





# **Human Services Legislation Amendment Act 2005**

**No. 111, 2005**

**An Act to amend legislation relating to the delivery  
of Commonwealth services, and for related  
purposes**

Note: An electronic version of this Act is available in ComLaw (<http://www.comlaw.gov.au/>)



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**An Act to amend legislation relating to the delivery  
of Commonwealth services, and for related  
purposes**

*[Assented to 6 September 2005]*

The Parliament of Australia enacts:

## **1 Short title**

This Act may be cited as the *Human Services Legislation  
Amendment Act 2005*.

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## 2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

<b>Commencement information</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision(s)</b>	<b>Commencement</b>	<b>Date/Details</b>
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day on which this Act receives the Royal Assent.	6 September 2005
2. Schedule 1	A single day to be fixed by Proclamation. However, if any of the provision(s) do not commence within the period of 6 months beginning on the day on which this Act receives the Royal Assent, they commence on the first day after the end of that period.	
3. Schedule 2, items 1 and 2	A single day to be fixed by Proclamation. However, if any of the provision(s) do not commence within the period of 6 months beginning on the day on which this Act receives the Royal Assent, they commence on the first day after the end of that period.	
4. Schedule 2, item 3	Immediately after the commencement of the provision(s) covered by table item 3.	
5. Schedule 2, items 4 to 29	At the same time as the provision(s) covered by table item 3.	
6. Schedule 2, item 30	Immediately after the commencement of the provision(s) covered by table item 7.	
7. Schedule 2, items 31 to 731	At the same time as the provision(s) covered by table item 3.	

Note: This table relates only to the provisions of this Act as originally passed by the Parliament and assented to. It will not be expanded to deal with provisions inserted in this Act after assent.

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- (2) Column 3 of the table contains additional information that is not part of this Act. Information in this column may be added to or edited in any published version of this Act.

### **3 Schedule(s)**

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

## **Schedule 1—Amendments relating to the Commonwealth Services Delivery Agency**

### **Part 1—Amendment of the Commonwealth Services Delivery Agency Act 1997**

#### *Commonwealth Services Delivery Agency Act 1997*

**1 Section 3 (definition of *Agency*)**

Omit “body called the”.

**2 Section 3 (definition of *appointed member*)**

Repeal the definition.

**3 Section 3 (definition of *Board*)**

Repeal the definition.

**4 Section 3 (definition of *Chairman*)**

Repeal the definition.

**5 Section 3**

Insert:

*Chief Executive Officer* means the Chief Executive Officer  
appointed under section 29.

**6 Section 3 (definition of *member*)**

Repeal the definition.

**7 Part 2 (heading)**

Repeal the heading, substitute:

### **Part 2—Establishment of Agency**

**8 Subsection 6(1)**

Omit “A body called the”, substitute “The”.

**9 Paragraph 6(2)(a)**

Repeal the paragraph.

**10 At the end of section 6**

Add:

(3) The Agency may also be known as Centrelink.

**11 After section 6**

Insert:

**6A Function of Agency**

The function of the Agency is to assist the Chief Executive Officer in the performance of the Chief Executive Officer's functions.

**12 Before section 7**

Insert:

**Part 3—The Chief Executive Officer**

**Division 1—Powers and functions of Chief Executive Officer**

**13 Subsection 7(1)**

After “may”, insert “, with the written approval of the Minister,”.

**14 Subsection 7(2)**

Omit all the words after “provision of the services”.

