when a declaration that the Chief Executive Medicare is the claims acceptance body or the claims payment body for the purposes of section 21 of the *Hearing Services Administration Act 1997* is in force.
- (3) Each of the functions in subregulation (1) includes:
 - (a) recovering a service provider debt under section 24 of the *Hearing Services Administration Act 1997* if:
 - (i) the debt is apparent from the records of the Chief Executive Medicare; or
 - (ii) the Health Department notifies the Chief Executive Officer of the debt; and
 - (b) disclosing the following information to the Health Department about a claim accepted or paid by the Chief Executive Medicare:
 - (i) client number;
 - (ii) voucher number;
 - (iii) date on which the claim was submitted;
 - (iv) date on which the claim was processed;
 - (v) date of the service to which the claim relates;
 - (vi) provider number;
 - (vii) practitioner number;
 - (viii) site identification;
 - (ix) item number;
 - (x) hearing loss details for right and left ears;
 - (xi) details of the device fitted to the client, whether fitted to the left or right ear, and fitting configuration;
 - (xii) date on which the device was fitted;
 - (xiii) details of top-up devices;
 - (xiv) contracted service provider's certification details;

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- (xv) client certification details;
 - (xvi) cost to the client;
 - (xvii) payment details;
 - (xviii) a code showing the reason a claim or an element of a claim was rejected;
 - (xix) any other details about the processing of the claim.

(4) In this regulation:

client means a person who received a hearing service for which a claim has been made.

contracted service provider has the meaning given by section 4 of the *Hearing Services Administration Act 1997*.

hearing services has the meaning given by section 4 of the *Hearing Services Administration Act 1997*.

voucher has the meaning given by section 4 of the *Hearing Services Administration Act 1997*.

27 Functions in relation to military compensation

The following are prescribed functions:

- (a) processing, on behalf of the Military Rehabilitation and Compensation Commission, claims for compensation under Chapter 6 of the *Military Rehabilitation and Compensation Act 2004*;
- (b) making payments for those claims.

28 Functions in relation to claims for treatment provided under certain legislation

The following are prescribed functions:

- (a) processing, on behalf of the Repatriation Commission and the Military Rehabilitation and Compensation Commission, claims for payment in relation to:
 - (i) the provision of medical treatment under Division 2 of Part IV of the Seamen's War Pensions and Allowances Regulations, as in force on 30 June 1994; and

- (ii) the provision of treatment under the following Acts:
 - (A) *Australian Participants in British Nuclear Tests (Treatment) Act 2006*;
 - (B) *Military Rehabilitation and Compensation Act 2004*;
 - (C) *Safety, Rehabilitation and Compensation Act 1988*;
 - (D) *Veterans' Entitlements Act 1986*;
- (b) making payments for those claims.

29 Function in relation to registration of sonographers

A prescribed function is to establish and maintain a register of sonographers.

30 Function in relation to mental health care by medical practitioners

A prescribed function is to establish and maintain a register of medical practitioners who may provide focused psychological strategies under the Better Access to Psychiatrists, Psychologists and General Practitioners through the Medicare Benefits Schedule Initiative administered by the Health Department.

31 Functions in relation to allocation of identification numbers

The following are prescribed functions:

- (a) allocating identification numbers for the purposes of the National Health Act to medical practitioners and to participating dental practitioners;
- (b) allocating identification numbers for the purposes of the Health Insurance Act to the following persons in relation to the person's places of practice:
 - (i) practitioners;
 - (ii) approved pathology practitioners;
 - (iii) participating midwives;
 - (iv) participating nurse practitioners;

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- (v) participating optometrists;
 - (vi) persons providing health services determined under section 3C of that Act.

Part 4 Miscellaneous

32 Prescribed period

For paragraph 41C (8) (a) of the Act, the prescribed period is the period of 2 years that commenced on 1 January 1981.

