



Health Insurance Act 1973

No. 42, 1974

Compilation No. 135

Compilation date: 7 July 2026

Includes amendments: Act No. 65, 2026

This compilation is in 2 volumes

Volume 1: Parts I to VAA
sections 1 to 106ZR

Volume 2: **Parts VB to VII**
sections 124B to 133
Endnotes

Each volume has its own contents

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About this compilation

This compilation

This is a compilation of the *Health Insurance Act 1973* that shows the text of the law as amended and in force on 7 July 2026 (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. The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. Any uncommenced amendments affecting the law are accessible on the Register (www.legislation.gov.au).

Application, saving and transitional provisions

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.

Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

Presentational changes

The *Legislation Act 2003* provides for First Parliamentary Counsel to make presentational changes to a compilation. Presentational changes are applied to give a more consistent look and feel to legislation published on the Register, and enable the user to more easily navigate those documents.

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. Any modifications affecting the law are accessible on the Register.

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If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.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 VB—Medicare Participation Review Committees

124B Interpretation

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

Chairperson means a Chairperson of Medicare Participation Review Committees appointed under section 124C.

Committee means a Medicare Participation Review Committee established under section 124E.

determination means a determination made under subsection 124F(1), (2) or (6), 124FB(1), 124FC(1) or 124FF(1), (2) or (5).

hearing means a hearing conducted by a Committee under subsection 124G(1).

legal practitioner means a person who is enrolled as a legal practitioner of the High Court, of another federal court or of the Supreme Court of a State or Territory.

member, in relation to a Committee, includes the Chairperson.

officer, in relation to a body corporate, means a director, secretary, manager or employee of the body corporate.

practitioner means:

- (a) a medical practitioner; or
- (b) a dental practitioner; or
- (d) an optometrist; or
- (da) a midwife; or
- (db) a nurse practitioner; or
- (e) a chiropractor; or
- (f) a physiotherapist; or

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- (g) a podiatrist; or
- (h) an osteopath; or
- (i) a health professional of a kind determined by the Minister under subsection (7) to be a practitioner for the purposes of this Part.

professional organisation means an organisation or association declared by the regulations to be a professional organisation for the purposes of this definition.

relevant civil contravention means a contravention of a civil penalty provision in Division 2 of Part IIBA.

relevant offence means:

- (a) an offence against section 128A, 128B, 129 or 129AA of this Act, being an offence that is committed after the commencement of this Part; or
- (aa) an offence against section 128C that is committed after the commencement of this paragraph; or
- (ab) an offence against section 23DR or 23DS that is committed after the commencement of this paragraph; or
- (ac) an offence against Division 3 of Part IIBA that is committed after the commencement of this paragraph; or
- (b) an offence against section 129, 129AA or 129AAA of this Act as in force before the commencement of this Part, being an offence of which a person has been convicted after the commencement of this Part; or
- (c) an offence against:
 - (i) section 6 of the *Crimes Act 1914*; or
 - (ii) section 11.1, 11.4 or 11.5 of the *Criminal Code*;being an offence that:
 - (iii) relates to an offence referred to in paragraph (a) and is committed after the commencement of this Part; or
 - (iiia) relates to an offence referred to in paragraph (aa) or (ac); or

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- (iv) relates to an offence referred to in paragraph (b) and is an offence of which a person has been convicted after the commencement of this Part; or
 - (d) an offence against section 134.1, 134.2, 135.1, 135.2, 135.4, 136.1, 137.1, 144.1, 145.1, 145.4 or 145.5 of the *Criminal Code*, being an offence relating to a claim for payment in respect of the rendering of a professional service; or
 - (f) an offence against section 136.1, 137.1 or 137.2 of the *Criminal Code* that is committed after the commencement of this paragraph and that relates to:
 - (i) an application under section 5 or 5B; or
 - (ii) a statement or report under section 130A; or
 - (iii) a notification under section 130B.
- (2) A reference in this Part to a conviction of an offence includes a reference to the making of an order under section 19B of the *Crimes Act 1914* in relation to the offence.
- (3) In this Part, a reference to an appeal against a conviction or pecuniary penalty order includes a reference to:
 - (a) an appeal against a decision of a court wholly or partly dismissing an appeal against the conviction or order; or
 - (b) where an appeal lies only by leave or special leave—an application for leave or special leave to appeal; or
 - (c) any proceedings in which the validity of the conviction or order is in question;and a reference to a right to appeal against a conviction or pecuniary penalty order shall be construed accordingly.
- (4) A reference in this Part to an approved pathology practitioner includes a reference to a person who has been an approved pathology practitioner.
- (5) A reference in this Part to an approved pathology authority includes a reference to a person who has been an approved pathology authority.

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- (6) A reference in this Part to a practitioner includes a reference to a person who has been a practitioner.
- (7) The Minister may, by legislative instrument, determine that a health professional of a particular kind (being a health professional who provides a health service within the meaning of subsection 3C(8)) is a practitioner for the purposes of this Part.

124BA Application of Part to providers who are not practitioners

- (1) This Part applies to a provider (within the meaning of section 23DZZID) of one or more kinds of pathology services or diagnostic imaging services (being a provider who is not a practitioner) as if a reference in this Part to a practitioner were a reference to the provider.
- (2) In applying this Part to such a provider, subsections 124F(2) and 124FF(2) apply as if the following paragraph were added at the end of the subsections:
 - “(g) in relation to a provider (who is not a practitioner) of one or more kinds of pathology services or diagnostic imaging services—medicare benefits are not payable, during the period specified in the determination (being a period ending no later than 5 years after the day on which the determination takes effect), in respect of kinds of pathology services or diagnostic imaging services that are specified in the determination and rendered by or on behalf of the provider.”

124C Chairpersons

- (1) The Minister shall appoint such number of persons to be the Chairpersons of Medicare Participation Review Committees as the Minister thinks necessary.
- (2) A Chairperson may be appointed on a full-time or a part-time basis.

- (3) The Minister shall not appoint a person as a Chairperson unless that person is a legal practitioner and has been a legal practitioner for not less than 5 years.
- (4) Subject to this section, a Chairperson holds office for such period, not exceeding 5 years, as is specified in the instrument of appointment, but is eligible for re-appointment.
- (5) A Chairperson may resign from office by writing signed by the Chairperson and delivered to the Minister.
- (6) The Minister may terminate the appointment of a Chairperson because of misbehaviour or physical or mental incapacity.

124D Chairperson etc. to be notified if practitioner convicted of relevant offence or civil contravention

- (1) This section applies in relation to a conviction of a practitioner where:
 - (a) the practitioner has been convicted of a relevant offence;
 - (b) all the rights of the practitioner to appeal against the conviction (other than the right to apply for an extension of the time for instituting such an appeal) have been exhausted or have expired; and
 - (c) the conviction has not been wholly set aside.
- (1A) This section also applies in relation to a pecuniary penalty order made against a practitioner if:
 - (a) the order was made in respect of a relevant civil contravention; and
 - (b) all the rights of the practitioner to appeal against the order (other than the right to apply for an extension of the time for instituting such an appeal) have been exhausted or have expired; and
 - (c) the order has not been wholly set aside.
- (2) Within 28 days after this section commences to apply in relation to the conviction or order, the Minister must, if an appeal, or an application for an extension of the time for instituting an appeal,

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against the conviction or order is not pending, give to the Chairperson a notice in writing setting out the details of the conviction or order and, at or about the same time, give to the practitioner a copy of the notice.

- (3) Where:
- (a) a practitioner is subject to a period of disqualification by virtue of having been convicted of offences before the commencement of this Part; and
 - (b) no appeal against any of the convictions is pending; the practitioner may apply in writing to the Minister for the disqualification to be reviewed by a Committee, and, upon receiving such an application, the Minister shall give to a Chairperson a notice in writing setting out the details of the convictions and, at or about the same time, give to the practitioner a copy of the notice.
- (4) In subsection (3), *disqualification* has the same meaning as it had in section 19B before the commencement of this Part.
- (5) Where a notice is given to a Chairperson under subsection (3), the offences in respect of which details of convictions are set out in the notice shall, for the purposes of sections 124E and 124F, be deemed to be relevant offences.

124E Chairperson to establish Medicare Participation Review Committee

- (1) Except where subsection (2) or (5) applies, where:
- (a) a Chairperson receives a notice under section 124D in relation to a conviction or pecuniary penalty order; and
 - (b) an appeal, or an application for an extension of the time for instituting an appeal, against the conviction or order, is not pending;
- the Chairperson must establish a Medicare Participation Review Committee.
- (2) Where:

Section 124EA

- (a) a Chairperson receives a notice under section 124D in relation to a practitioner; and
 - (b) a Medicare Participation Review Committee has already been established under subsection (1) in relation to the practitioner; and
 - (c) the Committee has yet to make a determination in relation to the practitioner;
- the Chairperson must, as soon as practicable, bring the notice to the attention of the Committee.
- (3) Subject to subsection (5), upon receiving a notice under subsection 23DL(4) in relation to an approved pathology practitioner or an approved pathology authority, a Chairperson must establish a Medicare Participation Review Committee.
 - (5) Where a Chairperson who is given a notice under section 124D or subsection 23DL(4) has a direct or indirect interest (whether pecuniary or otherwise) in a matter that is about to be the subject of proceedings before a Committee that the Chairperson would, but for this subsection, be required to establish under subsection (1) or (3):
 - (a) the Chairperson must immediately inform the Minister of that interest; and
 - (b) the Chairperson must not establish the Committee; and
 - (c) the Minister must give another notice in the same terms to another Chairperson.

124EA Membership of Committees

- (1) A Committee established under subsection 124E(1) or (3) consists of the following members:
 - (a) the Chairperson;
 - (b) subject to subsections (6), (7) and (8) and section 124EB, one person selected by the Chairperson from a list submitted under subsection (2);

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- (c) subject to subsection (8) and section 124EB, one person selected by the Chairperson from persons nominated under subsection (3).
- (2) A professional organisation may submit to the Minister a list of names of persons nominated for the purposes of paragraph (1)(b).
- (3) The Minister may nominate persons for the purposes of paragraph (1)(c).
- (4) The nomination of a person under subsection (2) or (3) may be revoked at any time:
 - (a) by the person nominated—by writing signed by that person and delivered to the Minister; or
 - (b) by the Minister—by writing signed by the Minister and delivered to the person.
- (5) The Minister must keep each Chairperson informed in writing:
 - (a) of the persons nominated under subsections (2) and (3); and
 - (b) of any revocation of a nomination under subsection (4).
- (6) Where no person is available for a Chairperson to select under paragraph (1)(b) in constituting a Committee, the Minister must, in place of each person to be so selected, appoint to the Committee a person whom the Minister considers to be the most appropriate person to be appointed to the Committee.
- (7) For the purposes of this Part, a person appointed under subsection (6) is taken to have been selected in accordance with paragraph (1)(b).
- (8) Where a member of a Committee selected under paragraph (1)(b) or (c) has a direct or indirect interest (whether pecuniary or otherwise) in a matter that is, or is about to be, the subject of proceedings before the Committee:
 - (a) the member must immediately inform the Chairperson of that interest; and
 - (b) the member is taken to be disqualified from membership of the Committee; and

- (c) another selection is to be made under paragraph (1)(b) or (c), as the case requires.

124EB Qualification of members

- (1) Subject to subsection (2), each person selected by the Chairperson under paragraph 124EA(1)(b) or (c) must be a medical practitioner.
- (2) A person selected by the Chairperson under paragraph 124EA(1)(b) or (c) must be:
 - (a) if the Committee is convened in relation to an approved pathology practitioner or an approved pathology authority—an approved pathology practitioner; or
 - (ab) if the Committee is convened in relation to a provider (within the meaning of section 23DZZID) of a kind of diagnostic imaging service—a medical practitioner experienced in the rendering of diagnostic imaging services; or
 - (b) if the Committee is convened in relation to a dental practitioner—a dental practitioner; or
 - (ba) if the Committee is convened in relation to a midwife—a midwife; or
 - (bb) if the Committee is convened in relation to a nurse practitioner—a nurse practitioner; or
 - (c) if the Committee is convened in relation to an optometrist—an optometrist; or
 - (d) if the Committee is convened in relation to a chiropractor—a chiropractor; or
 - (e) if the Committee is convened in relation to a physiotherapist—a physiotherapist; or
 - (f) if the Committee is convened in relation to a podiatrist—a podiatrist; or
 - (g) if the Committee is convened in relation to an osteopath—an osteopath; or
 - (h) if the Committee is convened in relation to a person who is a health professional of a kind covered by paragraph (i) of the definition of ***practitioner*** in subsection 124B(1)—a health professional of the same kind as the person.

Section 124EC

124EC Provision of information to the person in relation to whom a Committee is convened

Where:

- (a) a Committee has been established under section 124E; and
- (b) a Departmental employee (within the meaning of the *Human Services (Medicare) Act 1973*) gives to the Committee, or to the Chairperson, information for the purpose of assisting the Committee in making a determination in relation to a person; the Chief Executive Medicare must, at or about the same time, give to the person a copy of the information.

124F Determinations in relation to relevant offences and relevant civil contraventions

Determinations

- (1) Subject to subsections 124J(8) and 124T(3), a Committee established under subsection 124E(1) in relation to a practitioner shall make a determination in relation to the practitioner in respect of the commission by the practitioner of any relevant offence or relevant civil contravention that is the subject of a notice under section 124D and has not been the subject of a previous determination by a Committee.
- (2) A Committee established under subsection 124E(1) in relation to a practitioner shall, in making a determination in relation to the practitioner, determine that:
 - (a) no action should be taken against the practitioner;
 - (b) it should counsel the practitioner;
 - (c) it should reprimand the practitioner;
 - (d) the practitioner is disqualified in respect of one or more of the services mentioned in subsection (4A); or
 - (e) the practitioner is fully disqualified; or
 - (f) in relation to a practitioner who has engaged in a relevant offence or a relevant civil contravention under Division 2 or 3 of Part IIBA:

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- (i) any other practitioner who is employed, or engaged under a contract for services, by the practitioner is taken to be disqualified while so employed or so engaged; or
 - (ii) if the practitioner is an officer of a body corporate—any other practitioner who is employed, or engaged under a contract for services, by the body corporate is taken to be disqualified while so employed or so engaged and while the first-mentioned practitioner is an officer of the corporation.
- (3) In making a determination under subsection (2) in relation to a practitioner, a Committee shall:
 - (a) without limiting the generality of the matters to which it may have regard in making the determination, have regard to the nature of, and the circumstances concerning the commission of:
 - (i) each relevant offence of which the practitioner has been convicted; and
 - (ii) each offence of which the practitioner has been convicted before the commencement of this Part, being an offence that would have been a relevant offence if the conviction had occurred after that commencement; and
 - (iii) each relevant civil contravention for which a pecuniary penalty order has been made against the practitioner; and
 - (b) comply with guidelines in force under section 124H.
- (4) A determination under subsection (2) shall be made in writing.

Disqualification

- (4A) If a Committee determines under paragraph (2)(d) or (f) that a practitioner is, or is taken to be, disqualified, it must specify in the determination whether the practitioner is fully disqualified or disqualified in respect of one or more of the following:

Section 124F

- (a) the provision of specified professional services, or the provision of professional services other than specified professional services;
- (b) the provision of professional services to a specified class of persons, or the provision of professional services to persons other than a specified class of persons;
- (c) the provision of professional services within a specified location, or the provision of professional services otherwise than within a specified location.

Note: For specification by class, see subsection 33(3AB) of the *Acts Interpretation Act 1901*.

- (5) Where a Committee determines under paragraph (2)(d) or (e) that a practitioner is disqualified, the Committee shall specify in the determination the period over which the disqualification is to have effect, being a period that ends:
 - (a) where the determination is a review of a period of disqualification referred to in subsection 124D(3)—on or before the day on which that period of disqualification is to come to an end; or
 - (b) in any other case—within 5 years after the day on which the determination comes into effect.

Medicare benefits

- (6) If, in making a determination under subsection (2) in relation to a practitioner, a Committee:
 - (a) is satisfied that the practitioner engaged in a relevant offence or a relevant civil contravention under Division 2 or 3 of Part IIBA; and
 - (b) determines that pathology services or diagnostic images were rendered as a result of the relevant offence or relevant civil contravention;the Committee must, in its determination:
 - (c) identify the services; and
 - (d) if medicare benefit has been paid, or is payable, in respect of the services—determine that:

- (i) if the medicare benefit is payable to the practitioner, but has not been paid—the medicare benefit or a specified part of it ceases to be payable; or
- (ii) if the medicare benefit has been paid to the practitioner, or has been paid or is payable to a person other than the practitioner—the medicare benefit or a specified part of it be payable by the practitioner to the Commonwealth.

Remote area exemptions

- (7) If:
- (a) a person (the ***practitioner***) is a medical practitioner who has been granted a remote area exemption that is in force under section 23DX or 23DXA; and
 - (b) a Committee determines that the practitioner engaged in a relevant offence or a relevant civil contravention under Division 2 or 3 of Part IIBA in relation to diagnostic imaging services;

the Committee must include in its determination under subsection (2) an advice to the Minister as to whether the remote area exemption should be revoked, and its reasons for so advising.

124FA Committee may add parties to proceedings in relation to breach of undertaking by approved pathology practitioner or approved pathology authority

- (1) Where:
- (a) a Committee is established under subsection 124E(3) in relation to an approved pathology practitioner; and
 - (b) the Committee has reasonable grounds to believe that an approved pathology authority that employs or employed the approved pathology practitioner has breached an undertaking given by the approved pathology authority under section 23DF;

the Committee may determine, in writing, that the Committee should consider whether the approved pathology authority has breached that undertaking.

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- (2) Where:
 - (a) a Committee is established under subsection 124E(3) in relation to an approved pathology authority; and
 - (b) the Committee has reasonable grounds to believe that an approved pathology practitioner who is or was employed by the authority has breached an undertaking given by the approved pathology practitioner under section 23DC;the Committee may determine, in writing, that the Committee should consider whether the approved pathology practitioner has breached that undertaking.
- (3) Where a Committee makes a determination under subsection (1) or (2) in relation to an approved pathology authority or an approved pathology practitioner, the Committee shall give the authority or the practitioner notice in writing of the determination.

124FB Determinations in relation to breach of undertaking by approved pathology practitioner

- (1) Subject to subsection 124J(8), where:
 - (a) a Committee is established under subsection 124E(3) in relation to an approved pathology practitioner; or
 - (b) a Committee has made a determination, under subsection 124FA(2), that the Committee should consider whether an approved pathology practitioner has breached an undertaking;the Committee shall:
 - (c) determine whether the practitioner has breached the undertaking given by the practitioner;
 - (d) if the Committee determines that the practitioner has breached the undertaking given by the practitioner by reason of having rendered excessive pathology services—identify those services; and
 - (e) if the Committee determines that the practitioner has breached the undertaking given by the practitioner—make one or more of the following determinations:
 - (i) that no action should be taken against the practitioner;

- (ii) that it should counsel the practitioner;
 - (iii) that it should reprimand the practitioner;
 - (iv) that the undertaking given by the practitioner should be revoked;
 - (v) that no undertaking given by the practitioner should be accepted by the Minister under section 23DC during the period specified in the determination (being a period expiring not later than 5 years after the day on which the determination takes effect);
 - (vi) that medicare benefits should not be payable, during the period specified in the determination (being a period expiring not later than 5 years after the day on which the determination takes effect), in respect of pathology services, being pathology services of a kind specified in the determination, that are rendered by or on behalf of the practitioner;
 - (vii) where a medicare benefit is payable, but has not been paid, to the practitioner in respect of a pathology service and the Committee is of the opinion that the practitioner failed to comply with the undertaking in relation to that service—that the medicare benefit or a specified part of the medicare benefit cease to be payable;
 - (viii) where a medicare benefit has been paid to the practitioner, or has been paid, or is payable, to a person other than the practitioner, in respect of a pathology service and the Committee is of the opinion that the practitioner failed to comply with the undertaking in relation to that service—that the amount of the medicare benefit or a specified part of that amount be payable by the practitioner to the Commonwealth.
- (2) In making a determination under subsection (1) in relation to a practitioner, the Committee shall comply with guidelines in force under section 124H.
- (3) A determination under subsection (1) shall be made in writing.

Section 124FC

124FC Determinations in relation to breach of undertaking by approved pathology authority

(1) Subject to subsection 124J(8), where:

- (a) a Committee is established under subsection 124E(3) in relation to an approved pathology authority; or
- (b) a Committee has made a determination, under subsection 124FA(1), that the Committee should consider whether an approved pathology authority has breached an undertaking;

the Committee shall:

- (c) determine whether the authority has breached the undertaking given by the authority;
- (d) if the Committee determines that the authority has breached the undertaking given by the authority by reason of having permitted the rendering of excessive pathology services at an accredited pathology laboratory of which the authority is the proprietor—identify those services; and
- (e) if the Committee determines that the authority has breached the undertaking given by the authority—make one or more of the following determinations:
 - (i) that no action should be taken against the authority;
 - (ii) that it should counsel one or more of the following persons:
 - (A) the authority;
 - (B) an employee of the authority;
 - (C) where the authority is a body corporate—an officer of the authority;
 - (iii) that it should reprimand one or more of the following persons:
 - (A) the authority;
 - (B) an employee of the authority;
 - (C) where the authority is a body corporate—an officer of the authority;
 - (iv) that the undertaking should be revoked;

- (v) that no undertaking given by the authority should be accepted by the Minister under section 23DF during the period specified in the determination (being a period expiring not later than 5 years after the day on which the determination takes effect);
 - (vi) where a medicare benefit has been paid, or is payable, to a person other than the authority, in respect of a pathology service and the Committee is of the opinion that the authority failed to comply with the undertaking in relation to that service—that the amount of the medicare benefit or a specified part of that amount be payable by the authority to the Commonwealth.
- (2) In making a determination under subsection (1) in relation to an authority, the Committee shall comply with guidelines in force under section 124H.
- (3) A determination under subsection (1) shall be made in writing.

124FD Committee may be established and proceedings may continue after undertaking ceases to be in force

Where:

- (a) the Minister gives a Chairperson notice under subsection 23DL(4) in relation to an undertaking; and
- (b) the undertaking ceases to be in force:
 - (i) before the Chairperson establishes a Committee pursuant to the notice; or
 - (ii) before a Committee established pursuant to the notice makes a determination under section 124FB or 124FC;

then, notwithstanding that the undertaking has ceased to be in force, the Chairperson may establish a Committee pursuant to the notice and a Committee so established may make a determination under section 124FB or 124FC pursuant to the notice.

Section 124FE

124FE Committee may add parties to proceedings in relation to pathology and diagnostic imaging offences and contraventions

(1) Where:

- (a) a Committee is established under subsection 124E(1) in relation to a practitioner; and
- (b) the Committee has reasonable grounds to believe that a person who:
 - (i) employs or employed the practitioner; or
 - (ii) is or was an officer of a body corporate that employs or employed the person;may have caused or permitted the practitioner or any other person to engage in a relevant offence or relevant civil contravention under Division 2 or 3 of Part IIBA that is specified in the notice given to the Chairperson concerned under subsection 124D(2);

the Committee may determine, in writing, that the Committee should consider whether the person caused or permitted the practitioner or other person to engage in the offence or contravention.

(2) Where:

- (a) a Committee is established under subsection 124E(1) in relation to a body corporate that employs or employed a practitioner; and
- (b) the Committee has reasonable grounds to believe that a person who is or was an officer of the body corporate may have caused or permitted the practitioner to engage in a relevant offence or relevant civil contravention under Division 2 or 3 of Part IIBA that is specified in the notice given to the Chairperson concerned under subsection 124D(2);

the Committee may determine, in writing, that the Committee should consider whether the officer caused or permitted the practitioner to engage in the offence or contravention.

- (3) Where a Committee makes a determination under subsection (1) or (2) in relation to a person, the Committee must give the person written notice of the determination.

124FF Determinations in relation to pathology and diagnostic imaging offences and contraventions

- (1) Subject to subsection 124J(8), where a Committee has determined, under subsection 124FE(1) or (2), that the Committee should consider whether a person caused or permitted a relevant offence or relevant civil contravention under Division 2 or 3 of Part IIBA to be engaged in by another person, the Committee must determine whether the person caused or permitted the offence or contravention to be engaged in by the other person.
- (2) Where the Committee determines that a person caused or permitted another person to engage in a relevant offence or relevant civil contravention under Division 2 or 3 of Part IIBA, it must make one of the following determinations:
- (a) that no action should be taken against the person;
 - (b) that it should counsel the person;
 - (c) that it should reprimand the person;
 - (d) where the person is a practitioner—that the person is disqualified;
 - (e) where the person employs, or has employed, a practitioner—that any practitioner who is employed by the person is, while so employed, taken to be disqualified;
 - (f) where the person is or has been an officer of a body corporate that employs, or has employed, a practitioner—that any practitioner who is employed by a body corporate of which the person is an officer is, while so employed at a time when the person is such an officer, taken to be disqualified.
- (3) Where the Committee determines under paragraph (2)(d), (e) or (f) that a practitioner is disqualified, or is taken to be disqualified in certain circumstances, it must specify in the determination whether the practitioner is, or is taken to be, fully disqualified or disqualified in respect of one or more of the following:
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Section 124FF

- (a) the provision of specified professional services, or the provision of professional services other than specified professional services;
 - (b) the provision of professional services to a specified class of persons, or the provision of professional services to persons other than a specified class of persons;
 - (c) the provision of professional services within a specified location, or the provision of professional services otherwise than within a specified location.
- (4) Where the Committee determines under paragraph (2)(d), (e) or (f) that a practitioner is disqualified, or is taken to be disqualified in certain circumstances, the Committee must specify in the determination the period over which the disqualification is to have effect, being a period that ends within 5 years after the day on which the determination takes effect.
- (5) Where the Committee determines that pathology services or diagnostic imaging services were rendered as a result of the offence or contravention being engaged in by a person, it must:
 - (a) identify those services; and
 - (b) if medicare benefit has been paid, or is payable, in respect of the rendering of services identified by the Committee—make one of the following determinations:
 - (i) where medicare benefit is payable, but has not been paid to a practitioner—that the medicare benefit or a specified part of it cease to be payable;
 - (ii) where medicare benefit has been paid to the practitioner, or has been paid or is payable to a person other than the practitioner—that the medicare benefit or a specified part of it be payable by the practitioner to the Commonwealth.
- (6) Where:
 - (a) the Committee determines that a person caused or permitted another person to engage in a relevant offence or relevant civil contravention under Division 2 or 3 of Part IIBA; and

Section 124G

- (b) the first-mentioned person is a medical practitioner who has been granted a remote area exemption either under section 23DX or section 23DXA that is in force;
the Committee must include in its determination under subsection (2) an advice to the Minister as to whether the remote area exemption should be revoked, and its reasons for so advising.
- (7) In making a determination, the Committee must comply with guidelines in force under section 124H.
- (8) A determination must be in writing.

124G Hearings

- (1) Subject to subsection (2) and to subsection 124J(8), a Committee shall not make a determination in relation to a person unless it has conducted a hearing.
- (2) In accordance with guidelines (if any) in force under section 124H relating to this subsection, a Committee established in relation to a person may, if it is satisfied, upon the evidence or other material available to it, that no action should be taken against the person, determine that subsection (1) of this section does not apply in relation to the making of a determination in relation to the person.
- (3) A person in relation to whom a Committee is established may make a written submission to the Committee requesting that the Committee make a determination under subsection (2).

124H Guidelines relating to making a determination

- (1) The Minister may, by legislative instrument, make guidelines to be applied by Committees with respect to the making of relevant determinations.
- (2) Without limiting the generality of the matters to which guidelines made under subsection (1) may relate, guidelines may specify circumstances in which relevant determinations may be made.

Section 124J

- (7) In this section, **relevant determination** means a determination under subsection 124F(1), (2) or (6), 124FA(1) or (2), 124FB(1), 124FC(1), 124FE(1) or (2), 124FF(1), (2) or (5) or 124G(2).

124J Procedure of hearings

- (1) A hearing by a Committee shall be convened by, and shall be held at a place determined by, the Chairperson.
- (2) Subject to subsection (2A), the Chairperson shall, at least 28 days before the commencement of a proposed hearing in relation to a person, give a notice in writing to the person setting out:
- (a) the time and place of the proposed hearing; and
 - (b) particulars of the matter to which the proposed hearing relates.
- (2A) Where a Committee makes a determination, under subsection 124FA(1) or (2) or 124FE(1) or (2), that the Committee should consider a matter in relation to a person, the Chairperson shall, at least 28 days before the commencement of a proposed hearing in relation to that matter, give a notice in writing to the person setting out:
- (a) the time and place of the proposed hearing; and
 - (b) particulars of the matter to which the proposed hearing relates.
- (3) At a hearing by a Committee, the Chairperson or, in the absence of the Chairperson as described by subsection (7), another member of the Committee nominated by the Minister shall preside.
- (4) Where a Committee conducts a hearing in relation to a person:
- (a) a relevant party may attend the hearing in person, and may be represented at the hearing by another person; and
 - (b) where the relevant party so attends the hearing or is so represented at the hearing—the relevant party or the representative, as the case requires, shall be given the opportunity to give evidence, and to call witnesses, on behalf

of the relevant party, to examine other witnesses appearing at the hearing and to address the Committee.

- (5) At a hearing conducted by a Committee:
- (a) the procedure of the hearing is, subject to this Act and the regulations, within the discretion of the Committee;
 - (b) the hearing shall be conducted with as little formality and technicality, and with as much expedition, as requirements of this Act, and a proper consideration of the matter before the Committee, permit; and
 - (c) the Committee is not bound by the rules of evidence and may inform itself on any matter in such manner as it thinks appropriate.
- (5A) A Committee may:
- (a) conduct simultaneously a hearing pursuant to a notice under subsection 23DL(4) and a hearing or hearings pursuant to a determination or determinations made under subsection 124FA(1) or (2) in the course of proceedings in relation to that notice; and
 - (b) conduct simultaneously a hearing pursuant to a notice under subsection 124D(2) and a hearing or hearings pursuant to a determination or determinations made under subsection 124FE(1) or (2) in the course of proceedings pursuant to that notice.
- (5B) The regulations may make provision in relation to the procedure to be followed in conducting a hearing by a Committee pursuant to a determination under subsection 124FA(1) or (2) or 124FE(1) or (2).
- (6) A Committee may take evidence at a hearing on oath or affirmation, and any member may administer an oath or affirmation for that purpose.
- (7) Where a Committee has commenced a hearing in relation to a practitioner and, before the Committee makes a determination, a member of the Committee has ceased to be such a member or, for any other reason, is unable to take any further part in the hearing or
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Section 124J

in the making of the determination, the remaining members of the Committee may, if the practitioner consents, constitute the Committee for the purpose:

- (a) if the hearing has not been completed—of completing the hearing; and
 - (b) if a majority of the remaining members agree as to what determination should be made—of making the determination.
- (8) If, for any reason, after a Committee has been established under subsection 124E(1) or (3), it is not reasonably practicable for the Committee to continue to perform its functions, the Chairperson shall establish another Committee under that subsection to make the determination, and that Committee:
 - (a) may have regard to any evidence and other material given to, and arguments adduced before, the first-mentioned Committee and the reasons for any decision made by the first-mentioned Committee; and
 - (b) if the first-mentioned Committee has completed a hearing in relation to the person—notwithstanding subsection 124G(1), is not required to conduct a hearing in relation to the person.
- (9) A Committee is not empowered to order the payment of costs.
- (10) In this section, **relevant party**, in relation to a hearing by a Committee in relation to a person, means the person and:
 - (a) in the case of a hearing pursuant to a notice under subsection 23DL(4)—any person in relation to whom the Committee makes a determination under subsection 124FA(1) or (2) in the course of the proceedings pursuant to that notice; and
 - (b) in the case of a hearing pursuant to a determination made under subsection 124FA(1) or (2) in the course of proceedings pursuant to a notice under subsection 23DL(4):
 - (i) the person to whom the notice under subsection 23DL(4) relates; and
 - (ii) any other person in relation to whom the Committee makes a determination under subsection 124FA(1) or (2) in the course of those proceedings; and

- (c) in the case of a hearing pursuant to a notice under subsection 124D(2) in respect of a relevant offence or a relevant civil contravention under Division 2 or 3 of Part IIBA—any person in relation to whom the Committee makes a determination under subsection 124FE(1) or (2) in the course of proceedings pursuant to that notice; and
- (d) in the case of a hearing pursuant to a determination made under subsection 124FE(1) or (2) in the course of proceedings pursuant to a notice under subsection 124D(2):
 - (i) the person to whom the notice under subsection 124D(2) relates; and
 - (ii) any other person in relation to whom the Committee makes a determination under subsection 124FE(1) or (2) in the course of those proceedings.

124K Hearings to be in public except in special circumstances

- (1) Subject to this section, all hearings of Committees shall be conducted in public.
- (2) Where a Committee is satisfied that it is desirable to do so because of the confidential nature of any evidence or matter or for any other reason, the Committee may, by order:
 - (a) direct that a hearing or part of a hearing take place in private, and give directions as to the persons who may be present; and
 - (b) give directions prohibiting or restricting the publication of evidence given at a hearing, whether in public or in private, or of matters contained in documents received in evidence or otherwise obtained by the Committee.
- (3) In considering whether to make an order under subsection (2), the Committee shall take as the basis of its consideration the principle that it is desirable that a hearing should be conducted in public and that evidence given at a hearing and the contents of documents received in evidence or otherwise obtained by a Committee should be made available to the public, but shall pay due regard to any reasons given to the Committee why such an order should be made.

Section 124L

124L Summons to give evidence etc.

- (1) A Committee that is conducting, or that proposes to conduct, a hearing may, by writing signed by the Chairperson, summon a person to appear at the hearing and to produce such documents (if any) as are referred to in the summons, and a person so summoned shall not:

- (a) fail to appear as required by the summons; or
- (b) fail to appear and report from day to day unless excused, or released from further attendance, by the Chairperson.

Penalty: 10 penalty units.

- (2) Subsection (1) does not apply if the person has a reasonable excuse.

Note: The defendant bears an evidential burden in relation to the matter in subsection (2). See subsection 13.3(3) of the *Criminal Code*.

- (3) An offence under subsection (1) is an offence of strict liability.

Note: For strict liability, see section 6.1 of the *Criminal Code*.

124M Refusal to be sworn etc.

- (1) A person appearing as a witness at a hearing conducted by a Committee (whether summoned to appear or not) shall not:
- (a) refuse or fail to be sworn or to make an affirmation;
 - (b) refuse or fail to answer a question that the person is required by a member of the Committee to answer; or
 - (c) refuse or fail to produce a document that the person is required to produce by a summons under section 124L.

Penalty: 10 penalty units.

- (1A) Subsection (1) does not apply if the person has a reasonable excuse.

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

Section 124N

- (2) It is a reasonable excuse for the purposes of subsection (1A) for a person to refuse or fail to answer a question or to refuse or fail to produce a document that the answer to the question or the production of the document might tend to incriminate the person.
- (3) An offence under subsection (1) is an offence of strict liability.

Note: For strict liability, see section 6.1 of the *Criminal Code*.

124N Protection of members of Committees etc.

- (1) A member of a Committee has, in the performance of the duties of a member of the Committee at a hearing conducted by the Committee, the same protection and immunity as a Justice of the High Court.
- (2) A person appearing on behalf of a practitioner at a hearing conducted by a Committee, a person entitled to appear before the Committee and a person authorised by the Committee to appear before it have the same protection and immunity as a barrister has in appearing for a party in proceedings in the High Court.

124P Contempt

- (1) A person shall not:
 - (a) obstruct or hinder a Committee or a member of a Committee in the performance of the functions of a Committee;
 - (b) disrupt a hearing before a Committee; or
 - (c) contravene an order made under subsection 124K(2).

Penalty: Imprisonment for 12 months or 20 penalty units.

- (2) An offence against subsection (1) is punishable on summary conviction.

124Q Chairperson to give notice of determinations by Committee

- (1) Where a Committee has made a determination in relation to a person, the Chairperson shall, as soon as practicable:

Section 124R

- (a) give to the Minister a notice in writing informing the Minister of the terms of the determination and setting out the reasons for the determination; and
 - (b) give to the person a copy of the notice.
- (2) A copy of a notice given to a person under subsection (1) shall be accompanied by a statement in writing to the effect that a person whose interests are affected by the determination may, subject to the *Administrative Review Tribunal Act 2024*, make application to the Administrative Review Tribunal for review of the determination.
- (3) Any failure to comply with the requirements of this section in relation to a determination does not affect the validity of the determination.

124R Review by Administrative Review Tribunal

Where a Committee has made a determination in relation to a person, an application may be made to the Administrative Review Tribunal for review of the determination.

124S Giving effect to determinations

- (1) Subject to any order by the Administrative Review Tribunal or by a court, a determination takes effect upon:
 - (a) the twenty-eighth day after the day on which a copy of a notice of the determination is served under section 124Q on the person concerned; or
 - (b) if a later day is specified in the determination—the day so specified.
- (2) Where a Committee has made a determination to the effect that it should counsel or reprimand a person, it shall, as soon as practicable after the determination takes effect, counsel or reprimand the person, as the case requires.
- (3) Where a Committee determines that an undertaking given by an approved pathology practitioner or an approved pathology

Section 124T

authority should be revoked, the Minister shall revoke the undertaking as soon as practicable after the determination takes effect.

- (4) Where a Committee gives to the Minister a notice under paragraph 124Q(1)(a), in relation to a determination under section 124FB or 124FC, the Minister:
 - (a) may, if the Minister thinks fit, publish a copy of the notice in the *Gazette*; and
 - (b) shall cause a copy of the notice to be laid before each House of the Parliament within 15 sitting days of that House after the notice has been given to the Minister.
- (5) An action or proceeding, civil or criminal, does not lie against a person for publishing in good faith a copy of, a fair extract from or a fair abstract of a publication made in accordance with this section.
- (6) For the purposes of subsection (5), a publication shall be deemed to be made in good faith if the person by whom it is made is not actuated by ill will to the person affected by the publication or by any other improper motive.
- (7) Nothing in subsection (5) or (6) limits or prevents the operation of any rule of absolute privilege relating to the publication by either House of the Parliament of any document laid before it.
- (8) Nothing in this section authorizes the publication of the name of a patient or particulars that would enable a patient to be identified.
- (9) Where a determination of the kind referred to in paragraph 124F(2)(d) or (e) or subparagraph 124FC(1)(e)(iv) or (v) takes effect, the Minister must publish particulars of the determination in accordance with the regulations.

124T Chairperson to abolish Committee

- (1) Where:
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- (a) a Committee has been established under subsection 124E(1) in relation to the conviction of a practitioner, or the making of a pecuniary penalty order against a practitioner; and
 - (b) an appeal, or an application for extension of the time for instituting an appeal, against the conviction or order is pending;the Chairperson shall abolish the Committee.
- (2) Where:
 - (a) a determination made by a Committee has taken effect; and
 - (b) in the case of a determination of a kind referred to in paragraph 124F(2)(b) or (c), subparagraph 124FB(1)(e)(ii) or (iii) or 124FC(1)(e)(ii) or (iii) or paragraph 124FF(2)(b) or (c)—the person concerned has been counselled or reprimanded, as the case may be;the Chairperson shall abolish the Committee.
- (3) Where, after a Committee that has made a determination has been abolished under subsection (2), the Administrative Review Tribunal or a court decides that the Committee should reconsider the determination, the Chairperson shall re-establish the Committee or, if it is not reasonably practicable to do so, establish another Committee, in accordance with section 124E, and the Committee as so re-established or established, as the case may be, shall proceed to make a new determination in relation to the practitioner in accordance with this Part.