**15 At the end of section 7**

Add:

- (3) Without limiting subsection (1) or (2), arrangements for the provision of Commonwealth services may include arrangements for:
- (a) making the Chief Executive Officer or specified employees, or employees in specified classes of employees, available to exercise powers or perform functions in connection with the

provision of the services (including powers and functions delegated to the Chief Executive Officer or employees under other laws); or

- (b) determining a person's eligibility for, or entitlement to receive or have access to, the services; or
  - (c) maintaining records related to the provision of the services; or
  - (d) providing Commonwealth authorities and other persons with information related to the provision of the services; or
  - (e) undertaking education, compliance, investigation and enforcement activities related to the provision of the services; or
  - (f) recovering overpayments and other amounts due to the Commonwealth in connection with the provision of the services; or
  - (g) conducting litigation or proceedings related to the provision of the services.
- (4) Arrangements for the provision of Commonwealth services may also include agreements covered by section 8A.
- (5) An approval given by the Minister under this section is not a legislative instrument.

#### **16 Subsection 8(1)**

Omit "Agency" (first occurring), substitute "Chief Executive Officer".

Note: The heading to section 8 is replaced by the heading "**Functions of Chief Executive Officer**".

#### **17 Paragraph 8(1)(b)**

Omit "Agency", substitute "Chief Executive Officer".

#### **18 Paragraph 8(1)(c)**

Omit "written notice given to the Chairman, directs the Agency", substitute "writing, directs the Chief Executive Officer".

#### **19 Paragraph 8(1)(d)**

Omit "its", substitute "his or her".

#### **20 Subsection 8(2)**

Repeal the subsection, substitute:

- (2) A direction made under paragraph (1)(c) is a legislative instrument, but neither section 42 nor Part 6 of the *Legislative Instruments Act 2003* applies to the direction.

## **21 After section 8**

Insert:

### **8A Agreements about exercise and performance of Chief Executive Officer's powers and functions**

The Chief Executive Officer may enter into a written agreement with the principal officer of a Commonwealth authority about the exercise or performance of the Chief Executive Officer's powers or functions.

## **22 Subsection 9(1)**

Repeal the subsection, substitute:

- (1) The Minister may, by writing, give directions to the Chief Executive Officer about the exercise or performance of the Chief Executive Officer's powers or functions.

Note: The heading to section 9 is altered by omitting "**the performance of the Agency's functions**" and substituting "**exercise and performance of Chief Executive Officer's powers and functions**".

## **23 After subsection 9(1)**

Insert:

- (1A) Without limiting subsection (1), directions under this section may include directions about the following:
- (a) the objectives, strategies, policies or priorities of the Chief Executive Officer or the Agency;
  - (b) the manner in which the Chief Executive Officer exercises or performs his or her powers or functions;
  - (c) the manner in which the Agency performs its function.
- (1B) The Minister must not give a direction under this section about the exercise or performance of powers or functions in relation to a particular individual or company.

**Schedule 1** Amendments relating to the Commonwealth Services Delivery Agency  
**Part 1** Amendment of the Commonwealth Services Delivery Agency Act 1997

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Note: See also section 19 of the *Public Service Act 1999* which provides that an Agency Head is not subject to direction by any Minister in relation to the exercise of powers by the Agency Head under Division 1 or 2 of Part 4 of that Act in relation to particular individuals.

**24 Subsection 9(2)**

Omit “annual report for the Agency”, substitute “Chief Executive Officer’s annual report”.

**25 Subsection 9(3)**

Repeal the subsection, substitute:

- (3) The Chief Executive Officer must comply with a direction given under this section.
- (4) A direction given under this section is not a legislative instrument.

**26 Section 10**

Repeal the section, substitute:

**10 Minister may request information**

- (1) The Minister may, by writing, request the Chief Executive Officer to give the Minister information about:
  - (a) the exercise or performance of the Chief Executive Officer’s powers or functions; or
  - (b) the operation of the Agency.
- (2) The Chief Executive Officer must, within a reasonable time, comply with a request under this section.
- (3) A request made under this section is not a legislative instrument.

**11 Management of Agency**

The Chief Executive Officer is, under the Minister, responsible for:

- (a) deciding the objectives, strategies, policies and priorities of the Agency; and
- (b) managing the Agency; and
- (c) ensuring that the Agency performs its function in a proper, efficient and effective manner.

