

Norfolk Island Legislation Amendment (Diagnostic Imaging Transitional) Rule 2016

made under item 357 of Schedule 2 of the
*Norfolk Island Legislation Amendment Act 2015*

**Compilation No. 2**

**Compilation date:** 23 August 2017

**Includes amendments up to:** F2017L01064

**About this compilation**

**This compilation**

This is a compilation of the *Norfolk Island Legislation Amendment (Diagnostic Imaging Transitional) Rule 2016* as amended and in force on 23 August 2017 (the ***compilation date***).

The notes at the end of this compilation (the ***endnotes***) include information about amending laws and the amendment history of provisions of the compiled law.

**Uncommenced amendments**

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register (www.legislation.gov.au). For more information on any uncommenced amendments, see the series page on Legislation Register for the compiled law.

**Application, saving and transitional provisions for provisions and amendments**

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

**Modifications**

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on Legislation Register for the compiled law.

**Self-repealing provisions**

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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Part 1—Preliminary

1 Name

 This is the *Norfolk Island Legislation Amendment (Diagnostic Imaging Transitional) Rule 2016*.

2 Commencement

 This rule commences immediately after Part 1 of Schedule 2 of the *Norfolk Island Legislation Amendment Act 2015*.

Note: Part 1 of Schedule 2 commences on 1 July 2016.

3 Cessation

 This rule ceases as if repealed on 1 January 2018.

4 Authority

 This rule is made under item 357 of Schedule 2 of the *Norfolk Island Legislation Amendment Act 2015*.

Part 2—Transitional rule

5 Interpretation

(1) In this rule, unless the contrary intention appears:

***approved accreditor*** meansa person approved for paragraph 23DZZIAA(1)(b) of the *Health Insurance Act 1973*.

***base for mobile diagnostic imaging equipment*** has the meaning given by section 23DZL of the *Health Insurance Act 1973*.

***diagnostic imaging accreditation scheme*** has the meaning given by subsection 3(1) of the *Health Insurance Act 1973*.

***diagnostic imaging equipment*** has the meaning given by subsection 3(1) of the *Health Insurance Act 1973*.

***diagnostic imaging premises*** has the meaning given by section 23DZM of the *Health Insurance Act 1973.*

***diagnostic imaging procedure*** has the meaning given by subsection 3(1) of the *Health Insurance Act 1973***.**

***Diagnostic Imaging Register*** means the Diagnostic Imaging Register established under section 23DZK of the *Health Insurance Act 1973*.

***diagnostic imaging service*** has the meaning given by subsection 3(1) of the *Health Insurance Act 1973*.

***diagnostic imaging services table*** has the meaning given by subsection 3(1) of the *Health Insurance Act 1973*.

***diagnostic radiology*** includes general radiology (X-ray), mammography, angiography, fluoroscopy and orthopantomography.

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

***location specific practice number*** has the same meaning as in section 23DZQ of the *Health Insurance Act 1973*.

***Manager of the Norfolk Island Health and Residential Aged Care Service*** means the person appointed under section 19 of the *Norfolk Island Health and Residential Aged Care Service Act 1985*.

***medical practitioner*** has the meaning given by subsection 3(1) of the *Health Insurance Act 1973*.

***Norfolk Island Health and Residential Aged Care Service*** means the Norfolk Island Health and Residential Aged Care Service continued in existence by subsection 6(1) of the *Norfolk Island Health and Residential Aged Care Service Act 1985*.

***Norfolk Island Health and Residential Aged Care Service Facility*** means the Norfolk Island Health and Residential Aged Care Service Facility:

(a) continued in existence by section 5 of the *Norfolk Island Health and Residential Aged Care Service Act 1985*; and

(b) at which, before 1 July 2016, diagnostic imaging services were provided.

6 Registration of Norfolk Island Health and Residential Aged Care Service Facility on Diagnostic Imaging Register

 (1) The Norfolk Island Health and Residential Aged Care Service Facility (***the premises***) is taken to be diagnostic imaging premises registered on the Diagnostic Imaging Register under section 23DZQ of the *Health Insurance Act 1973*.

 (2) The registration is taken to have been given on 1 July 2016.

 (3) The Health Minister must allocate a unique location specific practice number to the premises.

 (4) The Manager of the Norfolk Island Health and Residential Aged Care Service is taken to be the proprietor of the premises for the purposes of the *Health Insurance Act 1973*.

 (5) If a piece of diagnostic imaging equipment of a particular type was located at the premises immediately before 1 July 2016, the Diagnostic Imaging Register is taken to state that a piece of equipment of that type is ordinarily located at the premises.

 (6) Nothing in this rule prevents the Health Minister from exercising powers under Division 4 of Part IIB of the *Health Insurance Act 1973* in relation the premises on or after 1 July 2016.

 Note: These powers include the power to:

* request further information from the proprietor of registered diagnostic imaging premises – see section 23DZW
* suspend the registration of registered diagnostic imaging premises for failing to comply with a request for further information – see section 23DZX
* cancel the registration of registered diagnostic imaging premises – see sections 23DZY, 23DZZ and 23DZZA.