124U Fees and allowances

- (1) A Chairperson and a member of a Committee other than a Chairperson shall be paid such fees and allowances as the Remuneration Tribunal determines.
- (2) The appointment of the holder of a prescribed office as a Chairperson or as a member of a Committee other than a Chairperson, or service by the holder of a prescribed office as a Chairperson or such a member, does not affect the holder's tenure of that prescribed office or the holder's rank, title, status,

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precedence, salary, annual or other allowances or other rights or privileges as the holder of that prescribed office and, for all purposes, the holder's service as a Chairperson or such a member shall be taken to be service as the holder of the prescribed office.

- (3) This section has effect subject to the *Remuneration Tribunal Act 1973*.
- (4) In this section, ***prescribed office*** means an office, appointment or other employment which is:
 - (a) referred to in subsection 7(11) of the *Remuneration Tribunal Act 1973* as an office, appointment or other employment on a full-time basis; or
 - (b) a judicial office referred to in subsection 7(12) of that Act.

Part VC—Quality assurance confidentiality

124V Object of this Part

- (1) The object of this Part is to encourage efficient quality assurance activities in connection with the provision of certain health services.
- (2) For the purpose of achieving that object, this Part contains provisions:
 - (a) prohibiting:
 - (i) the disclosure of information that became known solely as a result of those activities; or
 - (ii) the production to a court of a document that was brought into existence solely for the purposes of those activities; and
 - (b) protecting certain persons engaging in those activities in good faith from civil liability in respect of the activities.

124W Interpretation

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

authority, in relation to the disclosure of information, means an authority given by the Minister under section 124Z that is in force when the disclosure takes place.

court includes a tribunal, authority or person having power to require the production of documents or the answering of questions.

declared quality assurance activity means a quality assurance activity in respect of which a declaration by the Minister under section 124X is in force when the activity is engaged in.

health service includes any administrative or other service related to a health service.

Section 124W

person, except in the reference to another person in section 124ZB, includes a committee or other body of persons, whether incorporated or unincorporated, and includes a member of such a committee or other body.

produce includes permit access to.

quality, in relation to health services provided by a person, includes the practices of the person in providing the services or the competence of the person to provide the services.

quality assurance activity means:

- (a) an assessment or evaluation of the quality, or a study of the incidence or causes of conditions or circumstances that may affect the quality, of health services provided by a person, whether before or after the commencement of this Part, being:
 - (i) services in respect of which payments were made, or that are or would be eligible for payments, under Part II or IV; or
 - (ii) services relating to the prescribing of pharmaceutical products in respect of which payments were made, or that are or would be eligible for payments, under Division 3 of Part VII of the *National Health Act 1953*; or
 - (iii) services in respect of which payments were made, or that are or would be eligible for payments, under Part 3A of the *Federal Financial Relations Act 2009*; or
- (b) the making of a recommendation about the provision of those services as a result of such an assessment, evaluation or study; or
- (c) the monitoring of the implementation of such a recommendation.

serious offence means an offence punishable by imprisonment for a period of more than one year.

- (2) For the purposes of this Part:

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- (a) information about a matter is not taken to have become known merely because of the existence or dissemination of suspicions, allegations or rumours about that matter; and
- (b) information may be taken to have become known solely as a result of a declared quality assurance activity even though it was previously known to a person whose actions have been or are being investigated by the persons engaging in the quality assurance activity.

124X Minister may declare quality assurance activity to be an activity to which this Part applies

- (1) The Minister may, by legislative instrument, declare a quality assurance activity described in the declaration to be a quality assurance activity to which this Part applies.
- (2) A declaration may describe a quality assurance activity in any way, including any one or more of the following ways:
 - (a) by reference to the nature of the activity;
 - (b) by reference to a person who is engaging or proposes to engage in the activity;
 - (c) by reference to circumstances in which the activity is being, or is proposed to be, engaged in.
- (3) The Minister must not make a declaration in respect of a quality assurance activity unless the Minister is satisfied that:
 - (a) any person who is engaging, or proposes to engage, in the activity is authorised to do so:
 - (i) under a law of the Commonwealth, of a State or of a Territory; or
 - (ii) by, or by an authority of, the Commonwealth, a State or a Territory; or
 - (iii) by a body that provides health care; or
 - (iv) by an educational institution; or
 - (v) by a body established wholly or partly for the purposes of research; or
 - (vi) by an association of health professionals; or

Section 124Y

- (vii) by any other prescribed body; and
 - (b) it is in the public interest, having regard to such criteria as are prescribed by the regulations, that this Part should apply to the activity.
- (4) A declaration, unless sooner revoked, ceases to be in force at the end of 5 years after the instrument of declaration was signed, but this subsection does not prevent the Minister from making a further declaration in respect of the same activity.

124Y Information about declared quality assurance activity not to be disclosed

- (1) Subject to this section, a person who acquires any information that became known solely as a result of a declared quality assurance activity, whether the person acquired the information in the course of engaging in that activity, as a result of a disclosure under section 124Z or in any other way, must not, except for the purposes of that activity or in accordance with an authority given by the Minister, directly or indirectly make a record of that information or disclose that information to another person or to a court.

Penalty: Imprisonment for 2 years.

- (2) Subject to this section, a person cannot be required:
 - (a) to produce to a court a document that was brought into existence solely for the purposes of a declared quality assurance activity; or
 - (b) to disclose to a court any information that became known solely as a result of such an activity;except when it is necessary to produce the document or disclose the information for the purposes of this Part.
- (3) Subsections (1) and (2) do not apply to information that does not identify, either expressly or by implication, a particular individual or particular individuals.

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- (4) Subsection (2) does not apply to a document that does not identify, either expressly or by implication, a particular individual or particular individuals.
- (5) This section does not prohibit a disclosure of information if the person, or each of the persons, who would be directly or indirectly identified by the disclosure consents to that disclosure of the information.
- (6) This section does not prohibit the disclosure of information to the Minister for the purpose of enabling the Minister to decide whether to authorise the disclosure of the information under section 124Z.
- (7) If a quality assurance activity ceases to be a declared quality assurance activity, this section nevertheless continues to apply in respect of information that became known, or a document that was brought into existence, at a time when the activity was a declared quality assurance activity.

124Z Minister may authorise disclosure of information about a serious offence

- (1) If it appears to the Minister that information that became known after the commencement of this Part solely as a result of a declared quality assurance activity relates to conduct, whether the conduct took place before or after that commencement, that may have been a serious offence against a law (whether written or unwritten) in force in any State or Territory, the Minister may, by signed writing, authorise the information to be disclosed in a way stated in the instrument of authority for the purposes of law enforcement, a Royal Commission or any other prescribed purpose.
- (2) Subsection (1) does not permit the Minister to authorise the disclosure of information of a non-factual nature (such as statements of opinion) unless the information consists only of matter contained in a report prepared by a person who engaged in the quality assurance activity.

124ZB Immunity from suit of members of assessment or evaluation committees

(1) If:

- (a) a person (*the relevant person*) engages in any conduct in good faith in connection with a declared quality assurance activity; and
- (b) the conduct adversely affects any right or interest of another person, being a person who provides health services; and
- (c) the relevant person engages in the conduct as a member of a committee for the purposes of the making of an assessment or evaluation of services provided by that other person; and
- (d) all or a majority of the members of the committee are health professionals belonging to the same health profession as that other person;

no action, suit or other civil proceeding, other than a proceeding in respect of a breach of the rules of law relating to procedural fairness that is alleged to have occurred in the course of that conduct, may be brought by the other person against the relevant person in respect of that conduct.

(2) If, after the conduct ceased to be engaged in, the relevant quality assurance activity ceases to be a declared quality assurance activity, this section nevertheless continues to apply in respect of the conduct.

124ZC This Part is to complement corresponding State and Territory laws

If:

- (a) a committee of persons is authorised by a law of a State or Territory to engage in a quality assurance activity; and
- (b) a law of that State or Territory (*the relevant State or Territory law*) that has the same general purpose as this Part would, if this Part had not been enacted, apply to the persons who are members of that committee in respect of that activity;

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it is the intention of the Parliament that this Part is not to exclude or affect the operation of the relevant State or Territory law and this Part applies to those persons in respect of that activity only to the extent to which the relevant State or Territory law would not otherwise apply.

Part VD—Bonded Medical Program

Division 1—Bonded Medical Program

Subdivision A—Introduction

124ZD Bonded Medical Program

The *Bonded Medical Program* is a statutory scheme provided for by this Part that requires bonded participants to complete a return of service obligation in return for a Commonwealth funded place in a course of study in medicine at an Australian university, which is provided as a benefit to bonded participants as students.

124ZE Bonded participants

Bonded Medical Program participants

- (1) If:
- (a) a person resides in Australia; and
 - (b) the person:
 - (i) is an Australian citizen; or
 - (ii) holds a permanent visa; and
 - (c) the person has been offered a place in a course of study in medicine at an Australian university; and
 - (d) the offer is subject to the person participating in the Bonded Medical Program; and
 - (e) the person has accepted that offer and is enrolled in the course of study in medicine at that Australian university; and
 - (f) the person has voluntarily agreed to participate in the Bonded Medical Program using a web portal maintained by the Department;

the person is a *bonded participant* in the Bonded Medical Program on and after the day the person agrees to participate in the Program

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until an event mentioned in subsection (4) applies in relation to the person.

Former Bonded Medical Places Scheme participants

- (2) If:
- (a) a person was a party to a deed of agreement with the Commonwealth (as represented by the Department) for funding of a place in the Bonded Medical Places Scheme, including a deed of agreement as varied; and
 - (b) the person advises the Department that the person wishes to opt in to the Bonded Medical Program under section 124ZU; and
 - (c) the Secretary agrees, in writing, to the person's participation in the Bonded Medical Program;
- the person is a ***bonded participant*** in the Bonded Medical Program on and after the day after the day the Secretary agrees, in writing, to the person's participation in the Program until an event mentioned in subsection (4) applies in relation to the person.

Former Medical Rural Bonded Scholarship participants

- (3) If:
- (a) a person was a party to a contract with the Commonwealth (as represented by the Department) for a Medical Rural Bonded Scholarship, including a contract as varied; and
 - (b) the person advises the Department that the person wishes to opt in to the Bonded Medical Program under section 124ZU; and
 - (c) the Secretary agrees, in writing, to the person's participation in the Bonded Medical Program;
- the person is a ***bonded participant*** in the Bonded Medical Program on and after the day after the day the Secretary agrees, in writing, to the person's participation in the Program until an event mentioned in subsection (4) applies in relation to the person.

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When a person ceases to be a bonded participant

- (4) If:
- (a) a person is a bonded participant; and
 - (b) any of the following events occur:
 - (i) the person completes their return of service obligation;
 - (ii) the person withdraws from, or is barred from, a course of study in medicine at an Australian university;
 - (iii) the person breaches the condition mentioned in paragraph 124ZG(1)(c);
 - (iv) the person withdraws from the Bonded Medical Program in accordance with section 124ZP;
 - (v) the person dies;
 - (vi) the Secretary makes a determination under subsection 124ZEA(3) that exceptional circumstances apply in relation to the person;
- the person ceases to be a ***bonded participant*** immediately after the first of those events occurs.

124ZEA Determination that exceptional circumstances apply in relation to a person

- (1) If:
- (a) a person (the ***affected person***) is or was a bonded participant; or
 - (b) a person is a legal personal representative of an affected person who:
 - (i) is deceased; or
 - (ii) lacks capacity to make an application under this section;
- the affected person, or the legal personal representative, may apply to the Secretary for a determination that exceptional circumstances apply in relation to the affected person.
- (2) The application must:
- (a) be made in writing; and

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- (b) set out the exceptional circumstances that apply in relation to the affected person; and
 - (c) set out any other information specified in the Bonded Medical Program rules; and
 - (d) be accompanied by any documents specified in the Bonded Medical Program rules.
- (3) If an applicant makes an application under subsection (1), the Secretary may determine that exceptional circumstances apply in relation to the affected person.
- (4) In determining whether exceptional circumstances apply in relation to the affected person, the Secretary must have regard to any matter specified in the Bonded Medical Program rules.
- (5) If the Secretary makes the determination under subsection (3) that exceptional circumstances apply in relation to the affected person, the Secretary must:
 - (a) give the applicant written notice of the determination; and
 - (b) state in the notice that the Secretary is satisfied that:
 - (i) the exceptional circumstances will prevent the affected person from complying with the condition mentioned in paragraph 124ZG(1)(c); or
 - (ii) the affected person breached a condition mentioned in paragraph 124ZG(1)(c) as a result of the exceptional circumstances; or
 - (iii) the affected person withdrew from the Bonded Medical Program under section 124ZP as a result of the exceptional circumstances; and
 - (c) set out, in the notice, the effect of subparagraph 124ZE(4)(b)(vi) and whichever of the following provisions is applicable in relation to the affected person:
 - (i) subsection 124ZH(4);
 - (iii) subsection 124ZQ(6).

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- (6) A statement under subparagraph (5)(b)(ii) or (iii) may relate to a breach of a condition or a withdrawal (as the case may be) that occurs before or after the commencement of this section.
- (7) If the Secretary refuses to make the determination under subsection (3) in relation to the affected person, the Secretary must give the applicant written notice of the following:
 - (a) the decision to refuse to make the determination;
 - (b) the reasons for the decision;
 - (c) how the applicant may apply for review of the decision.

124ZEB Secretary may request further information

- (1) If:
 - (a) a person makes an application under subsection 124ZEA(1); and
 - (b) the Secretary needs further information to make a decision on the application;the Secretary may, by written notice, request the person to give further information to the Secretary within a specified period.
- (2) The specified period must not be shorter than 28 days after the notice is given.
- (3) The Secretary may, at the person's request, extend the specified period. The request must be made in writing and before that period ends.
- (4) If the person does not give the requested further information within:
 - (a) in a case in which the specified period has been extended under subsection (3)—the period as so extended; or
 - (b) otherwise—the specified period;the application is taken to be withdrawn at the end of the period.
- (5) A notice given under subsection (1) must set out the effect of subsection (4).

Subdivision B—Conditions of Bonded Medical Program

124ZF Return of service obligation

- (1) A bonded participant must work as a medical practitioner in an eligible location for a period of 156 weeks (the bonded participant's *return of service obligation*).
- (2) The return of service obligation:
 - (a) must be completed within 18 years of the day on which a bonded participant completes their course of study in medicine at an Australian university; and
 - (b) must be completed in accordance with any requirements set out in the Bonded Medical Program rules; and
 - (c) may be completed by a series of periods; and
 - (d) in relation to a bonded participant covered by subsection 124ZE(2)—is to be reduced in accordance with paragraph 124ZV(2)(a), if applicable; and
 - (e) in relation to a bonded participant covered by subsection 124ZE(3)—is to be reduced in accordance with paragraph 124ZW(2)(a), if applicable.
- (3) A bonded participant may, before the end of the 18 year period, apply to the Secretary for an extension of time to complete their return of service obligation if the bonded participant, or a member of the bonded participant's family, has a medical condition that prevents the bonded participant from completing their return of service obligation within the 18 year period required by paragraph (2)(a).
- (4) If:
 - (a) a bonded participant makes an application before the end of the 18 year period; and
 - (b) the Secretary is satisfied that the bonded participant is unable to complete their return of service obligation within the 18 year period required by paragraph (2)(a);the Secretary may, in writing, extend the time within which the return of service obligation may be completed.

124ZG Conditions of Bonded Medical Program

- (1) As a bonded participant receiving a Commonwealth funded place, provided as a benefit to students, the bonded participant is subject to the following conditions:
 - (a) that, within the period prescribed by the Bonded Medical Program rules, the bonded participant complete their course of study in medicine at an Australian university;
 - (b) that, to complete the bonded participant's return of service obligation, the participant work, in accordance with the requirements set out in the Bonded Medical Program rules, as a medical practitioner in an eligible location;
 - (c) that the bonded participant complete their return of service obligation within the period allowed by section 124ZF;
 - (d) that the bonded participant give information or documents to the Department:
 - (i) in the circumstances prescribed by the Bonded Medical Program rules; and
 - (ii) in accordance with any requirements set out in those rules;
 - (e) if the Secretary requests information or documents from the bonded participant for the purpose of administering this Part—that the bonded participant give such information or documents to the Department in response to the request by the end of the period specified in the request or, if that period is extended under subsection (4), by the end of the extended period;
 - (f) that the bonded participant comply with any other condition set out in the Bonded Medical Program rules.
- (2) To avoid doubt, a breach of the requirements set out in the Bonded Medical Program rules, as mentioned in paragraph 124ZF(2)(b), is a breach of the condition mentioned in paragraph (1)(b) of this section.
- (3) For the purposes of paragraph (1)(e):
 - (a) the request must be made in writing; and

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- (b) the specified period must not end sooner than 14 days after the day the request is made.
- (4) The Secretary may, by written notice given to the bonded participant, extend the period specified in a request made as mentioned in paragraph (1)(c).

**124ZH Breach of condition of Bonded Medical Program—
repayment of education costs**

- (1) This section applies if, at a time when a person is a bonded participant:
 - (a) the person has completed their course of study in medicine at an Australian university; and
 - (b) the person breaches the condition mentioned in paragraph 124ZG(1)(c).
- (2) Subject to subsection (4), the person must pay:
 - (a) if the person is a bonded participant covered by subsection 124ZE(1) or (2)—both:
 - (i) 100% of the cost of the person's course of study in medicine at an Australian university, as funded by the Commonwealth as a benefit to the person as a student, less a pro-rata proportion based on any proportion of return of service obligation completed; and
 - (ii) interest on the amount worked out under subparagraph (i) and applied in accordance with the Bonded Medical Program rules; and
 - (b) if the person is a bonded participant covered by subsection 124ZE(3)—both:
 - (i) 100% of the Commonwealth funded scholarship provided to the person in relation to their course of study in medicine at an Australian university as a benefit to the person as a student, less a pro-rata proportion based on any proportion of return of service obligation completed; and

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- (ii) interest on the amount worked out under subparagraph (i) and applied in accordance with the Bonded Medical Program rules.
- (3) The amounts mentioned in subsection (2) are recoverable as a debt due to the Commonwealth from the person or the estate of the person.
- (4) Subsection (2) does not apply to a person if:
 - (a) a determination is made under subsection 124ZEA(3) that exceptional circumstances apply in relation to the person; and
 - (b) the written notice of the determination includes a statement that the Secretary is satisfied that the person breached the condition mentioned in paragraph 124ZG(1)(c) as a result of those exceptional circumstances.

**124ZK Breach of condition of Bonded Medical Program—
administrative penalty**

- (1) A person is liable for an administrative penalty if:
 - (a) the person is a bonded participant; and
 - (b) the person breaches a condition mentioned in paragraph 124ZG(1)(e).
- (2) The amount of the administrative penalty is \$1,000.
- (3) If subsection (1) applies to a person, the Secretary must give the person a written notice of the following:
 - (a) the person's liability to pay an administrative penalty;
 - (b) the breach of condition to which the administrative penalty relates;
 - (c) if there is more than one breach of condition—the total of the administrative penalties;
 - (d) the day by which the penalty becomes due for payment (which must be at least 14 days after the day on which the notice is given).
- (4) An administrative penalty payable under this section:

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- (a) is a debt due to the Commonwealth; and
- (b) may be recovered by the Secretary, on behalf of the Commonwealth, by action in a court of competent jurisdiction.

Subdivision C—Review of decisions

124ZL Application for review

Application may be made

- (1) A person may apply to the Secretary for review of a decision (the **original decision**) of an APS employee in the Department made under this Part.
- (2) An application must:
 - (a) be in writing; and
 - (b) set out the reasons for the application; and
 - (c) be made within:
 - (i) 14 days after the day the original decision was made; or
 - (ii) if the Secretary allows a longer period—that longer period.
- (3) After receiving an application under subsection (2), the original decision must be reviewed by:
 - (a) the Secretary; or
 - (b) another person who:
 - (i) is a person to whom the power to review the original decision has been delegated; and
 - (ii) was not involved in the making of the original decision; and
 - (iii) occupies a position that is at least the same level as the person who made the original decision.

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Decision on review

- (4) The person reviewing the original decision must, subject to subsection 124ZN(2):
- (a) affirm the original decision; or
 - (b) vary the original decision; or
 - (c) set aside the original decision and substitute a new decision.

Note: An application may be made to the Administrative Review Tribunal for a review of a decision on review under this subsection: see section 124ZN.

Withdrawal of application

- (5) A person who has applied for a review of the original decision under subsection (2) may, in writing, withdraw that application at any time before the review has been completed.
- (6) If the application is withdrawn, it is taken never to have been made.

124ZM Notice of decision on review

- (1) The person reviewing the original decision must give the applicant written notice of the decision on review. The notice must include:
- (a) the reasons for the decision on review; and
 - (b) any findings on material questions of fact, including references to evidence or other material on which those findings were based; and
 - (c) notice of any right to have the decision on review reviewed by the Administrative Review Tribunal.
- (2) If:
- (a) under subsection 124ZL(4), the person reviewing the decision decides to:
 - (i) vary an original decision; or
 - (ii) set aside an original decision and substitute a new decision; and

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- (b) the decision on review is made after a person has applied to the Administrative Review Tribunal for review in relation to the original decision;

the application to the Administrative Review Tribunal is taken to be an application for review of the decision as so varied or set aside, and the Secretary must give written notice of the decision on review to the Registrar of the Administrative Review Tribunal.

124ZN Review by Administrative Review Tribunal

- (1) Application may be made to the Administrative Review Tribunal for review of the following decisions:
 - (aa) a decision of the Secretary, under subsection 124ZEA(3), to refuse to determine that exceptional circumstances apply in relation to a person;
 - (a) a decision of the Secretary, under subsection 124ZF(4), to refuse to extend the time within which a bonded participant's return of service obligation may be completed;
 - (b) a decision under subsection 124ZL(4) by a person reviewing an original decision;
 - (ba) a decision of the Secretary, under subsection 124ZUA(3), to refuse to make an extended compliance determination in relation to a person;
 - (c) a decision of the Secretary, made under paragraph 124ZV(1)(c) or 124ZW(1)(c), to refuse to agree to a person's participation in the Bonded Medical Program.
- (2) If the application is for review of a decision under subsection 124ZL(4), section 31 (decision cannot be altered outside Tribunal process) of the *Administrative Review Tribunal Act 2024* applies to the decision if:
 - (a) the application is referred to the guidance and appeals panel under section 122 of that Act; or
 - (b) a guidance and appeals panel application is taken to be made because the Administrative Review Tribunal's decision on the review is referred to the guidance and appeals panel under section 128 of that Act.

Subdivision D—Withdrawal from Bonded Medical Program

124ZP Withdrawal from Bonded Medical Program

- (1) A bonded participant may withdraw from the Bonded Medical Program at any time.
- (2) If a bonded participant wishes to so withdraw, the bonded participant must do so by notifying the Department using a web portal maintained by the Department.

124ZQ Consequences of withdrawal

Consequences for all participants

- (1) Subject to subsection (6), if a person withdraws from the Bonded Medical Program after the person completes their course of study in medicine at an Australian university, the person must pay:
 - (a) if the person was a bonded participant covered by subsection 124ZE(1) or (2)—both:
 - (i) 100% of the cost of the person's course of study in medicine at an Australian university, as funded by the Commonwealth as a benefit to the person as a student, less a pro-rata proportion based on any proportion of return of service obligation completed; and
 - (ii) interest on the amount worked out under subparagraph (i) and applied in accordance with the Bonded Medical Program rules; and
 - (b) if the person was a bonded participant covered by subsection 124ZE(3)—both:
 - (i) 100% of the Commonwealth funded scholarship provided to the person in relation to their course of study in medicine at an Australian university as a benefit to the person as a student, less a pro-rata proportion based on any proportion of return of service obligation completed; and

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- (ii) interest on the amount worked out under subparagraph (i) and applied in accordance with the Bonded Medical Program rules.
- (2) The amounts mentioned in subsection (1) are recoverable as a debt due to the Commonwealth from the person or the estate of the person.

Exception

- (6) This section does not apply to a person if:
 - (a) a determination is made under subsection 124ZEA(3) that exceptional circumstances apply in relation to the person; and
 - (b) the written notice of the determination includes a statement that the Secretary is satisfied that the person withdrew from the Bonded Medical Program under section 124ZP as a result of the exceptional circumstances.

Subdivision E—Information sharing

124ZR Authorised collection, use and disclosure

Administration or enforcement of Part

- (1) The Secretary or an APS employee in the Department is authorised to collect, use and disclose information relating to a bonded participant, including personal information (within the meaning of the *Privacy Act 1988*), if the collection, use or disclosure is reasonably necessary for the purpose of administering or enforcing the provisions of this Part.

Note: If a person collects, uses or discloses information relating to a bonded participant otherwise than in accordance with this section, see section 130.

- (2) Without limiting subsection (1), a collection, use or disclosure for any of the following purposes is taken to be reasonably necessary for the purpose of administering or enforcing the provisions of this Part:

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- (a) confirming whether a bonded participant is, or was during a particular period, an Australian citizen or holder of a permanent visa;
- (b) monitoring a bonded participant's compliance with the conditions of the Bonded Medical Program set out in section 124ZG;
- (c) verifying the accuracy of notifications made, and information or documents provided by, a bonded participant in relation to their participation in the Bonded Medical Program;
- (d) assisting a bonded participant's participation in the Bonded Medical Program.

Compiling and reporting statistical information

- (3) The Secretary or an APS employee in the Department is authorised to collect, use and disclose information relating to a bonded participant for the purposes of compiling and reporting statistical information relating to the operation of the Bonded Medical Program.
- (4) Any reporting of statistical information must not identify, or be reasonably capable of being used to identify, an individual.

124ZS Interaction with the *Privacy Act 1988*

An authorisation to collect, use or disclose information relating to a bonded participant under this Part is also an authorisation to collect, use or disclose information relating to a bonded participant for the purposes of the *Privacy Act 1988*.

Subdivision F—Bonded Medical Program rules

124ZT Bonded Medical Program rules

Content of rules

- (1) The Minister may, by legislative instrument, make rules (the ***Bonded Medical Program rules***) prescribing matters:

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- (a) required or permitted by this Part to be prescribed by the rules; or
 - (b) necessary or convenient to be prescribed for carrying out or giving effect to this Part.
- (2) For the purposes of the definition of *eligible location*, the Bonded Medical Program rules:
 - (a) must prescribe either or both of the following:
 - (i) a regional, rural or remote area of Australia;
 - (ii) an area of workforce shortage; and
 - (b) may prescribe that an area is prescribed as an eligible location only in relation to a particular class of bonded participants.
- (3) Without limiting subsection (1), the Bonded Medical Program rules may provide for any or all of the following matters:
 - (a) the events that a bonded participant must notify to evidence compliance with conditions of the Bonded Medical Program;
 - (b) the requirements for completing a return of service obligation;
 - (ba) how to calculate a week for the purposes of the 156 week period mentioned in subsection 124ZF(1), including when a week commences and the hours that constitute a week of work;
 - (c) the circumstances in which work which qualifies for completing a return of service obligation may be scaled;
 - (d) the circumstances in which work will qualify for completing a return of service obligation (even if there is a change in an eligible location);
 - (da) that a bonded participant is taken to have completed a return of service obligation despite anything in Subdivision B;
 - (db) that work completed by a person who is a bonded participant (including work completed before the person became a bonded participant) is taken to qualify for completing the person's return of service obligation, despite anything in Subdivision B;
 - (e) for the purposes of section 124ZF:

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- (i) who is a member of a bonded participant's family; and
 - (ii) evidential requirements for establishing whether a bonded participant, or a member of the bonded participant's family, has a medical condition; and
 - (iii) evidential requirements for establishing that such a medical condition prevents a bonded participant from completing their return of service obligation;
 - (f) in relation to a breach of the condition mentioned in paragraph 124ZG(1)(c)—the applicable rate of interest and how interest is to be applied;
 - (g) the form in which, and the way in which, information or documents are to be provided to the Department;
 - (h) the waiver or refund (wholly or in part) of any amount mentioned in subsection 124ZH(2) or 124ZQ(1).
- (4) The Bonded Medical Program rules may provide for any matter mentioned in subsection (3) only in relation to a particular class of bonded participants.
- (5) To avoid doubt, the Bonded Medical Program 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 this Act;
 - (e) directly amend the text of this Act.

Incorporation of other instruments

- (6) For the purposes of subsection (2), the Bonded Medical Program rules 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:
- (a) as in force or existing at a particular time; or

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(b) as in force or existing from time to time.

- (7) Subsection (6) has effect despite subsection 14(2) of the *Legislation Act 2003*.

Inconsistency of rules and regulations

- (8) Bonded Medical Program rules that are inconsistent with the regulations have no effect to the extent of the inconsistency, but the rules are taken to be consistent with the regulations to the extent that the rules are capable of operating concurrently with the regulations.

Division 2—Transitional arrangements

124ZU Opt in process for participating in the Bonded Medical Program

- (1) This section applies to a person who is:
 - (a) a party to a deed of agreement with the Commonwealth (as represented by the Department) for funding of a place in the Bonded Medical Places Scheme, including a deed of agreement as varied; or
 - (b) a party to a contract with the Commonwealth (as represented by the Department) for a Medical Rural Bonded Scholarship, including a contract as varied (an *MRBS participant*).
- (2) A person to whom subsection (1) applies may opt in to the Bonded Medical Program by advising the Department, in writing, that:
 - (a) the person voluntarily wishes to opt in to the Program; and
 - (b) the person voluntarily agrees to participate in the Program using a web portal maintained by the Department.
- (3) Despite subsection (2), a person may not opt in to the Bonded Medical Program if:
 - (a) section 19ABA applies in relation to the person; or
 - (aa) both of the following apply:
 - (i) a determination has been made under subsection 19ABC(1) in relation to the person;
 - (ii) the period during which a medicare benefit is not payable to the person, as a result of the making of the determination, has not ended; or
 - (b) in the case of an MRBS participant—the person has not completed their course of study in medicine at an Australian university.
- (4) If a person to whom subsection (1) applies makes an application under subsection 124ZUA(1), the person must not advise the

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Department of the matters mentioned in subsection (2) of this section until both of the following apply:

- (a) a decision on the application has been made;
- (b) any rights of review and appeal in relation to the decision have been exhausted.

124ZUA Extended compliance determination for certain BMP and MRBS participants

(1) If:

(a) a person is:

- (i) a party to a deed of agreement with the Commonwealth (as represented by the Department) for funding of a place in the Bonded Medical Places Scheme, including a deed of agreement as varied; or
- (ii) a party to a contract with the Commonwealth (as represented by the Department) for a Medical Rural Bonded Scholarship, including a contract as varied; and

(b) the person meets the requirements specified in the Bonded Medical Program rules;

the person may apply to the Secretary for a determination (the *extended compliance determination*) that, if the person were to become a bonded participant, the person would be required to complete their return of service obligation within a period that is longer than the RoSO compliance period.

(2) The application must:

- (a) be made in writing; and
- (b) be made before the person advises the Department of the matters mentioned in subsection 124ZU(2); and
- (c) be made within any period specified in the Bonded Medical Program rules that applies in relation to the person; and
- (d) specify a period within which the person would be able to complete their return of service obligation (which must not be a period that would be more than 6 years longer than the RoSO compliance period); and

- (e) be accompanied by a written plan that sets out:
 - (i) how the person proposes to complete their return of service obligation within the period specified under paragraph (d); and
 - (ii) any other matters specified in the Bonded Medical Program rules; and
 - (f) be accompanied by any other documents specified in the Bonded Medical Program rules; and
 - (g) set out any other information specified in the Bonded Medical Program rules.
- (3) If the person makes an application under subsection (1), the Secretary may make the extended compliance determination in relation to the person if the Secretary is satisfied that:
- (a) the person is a person of kind mentioned in subparagraph (1)(a)(i) or (ii); and
 - (b) the person meets the requirements specified in the Bonded Medical Program rules for the purposes of paragraph (1)(b); and
 - (c) if the person were to become a bonded participant, the plan referred to in paragraph (2)(e) sets out a reasonable proposal for the completion of their return of service obligation within a period that is longer than the RoSO compliance period.
- (4) If the Secretary makes the extended compliance determination in relation to the person, the Secretary must:
- (a) give the person written notice of the determination; and
 - (b) specify in the notice the period within which the person would, if the person were to become a bonded participant, be required to complete their return of service obligation.
- (5) The period specified under paragraph (4)(b):
- (a) must not be a period that would be more than 6 years longer than the RoSO compliance period; and
 - (b) may be the same as, or different from, the period specified in the application.

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- (6) If the Secretary refuses to make the extended compliance determination in relation to the person, the Secretary must give the person written notice of the following:
- (a) the decision to refuse to make the determination;
 - (b) the reasons for the decision;
 - (c) how the person may apply for review of the decision.

124ZUB Secretary may request further information

- (1) If:
- (a) a person makes an application under subsection 124ZUA(1); and
 - (b) the Secretary needs further information to make a decision on the application;
- the Secretary may, by written notice, request the person to give further information to the Secretary within a specified period.
- (2) The specified period must not be shorter than 28 days after the notice is given.
- (3) The Secretary may, at the person's request, extend the specified period. The request must be made in writing and before that period ends.
- (4) If the person does not give the requested further information within:
- (a) in a case in which the specified period has been extended under subsection (3)—the period as so extended; or
 - (b) otherwise—the specified period;
- the application is taken to be withdrawn at the end of the period.
- (5) A notice given under subsection (1) must set out the effect of subsection (4).

124ZV Effect of opting in to the Bonded Medical Program—BMP participants

- (1) If:
-

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- (a) a person is a party to a deed of agreement with the Commonwealth (as represented by the Department) for funding of a place in the Bonded Medical Places Scheme (a ***BMP participant***), including a deed of agreement as varied; and
 - (b) the person advises the Department, in writing, that:
 - (i) the person wishes to opt in to the Bonded Medical Program, as mentioned in section 124ZU; and
 - (ii) the person voluntarily agrees to participate in the Program using a web portal maintained by the Department; and
 - (c) the Secretary agrees, in writing, to the person's participation in the Program;
- then:
- (d) on the day the person becomes a bonded participant, the person's deed of agreement ceases; and
 - (e) on and after that day, the person is subject to the provisions of this Part.
- (2) For the purposes of paragraph (1)(e):
- (a) the 156 week return of service obligation period is to be reduced by prior service completed in accordance with the provisions of the person's deed of agreement; and
 - (b) if the person entered into the deed of agreement during the period beginning on 1 January 2016 and ending on 31 December 2019, then, for the purposes of section 124ZF, a reference to "156 weeks" is to be read as a reference to "52 weeks"; and
 - (c) paragraph 124ZG(1)(a) applies only if the person has not, on the day the person becomes a bonded participant, completed their course of study in medicine at an Australian university; and
 - (d) if an extended compliance determination has been made under subsection 124ZUA(3) in relation to the person—the person is to be taken, for the purposes of this Part, to be required to complete their return of service obligation within

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the period specified in the written notice of the determination given to the person.

124ZW Effect of opting in to the Bonded Medical Program—MRBS participants

- (1) If:
- (a) a person is a party to a contract with the Commonwealth (as represented by the Department) for a Medical Rural Bonded Scholarship (an *MRBS participant*), including a contract as varied; and
 - (b) the person advises the Department, in writing, that:
 - (i) the person wishes to opt in to the Bonded Medical Program, as mentioned in section 124ZU; and
 - (ii) the person voluntarily agrees to participate in the Program using a web portal maintained by the Department; and
 - (c) the Secretary agrees, in writing, to the person's participation in the Program;
- then:
- (d) on the day the person becomes a bonded participant, the person's contract ceases; and
 - (e) on and after that day, the person is subject to the provisions of this Part.
- (2) For the purposes of paragraph (1)(e):
- (a) the 156 week return of service obligation period is to be reduced by prior service completed in accordance with the provisions of the person's contract; and
 - (b) for the purposes of subparagraph 124ZH(2)(b)(i), the Commonwealth funded scholarship provided to the person is the scholarship amounts (as defined by the contract) paid to the person by the Commonwealth under the contract; and
 - (c) paragraph 124ZG(1)(a) applies only if the person has not, on the day the person becomes a bonded participant, completed their course of study in medicine at an Australian university; and

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- (d) if an extended compliance determination has been made under subsection 124ZUA(3) in relation to the person—the person is to be taken, for the purposes of this Part, to be required to complete their return of service obligation within the period specified in the written notice of the determination given to the person.
- (3) To avoid doubt, nothing in this Part affects the application of section 19ABA or 19ABC in relation to a person if the person breached their contract before the day the Secretary agreed, in writing, to the person's participation in the Bonded Medical Program, even if the breach is identified on or after that day.

Part VIA—Civil penalties

Division 1—Obtaining an order for a civil penalty

125A Federal Court may order person to pay pecuniary penalty for contravening civil penalty provision

Application for order

- (1) Within 6 years of a person (the **wrongdoer**) contravening a civil penalty provision, the Chief Executive Medicare may apply on behalf of the Commonwealth to the Federal Court of Australia for an order that the wrongdoer pay the Commonwealth a pecuniary penalty.

Court may order wrongdoer to pay pecuniary penalty

- (2) If the Court is satisfied that the wrongdoer has contravened a civil penalty provision, the Court may order the wrongdoer to pay to the Commonwealth for each contravention the pecuniary penalty that the Court determines is appropriate (but not more than the maximum amount specified for the provision).

Determining amount of pecuniary penalty

- (3) In determining the pecuniary penalty, the Court must have regard to all relevant matters, including:
 - (a) the nature and extent of the contravention; and
 - (b) the nature and extent of any loss or damage suffered as a result of the contravention; and
 - (c) the circumstances in which the contravention took place; and
 - (d) whether the person has previously been found by the Court in proceedings under this Act to have engaged in any similar conduct.

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Civil evidence and procedure rules apply

- (4) The Court must apply the rules of evidence and procedure for civil matters when hearing and determining an application for an order under this section.

Note: The standard of proof in civil proceedings is the balance of probabilities (see section 140 of the *Evidence Act 1995*).

Contravention of more than one civil penalty provision

- (5) If an act or omission constitutes a contravention of 2 or more civil penalty provisions, proceedings may be instituted under this Act against a person in relation to the contravention of any one or more of those provisions. However, the person is not liable to more than one pecuniary penalty under this section in respect of the same act or omission.

125B What is a *civil penalty provision*?

A subsection of this Act (or a section of this Act that is not divided into subsections) is a ***civil penalty provision*** if the words “civil penalty” and one or more amounts in penalty units are set out at the foot of the subsection (or section).