## **12 Delegation**

- (1) The Chief Executive Officer may, by writing, delegate to an employee all or any of the powers or functions of the Chief Executive Officer under this Act or any other Act.
- (2) However, the Chief Executive Officer must not delegate powers or functions conferred on him or her under another Act if the delegation is inconsistent with the express provisions of that Act.
- (3) The Chief Executive Officer may, by writing, delegate to an employee all or any of the powers or functions delegated to the Chief Executive Officer under another Act.
- (4) However, the Chief Executive Officer must not delegate powers or functions delegated to him or her under another Act if the delegation by the Chief Executive Officer would be inconsistent with the express provisions of that Act.

## **27 Part 3**

Repeal the Part.

## **28 Part 4 (heading)**

Repeal the heading.

## **29 Division 1 of Part 4 (heading)**

Repeal the heading, substitute:

## **Division 2—Appointment etc. of Chief Executive Officer**

### **30 Subsection 29(2)**

Omit “by the Board in writing after consultation between the Chairman and”, substitute “in writing by”.

### **31 At the end of section 29**

Add:

- (4) The Chief Executive Officer holds office for the period specified in the instrument of appointment. The period must not exceed 5 years.

### **32 Section 30**

Repeal the section, substitute:

### **30 Remuneration**

- (1) The Chief Executive Officer is to be paid the remuneration that is determined by the Remuneration Tribunal. If no determination of that remuneration by the Tribunal is in operation, the Chief Executive Officer is to be paid the remuneration that is prescribed.
- (2) The Chief Executive Officer is to be paid the allowances that are prescribed.
- (3) This section has effect subject to the *Remuneration Tribunal Act 1973*.

### **30A Leave of absence**

- (1) The Chief Executive Officer has the recreation leave entitlements that are determined by the Remuneration Tribunal.
- (2) The Minister may grant the Chief Executive Officer leave of absence, other than recreation leave, on the terms and conditions as to remuneration or otherwise that the Minister determines.

### **30B Other terms and conditions**

The Chief Executive Officer holds office on the terms and conditions (if any) in relation to matters not covered by this Act that are determined by the Minister in writing.

### **30C Termination of appointment**

- (1) The Minister may terminate the appointment of the Chief Executive Officer for misbehaviour or physical or mental incapacity.
- (2) The Minister may terminate the appointment of the Chief Executive Officer if:
  - (a) the Chief Executive Officer:
    - (i) becomes bankrupt; or
    - (ii) applies to take the benefit of any law for the relief of bankrupt or insolvent debtors; or
    - (iii) compounds with his or her creditors; or

- (iv) makes an assignment of his or her remuneration for the benefit of his or her creditors; or
  - (b) the Chief Executive Officer is absent, except on leave of absence, for 14 consecutive days or for 28 days in any 12 months; or
  - (c) the Chief Executive Officer engages, except with the Minister's approval, in paid employment outside the duties of his or her office.
- (3) The Minister must terminate the appointment of the Chief Executive Officer if, in the Minister's opinion, the performance of the Chief Executive Officer has been unsatisfactory for a significant period of time.

**33 Subsection 31(1)**

Omit "Board", substitute "Minister".

**34 Subsection 31(2)**

After "by", insert "or in relation to".

**35 Paragraph 31(2)(b)**

Omit "in or".

**36 Sections 32 and 33**

Repeal the sections.

**37 Section 34**

Omit "Chairman", substitute "Minister".

**38 Division 2 of Part 4 (heading)**

Repeal the heading, substitute:

**Part 4—Staff of the Agency**

**39 Subsection 35(1)**

Omit "Division", substitute "Part".

**40 Section 36**

Repeal the section.

**41 Subsection 38(1)**

Omit “Chairman’s”, substitute “Chief Executive Officer’s”.

**42 Section 39**

Repeal the section, substitute:

**39 Chief Executive Officer may charge for services**

The Chief Executive Officer may charge fees for services he or she provides in connection with the performance of his or her functions.