 (7) This rule ceases to apply if the premises or any part of the premises is registered as diagnostic imaging premises or a base for mobile diagnostic imaging equipment under section 23DZQ of the *Health Insurance Act 1973* as the result of an application made under Division 4 of Part IIB of that Act.

7 Accreditation of the Norfolk Island Health and Residential Aged Care Service Facility for diagnostic imaging procedures

 (1) The Norfolk Island Health and Residential Aged Care Service Facility (***the*** ***premises***) is taken to be diagnostic imaging premises accredited under a diagnostic imaging accreditation scheme for the diagnostic imaging procedures specified in subrule (2).

 (2) The diagnostic imaging procedures are those procedures used for rendering diagnostic imaging services in Group I1 (modality ultrasound) and Group I3 (modality diagnostic radiology) of the diagnostic imaging services table.

 (3) The accreditation is taken to have been given on 1 July 2016.

 (4) This rule ceases to apply if an approved accreditor accredits the premises or any part of the premises under a diagnostic imaging accreditation scheme.

 (5) Subrule 7(1) does not prevent the premises or any part of the premises later being granted accreditation against entry level standards under the *Health Insurance (Diagnostic Imaging Accreditation) Instrument 2010.*

 Note: Accreditation against entry level standards is open to diagnostic imaging premises and bases for mobile diagnostic imaging that have not at any time been accredited under the *Health Insurance (Diagnostic Imaging Accreditation) Instrument 2008* or under sections 8, 9 or 10 of the *Health Insurance (Diagnostic Imaging Accreditation) Instrument 2010*.

8 Remote areas exemptions

 (1) Norfolk Island is taken to be a remote area for the purposes of Division 2 of Part IIB of the *Health Insurance Act 1973*.

 (2) Each medical practitioner employed by or engaged under a contract for services with the Norfolk Island Health and Residential Aged Care Service and who is a member of the Royal Australian College of General Practitioners or the Australian College of Rural and Remote Medicine is taken to:

1. hold a remote area exemption under section 23DX of the *Health Insurance Act 1973* in respect of the Norfolk Island Health and Residential Aged Care Service Facility; and
2. be registered on the Register of Participating Practitioners under section 23DSC of the *Health Insurance Act 1973*.

 (3) The exemption mentioned in paragraph 8(2)(a) and the registration mentioned in paragraph 8(2)(b) are taken to have been given on 1 July 2016.

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the complied law.

The following endnotes are included in each compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

**Abbreviation key—Endnote 2**

The abbreviation key in this endnote sets out abbreviations that may be used in the endnotes.

**Legislation history and amendment history—Endnotes 3 and 4**

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

**Misdescribed amendments**

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.

Endnote 2—Abbreviation key

|  |  |
| --- | --- |
| ad = added or inserted | o = order(s) |
| am = amended | Ord = Ordinance |
| amdt = amendment | orig = original |
| c = clause(s) | par = paragraph(s)/subparagraph(s) |
| C[x] = Compilation No. x |  /sub‑subparagraph(s) |
| Ch = Chapter(s) | pres = present |
| def = definition(s) | prev = previous |
| Dict = Dictionary | (prev…) = previously |
| disallowed = disallowed by Parliament | Pt = Part(s) |
| Div = Division(s) | r = regulation(s)/rule(s) |
| exp = expires/expired or ceases/ceased to have |  |
|  effect | reloc = relocated |
| F = Federal Register of Legislation | renum = renumbered |
| gaz = gazette | rep = repealed |
| LA = *Legislation Act 2003* | rs = repealed and substituted |
| LIA = *Legislative Instruments Act 2003* | s = section(s)/subsection(s) |
| (md) = misdescribed amendment can be given | Sch = Schedule(s) |
|  effect | Sdiv = Subdivision(s) |
| (md not incorp) = misdescribed amendment | SLI = Select Legislative Instrument |
|  cannot be given effect | SR = Statutory Rules |
| mod = modified/modification | Sub‑Ch = Sub‑Chapter(s) |
| No. = Number(s) | SubPt = Subpart(s) |
|  | underlining = whole or part not |
|  |  commenced or to be commenced |

Endnote 3—Legislation history

| Name | FRLI registration or gazettal | Commencement | Application, saving and transitional provisions |
| --- | --- | --- | --- |
| Norfolk Island Legislation Amendment Act Transitional Rule (Diagnostic Imaging) 2016 | F2016L01120(30 June 2016) | 1 July 2016 |  |
| Norfolk Island Legislation Amendment (Diagnostic Imaging Transitional) Amendment (Cessation Date) Rule 2017 | F2017L00138(21 February 2017) | 22 February 2017 |  |
| Norfolk Island Legislation Amendment (Diagnostic Imaging Transitional) Amendment (Cessation Date) Rule (No. 2) 2017 | F2017L01064(22 August 2017) | 23 August 2017 |  |

Endnote 4—Amendment history

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

| Provision affected | How affected |
| --- | --- |
| s. 1 | rs. No. F2017L00138, 2017 |
| s. 3 | am. No. F2017L00138, 2017 |
| s. 3 | am No. F2017L01064, 2017 |