125C Persons involved in contravening civil penalty provision

- (1) A person must not:
- (a) aid, abet, counsel or procure a contravention of a civil penalty provision; or
 - (b) induce (by threats, promises or otherwise) a contravention of a civil penalty provision; or
 - (c) conspire to contravene a civil penalty provision.
- (2) A person who contravenes subsection (1) in relation to a civil penalty provision is taken to have contravened the civil penalty provision.

Part VIA Civil penalties

Division 1 Obtaining an order for a civil penalty

Section 125D

125D Recovery of a pecuniary penalty

If the Federal Court of Australia orders a person to pay a pecuniary penalty:

- (a) the penalty is payable to the Commonwealth; and
- (b) the Chief Executive Medicare may enforce the order as if it were a judgment of the Court.

Division 2—Civil penalty proceedings and criminal proceedings

125E Civil proceedings after criminal proceedings

The Federal Court of Australia must not make a pecuniary penalty order against a person for a contravention of a civil penalty provision if the person has been convicted of an offence constituted by conduct that is substantially the same as the conduct constituting the contravention.

125F Criminal proceedings during civil proceedings

- (1) Proceedings for a pecuniary penalty order against a person for a contravention of a civil penalty provision are stayed if:
 - (a) criminal proceedings are started or have already been started against the person for an offence; and
 - (b) the offence is constituted by conduct that is substantially the same as the conduct alleged to constitute the contravention.
- (2) The proceedings for the order may be resumed if the person is not convicted of the offence. Otherwise, the proceedings for the order are dismissed.

125G Criminal proceedings after civil proceedings

Criminal proceedings may not be started against a person for conduct that is substantially the same as conduct constituting a contravention of a civil penalty provision if a pecuniary penalty order has been made against the person in respect of that conduct.

125H Evidence given in proceedings for civil penalty not admissible in criminal proceedings

Evidence of information given or evidence of production of documents by an individual is not admissible in criminal proceedings against the individual if:

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Division 2 Civil penalty proceedings and criminal proceedings

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- (a) the individual previously gave the evidence or produced the documents in proceedings for a pecuniary penalty order against the individual for a contravention of a civil penalty provision (whether or not the order was made); and
- (b) the conduct alleged to constitute the offence is substantially the same as the conduct that was claimed to constitute the contravention.

However, this does not apply to a criminal proceeding in respect of the falsity of the evidence given by the individual in the proceedings for the pecuniary penalty order.

Part VII—Miscellaneous**126 Prohibition of certain medical insurance**

- (1) A person shall not make a contract of insurance with another person that contains a provision purporting to make the first-mentioned person liable to make a payment in the event of the incurring by the other person of a liability to pay medical expenses in respect of the rendering in Australia of a professional service for which medicare benefit is payable (or for which medicare benefit would be payable if section 19AD were disregarded).

Penalty: 10 penalty units.

- (2) Where there is a contract of insurance (whether made before or after the commencement of this section) under which the insurer is liable to make a payment in the event of the incurring by that person of liability to pay medical expenses in respect of the rendering in Australia of a professional service, there is an implied condition in the contract that the insurer is not liable for loss arising out of the incurring of liability to pay medical expenses in respect of the rendering in Australia of a professional service in respect of which a medicare benefit is payable (or for which medicare benefit would be payable if section 19AD were disregarded).
- (3) Where:
- (a) the proper law of a contract of insurance would, but for a term that it should be the law of some other country or a term to the like effect, be part of the law of any part of Australia; or
 - (b) a contract of insurance contains a term that purports to substitute, or has the effect of substituting, provisions of the law of some other country or of a State or Territory for all or any of the provisions of this section;
- this section applies to the contract notwithstanding that term.

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- (4) Any term of a contract of insurance (including a term that is not set out in the contract but is incorporated in the contract by another term of the contract) that purports to exclude, restrict or modify or has the effect of excluding, restricting or modifying the application in relation to that contract of all or any of the provisions of this section is void.
- (5) A term of a contract shall not be taken to exclude, restrict or modify the application of a provision of this section unless the term does so expressly or is inconsistent with that provision.
- (5A) This section does not apply in relation to a contract of insurance entered into by a private health insurer in so far as the contract is a complying health insurance policy that covers hospital treatment or hospital-substitute treatment.
- (6) This section does not apply in relation to a contract of insurance in so far as it contains a provision making a person liable to make a payment if an eligible visitor incurs a liability of a kind referred to in subsection (1).
- (7) In this section:

cover has the meaning given by section 69-5 of the *Private Health Insurance Act 2007*.

eligible visitor means a person who is to be treated as an eligible person for the purposes of this Act during his or her stay in Australia solely because he or she is a person to whom an agreement under subsection 7(1) relates.

insurance means insurance within the meaning of paragraph 51(xiv) of the Constitution.

127 Assignor of medicare benefit to be given notifications etc.

Bulk billing assignments

- (1) A person contravenes this subsection if:

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- (a) the person is a professional mentioned in paragraph 20A(1)(b); and
- (b) the professional and an eligible person (the **assignor**) enter into an agreement under subsection 20A(1); and
- (c) the assignor asks for a copy of the terms of the agreement; and
- (d) the professional does not give the assignor a copy of the terms of the agreement as soon as practicable after the assignor asks for it.

Civil penalty: 5 penalty units.

- (2) A person contravenes this subsection if:
- (a) the person is a professional mentioned in paragraph 20A(1)(b); and
 - (b) the professional and an eligible person (the **assignor**) enter into an agreement under subsection 20A(1); and
 - (c) under regulations made for the purposes of this paragraph, the professional is required to give a notification to the assignor relating to the agreement or to a right to payment of a medicare benefit assigned under the agreement; and
 - (d) the professional contravenes those regulations; and
 - (e) those regulations specify that this paragraph applies.

Civil penalty: 5 penalty units.

Simplified billing assignments

- (3) A person contravenes this subsection if:
- (a) the person is an insurer or approved billing agent; and
 - (b) an eligible person (the **assignor**) is taken to have assigned a medicare benefit to the insurer or approved billing agent under subsection 20A(2); and
 - (c) the medicare benefit is paid to the insurer or approved billing agent; and
 - (d) the insurer or approved billing agent does not give a notification to the assignor or, if the medicare benefit relates

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to a professional service rendered to another eligible person,
to that other person:

- (i) in accordance with any requirements specified in the regulations; and
- (ii) within 6 months of the payment.

Civil penalty: 5 penalty units.

(4) A person contravenes this subsection if:

- (a) the person is a responsible provider mentioned in paragraph 20AAA(3)(a); and
- (b) an eligible person (the *assignor*) makes a request for the purposes of paragraph 20AAA(3)(a) to the responsible provider; and
- (c) the assignor asks the responsible provider for a copy of the terms of the request; and
- (d) the responsible provider does not ensure that the assignor is given a copy of the terms of the request as soon as practicable after the assignor asks for it.

Civil penalty: 5 penalty units.

(5) A person contravenes this subsection if:

- (a) the person is a responsible provider mentioned in paragraph 20AAA(3)(b); and
- (b) an eligible person (the *assignor*) makes a request for the purposes of paragraph 20AAA(3)(a) to the responsible provider; and
- (c) the responsible provider, or a person authorised by the responsible provider, modifies the request as mentioned in paragraph 20AAA(3)(b); and
- (d) the assignor asks the responsible provider for a copy of the terms of the request, as modified; and
- (e) the responsible provider does not ensure that the assignor is given a copy of the terms of the request, as modified, as soon as practicable after the assignor asks for it.

Civil penalty: 5 penalty units.

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Notification obligations in regulations

- (6) A person contravenes this subsection if:
- (a) under regulations made for the purposes of paragraph 20A(6)(c), 20AAA(8)(c) or 20B(2)(c), the person is required to:
 - (i) give a notification to an eligible person; or
 - (ii) ensure that a notification is given to an eligible person; and
 - (b) the person contravenes those regulations; and
 - (c) those regulations specify that this paragraph applies.

Civil penalty: 5 penalty units.

Regulations

- (7) Without limiting this section, regulations prescribing requirements for the purposes of this section in relation to the giving of a notification may specify:
- (a) requirements relating to the content of the notification to be given; and
 - (b) requirements relating to the manner and form in which the notification is to be given; and
 - (c) in the case of regulations made for the purposes of paragraph (2)(c)—circumstances in which the notification must be given.

127A Record-keeping in relation to assignments*Persons to keep relevant records*

- (1) A professional mentioned in subsection 20A(1), an insurer or an approved billing agent (a **relevant person**) must keep all records of a kind specified by the regulations that are relevant to the following:
- (a) the assignment of the right to payment of a medicare benefit to the relevant person under section 20A;

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- (b) any claim for a medicare benefit assigned to the relevant person made under section 20B;
 - (c) any matter specified in the regulations.
- (2) Subsection (3) applies if:
 - (a) the right to the payment of a medicare benefit in respect of a professional service is taken to have been assigned under subsection 20A(2); and
 - (b) the professional service was rendered by, or on behalf of, a person (the *professional*) while hospital treatment or hospital-substitute treatment was provided.
- (3) The following person (also a *relevant person*):
 - (a) in the case of hospital treatment authorised by the operator of a hospital (see subsection 20AAA(7))—the operator of the hospital;
 - (b) in the case of hospital-substitute treatment authorised by an organization (see subsection 20AAA(7))—the organization;
 - (c) in the case of hospital-substitute treatment to which paragraph (b) does not apply—the professional;must keep all records of a kind specified by the regulations that are relevant to the following:
 - (d) the assignment of the right to payment of the medicare benefit;
 - (e) any matter specified in the regulations.

Record-keeping requirements

- (4) The records must be kept in:
 - (a) an electronic form; or
 - (b) another form approved by the Secretary.
- (5) The records must be retained until the latest of the following:
 - (a) if the record is an agreement entered into under subsection 20A(1) or an arrangement mentioned in paragraph 20AAA(1)(a)—2 years after the agreement or arrangement ceases to be in force;

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- (b) 2 years after the day on which the records were created;
- (c) if the regulations specify a day for records of a specified kind, and the records are of that kind—that day.

Civil penalty provision

- (6) A relevant person contravenes this subsection if the relevant person fails to:
 - (a) keep the records required by subsection (1) or (3); or
 - (b) keep the records in the form required by or under subsection (4); or
 - (c) retain the records for the period required by or under subsection (5).

Civil penalty: 5 penalty units.

Regulations

- (7) Without limiting this section, regulations prescribing kinds of records, or matters to which records are relevant, may specify different kinds or matters for different classes of person.

128 Offences in relation to returns

- (1) A person shall not fail or neglect duly to furnish a return or information that he or she is required under this Act or the regulations to furnish.

Penalty: 5 penalty units.

- (2) An offence under subsection (1) is an offence of strict liability.

Note: For strict liability, see section 6.1 of the *Criminal Code*.

128A False statements relating to medicare benefits etc.

- (1) A person shall not make, or authorise the making of, a statement (whether oral or in writing) that is:
 - (a) false or misleading in a material particular; and

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- (b) capable of being used in connection with a claim for a benefit or payment under this Act.

Penalty: 20 penalty units.

(2) Where:

- (a) a person makes a statement (whether oral or in writing) that is false or misleading in a material particular;
- (b) the statement is capable of being used in connection with a claim for a benefit or payment under this Act;
- (c) the material particular in respect of which the statement is false or misleading is substantially based upon a statement made, either orally or in writing, to the person or to an agent of the person by another person who is an employee or agent of the first-mentioned person; and
- (d) the last-mentioned statement is false or misleading in a material particular;

that other person commits an offence punishable on conviction by a fine not exceeding 20 penalty units.

- (2A) An offence under subsection (1) or (2) is an offence of strict liability.

Note: For strict liability, see section 6.1 of the *Criminal Code*.

- (3) In subsection (2), a reference to an employee of a person shall, in a case where that person is a corporation, be read as a reference to:

- (a) a director, secretary, manager or employee of the corporation;
- (b) a receiver and manager of any part of the undertaking of the corporation appointed under a power contained in any instrument; or
- (c) a liquidator of the corporation appointed in a voluntary winding up.

- (4) A prosecution for an offence under this section may be commenced at any time within 3 years after the commission of the offence.

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- (5) It is a defence if a person charged with an offence under this section in relation to a statement made by the person did not know, and could not reasonably be expected to have known, that the statement was:
 - (a) false or misleading in a material particular; or
 - (b) capable of being used in connection with a claim for a benefit or payment under this Act.
- (6) In this section, a reference to making a statement includes a reference to issuing or presenting a document, and a reference to a statement shall be construed accordingly.

128B Knowingly making false statements relating to medicare benefits etc.

- (1) A person shall not make, or authorise the making of, a statement (whether oral or in writing) if the person knows that the statement is:
 - (a) false or misleading in a material particular; and
 - (b) capable of being used in connection with a claim for a benefit or payment under this Act.

Penalty: Imprisonment for 5 years or 100 penalty units, or both.

- (2) Where:
 - (a) a person makes a statement (whether oral or in writing) that is false or misleading in a material particular;
 - (b) the statement is capable of being used in connection with a claim for a benefit or payment under this Act;
 - (c) the material particular in respect of which the statement is false or misleading is substantially based upon a statement made, either orally or in writing, to the person or to an agent of the person by another person who is an employee or agent of the first-mentioned person;
 - (d) that other person knew that the last-mentioned statement was false or misleading in a material particular; and

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- (e) that other person knew, or had reasonable grounds to suspect, that the last-mentioned statement would be used in the preparation of a statement of the kind referred to in paragraph (b);
- that other person commits an offence punishable on conviction by imprisonment for a period not exceeding 5 years or a fine not exceeding 100 penalty units, or both.
- (3) In subsection (2), a reference to an employee of a person shall, in a case where that person is a corporation, be read as a reference to:
 - (a) a director, secretary, manager or employee of the corporation;
 - (b) a receiver and manager of any part of the undertaking of the corporation appointed under a power contained in any instrument; or
 - (c) a liquidator of the corporation appointed in a voluntary winding up.
- (5) In this section, a reference to making a statement includes a reference to issuing or presenting a document, and a reference to a statement shall be construed accordingly.

128C Charging of fees for provision of public hospital services to public patients

- (1) A person mentioned in subsection (2) must not, in circumstances set out in the regulations:
 - (a) charge a fee for the provision of a public hospital service; or
 - (b) receive any payment or other consideration from anyone in respect of the provision of a public hospital service;if the person knows that the person to whom the service is, or is to be, provided is, or intends to be, a public patient in the hospital.
- Penalty: 50 penalty units.
- Note: For *public hospital service* see subsection 3(1).
- (2) The persons are as follows:
 - (a) a medical practitioner;

- (b) a participating midwife;
- (c) a participating nurse practitioner;
- (d) a person acting on behalf of a person mentioned in paragraph (a), (b) or (c).

129 False statements etc.

- (2) A person shall not furnish, in pursuance of this Act or of the regulations, a return or information that is false or misleading in a material particular.

Penalty: Imprisonment for 5 years or 100 penalty units.

- (3) In a prosecution of a person for an offence against this section, it is a defence if he or she did not know, and had no reason to suspect, that the statement, document, return or information, made, issued, presented or furnished by him or her was false or misleading, as the case may be.

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

129AA Private hospitals—bribery

- (1A) A person who, being a practitioner, a participating midwife, a participating nurse practitioner or a medical entrepreneur, without reasonable excuse, asks, receives or obtains, or agrees to receive or obtain, any property, benefit or advantage of any kind for himself or herself or any other person from a proprietor of a private hospital or from a person acting on behalf of such a proprietor on the understanding that the first-mentioned person will, in any manner, do any act or thing the purpose of which is, or the effect of which will be, to enable a person to be admitted as a patient in the hospital, being a patient in respect of whom a benefit is payable by a private health insurer, commits an offence against this section.
- (1B) A person who, being a proprietor or one of the proprietors of a private hospital or a person acting on behalf of such a proprietor, in order to influence or affect a practitioner, a participating midwife or a participating nurse practitioner in the doing of any act or thing

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the purpose of which is, or the effect of which will be, to enable a person to be admitted as a patient in the hospital, being a patient in respect of whom a benefit is payable by a private health insurer, without reasonable excuse, gives or confers, or agrees to give or confer, to or on the practitioner, participating midwife, participating nurse practitioner or any other person any property, benefit or advantage of any kind, commits an offence against this section.

- (4) A person who is convicted of an offence against this section is punishable by imprisonment for a period not exceeding 5 years.
- (5) In a prosecution of a person for an offence against this section, it is a defence if the conduct in question was in accordance with the standards of professional conduct generally accepted by medical practitioners, midwives or nurse practitioners (as the case requires).

Note: The defendant bears an evidential burden in relation to the matter in subsection (5). See subsection 13.3(3) of the *Criminal Code*.

- (5A) If a person is convicted of an offence against this section by virtue of subsection (1A) or (1B) in relation to the admission of a person as a patient in a hospital, the court may, in addition to imposing a penalty in respect of the offence, order the person to pay a private health insurer an amount equal to the sum of any benefits paid by the insurer in respect of that patient.

- (6) In this section:

proprietor, in relation to a private hospital, means the proprietor, as defined by subsection 3(1), of the premises occupied by the hospital.

129AAB Offences against 2 or more provisions

- (1) Where the act or omission of a person is an offence against a provision of this Act and is also an offence against another provision of this Act, the person may be prosecuted and convicted for either of those offences, but the person is not liable to be punished more than once in respect of the same act or omission.

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- (2) A reference in subsection (1) to an offence against a provision of this Act includes a reference to an offence against:
- (a) section 6 of the *Crimes Act 1914*; or
 - (b) section 11.1, 11.4 or 11.5 of the *Criminal Code*;
- being an offence that relates to an offence against a provision of this Act.

129AAC Statements inadmissible as evidence

- (1) A statement made by a practitioner in the course of being counselled for the purposes of this Act by a person who at the time was both a Departmental employee (within the meaning of the *Human Services (Medicare) Act 1973*) and a medical practitioner, a dental practitioner, an optometrist, a midwife or a nurse practitioner is inadmissible as evidence against the practitioner in proceedings against the practitioner for a relevant offence, relevant civil contravention or relevant dental benefits offence unless:
- (a) the practitioner has consented to the admission of the statement as evidence in the proceedings; or
 - (b) evidence of the statement is adduced to refute evidence of another statement made by the practitioner in the course of being so counselled, where evidence of that other statement has been admitted in the proceedings on behalf of the practitioner.
- (2) In subsection (1), ***practitioner***, ***relevant civil contravention*** and ***relevant offence*** have the same respective meanings as in section 124B.

129AACA Notice to give information etc. relevant to Act administration

Chief Executive Medicare may require person to give information etc.

- (1) If the Chief Executive Medicare reasonably suspects that a person has relevant material, the Chief Executive Medicare may, by notice in writing, require the person to give the relevant material:

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- (a) if the relevant material contains clinical details relating to an individual—to a specified APS employee in the Department who is a medical practitioner; or
- (b) otherwise—to a specified APS employee in the Department.

Content of notice

- (2) The notice must:
 - (a) specify all of the following:
 - (i) the relevant material;
 - (ii) the grounds on which the Chief Executive Medicare suspects that the person has the relevant material;
 - (iii) how the relevant material is to be given;
 - (iv) each person to whom the relevant material is to be given;
 - (v) the contact details of an APS employee in the Department who may be contacted in relation to the notice;
 - (vi) the period within which the person is required to give the relevant material; and
 - (b) contain a statement about the effect of section 129AACB (consequences of failure to give information etc. relevant to Act administration).

Period to comply with notice

- (3) The period specified for the purposes of subparagraph (2)(a)(vi) must be a period ending at least 21 days after the day on which the notice is given.
- (4) The Chief Executive Medicare may, in writing, extend the period within which the person is required to give the relevant material. The Chief Executive Medicare may do so before or after the end of the period.

Section not limited

- (5) This section is not limited by:

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- (a) any other provision of this Act; or
- (b) any provision of the *Human Services (Medicare) Act 1973* or any other Act;

that relates to powers to require information, a document or a thing to be given.

*Meaning of **relevant material***

- (6) In this section, **relevant material** means information, a document or a thing that is relevant to the administration of this Act and includes information, a document or a thing that relates to:
 - (a) compliance with a requirement under this Act or an instrument made under this Act; or
 - (b) an amount paid under this Act; or
 - (c) a person's entitlement to a benefit or payment under this Act.

129AACB Consequences of failure to give information etc. relevant to Act administration

- (1) A person contravenes this subsection if:
 - (a) the person is given a notice under subsection 129AACA(1) requiring the person to give information, a document or a thing; and
 - (b) the person fails to comply with the requirement within:
 - (i) if the Chief Executive Medicare has, under subsection 129AACA(4), extended the period specified in the notice—the extended period; or
 - (ii) otherwise—the period specified in the notice.

Strict liability offence

- (2) A person commits an offence of strict liability if the person contravenes subsection (1).

Penalty: 30 penalty units.

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Civil penalty

- (3) A person is liable for a civil penalty if the person contravenes subsection (1).

Civil penalty:

- (a) for an individual—30 penalty units; and
 - (b) for a body corporate—150 penalty units.
- (4) Subsection (3) does not apply if:
- (a) the contravention is brought about by:
 - (i) another person over whom the defendant has no control; or
 - (ii) a non-human act or event over which the defendant has no control; and
 - (b) the defendant could not reasonably be expected to guard against the contravention.

Note: A person who wishes to rely on this subsection in proceedings for a civil penalty order bears an evidential burden in relation to the matter in this subsection (see section 130H).

129AAD Notice to produce documents relating to professional services

When section applies

- (1) This section applies if the Chief Executive Medicare (the **CEO**):
- (a) has a reasonable concern that an amount paid, purportedly by way of benefit or payment under this Act, in respect of one or more professional services, may exceed the amount (if any) that should have been paid; and
 - (b) has taken into account advice given to him or her by a medical practitioner who is a Departmental employee (within the meaning of the *Human Services (Medicare) Act 1973*) about the types of documents that contain information relevant to ascertaining whether amounts paid in respect of professional services of the same kind or kinds as the service

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or services referred to in paragraph (a) should have been paid.

- Note: For the purposes of paragraph (a), the CEO may, for example, have a reasonable concern about benefits or payments made in respect of:
- (a) professional services rendered by individual practitioners; or
 - (b) professional services rendered by particular kinds of practitioners; or
 - (c) the rendering of services to which specific items, or groups of items, relate.

CEO may require person to produce document etc.

- (2) If the CEO believes on reasonable grounds that:
 - (a) a person:
 - (i) who rendered a professional service in respect of which an amount has been paid that is the subject of the CEO's concern; or
 - (ii) on whose behalf such a professional service was rendered; or
 - (b) subject to subsection (7), another person;

has possession, custody or control of one or more documents relevant to ascertaining whether the amount paid in respect of the professional service should have been paid, or whether a determination under subsection 129ACA(2) should be made, the CEO may, by written notice given to the person, require the person to do any or all of the things mentioned in subsection (5) of this section.
- (3) The CEO may give a notice to a person under subsection (2) in respect of a professional service only if the CEO has given the person a reasonable opportunity to respond to a written request to produce to the CEO, or a Departmental employee (within the meaning of the *Human Services (Medicare) Act 1973*), documents relevant to either or both of the following:
 - (a) ascertaining whether the amount paid, purportedly by way of benefit or payment under this Act, in respect of the service, should have been paid;

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- (b) whether the CEO should make a determination under subsection 129ACA(2) in relation to the amount paid, purportedly by way of benefit or payment under this Act, in respect of the service.
- (4) A notice may only be given in respect of a professional service for which a claim for an amount to be paid under this Act in respect of the service was made during the period mentioned in subsection (4A).
- (4A) The period is 2 years immediately before the day a written request under subsection (3) was first given to the person in relation to one or more professional services specified in the notice.
- (5) The CEO may require the person, in relation to each professional service specified in the notice:
 - (a) subject to subsection (6), to produce to the CEO, or a Departmental employee (within the meaning of the *Human Services (Medicare) Act 1973*), any document, or extract of any document, that is relevant for a purpose set out in subsection (2); or
 - (b) to make a copy of any such document or extract and to produce that copy to the CEO or employee.

Note: For a person referred to in paragraph (2)(a), failure to comply with a notice may lead to recovery action (see sections 129AC and 129ACA) and an administrative penalty may be applied (see sections 129AEA, 129AEB and 129AEC). For a person referred to in paragraph (2)(b), failure to comply with a notice may lead to a civil penalty (see section 129AAE).

- (6) If a document, extract or copy contains clinical details relating to an individual, the person to whom the notice is given is not required to produce the document, extract or copy to a person other than a Departmental employee (within the meaning of the *Human Services (Medicare) Act 1973*) who is a medical practitioner.

CEO not to give notice to certain persons

- (7) A person referred to in paragraph (2)(b) does not include:

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- (a) the person in respect of whom the professional service was rendered; or
- (b) the person who incurred the medical expenses in respect of the service.

Content of notice

- (8) The notice must:
 - (a) specify details of each professional service (including the item, date on which the service was rendered and medicare number of the person in respect of whom the service was rendered) in relation to which the document, extract or copy is to be produced; and
 - (b) specify the reason or reasons for the CEO's concern that an amount paid, purportedly by way of benefit or payment under this Act, in respect of each such service may exceed the amount (if any) that should have been paid; and
 - (ba) specify the circumstances in which a determination may be made under subsection 129ACA(2) in relation to an amount; and
 - (bb) contain a statement that the person may provide a written response to the CEO which states:
 - (i) if the person considers a determination under subsection 129ACA(2) should, or should not, be made and the person's reasons for this; and
 - (ii) the percentage that the person considers should be determined for the purposes of paragraph 129ACA(3)(b); and
 - (bc) specify any matter, or contain any statement, prescribed by the Minister under paragraph 129ACA(9)(d); and
 - (c) specify the information relevant to ascertaining whether amounts paid in respect of each such service should have been paid; and
 - (d) specify how the document, extract or copy is to be produced; and
 - (e) contain a statement to the effect that the person to whom the notice is given is not expected to produce a document, extract

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or copy containing clinical details relating to an individual unless the document, extract or copy is necessary to ascertaining whether the amount paid in respect of the service should have been paid; and

- (f) specify the period within which, and place at which, the document, extract or copy is to be produced.

The period specified under paragraph (f) must be a period ending at least 21 days after the day on which the notice is given.

Note: For the purpose of paragraphs (8)(b) and (c) the notice will include the reason for the CEO's concern about the payment and explain the factual issue that the person is required to substantiate.

Health information

- (9) The power under this section to require a document, extract or copy to be produced includes the power to require the production of a document, extract or copy containing health information (within the meaning of the *Privacy Act 1988*) about an individual.
- (9A) If requested to do so under subsection (3), a person is authorised to produce any document relevant to the request, including a document containing health information (within the meaning of the *Privacy Act 1988*) about an individual.

Clinical relevance of particular professional service not to be taken into account

- (10) In forming a reasonable concern for the purposes of subsection (1), the CEO is not to take into account the clinical relevance of a particular professional service.

Giving notices to State and Territory Health Departments

- (10A) If:
- (a) either of the following is given to a person in relation to a professional service rendered by the person:
- (i) a notice under subsection (2);
- (ii) a written request mentioned in subsection (3); and

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- (b) the professional service was rendered, or purportedly rendered, in or at a hospital mentioned in subsection (10B) of a State or Territory;
- then, a copy of the notice or request may be given to the head (however described) of the Health Department (within the meaning of the *National Health Reform Act 2011*) of that State or Territory.
- (10B) For the purposes of subsection (10A), a hospital is a facility in that State or Territory for which:
- (a) a declaration is in force under paragraph 121-5(6)(a) of the *Private Health Insurance Act 2007*; and
 - (b) a statement is included in the declaration (as mentioned in subsection 121-5(8) of that Act) that the hospital is a public hospital.

Section not limited

- (11) This section is not limited by:
- (a) any other provision of this Act; or
 - (b) any provision of the *Human Services (Medicare) Act 1973* or any other Act;
- that relates to the powers of the CEO to require the production of documents.

129AADA Requirement to keep documents relating to notice to produce

- (1) If the Chief Executive Medicare (the **CEO**) gives a person a notice under subsection 19AF(3) or 129AAD(2), or a request mentioned in subsection 129AAD(3), in respect of a professional service, the person must keep, for the period mentioned in subsection (2) of this section, any document that is relevant to whether an amount should have been paid under this Act in respect of the service.

Civil penalty:

- (a) for an individual—20 penalty units; and
- (b) for a body corporate—100 penalty units.

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- (2) The period:
- (a) begins on the day the notice or request (as the case may be) is given; and
 - (b) ends:
 - (ia) if a notice is given under subsection 129AAH(1A) that the amount paid, by way of benefit or payment under this Act in respect of the service is payable in accordance with section 19AD—on the day the notice is given; or
 - (i) if a notice is given under subsection 129AAH(1) that the amount paid, by way of benefit or payment under this Act in respect of the service, should have been paid—on the day the notice is given; or
 - (ii) if a notice is given as mentioned in subsection 129AAI(4) or 129ACA(5) claiming an amount as a debt in respect of the service—on the day the notice is given.
- (3) However, if an application for review of the decision to claim the amount as a debt is made under subsection 129AAJ(1) or 129ACB(1), the period ends on the day a notice is given under subsection 129AAJ(5) or 129ACB(6) notifying the person of the outcome of the review.
- (4) Subsection (1) does not apply if the person has a reasonable excuse.
- Note: A person who wishes to rely on subsection (4) in proceedings for a civil penalty order bears an evidential burden in relation to the matter in that subsection (see section 130H).
- (5) This section does not limit, and is not limited by, subsection 19AF(1).

129AAE Civil penalty—failure to comply with requirement in notice

- (1) A person referred to in paragraph 129AAD(2)(b) contravenes this section if:

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- (a) the person is given a notice under section 129AAD requiring the person to do something in respect of a professional service; and
- (b) the person fails to comply with the requirement within the period specified in the notice.

Civil penalty:

- (a) for an individual—20 penalty units; and
 - (b) for a body corporate—100 penalty units.
- (2) It is a defence in proceedings for a contravention of subsection (1) if:
- (a) the failure to comply is brought about by another person over whom the person has no control or by a non-human act or event over which the person has no control; and
 - (b) the person could not reasonably be expected to guard against the failure.

Note: The defendant bears the onus of proving the matters necessary to establish the defence.

129AAF Self-incrimination etc.

- (1) A person is not excused from producing a document, extract or copy when required to do so under section 129AAD on the ground that doing so would tend to incriminate the person or expose the person to a penalty.
- (2) However, the production of the document, extract or copy, and any information obtained as a direct or indirect result of the production of the document, extract or copy, are not admissible in evidence against the person in:
 - (a) any criminal proceedings, other than:
 - (i) proceedings for an offence against this Act dealing with false or misleading information or documents; and
 - (ii) proceedings for an offence against section 137.1 or 137.2 of the *Criminal Code* (which deals with false or misleading information or documents) that relates to this Act; or

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- (b) any civil proceedings, other than a civil proceeding arising under Part VIA or this Part.

129AAG Chief Executive Medicare or Departmental employee may deal with documents etc. produced

- (1) If a document, extract or copy has been produced under section 129AAD in respect of a professional service, the Chief Executive Medicare, (the *CEO*) or a Departmental employee (within the meaning of the *Human Services (Medicare) Act 1973*), may do all or any of the things mentioned in subsection (2) for the purpose of ascertaining whether the information contained in the document, extract or copy properly substantiates that an amount paid, purportedly by way of benefit or payment under this Act, in respect of the service, should have been paid.

Note: If the information does not properly substantiate the amount, recovery action may be taken (see sections 129AC and 129ACA) and an administrative penalty may be applied (see sections 129AEA, 129AEB and 129AEC).

- (2) The CEO or employee may:
- (a) inspect the document, extract or copy; and
 - (b) make a copy of, or take an extract from, the document, extract or copy; and
 - (c) retain the document, extract or copy in his or her possession for such reasonable period as he or she thinks fit.
- (3) The person otherwise entitled to possession of the document or extract is entitled to be supplied, as soon as practicable, with a copy certified by the CEO, or an employee, to be a true copy.
- (4) The certified copy must be received in all courts and tribunals as evidence as if it were the original.
- (5) Until a certified copy is supplied, the CEO, or an employee, must, at such times and places as he or she thinks appropriate, permit the person otherwise entitled to possession of the document or extract, or a person authorised by that person, to inspect and make copies of, or take extracts from, the document or extract.

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- (6) This section is not limited by:
- (a) any other provision of this Act; or
 - (b) any provision of the *Human Services (Medicare) Act 1973* or any other Act;
- that relates to the powers of the CEO, or a Departmental employee (within the meaning of the *Human Services (Medicare) Act 1973*), to deal with a document, extract or copy as described in subsection (2) of this section.
- (7) A Departmental employee (within the meaning of the *Human Services (Medicare) Act 1973*) referred to in this section may be an employee other than the employee to whom the document, extract or copy was required to be produced.

129AAH Notice of decision: no amount recoverable because amounts paid substantiated etc.

Amount paid substantiated

- (1A) If:
- (a) a person produces to the Chief Executive Medicare (the **CEO**), or to a Departmental employee (within the meaning of the *Human Services (Medicare) Act 1973*), evidence in relation to a professional service after being required under section 19AF to do so; and
 - (b) the CEO decides that the evidence properly substantiates that the amount paid, by way of benefit or payment under this Act, in respect of the service is payable in accordance with section 19AD;
- the CEO must give the person written notice of the decision.
- (1) If:
- (a) a person produces to the CEO, or to a Departmental employee (within the meaning of the *Human Services (Medicare) Act 1973*), a document, extract or copy relating to a professional service after being requested, or required under section 129AAD, to do so; and

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- (b) the CEO decides that the information contained in the document, extract or copy properly substantiates that the amount paid, by way of benefit or payment under this Act, in respect of the service, should have been paid;
the CEO must give the person written notice of the decision.

Circumstances beyond control exist

- (2) If the CEO is satisfied, for the purposes of subsection 19AH(5) or (7) or 129AC(1B) or (1D), that circumstances beyond a person's control exist, the CEO must give the person written notice of the decision.
- (3) If the CEO is satisfied, for the purposes of subsection 19AH(9) or 129AC(1F), that circumstances exist beyond the control of:
 - (a) the person from whom the amount concerned is recoverable;
and
 - (b) the recipient of the notice concerned;the CEO must give written notice of the decision to the person from whom the amount concerned is recoverable.

Notice may include notice of other decisions

- (4) The CEO's written notice to a person of a decision may include written notice of other decisions referred to in this section, or section 129AAI, that also are required to be given to the person.

Giving notices to State and Territory Health Departments

- (5) If:
 - (a) any of the following is given to a person in relation to a professional service rendered by the person:
 - (ia) a notice under subsection (1A);
 - (i) a notice under subsection (1);
 - (ii) a notice under subsection (2);
 - (iii) a notice under subsection (3); and

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- (b) the professional service was rendered, or purportedly rendered, in or at a hospital mentioned in subsection (6) of a State or Territory;
- then, a copy of the notice may be given to the head (however described) of the Health Department (within the meaning of the *National Health Reform Act 2011*) of that State or Territory.
- (6) For the purposes of subsection (5), a hospital is a facility in that State or Territory for which:
 - (a) a declaration is in force under paragraph 121-5(6)(a) of the *Private Health Insurance Act 2007*; and
 - (b) a statement is included in the declaration (as mentioned in subsection 121-5(8) of that Act) that the hospital is a public hospital.

129AAI Notice of decision: amounts recoverable

- (1) If an amount is recoverable under subsection 19AH(3), (4), (6) or (8), 129AAK(1) or 129AC(1), (1A), (1C) or (1E) as a debt due to the Commonwealth from a person, or from an estate, the Chief Executive Medicare (the **CEO**) must give written notice to the person or estate of:
 - (a) the decision to claim the amount as a debt; and
 - (b) the reasons for the decision; and
 - (c) any right of the person or estate to seek review of the decision under subsection 129AAJ(1).
- (1A) To avoid doubt, subsection (1) does not apply to an amount if subsection 129ACA(1) applies to the amount.
- (2) The CEO's written notice to a person or an estate of a decision may include written notice of other decisions referred to in this section, or section 129AAH, that also are required to be given to the person or estate. The written notice may also, as appropriate, state that the CEO was not satisfied, for the purposes of subsection 19AH(5), (7) or (9) or 129AC(1B), (1D) or (1F), that circumstances beyond a person's control existed.

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- (3) A failure to comply with the requirements of subsection (1) does not affect the validity of the decision.
- (4) The CEO must not serve a notice on a person or an estate claiming an amount as a debt before the end of the period of 28 days after written notice of the decision referred to in subsection (1) is given to the person or estate.
- (5) Subsection (4) does not apply in relation to claiming an amount as a debt if the person or estate has notified the CEO as mentioned in subsection 129AAJ(1A) in relation to the debt.
- (6) If:
 - (a) any of the following is given to a person in relation to a professional service rendered by the person:
 - (i) a notice under subsection (1);
 - (ii) a notice mentioned in subsection (4); and
 - (b) the professional service was rendered, or purportedly rendered, in or at a hospital mentioned in subsection (7) of a State or Territory;then, a copy of the notice may be given to the head (however described) of the Health Department (within the meaning of the *National Health Reform Act 2011*) of that State or Territory.
- (7) For the purposes of subsection (6), a hospital is a facility in that State or Territory for which:
 - (a) a declaration is in force under paragraph 121-5(6)(a) of the *Private Health Insurance Act 2007*; and
 - (b) a statement is included in the declaration (as mentioned in subsection 121-5(8) of that Act) that the hospital is a public hospital.

129AAJ Review of decisions to claim amounts as debts

- (1) If the Chief Executive Medicare (the **CEO**) makes a decision referred to in subsection 129AAI(1) (other than a decision mentioned in subsection 129AAI(1A)) about a person or an estate,

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the person or estate may apply in writing to the CEO, in the form approved in writing by the CEO, for a review of the decision.

- (1A) Subsection (1) does not apply if the person or estate has notified the CEO, in the form approved in writing by the CEO, that the person or estate waives the right to review of the decision to claim the amount as a debt.
- (2) In making an application under subsection (1), the person or estate may provide the CEO with additional information to substantiate (wholly or partly) that the amount paid, purportedly by way of benefit or payment under this Act in respect of the service:
 - (a) if the decision relates to an amount recoverable under subsection 19AH(3), (4), (6) or (8)—is payable in accordance with section 19AD; or
 - (b) in any other case—should have been paid.
- (3) An application for review of a decision must be made within 45 days after the person or estate is notified of the decision.
- (4) On receiving an application for review of a decision, the CEO must, unless the application has been withdrawn by the applicant:
 - (a) review the decision; and
 - (b) confirm, vary or revoke the decision.
- (5) The CEO must give to the applicant written notice of the decision (the ***reconsidered decision***) on the review within 28 days after receiving the application for review.
- (6) A failure to comply with the requirements of subsection (5) does not affect the validity of the review or of the reconsidered decision.
- (7) Applications may be made to the Administrative Review Tribunal for review of reconsidered decisions.
- (8) An application under subsection (7) may be made only if:
 - (a) the applicant has been given notice of the reconsidered decision under subsection (5); and

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- (b) one or more garnishee notices have been given under subsection 129AEG(1) in relation to the debt to which the reconsidered decision relates.
- (9) Despite subsection 18(1) of the *Administrative Review Tribunal Act 2024*, an application under subsection (7) of this section must be made within the period of 28 days after the day the first garnishee notice is given.
- (10) To avoid doubt:
 - (a) a decision to which subsection (1) applies may be reviewed by the CEO under subsection (4) once only; and
 - (b) a reconsidered decision takes effect:
 - (i) on the day specified in the reconsidered decision; or
 - (ii) if a day is not specified—on the day on which the reconsidered decision is made.