**43 Subsection 40(1)**

Repeal the subsection, substitute:

- (1) The Chief Executive Officer must, as soon as practicable after the end of each financial year, prepare and give the Minister a report on:
  - (a) the exercise and performance of the powers and functions of the Chief Executive Officer during that year; and
  - (b) the operations of the Agency during that year.

Note: The heading to section 40 is replaced by the heading “**Chief Executive Officer’s annual report**”.

## **Part 2—Consequential amendments**

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

#### **44 Subsection 3(1)**

Insert:

*Centrelink CEO* means the Chief Executive Officer of Centrelink.

#### **45 Subsection 3(1) (definition of *CEO*)**

Repeal the definition.

#### **46 Subsection 3(1) (definition of *employee*)**

Repeal the definition.

#### **47 Subsection 3(1)**

Insert:

*employee of Centrelink* means an employee within the meaning of the *Commonwealth Services Delivery Agency Act 1997*.

#### **48 Subsection 3(1) (definition of *Services Delivery Agency*)**

Repeal the definition.

#### **49 Paragraph 130(6)(ca)**

Repeal the paragraph, substitute:

(ca) the Centrelink CEO or an employee of Centrelink; or

#### **50 Paragraph 130(7)(e)**

Omit “CEO or an employee of the Services Delivery Agency”, substitute “Centrelink CEO or an employee of Centrelink”.

#### **51 Paragraph 130(9)(aa)**

Omit “CEO or an employee of the Services Delivery Agency”, substitute “Centrelink CEO or an employee of Centrelink”.

#### **52 Subsection 130G(1)**

Omit “CEO”, substitute “Centrelink CEO”.

**53 Subsection 130G(1)**

Omit “the Services Delivery Agency”, substitute “Centrelink”.

**54 Subsection 131A(1)**

Omit “CEO or an employee of the Services Delivery Agency”, substitute “Centrelink CEO or an employee of Centrelink”.

**55 Subsection 131A(1)**

Omit “to the Services Delivery Agency”, substitute “to Centrelink”.

**56 Subsection 131A(2)**

Omit “the Services Delivery Agency”, substitute “Centrelink”.

**57 Subsection 131A(3)**

Omit “the Services Delivery Agency”, substitute “Centrelink”.

**58 Paragraph 131A(4)(a)**

Omit “CEO or an employee of the Services Delivery Agency”, substitute “Centrelink CEO or an employee of Centrelink”.

**59 Paragraph 131A(4)(c)**

Omit “CEO”, substitute “Centrelink CEO”.

**60 Paragraph 131A(4)(d)**

Omit “the Services Delivery Agency”, substitute “Centrelink”.

**61 Paragraph 131A(4)(e)**

Omit “the Services Delivery Agency”, substitute “Centrelink”.

## Part 3—Transitional provisions

### 62 Definitions

(1) In this Part:

*amend* includes repeal and remake.

*Board* means the Board within the meaning of the old law.

*Centrelink* means the Commonwealth Services Delivery Agency.

*CEO* means the Chief Executive Officer of Centrelink.

*Chairman* means the Chairman of the Board.

*commencement time* means the time when this Part commences.

*instrument*:

(a) includes:

(i) a contract, deed, undertaking or agreement; and

(ii) a notice, authority, order or instruction; and

(iii) an instrument made under an Act or regulations; but

(b) does not include an Act or regulations.

*new law* means the *Commonwealth Services Delivery Agency Act 1997* as in force after the commencement time.

*old law* means the *Commonwealth Services Delivery Agency Act 1997* as in force before the commencement time.

(2) In this Part, unless a contrary intention is expressed, a reference to a law (however described) is a reference to a law of the Commonwealth.

### 63 CEO to continue

The person who was the CEO immediately before the commencement time continues to be the CEO immediately after the commencement time and holds office as if:

(a) his or her appointment by the Board under section 29 of the old law (the *first appointment*) were terminated immediately before the commencement time; and

(b) he or she were appointed for the remainder of the term of his or her first appointment by the Minister under Division 2 of Part 3 of the new law immediately after the commencement time.