[7] Further amendments — Chief Executive Officer

The following provisions are amended by omitting each mention of ‘Chief Executive Officer’ and inserting ‘Chief Executive Medicare’:

- regulations 5 to 17.

Schedule 2 Amendments of other legislation

(regulation 4)

Part 1 Amendments of *Australian Citizenship Regulations 2007*

[1] Regulation 4, definition of *Centrelink*

substitute

Centrelink means the Commonwealth Services Delivery Agency that was established by the *Commonwealth Services Delivery Agency Act 1997*.

Note The Agency was abolished on 1 July 2011 by the *Human Services Legislation Amendment Act 2011*.

[2] Regulation 4, after definition of *Hague Convention on Intercountry Adoption*

insert

Human Services Department means the Department administered by the Minister administering the *Human Services (Centrelink) Act 1997*.

[3] Schedule 3, items 9 to 12

omit each mention of

Centrelink

insert

the Human Services Department or Centrelink

[19] Schedule 4, item 7

substitute

- 7 Current concession card issued by Centrelink or the Department of Human Services

Part 9 Amendments of *Family Law Regulations 1984*

[20] Paragraph 12CB (e)

substitute

- (e) Department of Human Services;

[21] Paragraph 12CB (g)

substitute

- (g) Australian Institute of Family Studies.

[22] Paragraphs 12CB (h) and (j)

omit

Part 10 Amendments of *Financial Transaction Reports Regulations 1990*

[23] Subregulation 2 (1), after definition of *higher education institution*

insert

Human Services Department means the Department administered by the Minister administering the *Human Services (Centrelink) Act 1997*.

[24] Paragraph 10A (1) (b)

omit

a Centrelink officer;

insert

an employee of the Human Services Department;

[25] Subregulation 10A (3)

substitute

(3) In subregulation (1):

letter of introduction means a letter signed by the signatory and an employee of the Human Services Department to the effect that:

- (a) the signatory is the recipient of a social security payment; and
- (b) the signatory's signature has been verified from the records of the Department.

[26] Paragraph 11C (b)

omit

a Centrelink officer

insert

an employee of the Human Services Department

Part 11 Amendments of *Health Insurance (Diagnostic Imaging Services Table) Regulations 2010*

[27] Amendments — Medicare Australia CEO

The following provisions are amended by omitting 'Medicare Australia CEO' and inserting 'Chief Executive Medicare':

- Schedule 1, subclause 1.2.7 (11), definition of ***highest fee***
- Schedule 1, subparagraph 2.4.1 (b) (i)

- Schedule 1, subclause 2.4.5 (1)
- Schedule 1, paragraph 2.4.5 (1) (e)
- Schedule 1, subclause 2.4.5 (2)
- Schedule 1, subclause 2.5.4 (2)
- Schedule 1, subclause 2.6.1 (4), definition of *practice location*
- Dictionary, definition of *registered sonographer*.

Part 12 **Amendments of Health Insurance
(General Medical Services Table)
Regulations 2010**

[28] Schedule 1, subparagraph 2.20.8 (1) (b) (i)

substitute

- (i) whose name is entered in the register maintained by the Chief Executive Medicare under regulation 30 of the *Human Services (Medicare) Regulations 1975*; and

[29] Schedule 1, clause 2.20.8, table, items 2721 to 2727

omit

Medicare Australia

insert

the Chief Executive Medicare

[30] Schedule 1, clause 2.22.1, table, item 4001

omit

Medicare Australia

insert

the Chief Executive Medicare

[31] Paragraph 2.37.8 (c)

omit

Medicare Australia

insert

the Chief Executive Medicare

[32] Further Amendments — Medicare Australia CEO

The following provisions are amended by omitting ‘Medicare Australia CEO’ and inserting ‘Chief Executive Medicare’:

- Schedule 1, sub-subparagraph 1.1.1 (1) (b) (iii) (B)
- Schedule 1, subclause 1.1.1 (2), definitions of *After Hours Other Medical Practitioners Program*, *MedicarePlus for Other Medical Practitioners Program* and *Rural Other Medical Practitioners’ Program*
- Schedule 1, paragraph 2.9.1 (b)
- Schedule 1, clause 2.31.1, definition of *practice location*
- Schedule 1, subclause 2.37.9 (1)
- Schedule 1, subclause 2.42.3 (1)
- Schedule 1, paragraph 2.44.6 (b)
- Schedule 1, paragraph 2.44.7 (b)

**Part 13 Amendment of Health Insurance
(Pathology Services) Regulations
1989**

[33] Regulation 5

omit

the office of Medicare Australia,

insert

the Department of Human Services,

Part 14 **Amendment of *Health Insurance*
(Pathology Services Table)
*Regulations 2010***

[34] **Schedule 1, subclause 2.12.1 (3), definition of
*practice location***

omit

Medicare Australia CEO.

insert

Chief Executive Medicare.

Part 15 **Amendment of *Health Insurance*
(Professional Services Review)
*Regulations 1999***

[35] **Schedule 2, item 7**

substitute

7 Human Services Department

Part 16 **Amendments of *Health Insurance*
*Regulations 1975***

[36] **Subregulation 6DA (1)**

omit

Medicare CEO

insert

Chief Executive Medicare

[37] Subregulation 6DA (7)

substitute

(7) In this regulation:

authorised officer means a Departmental employee (within the meaning given by section 3 of the *Human Services (Medicare) Act 1973*) authorised in writing by the Chief Executive Medicare for this regulation.

[38] Regulation 28

substitute

28 Delegation

The Chief Executive Medicare may, by writing, delegate to a Departmental employee (within the meaning given by section 3 of the *Human Services (Medicare) Act 1973*) all or any of the powers and functions of the Chief Executive Medicare under regulation 27.

[39] Schedule 3, Part 1, clause 1, definition of VP, subparagraph (g) (xiii)

omit

Medicare Australia's

insert

Human Services Department's

[40] Further amendments — Medicare Australia CEO

The following provisions are amended by omitting each mention of 'Medicare Australia CEO' and inserting 'Chief Executive Medicare':

- regulation 2, definition of *investigation*, paragraph (a)
- regulation 2, definition of *provider number*, paragraph (a)
- regulation 2, definition of *requester number*
- subregulations 6B (1) and (2)

- paragraph 6C (1) (b)
- paragraph 6D (1) (a)
- subregulation 6DA (2)
- paragraphs 6DA (3) (a) and (b)
- subregulations 6DA (4) to (6)
- subregulations 6DC (1) and (3)
- paragraph 6EB (b)
- paragraph 6F (b)
- paragraphs 13 (10) (a) and (b)
- subregulation 13AA (1)
- subparagraphs 13AA (2) (b) (i) and (ii)
- subregulation 13AB (1)
- subregulation 13B (1)
- subregulation 20 (4), definition of *registered sonographer*
- sub-subparagraphs 27 (1) (b) (ii) (A) to (D)
- paragraphs 27 (3) (a) to (c)
- subregulation 27 (6)
- paragraph 27 (7) (c)
- Schedule 3, Part 1, clause 1, definition of *Inv*, paragraph (a)
- Schedule 3, Part 1, clause 1, definition of *TP*, paragraph (c)
- Schedule 3, Part 1, clause 1, definition of *TP*, subparagraph (e) (v)
- Schedule 3, Part 1, clause 1, definition of *VP*, paragraphs (e) and (f).

Part 17 **Amendments of Health Insurance
(Vocational Registration of
General Practitioners) Regulations
1989**

[41] **Subregulation 2 (1), definition of *Medicare Australia
CEO***

omit

[42] Further amendments — Medicare Australia CEO

The following provisions are amended by omitting each mention of ‘Medicare Australia CEO’ and inserting ‘Chief Executive Medicare’:

- subregulations 4 (1) to (3)
- subregulation 4A (1)
- paragraph 4A (4) (a)
- subregulations 6 (1) to (4)
- paragraph 8 (1) (a).