129AAK Recovery of amounts—overpayments in general

Amounts recoverable under this subsection

- (1) An amount is recoverable under this subsection, as a debt due to the Commonwealth, if:
 - (a) the amount was paid purportedly under this Act in respect of a professional service to a person who was not entitled to be paid the amount under this Act in respect of that professional service; or
 - (b) the amount was paid purportedly by way of benefit or payment under this Act to a person who was not entitled to be paid the amount under this Act by way of that benefit or payment; or
 - (c) the amount was paid purportedly by way of benefit or payment under this Act, and the benefit or the right to the payment was assigned other than in accordance with section 20A.

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From whom the amount may be recovered

- (2) The amount may be recovered from:
- (a) if subsection (3) applies to the amount—the person mentioned in paragraph (3)(b), or the estate of that person; or
 - (b) otherwise—the person to whom the amount was paid, or the estate of that person.
- (3) This subsection applies to the amount if:
- (a) the amount was paid, purportedly by way of benefit or payment under this Act, in respect of a professional service; and
 - (b) a person:
 - (i) rendered or purportedly rendered the service; or
 - (ii) is identified, in a claim for benefit or payment under this Act, as having rendered the service; and
 - (c) the amount was not in fact payable in respect of the service because:
 - (i) at the time the service was rendered or purportedly rendered, the person, the service, or the rendering or purported rendering of the service, did not meet a requirement under this Act or an instrument made under this Act; or
 - (ii) the person, the service, or the rendering or purported rendering of the service, breached a contract between the person and the Commonwealth; or
 - (iii) the service was rendered or purportedly rendered by a person who was, at the time, partly or fully disqualified under this Act or an instrument or agreement made under this Act.

Note: For the purposes of paragraph (c), an example of an amount not in fact payable in respect of a professional service is a medical benefit that, in accordance with section 19AA, is not payable because the service was rendered by a medical practitioner who did not meet the requirements under that section.

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Recovery does not preclude other enforcement actions

- (4) The recovery, by the Commonwealth, of an amount recoverable under subsection (1) does not preclude any other action being taken under this Act or any other Act in relation to any non-compliance with a requirement under this Act, or an instrument made under this Act, that resulted in the amount being recoverable under subsection (1).

129AC Recovery of amounts—false or misleading information, failure to produce document etc.

False or misleading information

- (1) Where, as a result of the giving of false or misleading information, an amount paid, purportedly by way of benefit or payment under this Act, exceeds the amount (if any) that should have been paid, the amount of the excess is recoverable as a debt due to the Commonwealth from the person by or on behalf of whom the information was given, or from the estate of that person, whether or not the amount was paid to that person, and whether or not any person has been convicted of an offence in relation to the giving of the information.
- (1AAA) For the purposes of subsection (1), it is immaterial whether the false or misleading information is given:
- (a) in a document; or
 - (b) in a statement; or
 - (c) in any other form.
- (1AA) Subsection (1) does not apply to an amount if subsection 129ACA(1) applies to the amount.

Failure to produce document

- (1A) Subject to subsection (1B), if:
- (a) a person referred to in paragraph 129AAD(2)(a) is required, by a notice given under section 129AAD, to produce a

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document, extract or copy in respect of a professional service; and

- (b) the person does not comply with the requirement within the period set out in the notice;

the amount paid, purportedly by way of benefit or payment under this Act, in respect of the service, is recoverable as a debt due to the Commonwealth from the person, or the estate of the person, whether or not the amount was paid to the person.

- (1B) Subsection (1A) does not apply if the person concerned satisfies the Chief Executive Medicare that the person's non-compliance is due to circumstances beyond the person's control.

Note: See section 129AAJ for review of decisions.

Amount not properly substantiated—notice to person referred to in paragraph 129AAD(2)(a)

- (1C) Subject to subsection (1D), if:

- (a) a person referred to in paragraph 129AAD(2)(a) is required, by a notice given under section 129AAD, to produce a document, extract or copy in respect of a professional service; and
- (b) the person complies with the requirement within the period set out in the notice; and
- (c) the information contained in the document, extract or copy does not properly substantiate (wholly or partly) that the amount paid, purportedly by way of benefit or payment under this Act, in respect of the service, should have been paid;

then, to the extent that the amount is not properly substantiated, the amount is recoverable as a debt due to the Commonwealth from the person, or the estate of the person, whether or not the amount was paid to the person.

- (1D) Subsection (1C) does not apply if the person concerned satisfies the Chief Executive Medicare that the reason that the information contained in the document, extract or copy does not properly substantiate the amount is due to circumstances beyond the person's control.

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Note: See section 129AAJ for review of decisions.

Amount not properly substantiated—notice to person referred to in paragraph 129AAD(2)(b)

(1E) Subject to subsection (1F), if:

- (a) a person (the **notice recipient**) referred to in paragraph 129AAD(2)(b) is required, by a notice given under section 129AAD, to produce a document, extract or copy in respect of a professional service; and
 - (b) the notice recipient complies with the requirement within the period set out in the notice; and
 - (c) the information contained in the document, extract or copy does not properly substantiate (wholly or partly) that the amount paid, purportedly by way of benefit or payment under this Act, in respect of the service, should have been paid;
- then, to the extent that the amount is not properly substantiated, the amount is recoverable as a debt due to the Commonwealth from:
- (d) the person who rendered the service, or on whose behalf the service was rendered; or
 - (e) the estate of that person;

whether or not the amount was paid to that person.

(1F) Subsection (1E) does not apply if the person from whom the amount concerned is recoverable satisfies the Chief Executive Medicare that the reason that the information contained in the document, extract or copy does not properly substantiate the amount is due to circumstances beyond the control of the person and the notice recipient.

Note: See section 129AAJ for review of decisions.

Administrative penalty

(1G) If:

- (a) a person is given a notice under section 129AEC of the person's liability to pay an administrative penalty; and

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- (b) the person does not pay the penalty by the day set out in the notice as the day by which the penalty becomes due for payment;

the amount set out in the notice is recoverable as a debt due to the Commonwealth from the person or the estate of the person.

Recovery once only

- (1H) To avoid doubt, an amount paid purportedly by way of benefit or payment under this Act is recoverable under this section once only.

Interest on amounts

- (2) Where:

- (a) an amount (in this subsection referred to as the ***principal sum***) is recoverable as a debt due to the Commonwealth from a person, or from an estate, under subsection (1), (1A), (1C), (1E) or (1G); and
- (b) the Chief Executive Medicare has served a notice on the person, or on the estate, as the case may be, claiming the amount as a debt due to the Commonwealth; and
- (c) either of the following conditions are satisfied:
 - (i) an arrangement has been entered into between the Chief Executive Medicare and the person or the estate, as the case may be, within a period of 3 months following the service of the notice or such longer period as the Chief Executive Medicare allows (which period or longer period is in this section referred to as the ***relevant period***), being an arrangement for the repayment of the principal sum, and default has been made (whether before or after the end of the relevant period) in the payment of an amount as required by the arrangement; or
 - (ii) at the end of the relevant period, such an arrangement has not been entered into and all or part of the principal sum remains unpaid;

then, from the day after the end of the relevant period, interest at the prescribed rate becomes payable on so much of the principal

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sum as from time to time remains unpaid, and the interest so payable is recoverable as a debt due to the Commonwealth from the person, or from the estate, as the case may be.

- (3) Notwithstanding subsection (2), in any proceedings instituted by the Commonwealth for the recovery of an amount due under subsection (2), the court may order that the interest payable under that subsection shall be, and shall be deemed to have been, so payable from a day later than the day referred to in that subsection.

129ACA Shared debt determinations

Making shared debt determinations

- (1) If:
- (a) as a result of the giving of false or misleading information, an amount paid, purportedly by way of benefit or payment under this Act, exceeds the amount (if any) that should have been paid in respect of a professional service rendered, or purportedly rendered by a person; and
 - (b) the Chief Executive Medicare (the **CEO**) makes a determination under subsection (2) in relation to the amount; the excess (the **recoverable amount**) is recoverable as a debt due to the Commonwealth from that person (the **primary debtor**) (or from the estate of that person) and another person (the **secondary debtor**) (or from the estate of that person) specified in the determination.
- (1A) For the purposes of subsection (1), it is immaterial whether the false or misleading information is given:
- (a) in a document; or
 - (b) in a statement; or
 - (c) in any other form.
- (2) The CEO may make a written determination under this subsection in relation to an amount if:

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- (a) notice has been given under subsection (7) in relation to the recoverable amount to the primary debtor (or estate) and the secondary debtor (or estate); and
 - (b) any of the following apply:
 - (i) the secondary debtor employed or otherwise engaged the primary debtor to render professional services of the kind mentioned in paragraph (1)(a);
 - (ii) the secondary debtor had an arrangement or agreement with the primary debtor relating to professional services of that kind;
 - (iii) the secondary debtor is a person in a class of persons prescribed under paragraph (9)(a);
 - (iv) the secondary debtor is not a person in a class of persons prescribed under paragraph (9)(b); and
 - (c) the CEO reasonably believes the determination should be made having regard to the following:
 - (i) whether the relationship of the secondary debtor with the primary debtor was such that the secondary debtor could have controlled or influenced the circumstances that led to the giving of the false or misleading information to which the debt relates;
 - (ii) whether the secondary debtor directly or indirectly obtained a financial benefit from the giving of the false or misleading information;
 - (iii) whether any other factors in all the circumstances of the case make it fair and reasonable for the determination to be made.
- (3) The determination must be given to the primary debtor, or estate, and the secondary debtor, or estate, and set out the following:
- (a) the decision to make a determination to claim the recoverable amount under subsection (1) as a debt due to the Commonwealth;
 - (b) an amount (the *shared amount*) equal to a percentage of the recoverable amount that is recoverable from the secondary debtor or estate;

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- (c) an amount (the ***remaining amount***) equal to the recoverable amount less the shared amount that is recoverable from the primary debtor or estate;
 - (d) the reasons for the decision;
 - (e) the right to seek review of the decision under section 129ACB.
- (4) The percentage determined by the CEO for the purposes of paragraph (3)(b) must be the percentage prescribed under paragraph (9)(c), unless the CEO reasonably believes in all the circumstances of the case that it is fair and reasonable that a different percentage be determined.
- (5) The CEO must not serve a notice on a person or an estate claiming a shared amount or remaining amount (as the case may be) as a debt before the end of the period of 28 days after the determination referred to in subsection (2) is given to the person or estate.
- (6) An amount is recoverable under subsection (1) whether or not:
 - (a) the amount was paid to the primary debtor or secondary debtor (or the estates of those persons); and
 - (b) any person has been convicted of an offence in relation to the giving of the false or misleading information.

Notice of intention to make shared debt determinations

- (7) Before making a determination under subsection (2) in relation to a recoverable amount, the CEO must give the following to the primary debtor or estate and the other person or estate the CEO is considering specifying in the determination as the secondary debtor:
 - (a) written notice that the CEO is considering making a determination under that subsection in relation to the recoverable amount;
 - (b) a copy of any document produced under subsection 129AAD(2) or (3) in relation to the recoverable amount.

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- (8) A person who, or estate that, is given a notice under subsection (7) may, within 14 days after the notice is given, provide a written response to the CEO which states:
- (a) the reasons why the person or estate considers a determination under subsection (2) should, or should not, be made; and
 - (b) the percentage that the person or estate considers should be determined for the purposes of paragraph 129ACA(3)(b).

Minister may make legislative instrument

- (9) The Minister may, by legislative instrument, prescribe the following:
- (a) classes of persons for the purposes of subparagraph (2)(b)(iii);
 - (b) classes of persons for the purposes of subparagraph (2)(b)(iv);
 - (c) a percentage for the purposes of subsection (4);
 - (d) matters or statements for the purposes of paragraph 129AAD(8)(bc).

Giving notices to State and Territory Health Departments

- (10) If:
- (a) either of the following is given to a person or estate in relation to a professional service:
 - (i) a determination under subsection (2);
 - (ii) a notice mentioned in subsection (5); and
 - (b) the professional service was rendered, or purportedly rendered, in or at a hospital mentioned in subsection (11) of a State or Territory;
- then, a copy of the determination or notice may be given to the head (however described) of the Health Department (within the meaning of the *National Health Reform Act 2011*) of that State or Territory.

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- (11) For the purposes of subsection (10), a hospital is a facility in that State or Territory for which:
- (a) a declaration is in force under paragraph 121-5(6)(a) of the *Private Health Insurance Act 2007*; and
 - (b) a statement is included in the declaration (as mentioned in subsection 121-5(8) of that Act) that the hospital is a public hospital.

129ACB Review of decisions relating to shared debt determinations

- (1) If the Chief Executive Medicare (the **CEO**) makes a determination under subsection 129ACA(2) to claim a recoverable amount as a debt, the primary debtor and secondary debtor (or the estates of those persons) may apply in writing to the CEO, in the form approved in writing by the CEO, for a review of the decision to make the determination.
- (2) An application under subsection (1) for review of a decision must be made within 28 days after the person or estate is notified of the decision under subsection 129ACA(3).
- (3) If the CEO receives an application under subsection (1) from a person or estate, the CEO must provide written notice of the application and a copy of the application to each other person or estate mentioned in that subsection.
- (4) The other person or estate may give a written submission to the CEO within the period specified in the notice (which must not be less than 28 days after the day the notice is given) which states:
 - (a) whether the decision should be confirmed, varied or revoked; and
 - (b) the person's reasons for why the decision should be confirmed, varied or revoked.
- (5) On receiving the application and any written submissions under subsection (4), the CEO must:
 - (a) review the decision; and
 - (b) confirm, vary or revoke the decision.

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- (6) The CEO must give to the applicant and each other person or estate mentioned in subsection (1) written notice of the decision (the **reconsidered decision**) on the review.
- (7) Applications may be made to the Administrative Review Tribunal for review of reconsidered decisions.
- (8) An application under subsection (7) may be made only if:
 - (a) the applicant has been given notice of the reconsidered decision under subsection (6); and
 - (b) one or more garnishee notices have been given under subsection 129AEG(1) in relation to the debt to which the reconsidered decision relates.
- (9) Despite subsection 18(1) of the *Administrative Review Tribunal Act 2024*, an application under subsection (7) of this section must be made within the period of 28 days after the day the first garnishee notice is given.
- (10) To avoid doubt:
 - (a) a decision referred to in subsection 129ACA(2) may be reviewed by the CEO under subsection (5) of this section once only; and
 - (b) a reconsidered decision takes effect:
 - (i) on the day specified in the reconsidered decision; or
 - (ii) if a day is not specified—on the day on which the reconsidered decision is made; and
 - (c) a reconsidered decision may specify a percentage of zero for the purposes of subsection 129ACA(4).

129AD Recovery of certain determined amounts

Where a final determination under section 106TA, or a determination by a Medicare Participation Review Committee under subsection 124F(6), 124FB(1), 124FC(1) or 124FF(5), that an amount be payable to a person (in this section referred to as **the payee**) by another person takes effect or takes effect as varied, the amount specified in the determination, or in the determination as

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varied, is recoverable by the payee from the other person as a debt due to the payee.

129AE Recovery of amounts paid in respect of certain diagnostic imaging services

Where an amount is purportedly paid by way of benefit or payment under this Act in respect of a diagnostic imaging service in circumstances where, under section 16C, no benefit was payable because rendering the service involved a contravention of a law of a State or Territory relating directly or indirectly to the use of diagnostic imaging procedures or diagnostic imaging equipment, the amount is recoverable as a debt due to the Commonwealth from the person who contravened the law of the State or Territory.

129AEA Liability for administrative penalty

Subsection 129AC(1) applies

- (1) A person is liable for an administrative penalty in respect of a professional service rendered by, or on behalf of, the person if:
 - (a) the Chief Executive Medicare (the **CEO**) has served a notice (as mentioned in subsection 129AAI(4)) on the person claiming an amount (the **total amount**) as a debt due to the Commonwealth under subsection 129AC(1); and
 - (b) the total amount consists of, or includes, an amount (the **recoverable amount**) in respect of the service; and
 - (d) the total amount is more than:
 - (i) \$2,500; or
 - (ii) if a higher amount is prescribed by the regulations—that higher amount.

Subsection 129AC(1A) or (1C) applies

- (2) A person is liable for an administrative penalty in respect of a particular professional service if:

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- (a) a notice was given to the person under section 129AAD requiring the person to produce a document, extract or copy relevant to the particular professional service; and
- (b) subsection 129AC(1A) or (1C) applies in respect of the person and the particular professional service; and
- (c) if the notice specifies one or more other professional services—either or both of subsections 129AC(1A) and (1C) apply in respect of the person and any other professional service specified in the notice; and
- (d) the sum of the amounts that may be recovered from the person under those subsections in respect of the particular professional service, and any other professional service specified in the notice, is more than:
 - (i) \$2,500; or
 - (ii) if a higher amount is prescribed by the regulations—that higher amount; and
- (e) the CEO has served a notice on the person claiming as a debt due to the Commonwealth the amount (the **recoverable amount**) that may be recovered from the person under whichever of subsection 129AC(1A) or (1C) applies in respect of the person and the particular professional service.

Subsection 129AC(1E) applies

- (3) A person (the **practitioner**) who rendered a particular professional service, or on whose behalf a particular professional service was rendered, is liable for an administrative penalty in respect of the service if:
 - (a) a notice was given to another person under section 129AAD requiring the person to produce a document, extract or copy relevant to the particular professional service; and
 - (b) subsection 129AC(1E) applies in respect of the practitioner and the particular professional service; and
 - (c) if the notice specifies one or more other professional services—subsection 129AC(1E) applies in respect of the practitioner and any other professional service specified in the notice; and

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- (d) the sum of the amounts that may be recovered from the practitioner under that subsection in respect of the particular professional service, and any other professional service specified in the notice, is more than:
 - (i) \$2,500; or
 - (ii) if a higher amount is prescribed by the regulations—that higher amount; and
- (e) the CEO has served a notice on the practitioner claiming as a debt due to the Commonwealth the amount (the **recoverable amount**) that may be recovered from the practitioner under subsection 129AC(1E) in respect of the particular professional service.

Subsection 129ACA(2) applies

- (4) A person is liable for an administrative penalty in respect of a professional service if:
 - (a) the CEO has made a determination under subsection 129ACA(2) in relation to a recoverable amount in respect of the service; and
 - (b) a notice has been served on the person (as mentioned in subsection 129ACA(5)) in respect of the service; and
 - (c) if the determination relates to one or more other professional services—the person is the primary debtor or secondary debtor for any other professional service to which the determination relates; and
 - (d) the sum of the recoverable amounts for the particular professional service, and any other professional service to which the determination relates, is more than:
 - (i) \$2,500; or
 - (ii) if a higher amount is prescribed by the regulations—that higher amount.

129AEB Amount of administrative penalty

- (1) The amount of the administrative penalty in respect of a professional service is worked out in accordance with this section.

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Base penalty amount

- (2) Subject to subsections (3), (4) and (5), the amount (the **base penalty amount**) of the administrative penalty is 20% of whichever of the following applies in respect of the professional service:
- (a) the recoverable amount referred to in paragraph 129AEA(1)(b);
 - (b) the recoverable amount referred to in paragraph 129AEA(2)(e);
 - (c) the recoverable amount referred to in paragraph 129AEA(3)(e);
 - (d) the recoverable amount referred to in paragraph 129AEA(4)(a).

Reductions in base penalty amount

- (3) A person's base penalty amount for a professional service is reduced in accordance with the table.

Reductions in base penalty amount		
Item	If...	the base penalty amount is reduced by...
1	before the Chief Executive Medicare (the CEO) contacts the person under subsection 129AAD(2) or (3) about the professional service, the person voluntarily tells the CEO, or a Departmental employee (within the meaning of the <i>Human Services (Medicare) Act 1973</i>), in the form approved in writing by the CEO, that an amount paid, purportedly by way of benefit or payment under this Act, in respect of the service exceeds the amount (if any) that should have been paid	100%
2	(a) after the Chief Executive Medicare (the CEO) contacts the person under subsection 129AAD(3) about the service; and (b) before the CEO gives a notice to the person	50%

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Reductions in base penalty amount		
Item	If...	the base penalty amount is reduced by...
	under subsection 129AAD(2) that specifies the service; and	
	(c) before the CEO gives notice to the person under subsection 129AAI(1) or 129ACA(3) of a decision to claim an amount as a debt in relation to the service;	
	the person voluntarily tells the CEO, or a Departmental employee (within the meaning of the <i>Human Services (Medicare) Act 1973</i>), in the form approved in writing by the CEO, that an amount paid, purportedly by way of benefit or payment under this Act, in respect of the service exceeds the amount (if any) that should have been paid	
3	(a) after the Chief Executive Medicare (the CEO) gives a notice to the person under subsection 129AAD(2) that specifies the service; and	25%
	(b) before the end of the period specified in the notice; and	
	(c) before the CEO gives notice to the person under subsection 129AAI(1) or 129ACA(3) of a decision to claim an amount as a debt in relation to the service;	
	the person tells the CEO, or a Departmental employee (within the meaning of the <i>Human Services (Medicare) Act 1973</i>), in the form approved in writing by the CEO, that an amount paid, purportedly by way of benefit or payment under this Act, in respect of the service exceeds the amount (if any) that should have been paid	

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Increases in base penalty amount

- (4) A person's base penalty amount for a professional service is increased by 25% if:
- (a) the Chief Executive Medicare gives a notice to the person under section 129AAD or subsection 129ACA(7) that specifies the service; and
 - (b) the person does not comply with the notice in respect of the service, or any other professional service specified in the notice, within the period specified in the notice.

Shared debt determinations

- (5) If the administrative penalty is in respect of a professional service for which a determination has been made under subsection 129ACA(2):
- (a) apply subsections (3) and (4) in relation to the primary debtor and not the secondary debtor; and
 - (b) apportion the base penalty amount calculated in accordance with paragraph (a) of this subsection between the primary debtor and secondary debtor in the same way as the recoverable amount in respect of the professional service was apportioned in accordance with the determination made under subsection 129ACA(2).

Interaction between reduction and increase

- (7) If a base penalty amount is subject to both a reduction and an increase, apply the reduction first.

129AEC Notice of administrative penalty and review of assessments

- (1) The Chief Executive Medicare (the **CEO**) must give to a person who the CEO has assessed, in accordance with sections 129AEA and 129AEB, is liable to an administrative penalty, or the person's estate, written notice of the assessment which includes the following:

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- (a) the person's liability to pay an administrative penalty in respect of one or more professional services;
- (b) the professional service to which each administrative penalty relates;
- (c) if there is more than one professional service—the total of the administrative penalties;
- (d) the day by which the penalty becomes due for payment (which must be at least 14 days after the day on which the notice is given);
- (e) the fact that the notice is given under this section.

The notice may also deal with a debt due to the Commonwealth under section 129AC or 129ACA arising in relation to the professional service.

Review of decisions

- (2) Applications may be made to the Administrative Review Tribunal for review of assessments by the CEO of liability to administrative penalties for which notice has been given under subsection (1).
- (3) An application under subsection (2) may be made by a person, or a person's estate, only if:
 - (a) the person or estate has been given a notice under subsection (1) that the person is liable for an administrative penalty; and
 - (b) the decision to claim the debt to which the administrative penalty relates is a reconsidered decision under subsection 129AAJ(5) or 129ACB(6); and
 - (c) one or more garnishee notices have been given under subsection 129AEG(1) in relation to that debt.
- (4) Despite subsection 18(1) of the *Administrative Review Tribunal Act 2024*, an application under subsection (2) of this section must be made within the period of 28 days after the day the first garnishee notice is given.

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129AECA Power to obtain information relating to a debt

- (1A) This section applies in relation to an amount (a ***recoverable amount***) that is recoverable from a person, or from the estate of a person, as a debt due to the Commonwealth if the amount is one of the following:
- (a) an unpaid amount under paragraph 92(4)(e) or (f) in relation to an agreement under subsection 92(1);
 - (b) an amount for which notice has been served as mentioned in subsection 129AAI(4) or 129ACA(5);
 - (c) an amount for which notice has been given as mentioned in subsection 129AC(1G);
 - (d) an amount of interest under subsection 129AC(2);
 - (e) an amount under section 129AD where the Commonwealth is the payee.
- (1) The Chief Executive Medicare (the ***CEO***) may, by written notice given to the person or estate, require the person or estate to do either or both of the following:
- (a) give to the CEO, or a Departmental employee (within the meaning of the *Human Services (Medicare) Act 1973*), information in writing that is relevant to the financial situation of the person or estate;
 - (b) produce to the CEO, or a Departmental employee (within the meaning of the *Human Services (Medicare) Act 1973*), a document that is in the custody or under the control of the person or estate and is relevant to the financial situation of the person or estate.
- (2) The person must notify the CEO, or a Departmental employee (within the meaning of the *Human Services (Medicare) Act 1973*), of an address for the purposes of giving the person documents relating to the debt, within 14 days after the day:
- (a) if paragraph (1A)(a) applies—notice is given as mentioned in subsection 106R(3) of the Determining Authority’s ratification of the agreement; or

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- (b) if paragraph (1A)(b) applies—notice is served as mentioned in subsection 129AAI(4) or 129ACA(5); or
- (c) if paragraph (1A)(c) applies—the amount mentioned in that paragraph becomes due for payment; or
- (d) if paragraph (1A)(d) applies—the end of the relevant period mentioned in subsection 129AC(2); or
- (e) if paragraph (1A)(e) applies—the determination mentioned in section 129AD takes effect.

Civil penalty:

- (a) for an individual—20 penalty units; and
- (b) for a body corporate—100 penalty units.

- (3) If the address of the person changes after notifying the address under subsection (2) or this subsection, the person must notify the CEO, or a Departmental employee (within the meaning of the *Human Services (Medicare) Act 1973*), of the change within 14 days after the change.

Civil penalty:

- (a) for an individual—20 penalty units; and
- (b) for a body corporate—100 penalty units.

- (4) If the CEO reasonably believes that a person may have information or a document:
 - (a) that would help the CEO locate another person or estate (the **debtor**) from which a recoverable amount is recoverable; or
 - (b) that is relevant to the debtor's financial situation;the CEO may, by written notice given to the person, require the person to give the information in writing, or produce the document, to the CEO or a Departmental employee (within the meaning of the *Human Services (Medicare) Act 1973*).
- (5) A notice under subsection (1) or (4) must specify the following:
 - (a) how the person or estate is to give the information in writing or produce the document;

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- (b) the period (which must be at least 14 days after the day the notice is given) within which the person or estate is to give the information or produce the document;
 - (c) that the notice is given under subsection (1) or (4) (as the case requires).
- (6) A person contravenes this subsection if:
- (a) the person is given a notice under subsection (1) or (4) requiring the person to give information in writing or produce a document; and
 - (b) the person fails to comply with the requirement within the period specified in the notice.

Civil penalty:

- (a) for an individual—20 penalty units; and
 - (b) for a body corporate—100 penalty units.
- (7) Subsection (2), (3) or (6) does not apply if the person has a reasonable excuse.

Note: A person who wishes to rely on subsection (7) in proceedings for a civil penalty order bears an evidential burden in relation to the matter in that subsection (see section 130H).

129AED Waiver and repayment of certain debts arising under the Chronic Disease Dental Scheme

When this section applies

- (1) This section applies in relation to a purported payment of medicare benefit in respect of a service referred to in Schedule 1 to the *Health Insurance (Dental Services) Determination 2007* if:
- (a) the service was provided by a dental practitioner; and
 - (b) the payment exceeded the amount (if any) that should have been paid; and
 - (c) there was a failure to comply with subsection 10(2) (quotation for dental services and reporting) of the Determination in relation to the service; and

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- (d) the Chief Executive Medicare is satisfied that the excess is solely attributable to the failure to comply with subsection 10(2) of the Determination.

Note: The Determination was made under subsection 3C(1) of this Act. It ceased at midnight 30 November 2012 (see section 2A of the Determination).

- (2) However, this section does not apply in relation to a purported payment of medicare benefit in respect of a service that was rendered on or after 1 April 2010 unless, before the end of 30 November 2014, the dental practitioner provides or has provided the Chief Executive Medicare with evidence that the documents that, under subsection 10(2) of the Determination, should have been given to the patient and general practitioner before the relevant course of treatment began have since been given to those persons.

Waiver and repayment of debts

- (3) If the excess, or part of the excess, is recoverable under section 129AAK or 129AC as a debt due to the Commonwealth, the Chief Executive Medicare must, on behalf of the Commonwealth, waive the debt.
- (4) If the excess, or part of the excess:
 - (a) has been repaid to the Commonwealth by a person (or a person's estate); or
 - (b) has otherwise been recovered by the Commonwealth from a person (or a person's estate), including by way of set-off;the Chief Executive Medicare must, on behalf of the Commonwealth, pay to the person (or to the person's estate) the amount paid or recovered.
- (5) An amount payable under subsection (4) is reduced by any amount already paid by the Commonwealth in respect of the repaid or recovered amount.
- (6) A reference in subsection (3), (4) or (5) to an excess includes:

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- (a) any amount of administrative penalty for which the dental practitioner is liable to the Commonwealth under section 129AEA in relation to the excess; and
- (b) any interest paid or payable in relation to the excess under subsection 129AC(2) or (3).

129AEE Notice of decision to waive, or not to waive, a debt

- (1) The Chief Executive Medicare must give written notice of the following decisions:
 - (a) a decision to waive a debt under subsection 129AED(3);
 - (b) a decision to pay an amount under subsection 129AED(4);
 - (c) a decision not to waive a debt under subsection 129AED(3), or not to pay an amount under subsection 129AED(4), because the Chief Executive Medicare is not satisfied of the matter referred to in paragraph 129AED(1)(d).
- (2) The notice must be given to the dental practitioner who provided the service referred to in subsection 129AED(1), or to his or her estate.
- (3) A failure to give notice under this section of a decision does not affect the validity of the decision.

129AEF Recoverable amounts may be set off

- (1) This section applies in relation to an amount (the *recoverable amount*) recoverable from a person, or from the estate of that person, as a debt due to the Commonwealth if the amount is one of the following:
 - (aaa) an amount under subsection 19AH(3), (4), (6) or (8) where any rights of review by the Chief Executive Medicare (the *CEO*) under section 129AAJ have been exhausted or have expired;
 - (a) an unpaid amount under paragraph 92(4)(e) or (f);
 - (aaaa) an amount under subsection 129AAK(1) where any rights of review by the CEO under section 129AAJ have been exhausted or have expired;

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- (aa) an amount under subsection 129AC(1), (1A), (1C), (1E) or (1G) where:
 - (i) any rights of review by the CEO under section 129AAJ have been exhausted or have expired; and
 - (ii) the 3 month period referred to in subparagraph 129AC(2)(c)(i) has expired;
 - (ab) an amount of interest under subsection 129AC(2);
 - (ac) an amount under paragraph 129ACA(3)(b) or (c) where any rights of review by the CEO under section 129ACB have been exhausted or have expired;
 - (b) an amount under section 129AD where:
 - (i) the amount is specified in a final determination under section 106TA; and
 - (ii) the Commonwealth is the payee;
 - (c) an amount under section 129AE.
- (2) The CEO may, on behalf of the Commonwealth, set off the whole or a part of the recoverable amount against the whole or a part of an amount payable (the **payable amount**) to the person or estate under this Act.
- (3) However, an amount set off under subsection (2) must not exceed:
- (a) 20% of the payable amount; or
 - (b) if the CEO and the person or estate agree to a higher percentage of the amount payable—that percentage.
- (4) To avoid doubt, the payable amount is taken to have been paid in full to the person or estate if the payable amount, less any amount set off against the amount under subsection (2), is paid to the person or estate.

129AEG Garnishee notices

Garnishee notice

- (1) If a recoverable amount referred to in paragraph 129AEF(1)(aaa), (a), (aaaa), (aa), (ab), (ac) or (c) is recoverable from a person (the

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debtor), or from the estate of that person, the Chief Executive Medicare (the **CEO**) may give a written notice (the ***garnishee notice***) to a person who owes, or may later owe, money to the debtor or estate.

- (1A) However, subsection (1) applies in relation to a recoverable amount referred to in paragraph 129AEF(1)(a) that relates to an agreement entered into with the debtor under section 92 only if:
- (a) both:
 - (i) an arrangement for the payment of the recoverable amount has been entered into between the CEO and the debtor or the estate within the relevant period mentioned in subsection (1B); and
 - (ii) there is a default (whether before or after the end of the relevant period) in the payment of all or part of the recoverable amount as required by the arrangement; or
 - (b) at the end of the relevant period, such an arrangement has not been entered into and all or part of the recoverable amount remains unpaid.
- (1B) For the purposes of subsection (1A), the ***relevant period*** is:
- (a) the period of 3 months beginning on the day the agreement under section 92 takes effect; or
 - (b) such longer period as the CEO allows.

When third party is taken to owe money

- (2) A person (the ***third party***) is taken to owe money (the ***available money***) to the debtor or estate if the third party:
- (a) is a person by whom the available money is due or accruing to the debtor or estate; or
 - (b) holds the money for, or on account of, the debtor or estate; or
 - (c) holds the money on account of some other person for payment to the debtor or estate; or
 - (d) has authority from some other person to pay the money to the debtor or estate.

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- (3) The third party is taken to owe the available money to the debtor or estate even if:
- (a) the money is not due, or is not so held, or payable under the authority, unless a condition is fulfilled; and
 - (b) the condition has not been fulfilled.

How much is payable under the notice

- (4) The garnishee notice must:
- (a) require the third party to pay to the Commonwealth the lesser of, or a specified amount not exceeding the lesser of:
 - (i) the recoverable amount; or
 - (ii) the available money; or
 - (b) if there will be amounts of the available money from time to time—require the third party to pay to the Commonwealth a specified amount, or a specified percentage, of each amount of the money, until the recoverable amount is recovered.

When amount must be paid

- (5) The garnishee notice must require the third party to pay an amount under paragraph (4)(a), or each amount under paragraph (4)(b), within the period specified in the notice.

Debtor must be notified

- (6) The CEO must send a copy of the garnishee notice to the debtor or estate.

Setting off amounts

- (7) If a person other than the third party has paid an amount to the Commonwealth that satisfies all or part of the recoverable amount:
- (a) the CEO must notify the third party of that fact; and
 - (b) any amount that the third party is required to pay under the garnishee notice is reduced by that amount.

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Indemnity

- (8) If an amount is paid by the third party in accordance with the garnishee notice:
- (a) the payment is taken to have been authorised by:
 - (i) the debtor or estate; and
 - (ii) any other person who is entitled to all or a part of the amount; and
 - (b) the third party is indemnified for the payment.

Garnishee notice to Commonwealth, State or Territory

- (9) If the third party mentioned in subsection (2) is the Commonwealth, a State or a Territory, the CEO may give the garnishee notice to a person who is (as the case requires):
- (a) employed by the Commonwealth, State or Territory; and
 - (b) required, or authorised, to disburse public money under a law of the Commonwealth, State or Territory.

Section binds the Crown

- (10) This section binds the Crown in right of the Commonwealth, of each of the States, of the Australian Capital Territory and of the Northern Territory.
- (11) However, this section does not make the Crown liable to be prosecuted for an offence.
- (12) To avoid doubt, this section does not imply that the Crown is, or is not, bound by any other provision of this Act.

Review of decisions

- (13) The debtor or estate may apply to the Administrative Review Tribunal for review of a decision by the CEO to give a garnishee notice to a person under subsection (1).

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129AEH Failure to comply with garnishee notice

- (1) A person commits an offence if:
 - (a) the person is given a garnishee notice under section 129AEG;
and
 - (b) the person fails to comply with the notice.

Penalty: 20 penalty units.

- (2) The court may, in addition to imposing a penalty on a person convicted of an offence against subsection (1) in relation to failing to pay an amount under the notice, order the person to pay to the Commonwealth an amount not exceeding that amount.

129AF State and Territory authorities to be notified of contraventions of certain laws

Where the Chief Executive Medicare believes on reasonable grounds that a person has contravened a law of a State or Territory relating directly or indirectly to the use of diagnostic imaging procedures or diagnostic imaging equipment, the Chief Executive Medicare may give notice of that fact and his or her grounds for so believing to the Department or other authority, of the State or Territory concerned, that is responsible for administering the law.

129A Special arrangements for optometrical services

The Minister may on behalf of the Commonwealth make such special arrangements with optometrists as he or she thinks fit for the purpose of ensuring that an adequate optometrical service will be available to persons living in isolated areas.

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

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- (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)).

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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

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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).

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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.

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- (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.

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- (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

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- (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:

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- (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

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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.

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130 Officers to observe secrecy

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.

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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).

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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.

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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).

Exemption—dealings with certain information about hospitals

- (5A) If a person applies to an authorised officer for information about a hospital, this section does not prohibit that authorised officer or any other authorised officer providing all or any of the following information in respect of the hospital to the applicant:
- (a) the name and address of the hospital;
 - (b) the number of beds available in the hospital to patients;
 - (c) whether or not the hospital is a private hospital or a recognised hospital;
 - (d) the kinds of services (for example, obstetric services or psychiatric services) provided at the hospital;
 - (e) whether or not the hospital is a teaching hospital.
- (5B) In subsection (5A):

authorised officer means:

- (a) the Secretary; or
- (b) an APS employee in the Department.

Exemption—dealings with information relevant to Professional Services Review Scheme

- (5E) This section does not prohibit the Chief Executive Medicare, or a Departmental employee (within the meaning of the *Human Services (Medicare) Act 1973*), from providing to:
- (a) the Director of Professional Services Review appointed under section 83; or
 - (aa) an Associate Director of Professional Services Review appointed under section 83A; or
 - (b) a Committee set up under section 93; or

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(c) the Determining Authority established by section 106Q; or
(d) any person providing services to any of the above;
information to help the Director, Associate Director, Committee or Authority in the performance of functions or duties, or the exercise of powers, under Part VAA, or to assist a person referred to in paragraph (d) in the provision of services referred to in that paragraph.

(5F) In subsection (5E):

services means:

- (a) clerical or administrative services; and
- (b) investigative services; and
- (c) advisory services provided by a practitioner; and
- (d) legal services.

Authorisation—data-matching by a Commonwealth entity

(5J) Notwithstanding anything contained in the preceding provisions of this section, a person may disclose information to a Commonwealth entity for the purpose of facilitating the matching of that information by the Commonwealth entity under subsection 132B(1) of the *National Health Act 1953*.

Authorisation—disclosing information relating to convictions etc.