## **64 Operation of laws—things done by, or in relation to, Centrelink**

- (1) If, before the commencement time, a thing was done by, or in relation to, Centrelink, the Board or the Chairman, then, for the purposes of the operation of any law after the commencement time, the thing is taken to have been done by, or in relation to, the CEO.
- (2) For the purposes of subitem (1), a thing done before the commencement time under a provision amended by this Schedule has effect from that time as if it were done under that provision as amended. However, this is not taken to change the time at which the thing was actually done.
- (3) The Minister may, by writing, determine that subitem (1):
  - (a) does not apply in relation to a specified thing done by, or in relation to, Centrelink, the Board or the Chairman; or
  - (b) applies as if the reference in that subitem to the CEO were a reference to the Commonwealth or to Centrelink.A determination under this subitem has effect accordingly.
- (4) The regulations may provide for a thing specified in a determination under paragraph (3)(a) to be taken to have been done by, or in relation to, a person or body other than the CEO, the Commonwealth or Centrelink.
- (5) To avoid doubt, for the purposes of this item, doing a thing includes making an instrument.
- (6) A determination made under subitem (3) is not a legislative instrument.

## **65 References in instruments**

- (1) If:
    - (a) an instrument is in force immediately before the commencement time; and
    - (b) the instrument contains a reference to Centrelink (however described), the Board or the Chairman;the instrument has effect from the commencement time as if the reference to Centrelink, the Board or the Chairman were a reference to the CEO.
  - (2) The Minister may, by writing, determine that subitem (1):
    - (a) does not apply in relation to a specified reference; or
-

(b) applies as if the reference in that subitem to the CEO were a reference to the Commonwealth or to Centrelink.

A determination under this subitem has effect accordingly.

- (3) The regulations may provide that an instrument containing a reference specified in a determination under paragraph (2)(a) has effect from the commencement time as if the reference were a reference to a person or body other than the CEO, the Commonwealth or Centrelink.
- (4) A determination made under subitem (2) is not a legislative instrument.

## **66 Transfer of records**

At the commencement time, the records and documents of Centrelink become the records and documents of the CEO.

## **67 Financial statements and other reporting requirements**

### *Financial statements*

- (1) If:
- (a) immediately before the commencement time, a law required Centrelink, the Board or the Chairman to provide financial statements for a period; and
  - (b) the period ends after the commencement time;
- the CEO must, within 3 months after the commencement time, provide the statements for so much of the period as occurs before the commencement time.

### *Other reporting requirements*

- (2) If:
- (a) immediately before the commencement time, a law required Centrelink, the Board or the Chairman to provide a report (other than financial statements) for a period; and
  - (b) the period ends after the commencement time;
- the CEO must provide the report, as required, for so much of the period as occurs before the commencement time.
- (3) If:
- (a) under subitem (2), the CEO is required to provide a report for a part of a period; and

- (b) the CEO is also required to provide a similar report for the remainder of the period;

the CEO may meet the requirements in a single report for the period.

*Outstanding reporting requirements*

- (4) If:
  - (a) a law required Centrelink, the Board or the Chairman to provide a report (whether financial statements or otherwise) for a period that ended before the commencement time; and
  - (b) the report has not been provided by the commencement time;the CEO must provide the report as required.

**68 Substitution of parties to proceedings**

If, immediately before the commencement time, any proceedings to which Centrelink, the Board or the Chairman was a party were pending in any court or tribunal, then, from the commencement time, the CEO is substituted for Centrelink, the Board or the Chairman as a party to the proceedings.