Part 18 Amendment of *Income Tax Assessment Regulations 1997*

[43] Paragraph 61-220.01 (5) (c)

omit

Chief Executive Officer of Medicare Australia

insert

Chief Executive Medicare

Part 19 Amendments of *Medical Indemnity Regulations 2003*

[44] Amendments — Medicare Australia CEO

The following provisions are amended by omitting each mention of ‘Medicare Australia CEO’ and inserting ‘Chief Executive Medicare’:

- paragraph 20 (1) (d)
- subregulation 20 (1A)
- paragraph 21 (1) (d)
- subregulation 21 (1A)
- paragraph 22 (2) (c) and (3) (b)
- subregulation 22 (3A)
- paragraph 23 (1) (b)
- subregulation 23 (1A)

- paragraph 24 (1) (b)
- subregulation 24 (2)
- paragraph 25 (c)
- subregulation 26 (3).

Part 20 **Amendments of *Military
Rehabilitation and Compensation
Regulations 2004***

[45] Subregulation 3 (1), after definition of Act

insert

Human Services Department means the Department administered by the Minister administering the *Human Services (Centrelink) Act 1997*.

[46] Subregulation 21 (1), table, item 2

substitute

- | | | |
|---|--|---|
| 2 | (a) An employee of the Human Services Department; or | (a) Administering the social security law; or |
| | (b) A contractor of the Human Services Department | (b) Giving information relevant to the administration of concessions provided, on the basis of receipt of compensation under the Act, by: |
| | | (i) State, Territory or local government authorities; or |
| | | (ii) organisations prescribed for regulation 9 of the <i>Privacy (Private Sector) Regulations 2001</i> |

Part 21 **Amendments of *National Health*
(Pharmaceutical Benefits)
*Regulations 1960***

[47] Subparagraph 19 (1) (b) (i)

substitute

- (i) the authority approval number allotted by the Chief Executive Medicare, unless the prescription is to be posted or delivered to the Chief Executive Medicare for authorisation; or

[48] Subparagraph 22 (2) (a) (i)

omit

Medicare Australia CEO;

insert

Chief Executive Medicare;

[49] Paragraph 22 (2) (b)

omit

Medicare Australia CEO

insert

Chief Executive Medicare

[50] Schedule 6

substitute

**Schedule 6 Prescribed offices for
subsections 84DA (5) and
84E (5) of the Act**

(regulations 9AF and 9BA)

1. Pharmaceutical Benefits Scheme
Claims Section
Department of Human Services
GPO Box 9826
SYDNEY NSW 2000
2. Pharmaceutical Benefits Scheme
Claims Section
Department of Human Services
GPO Box 9826
MELBOURNE VIC 3000
3. Pharmaceutical Benefits Scheme
Claims Section
Department of Human Services
GPO Box 9826
BRISBANE QLD 4000
4. Pharmaceutical Benefits Scheme
Claims Section
Department of Human Services
GPO Box 9826
PERTH WA 6000
5. Pharmaceutical Benefits Scheme
Claims Section
Department of Human Services
GPO Box 9826
ADELAIDE SA 5000

6. Pharmaceutical Benefits Scheme
Claims Section
Department of Human Services
GPO Box 9826
HOBART TAS 7000
7. Pharmaceutical Benefits Scheme
Claims Section
Department of Human Services
GPO Box 9826
CANBERRA ACT 2600
8. Pharmaceutical Benefits Scheme
Claims Section
Department of Human Services
GPO Box 9826
DARWIN NT 0800

Part 22 **Amendment of National Health
(Pharmaceuticals and Vaccines —
Cost Recovery) Regulations 2009**

[51] Subparagraph 5.1 (1) (m) (i)

omit

Medicare Australia

insert

the Human Services Department

Part 23 **Amendment of Ombudsman
Regulations 1977**

[52] Schedule 4, item 13

omit

Part 24 **Amendments of *Privacy (Private Sector) Regulations 2001***

[53] Regulation 6, definition of *Centrelink*

substitute

Centrelink means the Commonwealth Services Delivery Agency that was established by the *Commonwealth Services Delivery Agency Act 1997*.