- (6) Notwithstanding anything contained in subsections (1) and (2), where:
- (a) a person has been convicted of:
 - (i) an offence against Division 3 of Part IIBA or section 128A, 128B or 129AA of this Act; or
 - (ii) an offence against section 6 of the *Crimes Act 1914*, or section 11.1, 11.4 or 11.5 of the *Criminal Code*, that relates to an offence referred to in subparagraph (i); or
 - (b) an order has been made in relation to a person under section 19B of the *Crimes Act 1914* in relation to an offence referred to in subparagraph (a)(i) or (ii); or

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- (ba) a pecuniary penalty order has been made against a person in respect of a contravention of a civil penalty provision in Division 2 of Part IIBA of this Act;

the Secretary or the Chief Executive Medicare may disclose any information acquired by an officer in the performance of duties or functions, or in the exercise of powers, under this Act that concerns a matter referred to in paragraph (a), (b) or (ba) to:

- (c) the Secretary of the Department of Social Security; or
- (ca) the Chief Executive Centrelink or a person engaged (whether as an employee or otherwise) by Services Australia; or
- (d) the Secretary of the Veterans' Affairs Department; or
- (e) a person or body who, under the National Law, is required or permitted to:
 - (i) take disciplinary action with respect to practitioners, optometrists, midwives or nurse practitioners; or
 - (ii) investigate practitioners, optometrists, midwives or nurse practitioners in connection with the taking of such disciplinary action; or
- (f) a director, secretary or employee of a private health insurer who is authorized by the Secretary or the Chief Executive Medicare, by instrument in writing, for the purposes of this subsection.

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

- (7) Notwithstanding anything contained in subsection (1) or (2), where the Minister, by instrument in writing, certifies that it is desirable for such of the following purposes as he or she specifies in the certificate, that is to say:
- (b) the administration of an Act administered by the Veterans' Affairs Minister;
 - (ba) the administration of the *Migration Act 1958*;
 - (c) the administration of the National Law to the extent it provides for the registration of practitioners, optometrists, midwives or nurse practitioners;

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- (d) the carrying on of the business of a specified private health insurer or a private health insurer included in a specified class of private health insurers;

that information of a kind referred to in the certificate, being information acquired by an officer in the performance of duties or functions, or in the exercise of powers, under this Act, should be disclosed, the Secretary or the Chief Executive Medicare may disclose information of that kind:

- (f) if the certificate specifies a purpose of the kind referred to in paragraph (b)—to the Secretary of the Veterans' Affairs Department; or

- (fa) if the certificate specifies a purpose of the kind referred to in paragraph (ba)—to the Secretary of the Immigration Department; or

- (g) if the certificate specifies a purpose of the kind referred to in paragraph (c)—a person or body who, under the National Law, is required or permitted to:

- (i) take disciplinary action with respect to practitioners, optometrists, midwives or nurse practitioners; or
 - (ii) investigate practitioners, optometrists, midwives or nurse practitioners in connection with the taking of such disciplinary action; or

- (h) if the certificate specifies a purpose of the kind referred to in paragraph (d)—to a director, secretary or employee of each private health insurer to which the certificate relates, being a director, secretary or employee who is authorized by the Secretary or the Chief Executive Medicare, by instrument in writing, for the purposes of this subsection.

Restrictions on disclosing information relating to rendering of professional service

- (8) Information relating to the rendering of a professional service shall not be disclosed in pursuance of subsection (6) or (7) in a manner that is likely to enable the identification of the person to whom that service was rendered unless:

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- (a) the person to whom that service was rendered is a person referred to in paragraph (6)(a), (b) or (ba); or
- (b) the Minister certifies that he or she has reasonable grounds for suspecting that the person to whom that service was rendered has committed, or is committing, an offence of the kind referred to in subparagraph (6)(a)(i) or (ii) or a contravention of a civil penalty provision referred to in paragraph (6)(ba).

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

- (9) A person to whom information is disclosed under subsection (6) or (7) and any person or employee under the control of the first-mentioned person shall not, directly or indirectly, except:
 - (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 powers or functions under an Act administered by the Minister administering the *Human Services (Centrelink) Act 1997*; or
 - (b) in the case of the Secretary of the Veterans' Affairs Department or a person or employee under the control of the Secretary—in the performance of duties or functions, or in the exercise of powers, under an Act administered by the Veterans' Affairs Minister; or
 - (ba) in the case of the Secretary of the Immigration Department or a person or employee under the control of the Secretary—in the performance of duties or functions, or in the exercise of powers, under the *Migration Act 1958*; or
 - (c) in the case of a person (the **first person**) or body referred to in paragraph (6)(e) or (7)(g), or a person or employee under the control of the first person or body—in the performance of duties or functions, or in the exercise of powers, under the National Law; or
 - (d) in the case of a director, secretary or employee of a private health insurer or a person or employee under the control of such a person—in the performance of duties or functions, or

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in the exercise of powers in relation to the carrying on of the business of the insurer;

and while he or she is, or after he or she ceases to be, such a person, use, or disclose to any person, any information so disclosed.

Penalty: 5 penalty units.

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

- (10) A person to whom information is disclosed under subsection (6) or (7) or a person or employee under the control of the first-mentioned person shall not, except in the performance of duties or functions or the exercise of powers referred to in whichever of paragraphs (9)(aa), (b), (ba), (c) and (d) is applicable, be required:
- (a) to produce in court any document that has come into his or her possession or under his or her control under subsection (6) or (7); or
 - (b) to disclose to a court any matter or thing that has come under his or her notice under subsection (6) or (7).
- (13A) Despite subsection (1), any of the following persons may disclose information about a person's compliance with a share by default provision (within the meaning of the *My Health Records Act 2012*) to the Australian Commission on Safety and Quality in Health Care:
- (a) the Secretary;
 - (b) the Secretary of the Department administered by the Minister administering the *My Health Records Act 2012*;
 - (c) the Chief Executive Medicare.

Offences—solicitation of certain information held by Department

- (14) Where:
- (a) a person solicits the disclosure of protected information from an officer or another person; and

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- (b) the disclosure would be in contravention of this section; and
 - (c) the first-mentioned person knows or ought reasonably to know that the information is protected information;
- the first-mentioned person commits an offence, whether or not any protected information is actually disclosed.

(17) Where:

- (a) a person is convicted of an offence under subsection (14); and
 - (b) the person acted as an employee or agent of another person in soliciting the disclosure of the information;
- the other person commits an offence.

(17A) An offence under subsection (17) is an offence of strict liability.

Note: For strict liability, see section 6.1 of the *Criminal Code*.

(18) It is a defence to a prosecution for an offence against subsection (17) if the employee or agent was acting outside the scope of his or her authority as an employee or agent in soliciting the disclosure of the information.

Note: The defendant bears an evidential burden in relation to the matter in subsection (18). See subsection 13.3(3) of the *Criminal Code*.

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.

(19) Where:

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- (a) a person is convicted of an offence under subsection (18A); and
 - (b) the person acted as an employee or agent of another person in obtaining the information;the other person commits an offence.
- (19A) An offence under subsection (19) is an offence of strict liability.

Note: For strict liability, see section 6.1 of the *Criminal Code*.
- (20) It is a defence to a prosecution for an offence against subsection (19) if the employee or agent's action described in subsection (18A) was outside the scope of his or her authority as an employee or agent.

Note: The defendant bears an evidential burden in relation to the matter in subsection (20). See subsection 13.3(3) of the *Criminal Code*.

Offences—offer to supply certain information held by Department

- (21) A person who:
 - (a) offers to supply (whether to a particular person or otherwise) information about another person; and
 - (b) knows that the information is protected information;commits an offence.
- (22) A person who:
 - (a) holds himself or herself out as being able to supply (whether to a particular person or otherwise) information about another person; and
 - (b) knows that the information is protected information;commits an offence.

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

- (23) The penalty for an offence against subsection (14), (17), (18A), (19), (21) or (22) is imprisonment for a period not exceeding 2 years.

Section 130AAA

Definitions

(25) In this section, unless the contrary intention appears:

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.

protected information means information about a person that is held in the records of the Department.

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

Section 130AAC

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.

130AA Prosecution of offences

- (1) Subject to subsection (2), an offence against Division 2 of Part IIBA, section 128B, subsection 129(2) or section 129AA is an indictable offence.
- (2) A court of summary jurisdiction may hear and determine proceedings in respect of an offence referred to in subsection (1) if the court is satisfied that it is proper to do so and the defendant and the prosecutor consent.
- (3) Where, in accordance with subsection (2), a court of summary jurisdiction convicts a person of an offence referred to in that subsection, the penalty that the court may impose is imprisonment for a period not exceeding 6 months or a fine not exceeding 10 penalty units.

130G Evidence

- (1) All courts shall take judicial notice of the signature of any person who holds or has held the office of Chief Executive Centrelink, Secretary of the Department of Social Security, Director-General

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of Social Security or Director-General of Social Services or who is or was a Departmental employee (within the meaning of the *Human Services (Centrelink) Act 1997*) or an officer of the Department of Social Security or of the Department of Social Services, and of the fact that that person holds or has held that office or is or was such an employee or officer, as the case may be, if the signature purports to be attached or appended to any official document and any such document purporting to be so signed shall be received in all courts as prima facie evidence of the facts and statements contained therein.

- (2) A document referred to in subsection (1) may relate to any matter in connection with the operation of this Act in relation to entitlement to benefits or payments under this Act.

130H Exceptions etc. to civil penalty provisions—burden of proof

If, in proceedings for a civil penalty order against a person for a contravention of a civil penalty provision, the person wishes to rely on any exception, exemption, excuse, qualification or justification provided by the law creating the civil penalty provision, then the person bears an evidential burden in relation to that matter.

130J Obligations not affected by State or Territory laws

Nothing contained in a law of a State or a Territory, or in the general law, operates to prevent a person from:

- (a) giving information; or
- (b) producing a document; or
- (c) giving evidence;

that the person is required, or authorised, to give or produce under a provision of this Act.

131 Delegation

- (1) The Minister, the Secretary or the Chief Executive Medicare may, either generally or as otherwise provided by the instrument of delegation, by writing signed by him or her, delegate to an officer

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any of his or her powers under this Act or instruments made under this Act, other than this power of delegation.

- (2) A power so delegated, when exercised by the delegate, shall, for the purposes of this Act or an instrument under which the power exists, be deemed to have been exercised by the Minister, the Secretary or the Chief Executive Medicare, as the case may be.
- (3) A delegation under this section does not prevent the exercise of a power by the Minister, the Secretary or the Chief Executive Medicare, as the case may be.
- (4) In this section, **officer** means:
 - (a) an officer of the Department; or
 - (aa) a person performing the duties of an office in the Department; or
 - (b) the Chief Executive Medicare; or
 - (c) a Departmental employee (within the meaning of the *Human Services (Medicare) Act 1973*).

132 Evidence

- (1) The Minister may, by writing under his or her hand, certify that, during a period or on a date specified in the certificate, any premises were, or were not, a hospital.
- (1A) The Minister may, by writing under his or her hand, certify:
 - (a) that a document annexed to the certificate is a true copy of a determination or direction by the Minister under this Act or of any other document made or issued under this Act; or
 - (b) that:
 - (i) a document annexed to the certificate is a true copy of a determination or direction by the Minister under this Act or of any other document made or issued under this Act; and
 - (ii) the determination, direction or other document of which the annexed document is certified to be a true copy had

Section 132A

effect during a period or on a date specified in the certificate.

- (2) In proceedings under this Act or another Act or under regulations under this Act or another Act, a certificate purporting to have been given under this section:
- (a) is prima facie evidence of the facts stated in the certificate; and
 - (b) shall, unless the contrary is proved, be deemed to have been given by the person purporting to give the certificate.

132A Regulations relating to the manner of patient referrals

- (1) If an item specifies a service that is to be rendered by a practitioner to a patient who has been referred to the practitioner, the regulations may require that, for the purposes of the item, the patient is to be referred in a manner prescribed by the regulations.
- (2) In this section:

item includes an item relating to a service specified in a determination in force under subsection 3C(1).

practitioner has the same meaning as in section 124B.

133 Regulations

- (1) The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters required or permitted by this Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to this Act and, in particular prescribing penalties, not exceeding a fine of 2 penalty units, for offences against the regulations.
- (3) Without limiting the scope of subsection (1), that subsection includes the power to make regulations relating to enabling a person who is alleged to have committed:
- (a) an offence against section 19DB or Part IIA; or

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(b) an offence against this Act, or against the regulations, that is specified in the regulations and that relates (directly or indirectly) to:

- (i) the making of a claim for a benefit or payment in respect of the rendering of a pathology service; or
- (ii) any other matter connected with the provision of pathology services;

to pay to the Commonwealth, as an alternative to prosecution, a specified penalty, not exceeding an amount equal to one-fifth of the maximum penalty for committing the offence in question.

Endnotes

Endnote 1—About the endnotes

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

The following endnotes are included in every 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 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 (or will amend) 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.

Editorial changes

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe how an amendment is to be made. If, despite the misdescription, the amendment

Endnotes

Endnote 1—About the endnotes

can be given effect as intended, then the misdescribed amendment can be incorporated through an editorial change made under section 15V of the *Legislation Act 2003*.

If a misdescribed amendment cannot be given effect as intended, the amendment is not incorporated and “(md not incorp)” is added to the amendment history.

Endnote 2—Abbreviation key

Endnote 2—Abbreviation key

ad = added or inserted	orig = original
am = amended	p = page(s)
amdt = amendment	para = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
C[x] = Compilation No. x	pres = present
ch = Chapter(s)	prev = previous
cl = clause(s)	(prev...) = previously
cont. = continued	pt = Part(s)
def = definition(s)	r = regulation(s)/Court rule(s)
Dict = Dictionary	reloc = relocated
disallowed = disallowed by Parliament	renum = renumbered
div = Division(s)	rep = repealed
ed = editorial change	rs = repealed and substituted
exp = expires/expired or ceases/ceased to have effect	s = section(s)/subsection(s) /rule(s)/subrule(s)/order(s)/suborder(s)
gaz = gazette	sch = Schedule(s)
LA = <i>Legislation Act 2003</i>	SLI = Select Legislative Instrument
LIA = <i>Legislative Instruments Act 2003</i>	SR = Statutory Rules
(md) = misdescribed amendment can be given effect	sub ch = Sub-Chapter(s)
(md not incorp) = misdescribed amendment cannot be given effect	sub div = Subdivision(s)
mod = modified/modification	sub pt = Subpart(s)
No. = Number(s)	<u>underlining</u> = whole or part not commenced or to be commenced
Ord = Ordinance	

Endnotes

Endnote 3—Legislation history

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Health Insurance Act 1973	42, 1974	8 Aug 1974	8 Aug 1974 (s 2)	
Health Insurance Act 1975	58, 1975	19 June 1975	19 June 1975 (s 2)	s 20
Health Insurance Amendment Act 1976	59, 1976	5 June 1976	s 1, 2, 10 and 13: 5 June 1976 (s 2(1)) Remainder: 1 Oct 1976 (s 2(2))	s 8(2) and 9(2)
Administrative Changes (Consequential Provisions) Act 1976	91, 1976	20 Sept 1976	s 4: 20 Sept 1976 (s 2(1)) Sch: 22 Dec 1975 (s 2(2))	s 4
Health Insurance Amendment Act (No. 2) 1976	101, 1976	29 Sept 1976	s 1, 2, 5, 11 and 13: 29 Sept 1976 (s 2(1)) Remainder: 1 Oct 1976 (s 2(2))	s 12–14
Health Insurance Amendment Act (No. 3) 1976	109, 1976	29 Oct 1976	25 Nov 1976 (s 2)	s 4 and 5
Federal Court of Australia (Consequential Provisions) Act 1976	157, 1976	9 Dec 1976	Sch: 1 Feb 1977 (s 2 and gaz 1977, No S3)	—
Health Insurance Amendment Act 1977	75, 1977	16 June 1977	s 6(1) and 9: 1 Aug 1977 (s 2(2) and gaz 1977, No S152, p 2) Remainder: 16 June 1977 (s 2(1))	s 51
Administrative Changes (Consequential Provisions) Act 1978	36, 1978	12 June 1978	s 8 and Sch 1: 12 June 1978 (s 2)	s 8

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Health Insurance Amendment Act 1978	89, 1978	22 June 1978	s 3–6 and 10: 1 July 1978 (s 2(2)) s 7 and 9: never commenced (s 2(3)) Remainder: 22 June 1978 (s 2(1))	s 9(2), 10(2) and 13
as amended by				
Health Insurance Amendment Act (No. 2) 1978	133, 1978	31 Oct 1978	s 44: 31 Oct 1978 (s 2(2))	—
Health Insurance Amendment Act (No. 2) 1978	133, 1978	31 Oct 1978	s 3(1)(e), 3(2), 21(2), 22, 42 and 44: 31 Oct 1978 (s 2(2)) s 3(1)(a)–(d), (f)–(n), 4–20, 24(b), 25–41 and 43: 1 Nov 1978 (s 2(1)) s 21(1), 23 and 24(a): 1 Jan 1979 (s 2(s) and gaz 1978, No S296)	s 3(2), 6(2), 10(2), 11(2)–(4), 19(2), 20(2), 21(2), 27(2), 42 and 43
as amended by				
Health Insurance Amendment Act 1979	53, 1979	14 June 1979	s 11: 1 July 1979 (s 2(2))	—
Health Insurance Amendment Act 1979	53, 1979	14 June 1979	s 3, 4, 8, 10 and 13–15: 14 June 1979 (s 2(1)) s 5–7: 1 Sept 1979 (s 2(3)) s 9: 1 July 1979 (s 2(2))	s 5(2) and 13–15
Health Insurance Amendment Act (No. 2) 1979	123, 1979	29 Oct 1979	1 Nov 1979 (s 2)	—

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Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Health Insurance Amendment Act 1980	132, 1980	19 Sept 1980	s 3(2): 1 Nov 1980 (s 2(2)) Remainder: 19 Sept 1980 (s 2(1))	s. 5(2)
Health Acts Amendment Act 1981	118, 1981	25 June 1981	s 4(1), 6, 37 and 41: 3 Aug 1981 (s 2(3)) s 4(2), 5, 7–19, 21–23, 32, 35, 36, 38–40, 42–47: 1 Sept 1981 (s 2(4)) s 20, 24–31, 33 and 34: 25 June 1981 (s 2(1))	s 14(2), 17(2), 29(2), 37(2) and 44–47
as amended by				
Statute Law (Miscellaneous Amendments) Act 1981	176, 1981	2 Dec 1981	s 45: 1 Sept 1981 (s 2(8))	—
Statute Law (Miscellaneous Amendments) Act 1981	176, 1981	2 Dec 1981	s 68: 30 Dec 1981 (s 2(12))	—
Health Legislation Amendment Act 1982	49, 1982	9 June 1982	s 4, 9, 12(2), 13–34 and 36–39: 9 June 1982 (s 2(1)) s 5 and 7: 1 Feb 1984 (s 2(2) and gaz 1984, No S24) s 6, 8 and 12(1): 1 Nov 1982 (s 2(2) and gaz 1982, No S227, p 2) s 10 and 11: never commenced (s 2(2)) s 35: 7 July 1982 (s 2(3))	s 4(2), 5(2), 7(2), (3), 9(2), 26(2), 30(2), 31(2) and 39

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
as amended by				
Health and Community Services Legislation Amendment Act 1991	211, 1991	24 Dec 1991	s 29: 24 Dec 1991 (s 2(1))	—
Statute Law (Miscellaneous Amendments) Act (No. 2) 1982	80, 1982	22 Sept 1982	s 280: 22 Sept 1982 (s 2(1))	s 280(2) and (3)
Health Legislation Amendment Act (No. 2) 1982	112, 1982	8 Nov 1982	s 4(1), (4) and 8: 1 Nov 1982 (s 2(2), (7)) s 4(2), 5(1), 7, 9: 1 Jan 1983 (s 2(3)) s 4(3) and 5(2): 1 Mar 1983 (s 2(4)) s 6(1), 10 and 11: 8 Nov 1982 (s 2(1)) s 6(2): 1 Apr 1983 (s 2(5)) s 6(3): 1 May 1983 (s 2(6))	s 4(4)
Health Legislation Amendment Act 1983	54, 1983	1 Oct 1983	s 4(1), 31(1), 32(4)–(8), 39, 45: 1 Oct 1983 (s 2(1)) s 4(2), 5–30, 31(2), 32(1)–(3), 33–38, 40–44, 46–62, 133, 134(1), 135, 136, Sch 1 and 2: 1 Feb 1984 (s 2(2))	s 5(2), 18(2), (3), 32(2)–(8), 38(2), 49(2), 133, 134(1), 135 and 136

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Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Health Legislation Amendment Act (No. 2) 1983	139, 1983	22 Dec 1983	s 4(1), (3)–(6) and 13–17: 22 Dec 1983 (s 2(1)) s 4(2): 1 Dec 1983 (s 2(2)) s 5(1): 15 Oct 1982 (s 2(3)) s 5(2): 1 Apr 1983 (s 2(4)) s 5(3): 1 May 1984 (s 2(5)) s 6(1), (3) and 7(1), (3): 14 Nov 1983 (s 2(6)) s 6(2), (4), 7(2), (4), 8, 9 and 12: 1 Feb 1984 (s 2(7)) s 10 and 11: 1 Oct 1983 (s 2(8))	s 4(4)–(6), 6(3), (4), 7(3), (4), 10(2), 11(2), 13(2), 14(2) and 15(2)
Health Insurance Amendment Act 1984	15, 1984	12 Apr 1984	12 Apr 1984 (s 2)	s 3(2)
Cocos (Keeling) Islands Self-Determination (Consequential Amendments) Act 1984	46, 1984	25 June 1984	s 12–14: 25 June 1984 (s 2)	—
Public Service Reform Act 1984	63, 1984	25 June 1984	s 151(1): 1 July 1984 (s 2(4) and gaz 1984, No S245)	s 151(9)
as amended by				
Statute Law (Miscellaneous Provisions) Act (No. 1) 1985	65, 1985	5 June 1985	Sch 1: 1 July 1984 (s 2(39))	—

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Christmas Island Administration (Miscellaneous Amendments) Act 1984	120, 1984	18 Oct 1984	s 12–14: 18 Oct 1984 (s 2(1))	—
Health Legislation Amendment Act 1984	135, 1984	25 Oct 1984	s 7: 1 Feb 1984 (s 2(2)) s 8 and 9: 25 Oct 1984 (s 2(1))	s 8(2)
Statute Law (Miscellaneous Provisions) Act (No. 2) 1984	165, 1984	25 Oct 1984	s 6(1), 9, Sch 1 and 2: 13 Dec 1984 (s 2(29), (32) and gaz 1984, No S519)	s 6(1) and 9
National Welfare Fund Repeal Act 1985	24, 1985	22 May 1985	Sch: 1 July 1985 (s 2(2) and gaz 1985, No S232)	—
Statute Law (Miscellaneous Provisions) Act (No. 1) 1985	65, 1985	5 June 1985	s 9 and Sch 1 (amdt to s 130A Health Insurance Act 1973): 13 Dec 1984 (s 2(23)) Sch 1 (amdt to s 3 (other than of the definition of <i>Secretary</i> in subsection (1) Health Insurance Act 1973), 6, 17, 23H and 130A): 19 Feb 1985 (s 2(21)) Sch 1 (amdt to s 3 (definition of <i>Secretary</i> in subsection (1) Health Insurance Act 1973) and 23G): 3 July 1985 (s 2(1)) Sch 1 (amdt to s 16C Health Insurance Act 1973): 1 July 1984 (s 2(22))	s 9

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Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Health Legislation Amendment Act 1985	70, 1985	5 June 1985	s 4, 5, 7 and 10: 1 Sept 1985 (s 2(13) and gaz 1985, No S346) s 6, 8 and 9: 1 Sept 1985 (s 2(2))	—
Social Security and Repatriation Legislation Amendment Act 1985	95, 1985	5 Sept 1985	s 56: 5 Sept 1985 (s 2(1))	—
Health Legislation Amendment Act (No. 2) 1985	167, 1985	16 Dec 1985	s 26(1), (3), 29, 31–36, 39–41, 44–54 and 56: 22 Feb 1986 (s 2(5) and gaz 1986, No S64) s 26(2), 27, 37, 38, 42, 43 and 55: 16 Dec 1985 (s 2(1)) s 28: 1 Feb 1984 (s 2(2)) s 30: 5 Sept 1985 (s 2(3))	s 56
Veterans' Entitlements (Transitional Provisions and Consequential Amendments) Act 1986	28, 1986	19 May 1986	Sch: 22 May 1986 (s 2(1) and gaz 1986, No S225)	—

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Health Legislation Amendment Act 1986	75, 1986	24 June 1986	s 4(1), 11, 15, 17, 18, 19(1), 22, 24, 26–44, 48, 49 and 54: 1 Aug 1987 (s 2(6) and gaz 1987, No S195) s 4(2): 1 July 1986 (s 2(2)) s 4(3), 6, 7, 51, 52(2) and Sch 1: 1 Aug 1986 (s 2(6) and gaz 1986, No S377) s 5: never commenced (s 2(6)) s 8–10, 12–14, 16, 20, 21 and 47(2): 26 Sept 1986 (<i>Gazette</i> 1986, No. S492) s 19(2), 23, 47(1), 53(2) and Sch 2: 22 July 1986 (s 2(1)) s 25: 6 June 1988 (s 2(6) and gaz 1988, No S154) s 45 and 46: 22 Feb 1986 (s 2(3)) s 50: 16 Dec 1985 (s 2(4))	s 12(2), 13(2), 15(2), 16(2), 18(2), 19(2), 23(2), 38(2), 52(2), 53(2) and 54

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Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
as amended by				
Statute Law (Miscellaneous Provisions) Act 1987	141, 1987	18 Dec 1987	s 5(1): 18 Dec 1987 (s 2(1)) Sch 1 (amdt to s 25 Health Legislation Amendment Act 1986): 6 June 1988 (s 2(15)) Sch 1 (amdt to s 27 Health Legislation Amendment Act 1986): 1 Aug 1987 (s 2(15))	s 5(1)
Human Services and Health Legislation Amendment Act (No. 2) 1994	116, 1994	16 Sept 1994	Sch: 16 Sept 1994 (s 2(1))	—
Health Legislation Amendment Act (No. 2) 1986	94, 1986	13 Oct 1986	s 4(1), 6–8, 10 and 12: 1 Oct 1986 (s 2(1)) s 4(2): 1 Apr 1987 (s 2(4) and gaz 1986, No S57) s 4(3), 9, 11 and Sch 3: 13 Oct 1986 (s 2(5)) s 5: 1 Nov 1986 (s 2(2))	s 5(2) and 12
Health Legislation Amendment Act 1987	44, 1987	5 June 1987	s 4: 1 Aug 1987 (s 2)	s 4(2)
Health Legislation Amendment Act (No. 2) 1987	131, 1987	16 Dec 1987	s 4: 13 Dec 1987 (s 2(1)) s 5 and Sch: 1 Jan 1988 (s 2(2))	—
Community Services and Health Legislation Amendment Act 1987	132, 1987	16 Dec 1987	s 22: 16 Dec 1987 (s 2(1))	—

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Statute Law (Miscellaneous Provisions) Act 1987	141, 1987	18 Dec 1987	s 5(1) and Sch 1: 18 Dec 1987 (s 2(1))	s 5(1)
Social Security (Review of Decisions) Act 1988	85, 1988	31 Oct 1988	Sch 2: 1 Nov 1988 (s 2)	—
Industrial Relations (Consequential Provisions) Act 1988	87, 1988	8 Nov 1988	s 89 and Sch 2: 1 Mar 1989 (s 2(2))	s 89
Statutory Instruments (Tabling and Disallowance) Legislation Amendment Act 1988	99, 1988	2 Dec 1988	Sch: 2 Dec 1988 (s 2)	—
Community Services and Health Legislation Amendment Act (No. 2) 1988	155, 1988	26 Dec 1988	s 7–9, 11, 15 and 16: 26 Dec 1988 (s 2(1)) s 10: 1 Jan 1989 (s 2(2)) s 12 and 13: 1 July 1989 (s 2(3) and gaz 1989, No S228) s 14 and 17: 1 July 1988 (s 2(4))	s 8(2) and 9(2)
Migration Legislation Amendment Act 1989	59, 1989	19 June 1989	Sch 6: 19 Dec 1989 (s 2(5))	—
Social Security and Veterans' Affairs Legislation Amendment Act (No. 2) 1989	84, 1989	27 June 1989	s 5: 27 June 1989 (s 2) s 6: 17 Oct 1988 (s 2)	s 6

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Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Community Services and Health Legislation Amendment Act 1989	95, 1989	28 June 1989	s 8, 9 and 17: 28 June 1989 (s 2(1)) s 10: 10 Oct 1989 (s 2(10) and gaz 1989, No S323) s 11–16, 18 and Sch: 1 Aug 1989 (s 2(6))	s 9(2)
Social Security and Veterans' Affairs Legislation Amendment Act (No. 4) 1989	164, 1989	19 Dec 1989	s 6–10: 1 June 1990 (s 2)	—
Community Services and Health Legislation Amendment Act (No. 2) 1989	3, 1990	17 Jan 1990	s 14(a)–(d), 15, 17–21: 17 Jan 1990 (s 2(1)) s 14(e): 1 June 1990 (s 2(3)) s 16: 1 July 1988 (s 2(2))	—
Community Services and Health Legislation Amendment Act 1990	106, 1990	18 Dec 1990	s 13 and 18: 18 Dec 1990 (s 2) s 14–17: 1 Jan 1991 (s 2)	—
Community Services and Health Legislation Amendment Act (No. 2) 1990	141, 1990	28 Dec 1990	s 14–22 and Sch 1: 1 May 1991 (s 2(5)) s 24–46 and Sch 2: 28 Dec 1990 (s 2(1))	—
as amended by				
Health, Housing and Community Services Legislation Amendment Act 1992	88, 1992	30 June 1992	Sch 1: 30 June 1992 (s 2(1))	—
Social Security Legislation Amendment Act 1990	6, 1991	8 Jan 1991	s 90: 1 June 1990 (s 2)	—

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Health Insurance (Pathology Services) Amendment Act 1991	57, 1991	24 Apr 1991	s 4(1)(a) and (b): 1 Jan 1980 s 4(1)(c): 1 Mar 1984 (s 2(2)) s 4(1)(d): 15 June 1984 (s 2(2)) s 4(1)(e): 1 July 1985 (s 2(2)) s 4(1)(f): 14 Mar 1986 (s 2(2)) s 5(1): 1 Aug 1986 (s 2(2)) Remainder: 24 Apr 1991 (s 2(1))	s 4(2)–(4), 5(2)–(4), 6 and 7
Social Security (Job Search and Newstart) Amendment Act 1991	68, 1991	25 June 1991	s 31: 1 July 1991 (s 2)	—
Social Security (Rewrite) Transition Act 1991	70, 1991	25 June 1991	Sch 3: 1 July 1991 (s 2)	—
Veterans' Entitlements (Rewrite) Transition Act 1991	73, 1991	25 June 1991	Sch 4: 1 July 1991 (s 2(1))	—
Community Services and Health Legislation Amendment Act 1991	84, 1991	26 June 1991	s 4–6: 26 June 1991 (s 2(1))	—
Social Security (Rewrite) Amendment Act 1991	116, 1991	27 June 1991	Sch 6: 1 July 1991 (s 2)	—
Social Security (Disability and Sickness Support) Amendment Act 1991	141, 1991	9 Oct 1991	s 27 and Sch 1: 12 Nov 1991 (s 2(2))	—

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Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Health Insurance Amendment Act 1991	171, 1991	20 Nov 1991	s 3–14: 1 Dec 1991 (s 2(2))	s 9–14
as amended by				
Health and Community Services Legislation Amendment Act 1992	136, 1992	11 Nov 1992	s 14: 11 Nov 1992 (s 2(1))	—
Health Insurance Amendment Act (No. 2) 1991	172, 1991	20 Nov 1991	s 3 and 4: 1 Dec 1991 (s 2(2)) Remainder: 20 Nov 1991 (s 2(1))	—
Social Security Legislation Amendment Act (No. 3) 1991	175, 1991	25 Nov 1991	s 100–103: 1 Jan 1992 (s 2(6)(d)) Sch (Pt 1, 5): 12 Nov 1991 (s 2(3), (5))	—
Health Insurance (Pathology) Amendment Act 1991	190, 1991	11 Dec 1991	11 Dec 1991 (s 2)	s 4(2), 5(2), 6(2), 7(2), 8(2) and 9(2)
Health Insurance (Pathology) Amendment Act (No. 2) 1991	193, 1991	11 Dec 1991	s 4(2): 1 Feb 1992 (s 2(2)) Remainder: 11 Dec 1991 (s 2(1))	—
Health and Community Services Legislation Amendment Act 1991	211, 1991	24 Dec 1991	s 23–27: 24 Dec 1991 (s 2(1))	—
Health, Housing and Community Services Legislation Amendment Act 1992	88, 1992	30 June 1992	s 32–44 and Sch 1: 30 June 1992 (s 2(1)) Sch 2: 1 Mar 1992 (s 2(4))	s 45(2) and (3)
Health and Community Services Legislation Amendment Act 1992	136, 1992	11 Nov 1992	s 4–11 and Sch (Pt 1): 11 Nov 1992 (s 2(1))	—

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Health and Community Services Legislation Amendment Act (No. 2) 1992	192, 1992	21 Dec 1992	s 8(a), 10 and 11: 21 Dec 1992 (s 2(1)) s 8(b): 1 Jan 1993 (s 2(3)) s 9: 31 Dec 1992 (s 2(4))	—
as amended by				
Health and Community Services Legislation Amendment Act 1993	12, 1994	18 Jan 1994	s 7: 18 Jan 1994 (s 2(1))	—
Health Insurance (Quality Assurance Confidentiality) Amendment Act 1992	201, 1992	21 Dec 1992	21 Dec 1992 (s 2)	—
Health and Community Services Legislation Amendment Act (No. 3) 1992	204, 1992	21 Dec 1992	s 11–14: 21 Dec 1992 (s 2)	—
Medicare Agreements Act 1992	226, 1992	24 Dec 1992	s 9–12: 1 July 1993 (s 2(2)) Remainder: 24 Dec 1992 (s 2(1))	—
as amended by				
Human Services and Health Legislation Amendment Act (No. 3) 1995	149, 1995	16 Dec 1995	Sch 2 (item 18): 1 July 1993 (s 2(8))	—
Statute Law Revision Act 1996	43, 1996	25 Oct 1996	Sch 3 (item 40): 24 Dec 1992 (s 2(3))	—
Social Security Legislation Amendment Act (No. 2) 1992	229, 1992	24 Dec 1992	Sch 4 (items 4–11): 24 Dec 1992 (s 2(1)(g))	—

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Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Social Security Legislation Amendment Act (No. 3) 1992	230, 1992	24 Dec 1992	Sch 3 (items 1–11): 1 Jan 1993 (s 2(4)(e))	—
Health and Community Services Legislation Amendment Act (No. 2) 1993	76, 1993	25 Nov 1993	s 7–13: 25 Nov 1993 (s 2(1))	—
Health and Community Services Legislation Amendment Act 1993	12, 1994	18 Jan 1994	s 11–16 and Sch: 18 Jan 1994 (s 2(1))	—
Health Legislation (Professional Services Review) Amendment Act 1994	22, 1994	16 Feb 1994	s 3, 5, 6, 11–14 and Sch: 1 July 1994 (s 2)	s 3 and 11–14
Migration Legislation Amendment Act 1994	60, 1994	9 Apr 1994	Sch 3 (items 31–38): 1 Sept 1994 (s 2(3))	—
Health Legislation (Powers of Investigation) Amendment Act 1994	85, 1994	23 June 1994	s 3 and 5–8: 21 July 1994	s 3
as amended by				
Health Legislation (Powers of Investigation) Amendment Act 1996	19, 1996	28 June 1996	Sch 1 (item 1): 28 June 1996 (s 2(1))	—
Human Services and Health Legislation Amendment Act (No. 2) 1994	116, 1994	16 Sept 1994	Sch: 16 Sept 1994 (s 2(1), (3))	—
Drought Relief Payment Act 1994	125, 1994	18 Oct 1994	Sch (items 84–88): 18 Oct 1994 (s 2)	—

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Veterans' Affairs (1994-95 Budget Measures) Legislation Amendment Act (No. 2) 1994	164, 1994	16 Dec 1994	Sch 6 (item 6): 16 Dec 1994 (s 2(1))	—
Social Security (Parenting Allowance and Other Measures) Legislation Amendment Act 1994	174, 1994	16 Dec 1994	Sch 1 (items 159–162) and Sch 3 (items 28–33): 1 July 1995 (s 2(1)) Sch 3 (item 27): 20 Sept 1994 (s 2(2)) Sch 4 (items 44–46): 1 Jan 1995 (s 2(5))	—
as amended by				
Social Security Legislation Amendment Act (No. 1) 1995	104, 1995	29 Sept 1995	Sch 20 (item 40): 1 July 1995 (s 2(15))	—
Student Assistance (Youth Training Allowance—Transitional Provisions and Consequential Amendments) Act 1994	184, 1994	23 Dec 1994	Sch 3 (items 46–54): 1 Jan 1995 (s 2)	—
Evidence (Transitional Provisions and Consequential Amendments) Act 1995	3, 1995	23 Feb 1995	s 14: 23 Feb 1995 (s 2(1)) Sch: 18 April 1995 (s 2(13))	s 14
Health Legislation (Private Health Insurance Reform) Amendment Act 1995	41, 1995	29 May 1995	Sch 1 (items 71–78): 29 May 1995 (s 2(2))	—

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Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Social Security Legislation Amendment Act (No. 1) 1995	104, 1995	29 Sept 1995	Sch 16 (items 81, 82): 29 Sept 1995 (s 2(1))	—
Social Security Legislation Amendment (Family Measures) Act 1995	106, 1995	29 Sept 1995	Sch 9: 1 Jan 1996 (s 2(3))	—
as amended by				
Health Legislation Amendment Act 1998	19, 1998	17 Apr 1998	Sch 4: 1 Jan 1996 (s 2(5))	—
Health and Other Services (Compensation) (Consequential Amendments) Act 1995	132, 1995	14 Nov 1995	Sch (items 1–3): 1 Feb 1996 (s 2)	—
Human Services and Health Legislation Amendment Act (No. 3) 1995	149, 1995	16 Dec 1995	Sch 1 (items 56–61) and Sch 2 (items 7–14): 16 Dec 1995 (s 2(1))	—
Human Services and Health Legislation Amendment Act (No. 2) 1995	164, 1995	16 Dec 1995	Sch (items 1–4, 14–17): 1 Jan 1996 (s 2(2)) Sch (items 5–13, 18): 16 Dec 1995 (s 2(1))	Sch (item 18)
Social Security and Veterans' Affairs Legislation Amendment Act 1995	1, 1996	9 Jan 1996	Sch 13: 20 Sept 1996 (s 2(5)(e))	—
Statute Law Revision Act 1996	43, 1996	25 Oct 1996	Sch 2 (item 60): 29 May 1995 (s 2(2)) Sch 4 (items 82–85) and Sch 5 (items 68–71): 25 Oct 1996 (s 2(1))	—

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Health Insurance Amendment Act 1996	54, 1996	8 Nov 1996	Sch 1: 8 May 1997 (s 2(3)) Remainder: 8 Nov 1996 (s 2(1))	Sch 1 (item 2)
Health Insurance Amendment Act (No. 2) 1996	75, 1996	17 Dec 1996	Sch 1 (items 16, 17, 19): 1 Jan 1997 (s 2(3)(a)) Sch 2 (items 5–7, 9): 17 June 1997 (s 2(5)) Sch 3: 1 Nov 1997 (s 2(6)) Remainder: 17 Dec 1996 (s 2(1))	Sch 2 (items 8, 9) and Sch 3 (item 10)
Social Security Legislation Amendment (Budget and Other Measures) Act 1996 as amended by	84, 1996	23 Dec 1996	Sch 14 (items 1–3) and Sch 15: 1 July 1997 (s 2(4))	—
Social Security Legislation Amendment (Activity Test Penalty Periods) Act 1997	106, 1997	30 June 1997	Sch 3 (item 9): 1 July 1997 (s 2(9))	—
Social Security Legislation Amendment (Newly Arrived Resident's Waiting Periods and Other Measures) Act 1997	5, 1997	4 Mar 1997	s 3 and Sch 1 (items 51–53): 4 Mar 1997 (s 2(1))	s 3
Commonwealth Services Delivery Agency (Consequential Amendments) Act 1997	29, 1997	17 Apr 1997	Sch 2 (items 52–67): 1 July 1997 (s 2)	—

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Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Health Insurance (Pathology Services) Amendment Act 1997	129, 1997	17 Sept 1997	18 Sept 1997 (s 2)	Sch 1 (item 7)
Health Insurance Amendment Act (No. 1) 1997	146, 1997	9 Oct 1997	6 Nov 1997 (s 2)	s 4
Farm Household Support Amendment (Restart and Exceptional Circumstances) Act 1997	179, 1997	25 Nov 1997	Sch 2 (items 4–9): 25 Nov 1997 (s 2)	—
Social Security Legislation Amendment (Parenting and Other Measures) Act 1997	197, 1997	11 Dec 1997	Sch 1 (items 301–312): 20 Mar 1998 (s 2(2)) Sch 5: 1 July 1998 (s 2(7))	Sch 1 (item 312) and Sch 5 (item 9)
Health Legislation Amendment Act 1998	19, 1998	17 Apr 1998	Sch 2 (items 1–20, 22–28, 30–32): 17 Apr 1998 (s 2(1)) Sch 2 (item 21): 4 Mar 1997 (s 2(2)) Sch 2 (item 29): 25 Oct 1996 (s 2(3))	Sch 2 (item 12)
Health Legislation Amendment Act (No. 2) 1998	37, 1998	24 Apr 1998	Sch 7 and 8: 24 Apr 1998 (s 2(1)) Sch 10 (items 1, 2): 1 July 1997 (s 2(3)) Sch 10 (item 3): 30 June 1992 (s 2(4))	—
Social Security Legislation Amendment (Youth Allowance Consequential and Related Measures) Act 1998	45, 1998	17 June 1998	Sch 13 (items 27–42): 1 July 1998 (s 2(1))	Sch 13 (items 31, 41)

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Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Financial Sector Reform (Consequential Amendments) Act 1998	48, 1998	29 June 1998	Sch 1 (item 82): 1 July 1998 (s 2(2))	—
Social Security and Veterans' Affairs Legislation Amendment (Budget and Other Measures) Act 1998	93, 1998	15 July 1998	Sch 7 (items 18–39): 1 Apr 1998 (s 2(9))	—
Assistance for Carers Legislation Amendment Act 1999	13, 1999	9 Apr 1999	Sch 2 (item 68): 1 July 1999 (s 2(2))	—
Financial Sector Reform (Amendments and Transitional Provisions) Act (No. 1) 1999	44, 1999	17 June 1999	Sch 7 (items 53–58): 1 July 1999 (s 3(2)(e), 16))	—
as amended by				
Financial Sector Legislation Amendment Act (No. 1) 2000	160, 2000	21 Dec 2000	Sch 4 (items 4, 5): 18 Jan 2001 (s 2(1))	—
A New Tax System (Family Assistance) (Consequential and Related Measures) Act (No. 2) 1999	83, 1999	8 July 1999	Sch 7 (items 1–13, 15, 16): 1 July 2000 (s 2(2)) Sch 7 (item 14): 1 Apr 1998 (s 2(6))	—
Health Insurance Amendment (Professional Services Review) Act 1999	95, 1999	16 July 1999	Sch 1 (items 1–7, 9–26, 28–68): 1 Aug 1999 (s 2(3)) Sch 1 (items 8, 27): 1 Nov 1999 (s 2(2))	Sch 1 (items 65–68)

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Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
as amended by				
Health Insurance Amendment (Professional Services Review and Other Matters) Act 2002	130, 2002	18 Dec 2002	Sch 1 (items 120–123): 18 Dec 2002 (s 2(1) item 3)	—
Social Security (Family Allowance and Related Matters) Legislation Amendment Act 1999	114, 1999	22 Sept 1999	Sch 1 (item 1): 1 Oct 1999 (s 2)	—
Public Employment (Consequential and Transitional) Amendment Act 1999	146, 1999	11 Nov 1999	Sch 1 (items 506–508): 5 Dec 1999 (s 2(1), (2))	—
Further 1998 Budget Measures Legislation Amendment (Social Security) Act 1999	152, 1999	11 Nov 1999	Sch 5 (items 46–49): 1 Feb 2000 (s 2(5) and gaz 1999, No S597) Sch 10: 11 Nov 1999 (s 2(1))	Sch 5 (item 49)
Health Legislation Amendment Act (No. 3) 1999	159, 1999	8 Dec 1999	Sch 4 (item 1): 1 Aug 1999 (s 2(6)) Sch 4 (item 2): 8 Dec 1999 (s 2(1))	—
Health Insurance Amendment (Diagnostic Imaging Services) Act 2000	31, 2000	19 Apr 2000	19 Apr 2000 (s 2)	—
A New Tax System (Family Assistance and Related Measures) Act 2000	45, 2000	3 May 2000	Sch 4 (item 10): 1 July 2000 (s 2(9))	—

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Health Legislation Amendment (Gap Cover Schemes) Act 2000	72, 2000	27 June 2000	s 4 and Sch 1 (items 1, 2): 11 Aug 2000 (s 2(1) and gaz 2000, No S435)	s 4
Social Security and Veterans' Entitlements Legislation Amendment (Miscellaneous Matters) Act 2000	94, 2000	30 June 2000	Sch 6: 20 Sept 2000 (s 2(2)(c))	—
Migration Legislation Amendment (Parents and Other Measures) Act 2000	128, 2000	26 Oct 2000	Sch 1: 1 Jan 2001 (s 2(2) and gaz 2000, No GN45)	—
Criminal Code Amendment (Theft, Fraud, Bribery and Related Offences) Act 2000	137, 2000	24 Nov 2000	Sch 2 (items 219, 418, 419): 24 May 2001 (s 2(3))	Sch 2 (items 418, 419)
Health Insurance Amendment (Rural and Remote Area Medical Practitioners) Act 2000	139, 2000	24 Nov 2000	24 Nov 2000 (s 2)	—
Farm Household Support Amendment Act 2000	144, 2000	7 Dec 2000	Sch 2 (items 2–4) and Sch 3 (items 7(2), 8): 18 Dec 2000 (s 2(2) and gaz 2000, No S634)	Sch 3 (items 7(2), 8)
Health Legislation Amendment Act (No. 1) 2001	6, 2001	21 Mar 2001	Sch 1 (item 1): 8 June 2001 (s 2(2) and gaz 2001, No S193)	—
Family and Community Services Legislation Amendment (New Zealand Citizens) Act 2001	18, 2001	30 Mar 2001	Sch 2 (items 13–15): 30 Mar 2001 (s 2(1))	—

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Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Health Legislation Amendment Act (No. 2) 2001	59, 2001	28 June 2001	Sch 2: 28 June 2001 (s 2(1))	Sch 2 (items 6, 8)
Social Security Legislation Amendment (Concession Cards) Act 2001	80, 2001	30 June 2001	s 3(2) and Sch 2 (items 7–33): 1 July 2001 (s 2)	s 3(2) and Sch 2 (item 33)
Health Legislation Amendment (Medical Practitioners' Qualifications and Other Measures) Act 2001	93, 2001	20 July 2001	s 4 and Sch 1 (items 2, 2A–2D, 7, 9, 16A, 17–22, 26, 27, 29, 30, 32, 39, 44, 48, 50–52): 20 July 2001 (s 2(1)) Sch 1 (items 1, 3, 4, 8, 10–16): 18 Oct 2001 (s 2(4)) Sch 1 (items 5, 6, 23–25, 28, 31, 33–38, 40–43, 45–47, 49, 53–55): 1 Dec 2001 (s 2(2) and gaz 2001, No GN41)	s 4
as amended by				
Statute Law Revision Act 2002	63, 2002	3 July 2002	Sch 2 (item 12): 20 July 2001 (s 2(1) item 41)	—
Health and Aged Care Legislation Amendment (Application of Criminal Code) Act 2001	111, 2001	17 Sept 2001	s 4 and Sch 1 (items 21–83): 17 Sept 2001 (s 2)	s 4
Statute Law Revision Act 2002	63, 2002	3 July 2002	Sch 1 (item 20): 18 Oct 2001 (s 2(1) item 15)	—
Health Legislation Amendment (Private Health Industry Measures) Act 2002	76, 2002	8 Oct 2002	Sch 2: 8 Apr 2003 (s 2(1) item 4)	Sch 2 (item 8)

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Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Health Insurance Amendment (Professional Services Review and Other Matters) Act 2002	130, 2002	18 Dec 2002	Sch 1 (items 1–118): 1 Jan 2003 (s 2(1) item 2) Sch 1 (items 119) and Sch 2: 18 Dec 2002 (s 2(1) items 3, 4) Sch 3: 1 July 2001 (s 2(1) item 5)	Sch 1 (items 117– 119) and Sch 2 (item 3)
Medical Indemnity (Consequential Amendments) Act 2002	133, 2002	19 Dec 2002	Sch 1 (items 1, 2): 1 Jan 2003 (s 2)	—
Health Insurance Amendment (Diagnostic Imaging, Radiation Oncology and Other Measures) Act 2003	33, 2003	15 Apr 2003	15 Apr 2003 (s 2(1) items 1–4)	Sch 1 (item 12), Sch 2 (item 13) and Sch 3 (item 19)
as amended by				
Health Legislation Amendment (Podiatric Surgery and Other Matters) Act 2004	117, 2004	13 July 2004	Sch 1 (items 17, 18): 15 Apr 2003 (s 2(1) item 6)	—
Health Legislation Amendment Act (No. 1) 2003	84, 2003	23 Sept 2003	Sch 2: 22 Dec 2003 (s 2(1) item 3)	—
Health Legislation Amendment (Medicare) Act 2004	16, 2004	18 Mar 2004	18 Mar 2004 (s 2)	s 4 and Sch 1 (item 30)
Medical Indemnity Amendment Act 2004	17, 2004	23 Mar 2004	Sch 3 (item 1): 24 Mar 2004 (s 2)	—

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Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Health and Ageing Legislation Amendment Act 2004	50, 2004	21 Apr 2004	Sch 1 (item 5), Sch 3 and 4: 21 Apr 2004 (s 2(1) items 2, 4) Sch 5 (items 23, 24): 1 May 1991 (s 2(1) items 24, 25) Sch 5 (items 25–30): 1 Jan 1997 (s 2(1) item 26) Sch 5 (item 31): 17 Apr 1998 (s 2(1) item 27)	Sch 3 (item 1)
Medical Indemnity Legislation Amendment (Run-off Cover Indemnity and Other Measures) Act 2004	77, 2004	23 June 2004	Sch 2 (item 1): 1 July 2004 (s 2(1) item 7)	—
Health Legislation Amendment (Podiatric Surgery and Other Matters) Act 2004	117, 2004	13 July 2004	Sch 1 (items 1–4): 13 Jan 2005 (s 2(1) item 2) Sch 1 (item 5): 13 July 2004 (s 2(1) item 3)	—
Health Insurance Amendment (100% Medicare Rebate and Other Measures) Act 2004	138, 2004	13 Dec 2004	Sch 1: 1 Jan 2005 (s 2(1) item 2) Remainder: 13 Dec 2004 (s 2(1) items 1, 3)	Sch 1 (item 3)
Human Services Legislation Amendment Act 2005	111, 2005	6 Sept 2005	Sch 1 (items 44–71) and Sch 2 (items 206–395): 1 Oct 2005 (s 2(1) items 2, 7)	Sch 1 (items 62–71)
Medical Indemnity Legislation Amendment (Competitive Neutrality) Act 2005	126, 2005	19 Oct 2005	Sch 1 (item 1): 1 July 2005 (s 2(1) item 2)	—

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Health Legislation Amendment Act 2005	155, 2005	19 Dec 2005	Sch 3: 19 Dec 2005 (s 2(1) item 8)	—
Health Insurance Amendment (Medicare Safety-nets) Act 2005	163, 2005	19 Dec 2005	1 Jan 2006 (s 2)	Sch 1 (item 5)
Health Insurance Amendment (Medical Specialists) Act 2006	104, 2006	27 Sept 2006	Sch 1: 25 Oct 2006 (s 2(1) item 2)	Sch 1 (items 11, 12)
Private Health Insurance (Transitional Provisions and Consequential Amendments) Act 2007	32, 2007	30 Mar 2007	Sch 1 (items 1–5) and Sch 2 (items 13–50): 1 Apr 2007 (s 2(1) items 3, 7)	Sch 2 (item 19)
Health Insurance Amendment (Provider Number Review) Act 2007	58, 2007	15 Apr 2007	15 Apr 2007 (s 2)	—
Health Insurance Amendment (Diagnostic Imaging Accreditation) Act 2007	83, 2007	21 June 2007	Sch 1 (item 5): 1 July 2008 (s 2(1) item 3) Remainder: 21 June 2007 (s 2(1) items 1, 2, 4)	Sch 1 (items 12, 12A, 13)
as amended by				
Health Insurance Amendment (Diagnostic Imaging Accreditation) Act 2010	22, 2010	24 Mar 2010	Sch 1: 1 Apr 2010 (s 2(1) item 2)	—
Health Insurance Amendment (Inappropriate and Prohibited Practices and Other Measures) Act 2007	88, 2007	21 June 2007	Sch 1 (items 1–97, 111): 1 Mar 2008 (s 2(1) item 2) Sch 2: 21 June 2007 (s 2(1) item 3)	Sch 1 (item 111) and Sch 2 (items 2–4)

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Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
National Health Amendment (Pharmaceutical Benefits) Act 2007	169, 2007	28 Sept 2007	Sch 1 (items 1–5): 28 Sept 2007 (s 2(1) item 2)	—
Health Insurance Amendment (Medicare Dental Services) Act 2007	181, 2007	28 Sept 2007	28 Sept 2007 (s 2)	Sch 1 (item 4)
Dental Benefits (Consequential Amendments) Act 2008	42, 2008	25 June 2008	Sch 1 (item 4): 26 June 2008 (s 2(1) item 2)	—
Health Insurance Amendment (90 Day Pay Doctor Cheque Scheme) Act 2008	51, 2008	25 June 2008	Sch 1: 1 Nov 2008 (s 2(1) item 2)	Sch 1 (item 3)
Statute Law Revision Act 2008	73, 2008	3 July 2008	Sch 1 (item 27): 1 Aug 1999 (s 2(1) item 19) Sch 4 (items 319–329): 4 July 2008 (s 2(1) item 64)	—
Same-Sex Relationships (Equal Treatment in Commonwealth Laws—General Law Reform) Act 2008	144, 2008	9 Dec 2008	Sch 9 (items 3, 5, 7–14): 1 Jan 2009 (s 2(1) item 25)	—
Health Insurance Amendment (Extended Medicare Safety Net) Act 2009	101, 2009	7 Oct 2009	1 Jan 2010 (s 2)	Sch 1 (item 4)
Personal Property Securities (Consequential Amendments) Act 2009	131, 2009	14 Dec 2009	Sch 5 (item 23): 30 Jan 2012 (s 2(1) item 9)	—

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Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Crimes Legislation Amendment (Serious and Organised Crime) Act (No. 2) 2010	4, 2010	19 Feb 2010	Sch 11 (item 12): 20 Feb 2010 (s 2(1) item 13)	—
Health Insurance Amendment (New Zealand Overseas Trained Doctors) Act 2010	7, 2010	19 Feb 2010	Sch 1: 1 Apr 2010 (s 2(1) item 2)	Sch 1 (items 13–16)
Statute Law Revision Act 2010	8, 2010	1 Mar 2010	Sch 1 (item 32): 1 Mar 2010 (s 2(1) item 4) Sch 5 (item 137): 1 Mar 2010 (s 2(1) item 38)	—
Health Legislation Amendment (Midwives and Nurse Practitioners) Act 2010	29, 2010	12 Apr 2010	Sch 1 (items 1–66): 13 Apr 2010 (s 2(1) item 2) Sch 2 (items 1–3): 1 July 2010 (s 2(1) item 3)	Sch 1 (items 11, 15, 21, 24)
Health Practitioner Regulation (Consequential Amendments) Act 2010	48, 2010	31 May 2010	Sch 1 (items 2–29): repealed before commencing (s 2(1) item 2)	Sch 1 (items 26–29)
as repealed by Health Insurance Amendment (General Practitioners and Quality Assurance) Act 2020	50, 2020	16 June 2020	Sch 1 (item 56): 16 June 2021 (s 2(1) item 2)	—
Healthcare Identifiers (Consequential Amendments) Act 2010	73, 2010	28 June 2010	Sch 1: 29 June 2010 (s 2(1) item 2)	—

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Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
National Health Amendment (Pharmaceutical Benefits Scheme) Act 2010	126, 2010	23 Nov 2010	Sch 6 (item 28): 1 Dec 2010 (s 2(1) item 5)	—
Health Insurance Amendment (Pathology Requests) Act 2010	138, 2010	10 Dec 2010	11 Dec 2010 (s 2)	—
Statute Law Revision Act 2011	5, 2011	22 Mar 2011	Sch 1 (item 64): 22 Mar 2011 (s 2(1) item 2) Sch 5 (items 113–115), Sch 6 (items 38–46) and Sch 7 (items 63–69): 19 Apr 2011 (s 2(1) items 13, 15, 18)	—
Health Insurance Amendment (Compliance) Act 2011	10, 2011	8 Apr 2011	9 Apr 2011 (s 2)	Sch 1 (items 3, 8, 10)
Human Services Legislation Amendment Act 2011	32, 2011	25 May 2011	Sch 4 (items 159–275): 1 July 2011 (s 2(1) item 3) Sch 4 (items 630–641, 644–653): 1 July 2011 (s 2(1) item 6)	Sch 4 (item 272)
as amended by				
Statute Law Revision Act 2012	136, 2012	22 Sept 2012	Sch 2 (items 23, 25–29): 1 July 2011 (s 2(1) items 20, 21)	—
Acts Interpretation Amendment Act 2011	46, 2011	27 June 2011	Sch 2 (items 673–679) and Sch 3 (items 10, 11): 27 Dec 2011 (s 2(1) items 5, 12)	Sch 3 (items 10, 11)

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Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Aged Care Amendment Act 2011	86, 2011	26 July 2011	Sch 3 (items 18, 19): 27 July 2011 (s 2(1) item 4)	—
Personally Controlled Electronic Health Records (Consequential Amendments) Act 2012	64, 2012	26 June 2012	Sch 1 (items 26–30): 29 June 2012 (s 2(1) item 2)	—
Health Insurance Amendment (Professional Services Review) Act 2012	76, 2012	27 June 2012	Sch 2: 27 Dec 2012 (s 2(1) item 3) Sch 3: 28 June 2012 (s 2(1) item 4) Remainder: 27 June 2012 (s 2(1) items 1, 2)	Sch 2 (items 15, 28–30, 32, 42, 51, 74)
Health Insurance Amendment (Extended Medicare Safety Net) Act 2012	123, 2012	12 Sept 2012	Sch 1 (items 1, 2, 4): 12 Oct 2012 (s 2(1) items 2, 4) Sch 1 (item 3): 13 Sept 2012 (s 2(1) item 3)	Sch 1 (item 4)
Statute Law Revision Act 2012	136, 2012	22 Sept 2012	Sch 1 (items 62, 63): 22 Sept 2012 (s 2(1) item 2)	—
Personal Liability for Corporate Fault Reform Act 2012	180, 2012	10 Dec 2012	Sch 3 and Sch 7: 11 Dec 2012 (s 2)	Sch 7
Health and Other Legislation Amendment Act 2013	111, 2013	29 June 2013	Sch 1 (items 18, 19): 29 Dec 2013 (s 2(1) item 3)	Sch 1 (item 19)
Statute Law Revision Act (No. 1) 2014	31, 2014	27 May 2014	Sch 1 (items 43, 44), Sch 7 (item 4) and Sch 8 (item 18): 24 June 2014 (s 2(1) items 2, 9)	—

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Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Public Governance, Performance and Accountability (Consequential and Transitional Provisions) Act 2014	62, 2014	30 June 2014	Sch 6 (item 49), Sch 9 (item 157) and Sch 14: 1 July 2014 (s 2(1) items 6, 14)	Sch 14
as amended by				
Public Governance and Resources Legislation Amendment Act (No. 1) 2015	36, 2015	13 Apr 2015	Sch 2 (items 7–9) and Sch 7: 14 Apr 2015 (s 2)	Sch 7
as amended by				
Acts and Instruments (Framework Reform) (Consequential Provisions) Act 2015	126, 2015	10 Sept 2015	Sch 1 (item 486): 5 Mar 2016 (s 2(1) item 2)	—
Acts and Instruments (Framework Reform) (Consequential Provisions) Act 2015	126, 2015	10 Sept 2015	Sch 1 (item 495): 5 Mar 2016 (s 2(1) item 2)	—
Health Insurance Amendment (Extended Medicare Safety Net) Act 2014	78, 2014	17 July 2014	Sch 1 (items 1–3): 1 Jan 2015 (s 2(1) item 2) Remainder: 17 July 2014: (s 2(1) items 1, 3)	Sch 1 (items 2, 3)
Dental Benefits Legislation Amendment Act 2014	115, 2014	3 Nov 2014	Sch 1 (items 5–28): 4 Nov 2014 (s 2)	Sch 1 (item 27)
Statute Law Revision Act (No. 1) 2015	5, 2015	25 Feb 2015	Sch 1 (item 18): 25 Mar 2015 (s 2(1) item 2)	—

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Acts and Instruments (Framework Reform) Act 2015	10, 2015	5 Mar 2015	Sch 3 (items 163–208, 348, 349): 5 Mar 2016 (s 2(1) item 2)	Sch 3 (items 348, 349)
Public Governance and Resources Legislation Amendment Act (No. 1) 2015	36, 2015	13 Apr 2015	Sch 6 (items 22–24) and Sch 7: 14 Apr 2015 (s 2)	Sch 6 (item 24) and Sch 7
as amended by				
Acts and Instruments (Framework Reform) (Consequential Provisions) Act 2015	126, 2015	10 Sept 2015	Sch 1 (item 486): 5 Mar 2016 (s 2(1) item 2)	—
Norfolk Island Legislation Amendment Act 2015	59, 2015	26 May 2015	Sch 2 (items 214–220): 1 July 2016 (s 2(1) item 5) Sch 2 (items 356–396): 18 June 2015 (s 2(1) item 6)	Sch 2 (items 356–396)
as amended by				
Territories Legislation Amendment Act 2016	33, 2016	23 Mar 2016	Sch 2: 24 Mar 2016 (s 2(1) item 2)	—
Medical Research Future Fund (Consequential Amendments) Act 2015	117, 2015	26 Aug 2015	Sch 2 (item 20): 29 Oct 2015 (s 2(1) item 3)	—
Acts and Instruments (Framework Reform) (Consequential Provisions) Act 2015	126, 2015	10 Sept 2015	Sch 1 (item 256): 5 Mar 2016 (s 2(1) item 2)	—
Australian Immunisation Register (Consequential and Transitional Provisions) Act 2015	139, 2015	12 Nov 2015	Sch 1 (items 5–9): 1 Jan 2016 (s 2(1) item 2)	—

Endnotes

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Statute Law Revision Act (No. 2) 2015	145, 2015	12 Nov 2015	Sch 4 (item 17): 10 Dec 2015 (s 2(1) item 7)	—
Health Legislation Amendment (eHealth) Act 2015	157, 2015	26 Nov 2015	Sch 2 (items 7–10), Sch 3 (items 1, 2) and Sch 4 (items 2, 3): 27 Nov 2015 (s 2(1) items 2, 4)	—
Statute Law Revision Act (No. 1) 2016	4, 2016	11 Feb 2016	Sch 4 (items 1, 181–183, 395, 396): 10 Mar 2016 (s 2(1) item 6)	—
Statute Update Act 2016	61, 2016	23 Sept 2016	Sch 1 (items 253–272), Sch 2 (items 46, 47) and Sch 3 (item 22): 21 Oct 2016 (s 2(1) item 1)	—
National Cancer Screening Register (Consequential and Transitional Provisions) Act 2016	66, 2016	20 Oct 2016	Sch 1 (items 3–6): 21 Oct 2016 (s 2(1) item 2)	Sch 1 (items 4–6)
Health Insurance Amendment (National Rural Health Commissioner) Act 2017	70, 2017	26 June 2017	Sch 1 and 3: 1 Aug 2017 (s 2(1) items 2, 4) Sch 2: 1 July 2020 (s 2(1) item 3)	—
Medicare Guarantee (Consequential Amendments) Act 2017	72, 2017	26 June 2017	Sch 1 (items 1, 2, 6): 3 July 2017 (s 2(1) item 2)	Sch 1 (item 6)

Endnote 3—Legislation history

Act (Register ID)	Number and year	Assent	Commencement	Application, saving and transitional provisions
Health Legislation Amendment (Improved Medicare Compliance and Other Measures) Act 2018 (C2018A00064)	64, 2018	29 June 2018	sch 1: 1 July 2019 (s 2(1) item 2) sch 2, 3: 1 July 2018 (s 2(1) item 3)	sch 1 (items 27, 28), sch 3 (items 33-37)
Health Insurance Amendment (Bonded Medical Programs Reform) Act 2019 (C2019A00070)	70, 2019	19 Sept 2019	sch 1: 1 Jan 2020 (s 2(1) item 2)	—
Medical and Midwife Indemnity Legislation Amendment Act 2019 (C2019A00105)	105, 2019	28 Nov 2019	sch 1 (items 3, 54): 1 July 2020 (s 2(1) item 2)	sch 1 (item 54)
Health Legislation Amendment (Data-matching and Other Matters) Act 2019 (C2019A00121)	121, 2019	12 Dec 2019	sch 1 (item 6), sch 2 (items 1-7, 9): 13 Dec 2019 (s 2(1) item 1)	sch 2 (item 7)
Health Insurance Amendment (General Practitioners and Quality Assurance) Act 2020 (C2020A00050)	50, 2020	16 June 2020	sch 1 (items 1-55): 16 June 2021 (s 2(1) item 2) sch 2: 17 June 2020 (s 2(1) item 3)	sch 1 (items 54, 55), sch 2 (items 2, 3)
Health Insurance Amendment (Continuing the Office of the National Rural Health Commissioner) Act 2020 (C2020A00074)	74, 2020	25 June 2020	sch 1: 1 July 2020 (s 2(1) item 2)	—

Endnotes

Endnote 3—Legislation history

Act (Register ID)	Number and year	Assent	Commencement	Application, saving and transitional provisions
Health Insurance Amendment (Administration) Act 2020 ()	106, 2020	26 Nov 2020	sch 1 (items 3-29): 27 Nov 2020 (s 2(1) item 1)	—
Health Insurance Amendment (Compliance Administration) Act 2020 (C2020A00150)	150, 2020	17 Dec 2020	18 Dec 2020 (s 2(1) item 1)	sch 1 (item 10)
Health Insurance Amendment (Prescribed Fees) Act 2021 (C2021A00040)	40, 2021	27 May 2021	1 July 2021 (s 2(1) item 1)	—
Health Insurance Amendment (Enhancing the Bonded Medical Program and Other Measures) Act 2021 (C2021A00138)	138, 2021	13 Dec 2021	sch 1: 13 June 2022 (s 2(1) item 2) sch 2: 14 Dec 2021 (s 2(1) item 3)	—
Health Legislation Amendment (Medicare Compliance and Other Measures) Act 2022 (C2022A00077)	77, 2022	5 Dec 2022	sch 1 (items 1-49, 52-54, 57, 71-87, 97): 6 Dec 2022 (s 2(1) item 1)	sch 1 (items 48, 49, 57, 97)
Health Insurance Amendment (Prescribed Dental Patients and Other Measures) Act 2023 (C2023A00059)	59, 2023	21 Aug 2023	sch 1, 2: 1 Nov 2023 (s 2(1) item 2) sch 3: 1 Jan 2020 (s 2(1) item 3)	—
Statute Law Amendment (Prescribed Forms and Other Updates) Act 2023 (C2023A00074)	74, 2023	20 Sept 2023	sch 1 (items 54-58): 20 Mar 2024 (s 2(1) item 2) sch 5 (item 10): 18 Oct 2023 (s 2(1) item 3)	sch 1 (item 58)

Endnote 3—Legislation history

Act (Register ID)	Number and year	Assent	Commencement	Application, saving and transitional provisions
Health Insurance Amendment (Professional Services Review Scheme) Act 2023 (C2023A00082)	82, 2023	28 Sept 2023	29 Sept 2023 (s 2(1) item 1)	sch 1 (item 25)
Health Insurance Amendment (Professional Services Review Scheme No. 2) Act 2023 (C2023A00097)	97, 2023	24 Nov 2023	25 Nov 2023 (s 2(1) item 1)	sch 1 (items 9, 13, 14, 20, 25)
Health Legislation Amendment (Removal of Requirement for a Collaborative Arrangement) Act 2024 (C2024A00033)	33, 2024	31 May 2024	sch 1 (items 1-4): 1 Nov 2024 (s 2(1) item 1)	—
Administrative Review Tribunal (Consequential and Transitional Provisions No. 2) Act 2024 (C2024A00039)	39, 2024	31 May 2024	sch 9 (items 46-91): 14 Oct 2024 (s 2(1) item 2)	—
Health Insurance Legislation Amendment (Assignment of Medicare Benefits) Act 2024 (C2024A00070) as amended by	70, 2024	9 July 2024	sch 1: 1 July 2026 (s 2(1) item 2)	sch 1 (item 12)
Health Legislation Amendment (Miscellaneous Measures No. 1) Act 2025 (C2025A00054)	54, 2025	4 Nov 2025	sch 3 (item 1): 5 Nov 2025 (s 2(1) item 4)	—

Endnotes

Endnote 3—Legislation history

Act (Register ID)	Number and year	Assent	Commencement	Application, saving and transitional provisions
Health Legislation Amendment (Modernising My Health Record— Sharing by Default) Act 2025 (C2025A00008)	8, 2025	14 Feb 2025	sch 1 (items 25-47), sch 2 (items 4-16, 26): 15 Feb 2025 (s 2(1) items 3, 4, 7) sch 1 (item 48): 1 July 2026 (s 2(1) item 5) sch 1 (item 49): 21 Feb 2025 (s 2(1) item 6)	sch 1 (item 44), sch 2 (item 26)
Administrative Review Tribunal (Miscellaneous Measures) Act 2025 (C2025A00014)	14, 2025	20 Feb 2025	sch 2 (items 54-57): 21 Feb 2025 (s 2(1) item 2)	—
Veterans' Entitlements, Treatment and Support (Simplification and Harmonisation) Act 2025 (C2025A00017)	17, 2025	20 Feb 2025	sch 8 (item 27): 1 July 2026 (s 2(1) item 6)	—
Health Legislation Amendment (Improved Medicare Integrity and Other Measures) Act 2025 (C2025A00038)	38, 2025	4 Sept 2025	sch 1 (items 3-6), sch 4 (items 1-15): 5 Sept 2025 (s 2 (1) items 3, 6) sch 1 (items 7, 8): 1 July 2026 (s 2(1) item 4)	sch 1 (items 6, 8), sch 4 (item 15)
Health Insurance (Pathology) (Fees) (Repeal) Act 2025 (C2025A00040)	40, 2025	4 Sept 2025	sch 1 (items 3-21): 5 Sept 2025 (s 2(1) item 1)	sch 1 (item 21)
Aged Care and Other Legislation Amendment Act 2025 (C2025A00045)	45, 2025	19 Sept 2025	sch 3 (items 208, 209): 1 Nov 2025 (s 2(1) item 6)	—

Endnote 3—Legislation history

Act (Register ID)	Number and year	Assent	Commencement	Application, saving and transitional provisions
Health Legislation Amendment (Miscellaneous Measures No. 1) Act 2025 (C2025A00054)	54, 2025	4 Nov 2025	sch 1 (items 1-6): <u>awaiting</u> <u>commencement (s 2(1)</u> <u>item 2)</u> sch 3 (items 2-11): 1 July 2026 (s 2(1) item 5) sch 4: 5 Nov 2025 (s 2(1) item 6)	<u>sch 1 (items 3-6),</u> sch 4 (items 6, 8)
Regulatory Reform Omnibus Act 2025 (C2025A00073)	73, 2025	4 Dec 2025	sch 2 (items 26, 27, 59-114, 156-158): 5 Dec 2025 (s 2(1) item 9 sch 2 (item 25): 1 July 2026 (s 2 (1) item 8)	sch 2 (items 27, 156-158)
Health Legislation Amendment (Prescribing of Pharmaceutical Benefits) Act 2026 (C2026A00065)	65, 2026	6 July 2026	sch 1 (items 1-6): 7 July 2026 (s 2(1) item 1)	—

Endnotes

Endnote 4—Amendment history

Endnote 4—Amendment history

Provision affected	How affected
Part I	
s 3.....	am No 58, 1975; No 59, 1976; No 109, 1976; No 75, 1977; No 89, 1978; No 133, 1978; No 53, 1979; No 123, 1979; No 132, 1980; No 118, 1981; No 176, 1981; No 80, 1982; No 112, 1982; No 54, 1983; No 139, 1983; No 46, 1984; No 63, 1984 (as am by No 65, 1985); No 120, 1984; No 135, 1984; No 65, 1985; No 70, 1985; No 167, 1985; No 28, 1986; No 75, 1986; No 94, 1986; No 141, 1987; No 155, 1988; No 59, 1989; No 95, 1989; No 164, 1989; No 3, 1990; No 141, 1990; No 68, 1991; No 70, 1991; No 73, 1991; No 84, 1991; No 172, 1991; No 175, 1991; No 193, 1991; No 211, 1991; No 88, 1992; No 136, 1992; No 226, 1992; No 60, 1994; No 116, 1994; No 125, 1994; No 174, 1994 (as am by No 104, 1995); No 184, 1994; No 106, 1995 (as am by No 19, 1998); No 149, 1995; No 164, 1995; No 1, 1996; No 43, 1996; No 75, 1996; No 84, 1996; No 29, 1997; No 197, 1997; No 37, 1998; No 45, 1998; No 48, 1998; No 93, 1998; No 44, 1999; No 83, 1999; No 128, 2000; No 6, 2001; No 59, 2001; No 80, 2001; No 93, 2001; No 130, 2002; No 33, 2003 (as am by No 117, 2004); No 117, 2004; No 111, 2005; No 104, 2006; No 32, 2007; No 83, 2007; No 88, 2007; No 144, 2008; No 8, 2010; No 29, 2010; No 138, 2010; No 5, 2011; No 10, 2011; No 32, 2011; No 64, 2012; No 111, 2013; No 31, 2014; No 115, 2014; No 59, 2015; No 157, 2015; No 64, 2018; No 70, 2019; No 50, 2020; No 74, 2020; No 106, 2020; <u>No 54, 2025</u>
	ed C114
	am No 138, 2021; No 59, 2023; No 33, 2024; No 8, 2025; No 14, 2025; No 17, 2025; No 73, 2025
s 3AAA.....	ad. No. 117, 2004
	am No 10, 2015
s 3AAB.....	ad No 117, 2004
	am No 39, 2024
s 3AA.....	ad No 116, 1994
	am No 10, 2015; No 74, 2023

Endnote 4—Amendment history

Provision affected	How affected
s. 3A.....	ad. No. 133, 1978 am. Nos. 118 and 176, 1981 rep. No. 54, 1983 ad. No. 167, 1985 am. No. 132, 1987; No. 155, 1988 rep. No. 32, 2007
s. 3B.....	ad. No. 53, 1979 rs. No. 54, 1983 am. Nos. 63 and 135, 1984; No. 167, 1985; No. 155, 1988; No. 95, 1989; No. 43, 1996 rep. No. 32, 2007 ad. No. 29, 2010
s 3BA.....	ad No 130, 2002 rep No 59, 2023
s 3C.....	ad. No. 135, 1984 am No. 75, 1986; No. 99, 1988; No. 141, 1990; No. 136, 1992; No. 181, 2007; No. 5, 2011; No 10, 2015; No 59, 2015; No 106, 2020; No 59, 2023
s 3D.....	ad No 167, 1985 am No 136, 1992 rs No 59, 2001 am No 111, 2005; No 32, 2011; No 50, 2020
s 3DA.....	ad No 59, 2001 am No 50, 2004; No 111, 2005; No 32, 2011; No 50, 2020
s 3DB.....	ad No 59, 2001 am No 104, 2006; No 50, 2020; No 40, 2021
s 3DC.....	ad No 59, 2001 am No 104, 2006; No 50, 2020
s 3E.....	ad No 167, 1985 am No 136, 1992; No 50, 2020; No 40, 2021
s 3EA.....	ad No 75, 1996

Endnotes

Endnote 4—Amendment history

Provision affected	How affected
	am No 111, 2005; No 32, 2011
	rep No 50, 2020
s 3EB.....	ad No 75, 1996
	am No 111, 2005; No 32, 2011
	rep No 50, 2020
s 3F	ad No 95, 1989
	am No 136, 1992; No 75, 1996; No 111, 2005; No 32, 2011 (as am by No 136, 2012)
	rep No 50, 2020
s 3G.....	ad No 95, 1989
	am No 136, 1992; No 75, 1996; No 111, 2005; No 32, 2011
	rep No 50, 2020
s 3GA.....	ad No 75, 1996
	am No 111, 2005; No 32, 2011
s 3GB.....	ad No 75, 1996
	am No 111, 2005; No 32, 2011
s 3GC.....	ad No 75, 1996
	am No 93, 2001; No 104, 2006; No 10, 2015
	rep No 70, 2017
	ad No 59, 2023
s 3H.....	ad No 95, 1989
	am No 3, 1990; No 75, 1996
	rep No 50, 2020
s. 3J.....	ad. No. 164, 1995
	am. No. 75, 1996
	rep. No. 93, 2001
s. 3K.....	ad. No. 164, 1995
	rep. No. 93, 2001
s 4.....	am No 75, 1986
	rs No 116, 1994
	am No 155, 2005; No 64, 2018; No 106, 2020