Note The Agency was abolished on 1 July 2011 by the *Human Services Legislation Amendment Act 2011*.

centrelink program has the meaning given by section 40 of the *Human Services (Centrelink) Act 1997*.

Customer Reference Number means the number assigned to an individual by Centrelink, or by the Department of Human Services in relation to centrelink programs.

[54] Subregulation 9 (1), subheading

substitute

Customer Reference Number

[55] Paragraphs 9 (1) (b), 10 (b) and 11 (b)

substitute

(b) a Customer Reference Number is a prescribed identifier;
and

[56] Schedule 2, items 68 and 69

omit

[57] Schedule 2, after item 96

insert

96A. Department of Human Services

[58] Schedule 2, item 129A

omit

[59] Schedule 3, Part 1, heading

substitute

**Part 1 Organisations that may use or disclose
Customer Reference Numbers**

**Part 25 Amendment of *Proceeds of Crime
Regulations 1987***

[60] Paragraph 3B (j)

omit

**Part 26 Amendment of *Remuneration
Tribunal (Miscellaneous
Provisions) Regulations 1976***

[61] Schedule 1, item 6

omit

**Part 27 Amendments of *Student
Assistance Regulations 2003***

[62] Subregulation 3 (1), definition of *Centrelink*

omit

[63] Regulation 4

substitute

4 Notification of prescribed events

- (1) These Regulations prescribe events for section 48 of the Act.

Note A person who is receiving, or entitled to receive, an amount under a financial supplement contract or a current special educational assistance scheme must notify the Department within 14 days if a prescribed event occurs.

- (2) A person is taken to have notified the Department of a prescribed event if the person notifies the Human Services Department.

Note For the purposes of section 48 of the Act, the Human Services Department acts on behalf of the Department that administers these Regulations.

[64] Subparagraphs 8 (d) (viii) and (x)

omit

Centrelink;

insert

the Human Services Department;or

[65] Subparagraph 8 (d) (xi)

substitute

- (xi) has a partner whose income varies from the last assessment of income given to the Human Services Department.

Note Information that was given to Centrelink before 1 July 2011 is taken on and after 1 July 2011 to have been given to the Human Services Department — see the *Human Services Legislation Amendment Act 2011*, Schedule 2, items 54 (documents lodged with Centrelink) and 55 (other acts done in relation to Centrelink).

[66] Schedule 1, item 116

omit

Centrelink.

insert

the Department of Human Services.

[67] Schedule 1, after item 133

insert

Note For item 116, information that was given to Centrelink before 1 July 2011 is taken on and after 1 July 2011 to have been given to the Human Services Department — see the *Human Services Legislation Amendment Act 2011*, Schedule 2, items 54 (documents lodged with Centrelink) and 55 (other acts done in relation to Centrelink).

[68] Schedule 1, item 205, paragraph (b)

omit

Centrelink.

insert

the Department of Human Services.

[69] Schedule 1, Part 2, note

substitute

Note 1 The Guide to Australian Government Payments explains concepts used in this Part.

Note 2 Information that was given to Centrelink before 1 July 2011 is taken on and after 1 July 2011 to have been given to the Human Services Department — see the *Human Services Legislation Amendment Act 2011*, Schedule 2, items 54 (documents lodged with Centrelink) and 55 (other acts done in relation to Centrelink).

Part 28 **Amendment of *Superannuation
Guarantee (Administration)
Regulations 1993***

[70] Regulation 7AE

omit

Medicare Australia

insert

the Department administered by the Minister administering
the *Human Services (Medicare) Act 1973*

Note

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See <http://www.frli.gov.au>.