Endnote 4—Amendment history

Provision affected	How affected
s. 4AAA	ad. No. 75, 1996
s. 4AA	ad No 141, 1990
	am No 155, 2005; No 106, 2020
s. 4AB	ad. No. 75, 1996
s. 4A	ad No 75, 1977
	am No 54, 1983; No 75, 1986
	rs No 95, 1989; No 116, 1994
	am No 155, 2005; No 106, 2020
s. 4B	ad. No. 75, 1977
	am. No. 75, 1986; No. 95, 1989; No. 43, 1996
s. 4BAA	ad. No. 155, 2005
s. 4BA	ad. No. 75, 1986
	am No 10, 2015
s. 4BB	ad No 75, 1986
	am No 10, 2015
s. 4BC	ad. No. 75, 1986
	am. No. 99, 1988; No. 95, 1989; No. 3, 1995
	rep No 10, 2015
s. 4C	ad. No. 112, 1982
	am. No. 70, 1991
	rep. No. 141, 1991
	ad. No. 229, 1992
	rep. No. 80, 2001
s. 4CA	ad. No. 141, 1991
	am. No. 197, 1997
	rs. No. 13, 1999
	rep. No. 80, 2001
s. 4D	ad. No. 164, 1989
	rs. No. 6, 1991

Endnotes

Endnote 4—Amendment history

Provision affected	How affected
	am. Nos. 70 and 116, 1991; Nos. 174 and 184, 1994; No. 1, 1996; No. 84, 1996 (as am. by No. 106, 1997); No. 197, 1997; Nos. 19 and 45, 1998
	rep. No. 80, 2001
s. 5.....	rep. No. 133, 1978
	ad. No. 118, 1981 (as am. by No. 176, 1981)
	am. No. 112, 1982; No. 54, 1983; No. 165, 1984; No. 43, 1996
	rep. No. 80, 2001
s. 5A.....	ad. No. 89, 1978
	rep. No. 133, 1978
	ad. No. 118, 1981
	am. No. 112, 1982; No. 165, 1984; No. 43, 1996
	rep. No. 80, 2001
s. 5B.....	ad. No. 118, 1981
	am. Nos. 49 and 112, 1982; No. 139, 1983; No. 165, 1984; Nos. 95 and 167, 1985; No. 28, 1986; No. 131, 1987; No. 84, 1989; No. 70, 1991; Nos. 88, 192 and 230, 1992; Nos. 164 and 184, 1994; No. 104, 1995; Nos. 1 and 43, 1996; Nos. 5 and 197, 1997; Nos. 19, 45 and 93, 1998; No. 83, 1999
	rep. No. 80, 2001
s. 5BA.....	ad. No. 5, 1997
	am. No. 152, 1999; No. 94, 2000; No. 18, 2001
	rep. No. 80, 2001
s. 5C.....	ad. No. 118, 1981
	am. No. 112, 1982; No. 165, 1984; No. 197, 1997
	rep. No. 80, 2001
s. 5D.....	ad. No. 118, 1981
	am. No. 112, 1982; No. 139, 1983; No. 165, 1984; No. 131, 1987; No. 164, 1989; No. 3, 1990; No. 70, 1991; No. 229, 1992; Nos. 174 and 184, 1994; No. 1, 1996; No. 45, 1998
	rep. No. 80, 2001
s. 5DA.....	ad. No. 125, 1994

Endnote 4—Amendment history

Provision affected	How affected
	am. No. 179, 1997; No. 144, 2000
	rep. No. 80, 2001
s. 5DB	ad. No. 84, 1996
	rep. No. 80, 2001
s. 5E	ad. No. 118, 1981
	am. No. 112, 1982; No. 139, 1983; No. 165, 1984; No. 164, 1989; No. 70, 1991; No. 229, 1992
	rep. No. 80, 2001
s. 5EA	ad. No. 175, 1991
	am. No. 230, 1992; No. 106, 1995; No. 84, 1996; No. 93, 1998; No. 83, 1999
	rep. No. 80, 2001
s. 5EAA	ad. No. 83, 1999
	am. No. 45, 2000
	rep. No. 80, 2001
s. 5EB.....	ad. No. 174, 1994
	am. No. 197, 1997
	rep. No. 80, 2001
s. 5F	ad. No. 118, 1981
	am. No. 112, 1982; No. 165, 1984
	rs. No. 85, 1988
	am. Nos. 70 and 175, 1991; No. 174, 1994
	rep. No. 80, 2001
s. 5G.....	ad. No. 118, 1981
	am. No. 112, 1982; No. 164, 1989; No. 175, 1991; Nos. 125 and 174, 1994
	rep. No. 80, 2001
s. 5H.....	ad. No. 118, 1981
	am. No. 125, 1994
	rep. No. 80, 2001
s. 5J	ad. No. 118, 1981

Endnotes

Endnote 4—Amendment history

Provision affected	How affected
	am. No. 106, 1990; No. 114, 1999
	rep. No. 80, 2001
s 6.....	am. No. 133, 1978
	rep. No. 118, 1981
	ad. No. 54, 1983
	am No. 65, 1985; Nos. 99 and 155, 1988; No. 43, 1996; No 10, 2015
s. 6A.....	ad. No. 128, 2000
s. 7.....	am. No. 58, 1975; No. 101, 1976; No. 43, 1996
s. 7A.....	ad. No. 46, 1984
	am. No. 120, 1984; No 59, 2015
s. 7B.....	ad. No. 111, 2001
Part II	
Part II heading	am. No. 133, 1978
	rs. No. 54, 1983
s 8.....	am No 59, 1976; No 75, 1977; No 133, 1978; No 54, 1983; No 70, 1985; No 75, 1986; No 171, 1991; No 175, 1991; No 88, 1992; No. 16, 2004; No 138, 2004; No 111, 2005 No 163, 2005; No 78, 2014; No 59, 2015; No 8, 2025
s 8A.....	ad. No. 138, 2004
	am No 10, 2015
s. 9.....	am. No. 133, 1978; No. 54, 1983; No. 16, 2004
s. 10.....	am. No. 89, 1978
	rs. No. 133, 1978
	am. No. 53, 1979
	rs. No. 118, 1981; No. 54, 1983
	am. No. 70, 1985; No. 94, 1986; No. 44, 1987; No. 106, 1990; No. 171, 1991; No. 88, 1992; No. 41, 1995; No. 75, 1996; Nos. 19 and 37, 1998; No. 130, 2002; No. 138, 2004; No. 32, 2007
s. 10AA.....	ad. No. 171, 1991
	am. No. 88, 1992; No. 111, 2005; No. 144, 2008; No. 32, 2011
s. 10AB.....	ad. No. 171, 1991

Endnote 4—Amendment history

Provision affected	How affected
	am. No. 16, 2004
s 10AC	ad No 171, 1991
	am No 88, 1992; No 41, 1995; No 16, 2004; No 111, 2005; No 32, 2007; No 32, 2011; No 8, 2025
s 10ACA	ad No 16, 2004
	am No 111, 2005; No 32, 2007; No 101, 2009; No 32, 2011; No 123, 2012; No 8, 2025
s 10AD	ad No 171, 1991
	am No 88, 1992; No 16, 2004; No 111, 2005; No 32, 2011; No 8, 2025
s 10ADA	ad No 16, 2004
	am No 111, 2005; No 101, 2009; No 32, 2011; No 123, 2012; No 8, 2025
s. 10AE	ad. No. 171, 1991
	am. No. 88, 1992; No. 16, 2004; No. 111, 2005; No. 32, 2011; No. 123, 2012; No 78, 2014
ss. 10AF–10AK	ad. No. 171, 1991
	rep. No. 88, 1992
s. 10A.....	ad. No. 106, 1990
	am. No. 171, 1991; No. 88, 1992; No. 37, 1998; No. 16, 2004; No. 163, 2005; No 145, 2015
s 10B	ad. No. 101, 2009
	am No 126, 2015
s 10C	ad No 101, 2009
	rep No 106, 2020
s. 11.....	am. No. 58, 1975
	rs. No. 133, 1978
	am. No. 54, 1983; No. 75, 1986; No. 95, 1989; No. 88, 1992
	rep. No. 75, 1996
s. 12.....	am. No. 133, 1978; No. 54, 1983; No. 75, 1986; No. 95, 1989; No. 88, 1992; No. 43, 1996
	rep. No. 75, 1996

Endnotes

Endnote 4—Amendment history

Provision affected	How affected
s. 13.....	rs. No. 58, 1975 am. No. 133, 1978; No. 54, 1983 rep. No. 155, 1988
s. 14.....	am. No. 133, 1978; No. 54, 1983; No. 41, 1995; No. 32, 2007
s. 15.....	am. No. 133, 1978; No. 53, 1979; No. 54, 1983; No. 75, 1986; No. 172, 1991
s. 16.....	am. No. 133, 1978; No. 53, 1979; No. 54, 1983; No. 43, 1996; No 106, 2020
s. 16A.....	ad. No. 101, 1976 rs. No. 75, 1977 am. No. 133, 1978; No. 118, 1981; No. 49, 1982; No. 54, 1983; No. 167, 1985 rs. No. 75, 1986 am. No. 106, 1990; No. 193, 1991; No. 136, 1992; No. 76, 1993; No. 93, 2001; No. 32, 2007; No. 88, 2007; No. 29, 2010; No. 138, 2010; No. 86, 2011; No. 31, 2014; No. 45, 2025
s. 16B.....	ad. No. 75, 1977 am. No. 118, 1981; No. 54, 1983 rep. No. 75, 1986 ad. No. 141, 1990 am. No. 211, 1991; No. 192, 1992; No. 116, 1994; No. 164, 1995; No. 31, 2000; No. 33, 2003; No. 50, 2004; No. 111, 2005; No. 29, 2010; No. 32, 2011 ed. C112 am. No. 8, 2025; No. 73, 2025
s. 16C.....	ad. No. 75, 1977 am. No. 49, 1982; Nos. 65 and 167, 1985 rep. No. 75, 1986 ad. No. 141, 1990
s. 16D.....	ad. No. 33, 2003 am. No. 83, 2007
s. 16E.....	ad. No. 33, 2003

Endnote 4—Amendment history

Provision affected	How affected
s. 16EA	ad. No. 83, 2007
s 16F	ad No 33, 2003
s 16G.....	ad No 33, 2003
s. 17.....	am. No. 75, 1977; No. 133, 1978; No. 118, 1981; Nos. 54 and 139, 1983; No. 15, 1984; Nos. 65 and 70, 1985
s 18.....	rs No 59, 1976
	am No 133, 1978; No 54, 1983; No 46, 1984; No 120, 1984; No 132, 1995; No 43, 1996; No 59, 2015
	rep No 106, 2020
s 19.....	rs No 59, 1976
	am No 89, 1978; No 133, 1978; No 49, 1982; No 54, 1983; No 167, 1985; No 43, 1996; No 70, 2024
s 19A.....	ad No 59, 1976
	am No 75, 1977; No 133, 1978; No 54, 1983; No 75, 1986; No 141, 1990
	rep No 106, 2020
s 19AA.....	ad No 75, 1996
	am No 75, 1996; No 19, 1998; No 93, 2001; No 50, 2020
s 19AB	ad No 75, 1996
	am No 75, 1996; No 93, 2001; No 63, 2002; No 50, 2004; No 111, 2005; No 7, 2010; No 5, 2011; No 32, 2011; No 10, 2015; No 50, 2020
s 19ABA	ad No 139, 2000
	am No 138, 2021
s 19ABB	ad No 138, 2021
s 19ABC	ad No 138, 2021
s 19ABD	ad No 138, 2021
	am No 39, 2024
s. 19AC	ad. No. 75, 1996
	am. No. 7, 2010
s 19AD.....	ad No 75, 1996
	rs No 93, 2001

Endnotes

Endnote 4—Amendment history

Provision affected	How affected
	am No 58, 2007
	rep No 70, 2017
	ad No 8, 2025
s 19AE	ad No 8, 2025
	am No 8, 2025
s 19AF	ad No 8, 2025
s 19AG	ad No 8, 2025
s 19AH	ad No 8, 2025
s 19AI	ad No 8, 2025
s. 19B	ad. No. 49, 1982
	am. No. 54, 1983
	rs. No. 167, 1985
	am. No. 75, 1986; No. 141, 1990; No. 172, 1991; No. 22, 1994; No. 149, 1995; Nos. 95 and 159, 1999; No. 88, 2007; No. 76, 2012
s 19C	ad No 49, 1982
	am No 54, 1983
	rep No 167, 1985
	ad No 172, 1991
	am No 10, 2015; No 50, 2020
s 19CA	ad No 172, 1991
	am No 39, 2024
s 19CB	ad No 172, 1991
	am No 111, 2001; No 4, 2016; No 61, 2016; No 50, 2020
s 19CC	ad No 75, 1996
	am No 75, 1996; No 19, 1998; No 139, 2000; No 111, 2001; No 31, 2014; No 4, 2016; No 138, 2021
s. 19D	ad. No. 49, 1982
	am. No. 112, 1982; No. 54, 1983; No. 167, 1985; No. 141, 1990; No. 22, 1994; No. 149, 1995; No. 43, 1996; No. 111, 2001; No. 130, 2002; No. 111, 2005; No. 88, 2007; No. 32, 2011; No. 76, 2012; No 4, 2016; No 61, 2016
s 19DA	ad No 141, 1990

Endnote 4—Amendment history

Provision affected	How affected
	am No 61, 2016; No 50, 2020
s. 19DB	ad. No. 84, 1991
	am. No. 88, 1992; No. 29, 2010; No 61, 2016
s. 19E	ad. No. 49, 1982
	rep. No. 167, 1985
s 20.....	am No 59, 1976; No 101, 1976; No 75, 1977
	rs No 133, 1978
	am No 54, 1983; No 167, 1985; No 136, 1992; No 43, 1996; No 19, 1998; No 44, 1999; No 59, 2001; No 16, 2004; No 111, 2005; No 51, 2008; No 32, 2011; No 50, 2020
s 20A.....	ad No 133, 1978
	rs No 118, 1981; No 54, 1983
	am No 167, 1985; No 75, 1986; No 171, 1991; No 88, 1992; No 136, 1992; No 41, 1995; No 43, 1996; No 19, 1998; No 37, 1998 No 44, 1999; No 72, 2000; No 111, 2005; No 32, 2007; No 32, 2011; No 70, 2024; No 8, 2025; No 54, 2025
s 20AAA	ad No 70, 2024
	am No 54, 2025
s 20AAB	ad No 54, 2025
s. 20AA.....	ad. No. 131, 2009
s 20AB	ad. No. 37, 1998
	am No. 76, 2002; No. 111, 2005; No. 32, 2011; No 10, 2015; No 39, 2024
s 20AC	ad. No. 37, 1998
	am No. 76, 2002; No. 111, 2005; No. 32, 2011; No 10, 2015; No 39, 2024
s 20AD	ad. No. 37, 1998
	am. No. 76, 2002; No. 111, 2005; No. 32, 2011; No 39, 2024
s 20B	ad No 133, 1978
	am No 118, 1981; No 49, 1982; No 54, 1983; No 43, 1996; No 19, 1998; No 111, 2005; No 32, 2007; No 32, 2011; No 70, 2024; No 38, 2025
s 20BA	ad No 192, 1992

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Endnote 4—Amendment history

Provision affected	How affected
	am No 111, 2001; No 111, 2005; No 29, 2010; No 32, 2011; No 61, 2016; No 64, 2018
s 20BB	ad No 64, 2018
s. 20C	ad. No. 133, 1978
	am. No. 118, 1981
	rep. No. 54, 1983
	ad. No. 171, 1991
	rep. No. 88, 1992
s. 20D.....	ad. No. 133, 1978
	rep. No. 54, 1983
	ad. No. 171, 1991
	rep. No. 88, 1992
ss. 20E, 20F	ad. No. 133, 1978
	rep. No. 54, 1983
s. 21.....	am. No. 58, 1975; Nos. 59 and 101, 1976; Nos. 89 and 133, 1978; No. 132, 1980; No. 118, 1981; No. 54, 1983; No. 167, 1985
	rep. No. 106, 1990
	ad. No. 29, 2010
s 21A.....	ad No 29, 2010
s 21B.....	ad No 29, 2010
s 21C.....	ad No 29, 2010
	am No 39, 2024
s. 22.....	rep. No. 133, 1978
	ad. No. 167, 1985
	am. No. 99, 1988
	rep. No. 106, 1990
	ad. No. 29, 2010
s 22A.....	ad No.29, 2010
s 22B.....	ad No.29, 2010
	am No 39, 2024

Endnote 4—Amendment history

Provision affected	How affected
Part IIAA	
Part IIAA	ad No 54, 2025
Division 1	
s 22C	ad No 54, 2025
Division 2	
s 22D	ad No 54, 2025
s 22E	ad No 54, 2025
s 22F	ad No 54, 2025
s 22G	ad No 54, 2025
s 22H	ad No 54, 2025
Division 3	
s 22J	ad No 54, 2025
Division 4	
Subdivision A	
s 22K	ad No 54, 2025
s 22L	ad No 54, 2025
Subdivision B	
s 22M	ad No 54, 2025
s 22N	ad No 54, 2025
Subdivision C	
s 22P	ad No 54, 2025
s 22Q	ad No 54, 2025
Division 5	
s 22R	ad No 54, 2025
s 22S	ad No 54, 2025
Division 6	
s 22T	ad No 54, 2025
s 22U	ad No 54, 2025
Division 7	
s 22V	ad No 54, 2025
s 22W	ad No 54, 2025

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Endnote 4—Amendment history

Provision affected	How affected
s. 23.....	am. No. 59, 1976; No. 133, 1978; No. 118, 1981 rep. No. 54, 1983
s 23A.....	ad No 58, 1975 am No 59, 1976; No 133, 1978; No 118, 1981; No 54, 1983; No 43, 1996; No 19, 1998; No 29, 2010 rep No 106, 2020
s 23B.....	ad No 58, 1975 am No 101, 1976; No 75, 1977; No 49, 1982; No 167, 1985; No 22, 1994; No 43, 1996; No 130, 2002 rep No 106, 2020
s 23C.....	ad No 58, 1975 am No 101, 1976; No 75, 1977 rep No 49, 1982
s 23D.....	ad No 58, 1975 am No 75, 1977; No 49, 1982; No 141, 1990 (as am by No 88, 1992); No 149, 1995; No 130, 2002; No 29, 2010 rep No 106, 2020
s 23DAA.....	ad No 130, 2002 am No 29, 2010 rep No 106, 2020
Part IIA	
Part IIA.....	ad. No. 75, 1986
Division 1	
s 23DA.....	ad No 75, 1986 am No 3, 1990; No 141, 1990; No 190, 1991; No 193, 1991; No 22, 1994; No 93, 2001 (as am by No 63, 2002); No 130, 2002; No 111, 2005; No 88, 2007; No 4, 2010; No 97, 2023; No 40, 2025
s 23DB.....	ad. No. 75, 1986 am No. 99, 1988; No. 116, 1994; No. 3, 1995; No 10, 2015
s 23DBA.....	ad. No. 93, 2001 am No 10, 2015

Endnote 4—Amendment history

Provision affected	How affected
Division 2	
s 23DC	ad No 75, 1986 am No 99, 1988; No 190, 1991; No 22, 1994; No 3, 1995; No 129, 1997; No 130, 2002; No 88, 2007; No 10, 2015; No 97, 2023; No 39, 2024; No 40, 2025
s. 23DD	ad. No. 75, 1986 am. No. 190, 1991
s 23DDA	ad No 129, 1997 am No 40, 2025
s. 23DE	ad. No. 75, 1986
s 23DF	ad No 75, 1986 am No 99, 1988; No 190, 1991; No 22, 1994; No 3, 1995; No 129, 1997; No 130, 2002; No 10, 2015; No 59, 2015; No 97, 2023; No 39, 2024; No 40, 2025
s. 23DG	ad. No. 75, 1986 am. No. 190, 1991
s 23DGA	ad No 129, 1997 am No 40, 2025
s. 23DH	ad. No. 75, 1986
s. 23DJ	ad. No. 75, 1986 rep. No. 190, 1991
s 23DK	ad No 75, 1986 am No 3, 1990; No 136, 1992; No 76, 1993; No 111, 2005; No 29, 2010; No 138, 2010; No 32, 2011; No 64, 2018
s 23DKA	ad No 85, 1994 am No 111, 2001; No 111, 2005; No 32, 2011; No 4, 2016; No 64, 2018
Division 3	
s 23DL	ad No 75, 1986 am No 39, 2024
s. 23DM	ad. No. 75, 1986 am. No. 141, 1990

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Endnote 4—Amendment history

Provision affected	How affected
	rep. No. 22, 1994
Division 4	
s 23DN	ad No 75, 1986 am No 94, 1986; No 99, 1988; No 141, 1990; No 84, 1991; No 190, 1991; No 88, 1992; No 12, 1994; No 3, 1995; No 129, 1997; No 88, 2007; No 39, 2024; No 40, 2025
s. 23DNA	ad. No. 141, 1990 am. No. 12, 1994; No. 149, 1995; No. 104, 2006; No. 88, 2007
s 23DNAAA	ad No. 129, 1997 am No 40, 2025
Division 4A	
Division 4A.....	ad. No. 193, 1991
s. 23DNAA	ad. No. 193, 1991 am. No. 76, 1993 rep. No. 93, 2001
s. 23DNB	ad. No. 193, 1991 am. No. 204, 1992 rs. No. 116, 1994 rep. No. 93, 2001
s 23DNBA	ad. No. 93, 2001 am No. 88, 2007; No 10, 2015
s. 23DNBB.....	ad. No. 93, 2001
s. 23DNC	ad. No. 193, 1991 am. No. 204, 1992; No. 76, 1993 rep. No. 116, 1994
s. 23DND	ad. No. 193, 1991 am. No. 204, 1992; Nos. 12 and 116, 1994 rep. No. 93, 2001
s. 23DNE	ad. No. 193, 1991 am. No. 204, 1992; No. 116, 1994 rep. No. 93, 2001

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Provision affected	How affected
s. 23DNF.....	ad. No. 193, 1991 rep. No. 93, 2001
s. 23DNG.....	ad No 193, 1991 rs No 93, 2001 am No 73, 2025 ed C133
s. 23DNH.....	ad No 193, 1991 rs No 93, 2001
s. 23DNI.....	ad. No. 193, 1991 am. No. 76, 1993; No. 116, 1994 rs. No. 93, 2001
s. 23DNJ.....	ad. No. 193, 1991 am. No. 93, 2001; No 4, 2016
s. 23DNK.....	ad. No. 193, 1991 am. No. 116, 1994 rs. No. 129, 1997 am. Nos. 93 and 111, 2001; No. 88, 2007
s. 23DNL.....	ad. No. 193, 1991 am. No. 116, 1994; No. 93, 2001; No 61, 2016
Division 5	
s. 23DO.....	ad No 75, 1986 am No 94, 1986; No 141, 1990; No 193, 1991; No 76, 1993; No 12, 1994; No 116, 1994; No 164, 1995; No 129, 1997; No 93, 2001; No 88, 2007; No 39, 2024; No 40, 2025
s. 23DP.....	ad. No. 75, 1986 am. No. 76, 1993; No. 111, 2001; No. 88, 2007; No. 29, 2010; No 4, 2016
Part IIB	
Part IIB.....	ad. No. 141, 1990
Division 1	
s. 23DQ.....	ad. No. 141, 1990

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Endnote 4—Amendment history

Provision affected	How affected
	am. No. 164, 1995; No. 111, 2001; No. 33, 2003; No. 29, 2010; No 61, 2016
s 23DR	ad No 141, 1990
	am No 136, 1992; No 111, 2001; No 111, 2005; No 32, 2011; No 4, 2016; No 61, 2016; No 64, 2018
s 23DS	ad No 141, 1990
	am No 136, 1992; No 85, 1994; No 111, 2001; No 111, 2005; No 32, 2011; No 4, 2016; No 61, 2016; No 64, 2018
Division 1A	
Division 1A	ad. No. 31, 2000
s 23DSA	ad. No. 31, 2000
s 23DSB	ad. No. 31, 2000
	am No 10, 2015
ss. 23DSC, 23DSD	ad. No. 31, 2000
	am. No. 111, 2005; No. 32, 2011
Division 2	
s 23DT	ad. No. 141, 1990
s 23DU	ad. No. 141, 1990
	am No 10, 2015
s. 23DV	ad. No. 141, 1990
	rs. No. 33, 2003
s. 23DW	ad. No. 141, 1990
s. 23DX	ad. No. 141, 1990
	am. No. 33, 2003
s. 23DXA	ad. No. 33, 2003
s. 23DY	ad. No. 141, 1990
	am. No. 33, 2003
s. 23DYA	ad. No. 33, 2003
s. 23DZ	ad. No. 141, 1990
	am. No. 33, 2003
s 23DZA	ad No 141, 1990

Endnote 4—Amendment history

Provision affected	How affected
	rs No 164, 1995
	am No 106, 2020
s. 23DZB.....	ad. No. 141, 1990
s. 23DZC.....	ad. No. 141, 1990
	am. No. 33, 2003; No. 88, 2007
s 23DZD	ad No 141, 1990
	rs No 33, 2003
	am No 39, 2024
s 23DZE.....	ad No 141, 1990
	am No 39, 2024
Division 3	rep. No. 88, 2007
s. 23DZF	ad. No. 141, 1990
	am. No. 211, 1991; No. 33, 2003
	rep. No. 88, 2007
s. 23DZG	ad. No. 141, 1990
	am. No. 33, 2003
	rep. No. 88, 2007
ss. 23DZH, 23DZJ	ad. No. 141, 1990
	rep. No. 88, 2007
Division 4	
Division 4	ad. No. 88, 1992
	rep. No. 22, 1994
	ad. No. 33, 2003
s. 23DZK	ad. No. 88, 1992
	rep. No. 22, 1994
	ad. No. 33, 2003
	am. No. 88, 2007
ss. 23DZL, 23DZM	ad. No. 88, 1992
	rep. No. 22, 1994
	ad. No. 33, 2003
	am. No. 83, 2007

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Endnote 4—Amendment history

Provision affected	How affected
s. 23DZN	ad. No. 88, 1992 rep. No. 22, 1994 ad. No. 33, 2003
ss. 23DZO–23DZS	ad. No. 33, 2003
s. 23DZT	ad. No. 33, 2003 am. No. 83, 2007
s. 23DZU	ad. No. 33, 2003 am. No. 83, 2007; No. 8, 2010
ss. 23DZV–23DZZ	ad. No. 33, 2003
s 23DZZA	ad No 33, 2003
s 23DZZB	ad No 33, 2003
s 23DZZC	ad No 33, 2003
s 23DZZD	ad No 33, 2003
s 23DZZE	ad No 33, 2003 am No 39, 2024
s 23DZZF.....	ad No 33, 2003 am No 61, 2016
s 23DZZG	ad No 33, 2003 am No 61, 2016
s 23DZZH	ad No 33, 2003
s 23DZZI.....	ad No 33, 2003
Division 5	
Division 5	ad. No. 83, 2007
ss. 23DZZIAA–23DZZIAG	ad. No. 83, 2007
Part IIBA	
Part IIBA.....	ad. No. 88, 2007
Division 1	
ss. 23DZZIA–23DZZIC	ad. No. 88, 2007
s. 23DZZID.....	ad. No. 88, 2007 am. No. 144, 2008
s. 23DZZIE	ad. No. 88, 2007

Endnote 4—Amendment history

Provision affected	How affected
	am. No. 29, 2010
ss. 23DZZIF–23DZZIH.....	ad. No. 88, 2007
Division 2	
Subdivision A	
ss. 23DZZII, 23DZZIJ.....	ad. No. 88, 2007
Subdivision B	
ss. 23DZZIK–23DZZIM.....	ad. No. 88, 2007
	am. No. 32, 2011
s. 23DZZIN.....	ad. No. 88, 2007
Division 3	
s. 23DZZIO.....	ad. No. 88, 2007
	am. No. 180, 2012
s. 23DZZIP.....	ad. No. 88, 2007
s. 23DZZIQ.....	ad. No. 88, 2007
	am. No. 32, 2011; No. 180, 2012
s. 23DZZIR.....	ad. No. 88, 2007
	am. No. 32, 2011; No. 180, 2012
s. 23DZZIS.....	ad. No. 88, 2007
	am. No. 32, 2011; No. 180, 2012
ss. 23DZZIT, 23DZZIU.....	ad. No. 88, 2007
Part IIC	
ss. 23DZZJ–23DZZS.....	ad. No. 33, 2003
s. 23DZZT.....	ad. No. 33, 2003
	am. No. 8, 2010
ss. 23DZZU–23DZZZ.....	ad. No. 33, 2003
s 23DZZZA.....	ad No 33, 2003
s 23DZZZB.....	ad No 33, 2003
s 23DZZZC.....	ad No 33, 2003
s 23DZZZD.....	ad No 33, 2003
	am No 39, 2024
s 23DZZZE.....	ad No 33, 2003

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Endnote 4—Amendment history

Provision affected	How affected
	am No 61, 2016
s 23DZZZF	ad No 33, 2003
	am No 61, 2016
s 23DZZZG.....	ad No 33, 2003
s 23DZZZH.....	ad No 33, 2003
Part III.....	rep. No. 32, 2007
s. 23E	ad. No. 133, 1978
	rs. No. 54, 1983
	am. No. 54, 1983
	rs. No. 94, 1986; No. 155, 1988; No. 226, 1992
	am. No. 226, 1992 (as am. by No. 149, 1995 and No. 43, 1996);
	No. 19, 1998
	rep. No. 32, 2007
s. 23EA	ad. No. 94, 1986
	am. No. 141, 1987; Nos. 41 and 149, 1995; No. 117, 2004
	rep. No. 32, 2007
s. 23EB.....	ad. No. 94, 1986
	rep. No. 32, 2007
s. 23F	ad. No. 54, 1983
	am. No. 226, 1992
	rep. No. 226, 1992
s. 23G.....	ad. No. 54, 1983
	am. No. 65, 1985; No. 155, 1988
	rep. No. 155, 1988
s. 23H.....	ad. No. 54, 1983
	am. No. 65, 1985
	rep. No. 94, 1986
s. 23J	ad. No. 54, 1983
	rep. No. 94, 1986
s. 24.....	am. No. 101, 1976; No. 133, 1978
	rs. No. 54, 1983

Endnote 4—Amendment history

Provision affected	How affected
	rep. No. 94, 1986
	ad. No. 226, 1992
	rep. No. 32, 2007
s. 25.....	am. No. 59, 1976
	rs. No. 54, 1983
	am. No. 139, 1983
	rep. No. 94, 1986
	ad. No. 226, 1992
	rep. No. 32, 2007
s. 26.....	am. No. 54, 1983
	rep. No. 94, 1986
	ad. No. 226, 1992
	rep. No. 32, 2007
s. 27.....	rs. No. 54, 1983
	rep. No. 94, 1986
	ad. No. 226, 1992
	rep. No. 32, 2007
s. 28.....	am. No. 54, 1983
	rep. No. 94, 1986
	ad. No. 226, 1992
	rep. No. 32, 2007
s. 29.....	rs. No. 54, 1983
	rep. No. 94, 1986
	ad. No. 226, 1992
	rep. No. 32, 2007
ss. 29A, 29B.....	ad. No. 54, 1983
	rep. No. 94, 1986
s. 30.....	rs. No. 101, 1976
	am. No. 118, 1981
	rep. No. 54, 1983
	ad. No. 226, 1992

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Endnote 4—Amendment history

Provision affected	How affected
	am. No. 226, 1992
	rep. No. 32, 2007
s. 31.....	rep. No. 101, 1976
	ad. No. 54, 1983
	rep. No. 94, 1986
s. 32.....	am. No. 101, 1976
	rs. No. 89, 1978
	rep. No. 118, 1981
s. 32A.....	ad. No. 89, 1978
	rep. No. 118, 1981
s. 33.....	am. No. 101, 1976; No. 133, 1978; No. 118, 1981
	rs. No. 54, 1983
	am. No. 70, 1985
	rep. No. 94, 1986
s. 34.....	am. Nos. 59 and 101, 1976; No. 133, 1978; No. 53, 1979
	rep. No. 118, 1981
s. 35.....	rs. No. 133, 1978
	am. No. 54, 1983
	rep. No. 94, 1986
s. 35A.....	ad. No. 59, 1976
	am. No. 133, 1978; No. 54, 1983
	rep. No. 94, 1986
s. 36.....	rs. No. 54, 1983
	rep. No. 94, 1986
s. 37.....	am. No. 54, 1983
	rep. No. 94, 1986
s. 38.....	ad. No. 54, 1983
	am. No. 139, 1983; No. 167, 1985
	rep. No. 94, 1986
s. 38A.....	ad. No. 54, 1983
	am. No. 167, 1985

Endnote 4—Amendment history

Provision affected	How affected
	rep. No. 94, 1986
s. 38.....	rs. No. 133, 1978
Renumbered s. 38B	No. 139, 1983
s. 38B.....	rep. No. 32, 2007
Part IV	
s. 39.....	am. No. 75, 1977; No. 133, 1978; No. 118, 1981; No. 41, 1995; No. 32, 2007
s. 40.....	am No 43, 1996; No 74, 2023
s. 41.....	am No 43, 1996; No 74, 2023
s. 41A.....	ad. No. 75, 1977
	am. No. 43, 1996
s. 42.....	Proclamation date 1 July 1975 (gaz 1975 No G19, p3)
s. 42A.....	ad. No. 75, 1977
s. 42B.....	ad. No. 75, 1977
	am. No. 133, 1978; No. 118, 1981; No. 54, 1983; No. 43, 1996
s. 43.....	am. No. 101, 1976; No. 75, 1977
s. 44.....	am. No. 59, 1976; No. 75, 1977
	rep. No. 89, 1978
s. 45.....	am. No. 75, 1977; No. 133, 1978; No. 3, 1990; No. 43, 1996
s. 46.....	am. No. 133, 1978
Part IVAA	
Part IVAA.....	ad No 117, 2015
s. 46AA	ad No 117, 2015
s. 46AB	ad No 117, 2015
s. 46AC	ad No 117, 2015
s. 46AD.....	ad No 117, 2015
Part IVA.....	ad. No. 54, 1996
	rep No 139, 2015
s. 46A.....	ad. No. 54, 1996
	am. No. 44, 1999; No. 84, 2003; No. 111, 2005; No. 144, 2008; Nos. 32 and 46, 2011

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Endnote 4—Amendment history

Provision affected	How affected
	rep No 139, 2015
s. 46B.....	ad. No. 54, 1996
	am. No. 84, 2003; No. 111, 2005; No. 32, 2011
	rep No 139, 2015
s. 46C.....	ad. No. 54, 1996
	am. No. 111, 2005; No. 32, 2011
	rep No 139, 2015
s. 46D.....	ad. No. 54, 1996
	am. No. 44, 1999; No. 111, 2005; No. 32, 2011
	rep No 139, 2015
s. 46E.....	ad. No. 54, 1996
	am. No. 19, 1998; No. 111, 2005; No. 32, 2011; No. 64, 2012
	rep No 139, 2015
Part V heading.....	am No 75, 1977
	rep No 106, 2020
Part V.....	rep No 106, 2020
Division 1.....	rep. No. 104, 2006
s. 47.....	rep. No. 104, 2006
ss. 48, 49.....	am. No. 19, 1998
	rep. No. 104, 2006
s. 50.....	am. No. 132, 1980
	rs. No. 19, 1998
	rep. No. 104, 2006
ss. 50A–50C.....	ad. No. 19, 1998
	rep. No. 104, 2006
s. 51.....	rep. No. 59, 2001
s. 52.....	am. No. 75, 1986; No. 43, 1996
	rep. No. 104, 2006
s. 53.....	am. No. 75, 1986; No. 43, 1996; No. 19, 1998
	rep. No. 104, 2006
s. 54.....	rep. No. 104, 2006

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Provision affected	How affected
s. 55.....	am. No. 43, 1996 rep. No. 104, 2006
s. 56.....	rs. No. 19, 1998 rep. No. 104, 2006
s. 57.....	am. No. 19, 1998 rep. No. 104, 2006
s. 58.....	rs. No. 75, 1977 am. No. 43, 1996 rep. No. 104, 2006
s. 59.....	am. No. 75, 1986; No. 43, 1996 rep. No. 104, 2006
s. 60.....	rep. No. 104, 2006
s. 61.....	am. No. 133, 1978; No. 54, 1983; No. 167, 1985; No. 136, 1992; No. 43, 1996; No. 19, 1998; No. 59, 2001; No. 50, 2004 rep. No. 104, 2006
s. 62.....	am. No. 167, 1985 rep. No. 104, 2006
s. 63.....	rep. No. 104, 2006
s. 64.....	am. No. 101, 1976; No. 75, 1986 rep. No. 104, 2006
Division 2 heading.....	am No 54, 1983 rep No 106, 2020
s 65.....	am No 54, 1983; No 75, 1986 rep No 106, 2020
s 66.....	am No 75, 1977; No 54, 1983; No 43, 1996 rep No 106, 2020
s 67.....	am No 58, 1975; No 59, 1976; No 75, 1977; No 133, 1978; No 132, 1980; No 54, 1983; No 75, 1986; No 141, 1990; No 136, 1992; No 75, 1996 rep No 106, 2020
s 68.....	am No 75, 1986; No 43, 1996

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Endnote 4—Amendment history

Provision affected	How affected
	rep No 106, 2020
s 69.....	am No 75, 1986; No 43, 1996
	rep No 106, 2020
s 70.....	am No 75, 1986; No 43, 1996
	rep No 106, 2020
s 71.....	rep No 106, 2020
s 72.....	am No 43, 1996
	rep No 106, 2020
s 73.....	am No 75, 1977; No 139, 1983; No 43, 1996
	rep No 106, 2020
s 74.....	rs No 75, 1977
	am No 43, 1996
	rep No 106, 2020
s 75.....	am No 75, 1986; No 43, 1996
	rep No 106, 2020
s 76.....	rep No 106, 2020
s 77.....	rep No 106, 2020
s 78.....	am No 101, 1976; No 75, 1986
	rep No 106, 2020
Division 2A.....	ad. No. 75, 1986
	rep. No. 95, 1989
s 78A.....	ad No 75, 1986
	rep No 95, 1989
s 78B.....	ad No 75, 1986
	rep No 95, 1989
s. 78C.....	ad. No. 75, 1986
	am. No. 94, 1986; No. 99, 1988
	rep. No. 95, 1989
ss. 78D, 78E.....	ad. No. 75, 1986
	am. No. 87, 1988
	rep. No. 95, 1989

Endnote 4—Amendment history

Provision affected	How affected
s 78F	ad No 75, 1986 rep No 95, 1989
s 78G.....	ad No 75, 1986 rep No 95, 1989
s. 78H.....	ad. No. 75, 1986 am. No. 87, 1988 rep. No. 95, 1989
ss. 78J–78L	ad. No. 75, 1986 rep. No. 95, 1989
Division 3	rep. No. 22, 1994
Division 3A.....	ad. No. 58, 1975 rep. No. 22, 1994
Division 4 heading.....	rs No 75, 1977 rep No 106, 2020
s 79..... (formerly s 106H)	am No 58, 1975; No 75, 1977; No 133, 1978; No 118, 1981; No 49, 1982; No 54, 1983; No 75, 1986; No 211, 1991; No 88, 1992 rep No 106, 2020
Div. 4A of Part V.....	ad. No. 58, 1975 rep. No. 75, 1977
Div. 5 of Part V.....	rep. No. 75, 1977
Part VA	
Part VA.....	ad No 70, 2017 rep No 70, 2017 ad No 74, 2020
s 79AA.....	ad No 70, 2017 rep No 70, 2017 ad No 74, 2020
s 79AB	ad No 70, 2017 rep No 70, 2017 ad No 74, 2020

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Endnote 4—Amendment history

Provision affected	How affected
s 79AC	ad No 70, 2017 rep No 70, 2017 ad No 74, 2020
s 79AD	ad No 70, 2017 rep No 70, 2017 ad No 74, 2020
s 79AE	ad No 70, 2017 rep No 70, 2017 ad No 74, 2020
s 79AF	ad No 70, 2017 rep No 70, 2017 ad No 74, 2020
s 79AG	ad No 70, 2017 rep No 70, 2017 ad No 74, 2020
s 79AH	ad No 70, 2017 rep No 70, 2017 ad No 74, 2020
s 79AI	ad No 70, 2017 rep No 70, 2017 ad No 74, 2020
s 79AJ	ad No 70, 2017 rep No 70, 2017 ad No 74, 2020
s 79AK	ad No 70, 2017 rep No 70, 2017 ad No 74, 2020
s 79AL	ad No 70, 2017 rep No 70, 2017 ad No 74, 2020
s 79AM	ad No 70, 2017

Endnote 4—Amendment history

Provision affected	How affected
	rep No 70, 2017
	ad No 74, 2020
s 79AN	ad No 70, 2017
	rep No 70, 2017
	ad No 74, 2020
s 79AO	ad No 70, 2017
	rep No 70, 2017
	ad No 74, 2020
s 79AP	ad No 74, 2020
s 79AQ	ad No 74, 2020
s 79AR	ad No 74, 2020
s 79AS	ad No 74, 2020
Part VAA	
Part VAA	ad. No. 22, 1994
Division 1	
s. 79A	ad. No. 130, 2002
	am No 115, 2014
s. 80	am. No. 75, 1977
	rs. No. 22, 1994
	am. No. 146, 1997; No. 95, 1999
	rs. No. 130, 2002
	am. No. 111, 2005; No. 32, 2011
s. 80A	ad. No. 95, 1999
	am No 115, 2014
s 81	am No 75, 1986
	rs No 22, 1994
	am No 146, 1997; No 95, 1999; No 130, 2002; No 33, 2003; No 50, 2004; No 111, 2005; No 169, 2007; No 73, 2008; No 29, 2010; No 126, 2010; No 32, 2011; No 76, 2012; No 115, 2014; No 64, 2018; No 121, 2019; No 106, 2020; No 77, 2022; No 82, 2023; No 8, 2025; No 65, 2026
s 82	am No 58, 1975

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Endnote 4—Amendment history

Provision affected	How affected
	rs No 75, 1977; No 75, 1986
	am No 141, 1990; No 211, 1991; No 88, 1992
	rs No 22, 1994
	am No 146, 1997; No 95, 1999; No 130, 2002; No 76, 2012; No 64, 2018; No 121, 2019; No 97, 2023; No 8, 2025
s 82A.....	ad No 141, 1990
	rep No 22, 1994
	ad No 76, 2012
Division 2	
Division 2 heading.....	am No 82, 2023
s 83.....	am No 75, 1986
	rs No 22, 1994
	am No 95, 1999; No 82, 2023
s 83A.....	ad No 82, 2023
s 84.....	am No 75, 1986
	rs No 22, 1994
	am No 82, 2023
s 85.....	am No 75, 1986
	rs No 22, 1994
	am No 146, 1997; No 82, 2023
Division 3	
Division 3 heading.....	rs. No. 130, 2002; No. 111, 2005; No. 32, 2011; No. 76, 2012
s 86.....	rs No 22, 1994
	am No 146, 1997; No 95, 1999
	rs No 130, 2002
	am No 111, 2005; No 32, 2011; No 76, 2012; No 77, 2022
s. 87.....	rs. No. 22, 1994
	am. No. 146, 1997; No. 95, 1999
	rs. No. 130, 2002
	am. No. 111, 2005; No. 32, 2011
Division 3A	

Endnote 4—Amendment history

Provision affected	How affected
Division 3A heading	ad. No. 130, 2002
s. 88.....	am. No. 75, 1977; No. 118, 1981
	rs. No. 22, 1994
	am. No. 95, 1999
	rs. No. 130, 2002
	am. No. 111, 2005; No. 32, 2011
s. 88A.....	ad. No. 130, 2002
	am. No. 111, 2005; No. 32, 2011
s. 88B.....	ad. No. 130, 2002
s. 89.....	rs. No. 75, 1977; No. 22, 1994; No. 95, 1999; No. 130, 2002
	am. No. 111, 2005; No. 32, 2011
s. 89A.....	ad. No. 95, 1999
	am. No. 130, 2002; No. 111, 2005; No. 88, 2007; No. 32, 2011; No. 115, 2014; No. 73, 2025
s. 89B.....	ad. No. 95, 1999
	am. No. 130, 2002; No. 64, 2018; No. 77, 2022
s. 89C.....	ad. No. 130, 2002
s. 90.....	am. No. 75, 1986
	rs. No. 22, 1994
	am. No. 95, 1999; No. 130, 2002
s. 91.....	rs. No. 22, 1994; No. 95, 1999; No. 130, 2002
	am. No. 111, 2005; No. 32, 2011
s. 92.....	rs. No. 22, 1994; No. 95, 1999
	am. No. 130, 2002; No. 111, 2005; No. 169, 2007; No. 29, 2010; No. 32, 2011; No. 76, 2012; No. 115, 2014; No. 121, 2019; No. 106, 2020; No. 77, 2022; No. 97, 2023; No. 65, 2026
s. 92A.....	ad. No. 130, 2002
s. 93.....	am. No. 101, 1976; No. 75, 1986
	rs. No. 22, 1994; No. 95, 1999
	am. No. 130, 2002; No. 111, 2005; No. 32, 2011; No. 76, 2012; No. 50, 2020; No. 77, 2022
ss. 93A–93C.....	ad. No. 95, 1999

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Endnote 4—Amendment history

Provision affected	How affected
	rep. No. 130, 2002
s. 94.....	rs. No. 75, 1977; No. 49, 1982
	am. No. 75, 1986 (as am. by No. 141, 1987); No. 141, 1990; No. 88, 1992
	rs. No. 22, 1994
	am. No. 95, 1999
	rs. No. 130, 2002
	am No 97, 2023
Division 4	
Subdivision A	
s. 95.....	am. No. 75, 1977; No. 49, 1982; No. 75, 1986
	rs. No. 22, 1994
	am. No. 146, 1997; No. 95, 1999; No. 130, 2002; No 97, 2023
s. 96.....	rs. No. 118, 1981
	am. No. 49, 1982
	rs. No. 22, 1994
	am. No. 130, 2002; No 97, 2023
s. 96A.....	ad. No. 118, 1981
	am. No. 49, 1982
	rep. No. 22, 1994
	ad. No. 130, 2002
s. 96B.....	ad. No. 118, 1981
	am. No. 49, 1982
	rep. No. 22, 1994
Subdivision B	
s. 97.....	am. No. 118, 1981; No. 75, 1986; No. 141, 1987
	rs. No. 22, 1994
s. 98.....	am. No. 167, 1985
	rs. No. 22, 1994
	am. No. 130, 2002
s. 99.....	am. No. 118, 1981; No. 167, 1985

Endnote 4—Amendment history

Provision affected	How affected
	rs. No. 22, 1994
	am. No. 95, 1999; No. 130, 2002
s. 100.....	am. No. 101, 1976
	rs. No. 118, 1981; No. 22, 1994
	rep. No. 95, 1999
s. 101.....	rs. No. 118, 1981
	am. No. 49, 1982
	rs. No. 22, 1994
	am. No. 130, 2002
s. 102.....	am No 118, 1981; No 49, 1982
	rs No 22, 1994
	am No 130, 2002; No 77, 2022
s. 103.....	rs No 22, 1994; No 95, 1999
	am No 77, 2022
s. 103A.....	ad No 77, 2022
s. 104.....	rs No 75, 1977; No 49, 1982
	am No 75, 1986 (as am by No 141, 1987); No 141, 1990; No 88, 1992
	rs No 22, 1994
	am No 146, 1997
	rs No 95, 1999; No 130, 2002
	am No 64, 2018; No 77, 2022; No 97, 2023
s. 104A.....	ad No 77, 2022
	am No 97, 2023
s. 105.....	am No 58, 1975; No 101, 1976
	rs No 75, 1977
	am No 118, 1981; No 49, 1982; No 54, 1983; No 75, 1986; No 141, 1990 (as am by No 88, 1992); No 88, 1992
	rs No 22, 1994; No 95, 1999; No 130, 2002
	am No 111, 2005; No 32, 2011; No 77, 2022
s. 105AA.....	ad No 77, 2022

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Endnote 4—Amendment history

Provision affected	How affected
	am No 97, 2023
s 105A.....	ad No 146, 1997
	rs No 95, 1999
	am No 130, 2002; No 64, 2018; No 77, 2022
s. 106.....	am. No. 58, 1975; No. 101, 1976; No. 75, 1977; No. 118, 1981; No. 49, 1982; No. 54, 1983; No. 75, 1986; No. 141, 1990
	rs. No. 22, 1994
s. 106AA.....	ad. No. 75, 1977
	am. No. 49, 1982
	rep. No. 22, 1994
s. 106AB.....	ad. No. 172, 1991
	am. No. 88, 1992
	rep. No. 22, 1994
s. 106A.....	ad. No. 58, 1975
	am. No. 49, 1982; No. 54, 1983
	rs. No. 22, 1994
s 106B.....	ad No 58, 1975
	am No 118, 1981
	rs No 22, 1994
	am No 77, 2022
s. 106C.....	ad. No. 58, 1975
	am. No. 75, 1977; No. 89, 1978; No. 176, 1981
	rs. No. 22, 1994
s. 106D.....	ad. No. 58, 1975
	am. No. 75, 1977
	rs. No. 49, 1982; No. 22, 1994
	am. No. 111, 2001
s. 106E.....	ad. No. 58, 1975
	am. No. 49, 1982
	rs. No. 22, 1994
	am. No. 111, 2001

Endnote 4—Amendment history

Provision affected	How affected
s. 106EA	ad. No. 146, 1997
s. 106F	ad. No. 58, 1975
	am. No. 101, 1976; No. 75, 1977; No. 133, 1978; No. 118, 1981
	rs. No. 49, 1982; No. 22, 1994
ss. 106FA–106FH	ad. No. 49, 1982
	rep. No. 22, 1994
s. 106FJ	ad. No. 49, 1982
	am. No. 54, 1983
	rep. No. 22, 1994
s. 106FK	ad. No. 49, 1982
	am. No. 54, 1983; No. 141, 1990
	rep. No. 22, 1994
Subdivision C	
Subdivision C	ad. No. 22, 1994
	rep. No. 146, 1997
	ad. No. 95, 1999
s. 106G	ad. No. 58, 1975
	am. No. 49, 1982
	rs. No. 22, 1994
	rep. No. 146, 1997
	ad. No. 95, 1999
	am. No. 130, 2002; No. 111, 2005; No. 32, 2011; No. 76, 2012
s. 106GA	ad. No. 76, 2012
s. 106H	ad. No. 75, 1977
Renumbered s. 79	No. 22, 1994
s. 106H	ad. No. 22, 1994
	rep. No. 146, 1997
	ad. No. 95, 1999
	rs. No. 130, 2002
s. 106J	ad. No. 22, 1994
	rep. No. 146, 1997

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Endnote 4—Amendment history

Provision affected	How affected
	ad. No. 95, 1999
	rs. No. 130, 2002
	am. No. 111, 2005; No. 32, 2011
s. 106K	ad. No. 22, 1994
	rep. No. 146, 1997
	ad. No. 95, 1999
	am. No. 130, 2002; No. 76, 2012
s. 106KA	ad. No. 95, 1999
	am. No. 159, 1999; No. 130, 2002
	rep. No. 76, 2012
s. 106KB	ad. No. 95, 1999
	am. No. 130, 2002; No. 111, 2005; No. 32, 2011; No. 76, 2012
s. 106KC	ad. No. 95, 1999
	am. No. 130, 2002; No. 111, 2005; No. 32, 2011; No 97, 2023
s. 106KD	ad. No. 95, 1999
	am. No. 130, 2002; No 97, 2023
s. 106KE	ad. No. 130, 2002
	am. No. 111, 2005; No. 32, 2011
Subdivision D	ad. No. 22, 1994
	rep. No. 95, 1999
s. 106L	ad. No. 22, 1994
	am. No. 146, 1997
	rs. No. 95, 1999
	am. No. 130, 2002; No. 111, 2005; No. 32, 2011; No 97, 2023
s. 106M	ad. No. 22, 1994
	am. No. 146, 1997
	rs. No. 95, 1999
	am. No. 130, 2002; No. 64, 2018
s. 106MA	ad. No. 146, 1997
	rep. No. 95, 1999
s. 106N	ad. No. 22, 1994

Endnote 4—Amendment history

Provision affected	How affected
	am No 146, 1997
	rs No 95, 1999
	am No 111, 2005; No 88, 2007; No 32, 2011; No 115, 2014; No 73, 2025
s. 106P	ad. No. 22, 1994
	am. No. 146, 1997
	rep. No. 95, 1999
Division 5	
Division 5 heading.....	rs. No. 146, 1997; No. 95, 1999; No. 76, 2012
Subdivision A	
Subdivision A heading.....	ad. No. 146, 1997
	rep. No. 95, 1999
	ad. No. 76, 2012
s. 106Q.....	ad. No. 22, 1994
	rs. No. 95, 1999
	am. No. 76, 2012
Subdivision B	
Subdivision B heading.....	ad. No. 76, 2012
s. 106QA	ad. No. 76, 2012
s. 106QB	ad. No. 76, 2012
s. 106R	ad. No. 22, 1994
	rs. No. 95, 1999
	am. No. 76, 2012
Subdivision C	
Subdivision C heading.....	ad. No. 76, 2012
s. 106RA	ad. No. 76, 2012
s. 106RB	ad. No. 76, 2012
s. 106S	ad. No. 22, 1994
	rs. No. 95, 1999; No. 130, 2002
	am. No. 76, 2012
s. 106SA.....	ad. No. 130, 2002

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Endnote 4—Amendment history

Provision affected	How affected
	rs. No. 76, 2012
s. 106T	ad. No. 22, 1994
	rs. No. 95, 1999
	am. No. 130, 2002; No. 76, 2012
s. 106TA	ad. No. 95, 1999
	am. No. 130, 2002; No. 76, 2012
s. 106TB.....	ad. No. 76, 2012
s 106U	ad No 22, 1994
	am No 146, 1997; No 95, 1999; No 130, 2002; No 169, 2007; No 29, 2010; No 76, 2012; No 115, 2014; No 64, 2018; No 121, 2019; No 106, 2020; No 77, 2022; No 97, 2023; No 65, 2026
s. 106UAA	ad. No. 95, 1999
s. 106UA	ad. No. 146, 1997
	am. No. 95, 1999
s. 106V	ad. No. 22, 1994
	rs. No. 95, 1999
	am. No. 76, 2012
s. 106W	ad. No. 22, 1994
	am. No. 95, 1999; No. 130, 2002; No. 111, 2005; No. 32, 2011
s. 106X.....	ad. No. 22, 1994
	rep. No. 76, 2012
Subdivision B	ad. No. 146, 1997
	rep. No. 95, 1999
Division 5A	
Division 5A.....	ad No 95, 1999
s 106XA	ad No 146, 1997
	rs No 95, 1999
	am No 130, 2002; No 76, 2012; No 64, 2018; No 97, 2023
s 106XB	ad No 95, 1999
	am No 130, 2002; No 76, 2012; No 64, 2018; No 50, 2020; No 97, 2023

Endnote 4—Amendment history

Provision affected	How affected
s 106XC	ad No 73, 2025
Division 6	
Division 6 heading	rs No 95, 1999 am No 82, 2023
Subdivision A	
s 106Y	ad No 22, 1994
s 106Z	ad No 22, 1994
s. 106ZA	ad. No. 22, 1994
s. 106ZB	ad. No. 22, 1994 am. No. 146, 1999
s 106ZC	ad No 22, 1994
s 106ZD	ad No 22, 1994 am No 82, 2023
s. 106ZE	ad. No. 22, 1994 am. No. 46, 2011
s. 106ZF	ad. No. 22, 1994
Subdivision AB	
Subdivision AB	ad No 82, 2023
s 106ZFA	ad No 82, 2023
s 106ZFB	ad No 82, 2023
s 106ZFC	ad No 82, 2023
s 106ZFD	ad No 82, 2023
s 106ZFE	ad No 82, 2023
s 106ZFF	ad No 82, 2023
s 106ZFG	ad No 82, 2023
s 106ZFH	ad No 82, 2023
Subdivision B	
s 106ZG	ad No 22, 1994
s 106ZH	ad No 22, 1994
s 106ZI	ad No 22, 1994
s 106ZJ	ad No 22, 1994

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Endnote 4—Amendment history

Provision affected	How affected
s 106ZK	ad No 22, 1994 am No 82, 2023
s 106ZL	ad No 22, 1994
Subdivision C	
s. 106ZM	ad. No. 22, 1994 am. No. 95, 1999 rs. No. 146, 1999
ss. 106ZN, 106ZP	ad. No. 22, 1994 am. No. 95, 1999
Subdivision D	
Subdivision D	ad. No. 95, 1999
s 106ZPA	ad No 95, 1999 am No 130, 2002; No 33, 2003; No 73, 2008; No 29, 2010; No 76, 2012; No 77, 2022
s 106ZPB	ad No 95, 1999 am No 73, 2008; No 76, 2012; No 82, 2023
s 106ZPC	ad No 95, 1999
s 106ZPD	ad No 95, 1999
s 106ZPE	ad No 95, 1999
s 106ZPF	ad No 95, 1999
s 106ZPG	ad No 95, 1999 am No 82, 2023
s 106ZPH	ad No 95, 1999 am No 73, 2008; No 46, 2011; No 76, 2012; No 82, 2023
ss. 106ZPI, 106ZPJ	ad. No. 95, 1999
s. 106ZPK	ad. No. 95, 1999 am. No. 73, 2008
Subdivision E	
Subdivision E	ad. No. 95, 1999
s. 106ZPL	ad. No. 95, 1999 am. No. 130, 2002

Endnote 4—Amendment history

Provision affected	How affected
Division 6A	
Division 6A.....	ad No 62, 2014
s 106ZPLA.....	ad No 62, 2014
	am No 36, 2015; No 82, 2023
Division 7	
s 106ZPM	ad No 95, 1999
	am No 130, 2002; No 111, 2005; No 32, 2011; No 115, 2014; No 64, 2018; No 77, 2022
s 106ZPN	ad No 95, 1999
	am No 4, 2016; No 61, 2016
	rs No 77, 2022
s 106ZPNA	ad No 77, 2022
s 106ZPO	ad No 95, 1999
	am No 4, 2016; No 61, 2016
s 106ZPP	ad No 95, 1999
	am No 4, 2016; No 61, 2016
s 106ZPQ	ad No 95, 1999
	am No 38, 2025; No 73, 2025
s 106ZPR	ad No 95, 1999
	am No 130, 2002; No 76, 2012; No 77, 2022; No 97, 2023
s 106ZQ	ad No 36, 2015
s. 106ZQ	ad. No. 22, 1994
	rep No 62, 2014
s. 106ZR.....	ad. No. 22, 1994
	am. No. 130, 2002; No 115, 2014
Part VA heading	ad. No. 75, 1977
	am. No. 141, 1990
	rs. No. 22, 1994
	rep. No. 95, 1999
Part VA	rep. No. 95, 1999
Division 1 heading.....	ad. No. 75, 1977

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Endnote 4—Amendment history

Provision affected	How affected
	rep. No. 95, 1999
s. 107.....	am. No. 58, 1975
	rs. No. 75, 1977
	am. No. 49, 1982; No. 75, 1986; No. 141, 1990; No. 22, 1994; No. 149, 1995
	rep. No. 95, 1999
s. 107A.....	ad. No. 75, 1977
	am. No. 49, 1982; No. 75, 1986; No. 141, 1990
	rep. No. 22, 1994
Division 2 heading.....	ad. No. 75, 1977
	rep. No. 95, 1999
s. 108.....	am. No. 75, 1977; No. 22, 1994; No. 149, 1995; No. 43, 1996
	rep. No. 95, 1999
s. 108A.....	ad. No. 146, 1997
	rep. No. 95, 1999
s. 109.....	rep. No. 95, 1999
s. 110.....	am. No. 43, 1996
	rep. No. 95, 1999
ss. 111, 112.....	rep. No. 95, 1999
s. 113.....	rs. No. 75, 1977
	am. No. 43, 1996
	rep. No. 95, 1999
Division 3 heading.....	ad. No. 75, 1977
	rep. No. 95, 1999
s. 114.....	rs. No. 75, 1977
	am. No. 22, 1994; No. 149, 1995
	rep. No. 95, 1999
s. 115.....	am. No. 75, 1977; No. 22, 1994; No. 149, 1995; No. 146, 1997
	rep. No. 95, 1999
s. 116.....	am. No. 75, 1977; No. 22, 1994; No. 146, 1997
	rep. No. 95, 1999

Endnote 4—Amendment history

Provision affected	How affected
s. 117.....	am. No. 75, 1977; No. 22, 1994; No. 43, 1996 rep. No. 95, 1999
s. 118.....	am. No. 75, 1977; No. 22, 1994 rep. No. 95, 1999
s. 119.....	am. No. 157, 1976; No. 75, 1977; No. 49, 1982; No. 75, 1986; No. 22, 1994; No. 149, 1995 rep. No. 95, 1999
s. 120.....	am. No. 75, 1977 rs. No. 139, 1983 rep. No. 95, 1999
s. 121.....	am. No. 43, 1996 rep. No. 95, 1999
Division 4 heading.....	ad. No. 75, 1977 rep. No. 141, 1990
Division 4	rep. No. 141, 1990
s. 122.....	am. No. 157, 1976 rs. No. 75, 1977 rep. No. 141, 1990
s. 123.....	rep. No. 157, 1976 ad. No. 75, 1977 rep. No. 141, 1990
s. 123A.....	ad. No. 58, 1975 rs. No. 75, 1977 rep. No. 139, 1983
ss. 123B–123D.....	ad. No. 58, 1975 rep. No. 75, 1977
Division5 heading.....	ad. No. 75, 1977 rs. No. 141, 1990 rep. No. 95, 1999
s. 124.....	rs. No. 75, 1977 am. No. 141, 1990

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Endnote 4—Amendment history

Provision affected	How affected
	rep. No. 95, 1999
s. 124A.....	ad. No. 75, 1977
	am. No. 141, 1990
	rep. No. 95, 1999
Part VB	
Part VB.....	ad. No. 167, 1985
s. 124B.....	ad. No. 167, 1985
	am. No. 75, 1986; No. 141, 1990; No. 22, 1994; No. 19, 1998; No. 137, 2000; No. 93, 2001; No. 111, 2001; No. 33, 2003; No. 88, 2007; No. 29, 2010; No. 76, 2012; No. 106, 2020
s. 124BA.....	ad. No. 88, 2007
s. 124C.....	ad. No. 167, 1985
	am. No. 31, 2014
s. 124D.....	ad. No. 167, 1985
	am. No. 75, 1986; No. 88, 2007
s. 124DA.....	ad. No. 172, 1991
	rep. No. 22, 1994
s. 124E.....	ad. No. 167, 1985
	am. No. 75, 1986; No. 141, 1990
	rs. No. 141, 1990
	am. No. 172, 1991; No. 22, 1994; No. 88, 2007; No. 76, 2012
s. 124EA.....	ad. No. 141, 1990
	am. No. 172, 1991; No. 88, 2007; No. 76, 2012
s. 124EB.....	ad. No. 141, 1990
	am. No. 88, 2007; No. 29, 2010; No. 76, 2012
s. 124EC.....	ad. No. 141, 1990
	am. No. 136, 1992; No. 111, 2005; No. 32, 2011
s. 124F.....	ad. No. 167, 1985
	am. No. 75, 1986; No. 88, 2007; No. 46, 2011
s. 124FA.....	ad. No. 75, 1986
	am. No. 141, 1990; No. 88, 1992

Endnote 4—Amendment history

Provision affected	How affected
s. 124FAA.....	ad. No. 172, 1991 am. No. 22, 1994; No. 130, 2002; No. 29, 2010; No. 76, 2012 rep. No. 76, 2012
ss. 124FB, 124FC	ad. No. 75, 1986 am. No. 141, 1990
s. 124FD.....	ad. No. 75, 1986
s. 124FE	ad. No. 75, 1986 rs. No. 141, 1990 am. No. 88, 2007
s. 124FF	ad. No. 75, 1986 rs. No. 141, 1990 am. No. 33, 2003; No. 88, 2007
s. 124G.....	ad. No. 167, 1985 am. No. 75, 1986
s 124H.....	ad. No. 167, 1985 am No. 75, 1986; No. 99, 1988; No. 141, 1990; No. 172, 1991; No. 3, 1995; No. 88, 2007; No. 76, 2012; No 10, 2015
s. 124J	ad. No. 167, 1985 am. No. 75, 1986; No. 141, 1990; No. 172, 1991; No. 19, 1998; No. 88, 2007; No. 76, 2012
s. 124K.....	ad. No. 167, 1985
s 124L	ad No 167, 1985 am No 111, 2001; No 61, 2016
s 124M	ad No 167, 1985 am No 111, 2001; No 61, 2016
s 124N.....	ad No 167, 1985
s 124P	ad No 167, 1985 am No 61, 2016
s 124Q.....	ad No 167, 1985 am No 75, 1986; No 39, 2024
s 124R.....	ad No 167, 1985

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Endnote 4—Amendment history

Provision affected	How affected
	am No 75, 1986; No 39, 2024
s 124S	ad No 167, 1985
	am No 75, 1986; No 141, 1990; No 172, 1991; No 76, 2012; No 39, 2024
s 124T	ad No 167, 1985
	am No 75, 1986; No 141, 1990; No 172, 1991; No 22, 1994; No 88, 2007; No 39, 2024
s. 124U.....	ad. No. 167, 1985
	am. No. 43, 1996; No. 19, 1998
Part VC	
Part VC	ad. No. 201, 1992
s. 106J	ad. No. 201, 1992
s 124V (prev s 106J).....	renum No 12, 1994
s. 106K.....	ad. No. 201, 1992
	am. No. 12, 1994
s 124W (prev s 106K).....	renum No 12, 1994
	am No 93, 2001; No 32, 2007; No 5, 2015; No 50, 2020; No 73, 2025
s. 106L	ad. No. 201, 1992
s 124X (prev s 106L).....	renum No 12, 1994
	am No 10, 2015
s. 106M.....	ad. No. 201, 1992
	am. No. 12, 1994
s 124Y (prev s 106M).....	renum No 12, 1994
s. 106N.....	ad. No. 201, 1992
s 124Z (prev s 106N).....	renum No 12, 1994
s. 106P	ad. No. 201, 1992
	am. No. 12, 1994
s 124ZA (prev s 106P).....	renum No 12, 1994
	rep No 10, 2015
s. 106Q.....	ad. No. 201, 1992

Endnote 4—Amendment history

Provision affected	How affected
s 124ZB (prev s 106Q)	renum No. 12, 1994
s. 106R	ad. No. 201, 1992
s 124ZC (prev s 106R).....	renum No 12, 1994
Part VD	
Part VD	ad No 70, 2019
Division 1	
Subdivision A	
s 124ZD	ad No 70, 2019
s 124ZE	ad No 70, 2019
	am No 138, 2021
s 124ZEA	ad No 138, 2021
	am No 54, 2025
s 124ZEB	ad No 138, 2021
Subdivision B	
s 124ZF	ad No 70, 2019
	am No 59, 2023
s 124ZG	ad No 70, 2019
	am No 59, 2023
s 124ZH	ad No 70, 2019
	am No 138, 2021; No 54, 2025
s 124ZJ	ad No 70, 2019
	am No 138, 2021
	rep No 54, 2025
s 124ZK	ad No 70, 2019
	am No 138, 2021; No 59, 2023
Subdivision C	
s 124ZL	ad No 70, 2019
	am No 39, 2024; No 14, 2025
s 124ZM	ad No 70, 2019
	am No 39, 2024
s 124ZN	ad No 70, 2019

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Endnote 4—Amendment history

Provision affected	How affected
	am No 138, 2021; No 39, 2024; No 14, 2025
Subdivision D	
s 124ZP	ad No 70, 2019
s 124ZQ	ad No 70, 2019
	am No 138, 2021; No 54, 2025
Subdivision E	
s 124ZR.....	ad No 70, 2019
s 124ZS.....	ad No 70, 2019
Subdivision F	
s 124ZT.....	ad No 70, 2019
	am No 59, 2023; No 54, 2025
Division 2	
s 124ZU	ad No 70, 2019
	am No 138, 2021
s 124ZUA	ad No 138, 2021
s 124ZUB.....	ad No 138, 2021
s 124ZV	ad No 70, 2019
	am No 138, 2021; No 59, 2023
s 124ZW	ad No 70, 2019
	am No 138, 2021; No 59, 2023
Part VI heading.....	ed C112
s 125.....	am No 58, 1975; No 101, 1976
	rs No 133, 1978
	am No 53, 1979; No 118, 1981; No 24, 1985; No 226, 1992
	rep No 72, 2017
Part VIA	
Part VIA.....	ad No 88, 2007
Division 1	
s 125A.....	ad No 88, 2007
	am No 32, 2011
s 125B	ad No 88, 2007

Endnote 4—Amendment history

Provision affected	How affected
s 125C	ad No 88, 2007
s 125D	ad No 88, 2007
	am No 32, 2011
Division 2	
ss. 125E–125H	ad. No. 88, 2007
Part VII	
s 126	am No 59, 1976; No 75, 1977; No 36, 1978; No 133, 1978
	rep No 118, 1981
	ad No 54, 1983
	am No 70, 1985; No 95, 1989; No 41, 1995; No 37, 1998; No 32, 2007; No 61, 2016; No 106, 2020; No 8, 2025
s 127	rep No 133, 1978
	ad No 54, 1983
	am No 111, 2001; No 4, 2016; No 61, 2016
	rs No 70, 2024
	am No 54, 2025
s 127A	ad No 70, 2024
s. 128	am. No. 43, 1996; No. 111, 2001; No 61, 2016
s. 128A	ad. No. 167, 1985
	am. No. 75, 1986; Nos. 93 and 111, 2001; No 4, 2016; No 61, 2016
s. 128B	ad. No. 167, 1985
	am. No. 75, 1986; No. 155, 1988; No 4, 2016; No 61, 2016
s. 128C	ad. No. 19, 1998
	am. No. 32, 2007; No. 29, 2010
s. 129	am. No. 75, 1977; No. 118, 1981; No. 49, 1982; No. 167, 1985; No. 43, 1996; No. 111, 2001; No 61, 2016
s. 129AA	ad. No. 75, 1977
	am. No. 133, 1978; No. 54, 1983; Nos. 75 and 94, 1986; No. 193, 1991; No. 136, 1992; No. 43, 1996; No. 111, 2001; Nos. 32 and 88, 2007; No. 29, 2010; No. 180, 2012; No 4, 2016
s. 129AAA	ad. No. 118, 1981

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Endnote 4—Amendment history

Provision affected	How affected
	am. No. 75, 1986; No. 193, 1991; No. 192, 1992; No. 85, 1994; No. 129, 1997; No. 93, 2001
	rep. No. 88, 2007
s. 129AAB	ad. No. 167, 1985
	am. No. 111, 2001
s. 129AAC	ad. No. 167, 1985
	am. No. 3, 1990; No. 111, 2005; No. 88, 2007; No. 29, 2010; No. 32, 2011; No 115, 2014
s 129AACA	ad No 38, 2025
s 129AACB.....	ad No 38, 2025
s 129AAD	ad No 10, 2011
	am No 32, 2011; No 64, 2018; No 82, 2023; No 38, 2025
s 129AADA	ad No 64, 2018
	am No 64, 2018
	ed C109
	am No 8, 2025
s 129AAE	ad No 10, 2011
s 129AAF.....	ad No 10, 2011
s 129AAG	ad No 10, 2011
	am No 32, 2011 (as am by No 136, 2012); No 136, 2012; No 64, 2018
s 129AAH	ad No 10, 2011
	am No 32, 2011; No 64, 2018; No 8, 2025
s 129AAI.....	ad No 10, 2011
	am No 32, 2011; No 64, 2018; No 8, 2025; No 38, 2025
s 129AAJ	ad No 10, 2011
	am No 32, 2011; No 64, 2018; No 77, 2022; No 39, 2024; No 8, 2025; No 38, 2025
s 129AAK	ad No 38, 2025
s 129AB	ad No 75, 1977
	am No 118, 1981
	rep No 85, 1994

Endnote 4—Amendment history

Provision affected	How affected
s 129AC	ad No 75, 1977 am No 118, 1981 rep No 139, 1983 ad No 167, 1985 am No 136, 1992; No 111, 2005; No 10, 2011; No 32, 2011; No 64, 2018; No 150, 2020; No 38, 2025
s 129ACA	ad No 64, 2018 am No 150, 2020; No 77, 2022
s 129ACB	ad No 64, 2018 am No 77, 2022; No 39, 2024
s 129AD	ad No 75, 1977 am No 49, 1982; No 75, 1986; No 141, 1990 (as am by No 88, 1992); No 22, 1994; No 130, 2002; No 88, 2007; No 64, 2018
s 129AE	ad No 141, 1990 am No 8, 2025
s 129AEA	ad No 10, 2011 am No 32, 2011; No 64, 2018; No 77, 2022
s 129AEB.....	ad No 10, 2011 am No 32, 2011; No 64, 2018
s 129AEC.....	ad No 10, 2011 am No 32, 2011; No 64, 2018; No 77, 2022; No 39, 2024
s 129AECA.....	ad No 64, 2018 am No 64, 2018; No 77, 2022
s 129AED	ad No 115, 2014 am No 38, 2025
s 129AEE.....	ad No 115, 2014
s 129AEF	ad No 64, 2018 am No 64, 2018; No 121, 2019; No 77, 2022; No 8, 2025 ed C128 am No 38, 2025
s 129AEG	ad No 64, 2018

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Endnote 4—Amendment history

Provision affected	How affected
	am No 64, 2018; No 77, 2022; No 39, 2024; No 8, 2025; No 38, 2025
s 129AEH	ad No 64, 2018
s 129AF.....	ad No 141, 1990
	am No 136, 1992; No 111, 2005; No 32, 2011
s 129A.....	ad No 58, 1975
	am No 101, 1976; No 43, 1996; No 106, 2020
s 129B	ad No 73, 2025
s 129C	ad No 73, 2025
s 129D.....	ad No 73, 2025
s 129E	ad No 73, 2025
s 129F	ad No 73, 2025
s 130.....	am No 133, 1978; No 49, 1982; No 112, 1982; No 54, 1983; No 63, 1984; No 165, 1984; No 167, 1985; No 94, 1986; No 3, 1990; No 106, 1990; No 136, 1992; No 12, 1994; No 132, 1995; No 164, 1995; No 54, 1996; No 75, 1996; No 29, 1997; No 19, 1998; No 95, 1999; No 146, 1999; No 111, 2001; No 133, 2002; No 17, 2004; No 77, 2004; No 111, 2005; No 126, 2005; No 32, 2007; No 88, 2007; No 42, 2008; No 29, 2010; No 5, 2011; No 32, 2011; No 64, 2012; No 136, 2012; No 139, 2015; No 157, 2015; No 4, 2016; No 61, 2016; No 66, 2016
	ed C106
	am No 72, 2017; No 105, 2019; No 121, 2019; No 50, 2020; No 82, 2023; No 8, 2025; No 73, 2025
s 130AAA	ad No 73, 2025
s 130AAB	ad No 73, 2025
s 130AAC	ad No 73, 2025
s. 130AA.....	ad. No. 139, 1983
	am. No. 167, 1985; No. 88, 2007; No 61, 2016
s. 130A.....	ad. No. 118, 1981
	am. No. 112, 1982; No. 139, 1983; No. 165, 1984; No. 65, 1985; No. 43, 1996
	rep. No. 80, 2001

Endnote 4—Amendment history

Provision affected	How affected
s. 130B	ad. No. 118, 1981 am. Nos. 49 and 112, 1982; No. 165, 1984; No. 43, 1996 rep. No. 80, 2001
ss. 130C, 130D.....	ad. No. 118, 1981 rep. No. 54, 1983
s. 130E	ad. No. 118, 1981 am. No. 43, 1996 rep. No. 80, 2001
s. 130F	ad. No. 118, 1981 am. No. 112, 1982; No. 165, 1984; No. 43, 1996 rep. No. 80, 2001
s. 130G.....	ad. No. 118, 1981 am. No. 112, 1982; No. 165, 1984; No. 43, 1996; No. 29, 1997; No. 80, 2001; No. 111, 2005; Nos. 5 and 32, 2011 ed C106
s 130H.....	ad No 118, 1981 am No 112, 1982; No 63, 1984; No 165, 1984; No 70, 1991; No 184, 1994; No 43, 1996; No 45, 1998 rep No 80, 2001 ad No 64, 2018
s 130J.....	ad No 118, 1981 am No 112, 1982; No 165, 1984; No 43, 1996; No 29, 1997 rep No 80, 2001 ad No 64, 2018
s. 131.....	am. No. 91, 1976 rs. No. 133, 1978 am. No. 54, 1983; No. 63, 1984; No. 67, 1985; No. 75, 1986; No. 155, 1988; No. 136, 1992; No. 43, 1996; No. 111, 2005; No. 73, 2010; No. 32, 2011; No 157, 2015
s. 131A.....	ad. No. 29, 1997 am. No. 111, 2005; No. 5, 2011 rep. No. 32, 2011

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Endnote 4—Amendment history

Provision affected	How affected
s. 132.....	am. No. 112, 1982; No. 43, 1996; No 61, 2016
s. 132A.....	ad. No. 76, 2012
s. 133.....	am. No. 101, 1976; No. 118, 1981; No. 54, 1983; No. 94, 1986; No. 43, 1996; No. 129, 1997; No. 76, 2012; No 61, 2016
Schedule 1.....	am. No. 58, 1975; No. 75, 1986; No. 57, 1991 rep. No. 116, 1994
Schedule 1A.....	ad. No. 75, 1986 rs. No. 95, 1989 am. No. 57, 1991 rep. No. 116, 1994
Schedule 2.....	rs. No. 101, 1976 am. No. 133, 1978; No. 53, 1979 rep. No. 118, 1981 ad. No. 54, 1983 am. No. 70, 1985; No. 94, 1986; No. 155, 1988 rep. No. 226, 1992
Schedule 2A.....	ad. No. 226, 1992 rep. No. 32, 2007