**69 Constitutional safety net—acquisition of property**

- (1) If:
  - (a) a provision of this Schedule would result in an acquisition of property; and
  - (b) the provision would not be valid, apart from this item, because a particular person has not been compensated;the Commonwealth must pay that person:
  - (c) a reasonable amount of compensation agreed on between the person and the Commonwealth; or
  - (d) failing agreement—a reasonable amount of compensation determined by a court of competent jurisdiction.
- (2) Any damages or compensation recovered, or other remedy given, in a proceeding begun otherwise than under this item must be taken into account in assessing compensation payable in a proceeding begun under this item and arising out of the same event or transaction.
- (3) In this item:  
*acquisition of property* has the same meaning as in paragraph 51(xxxi) of the Constitution.

## **70 Delegation by Minister**

- (1) The Minister may, by writing, delegate all or any of his or her powers and functions under this Part to:
  - (a) the Secretary of the Department; or
  - (b) an SES employee, or acting SES employee, in the Department; or
  - (c) the CEO.
- (2) In exercising or performing powers or functions under a delegation, the delegate must comply with any directions of the Minister.
- (3) A power delegated to the CEO under subitem (1) must not be sub-delegated under subsection 12(3) of the new law.

## **71 Regulations**

- (1) The Governor-General may make regulations prescribing matters:
  - (a) required or permitted by this Schedule to be prescribed; or
  - (b) necessary or convenient to be prescribed for carrying out or giving effect to this Schedule.
- (2) In particular, regulations may be made prescribing matters of a transitional nature (including prescribing any saving or application provisions) relating to the amendments or repeals made by this Schedule.

## Schedule 2—Amendments relating to the Health Insurance Commission

### Part 1—Amendment of the Health Insurance Commission Act 1973

#### *Health Insurance Commission Act 1973*

#### 1 Title

Repeal the title, substitute:

### **An Act to establish Medicare Australia, and for related purposes**

#### 2 Section 1

Omit “*Health Insurance Commission*”, substitute “*Medicare Australia*”.

Note: This item amends the short title of the Act. If another amendment of the Act is described by reference to the Act’s previous short title, that other amendment has effect after the commencement of this item as an amendment of the Act under its amended short title (see section 10 of the *Acts Interpretation Act 1901*).

#### 3 Subsection 3(1)

Omit “(1)”.

#### 4 Subsection 3(1) (definition of *Australian Public Service*)

Repeal the definition.

#### 5 Subsection 3(1) (definition of *authorised officer*)

Omit “Managing Director or an officer of the Commission who is appointed by the Managing Director”, substitute “Chief Executive Officer or an employee who is appointed by the Chief Executive Officer”.

#### 6 Subsection 3(1)

Insert:

*benefit* includes:

- (a) a pension, allowance, concession or payment; and

- (b) a card entitling its holder to a concession or a payment of any kind.

**7 Subsection 3(1) (definition of *Chairperson*)**

Repeal the definition.

**8 Subsection 3(1)**

Insert:

*Chief Executive Officer* means the Chief Executive Officer appointed under section 8AG.

**9 Subsection 3(1) (definition of *Commission*)**

Repeal the definition.

**10 Subsection 3(1)**

Insert:

*Commonwealth authority* means:

- (a) a Department of State; or
- (b) a body, other than Medicare Australia, established for a public purpose by or under a law of the Commonwealth.

**11 Subsection 3(1)**

Insert:

*Commonwealth service* means a service, benefit, program or facility for some or all members of the public that is provided for by the Commonwealth, whether under a law of the Commonwealth or otherwise.

**12 Subsection 3(1)**

Insert:

*employee* means a member of the staff of Medicare Australia referred to in subsection 20(1).

**13 Subsection 3(1) (definition of *Finance Minister*)**

Repeal the definition.

**14 Subsection 3(1) (definition of *Managing Director*)**

Repeal the definition.

**15 Subsection 3(1) (definition of *medicare functions*)**

Omit “Commission”, substitute “Chief Executive Officer”.

**16 Subsection 3(1) (definition of *officer*)**

Repeal the definition.

**17 Subsection 3(1) (definition of *officer assisting*)**

After “Division 4”, insert “of Part IID”.

**18 Subsection 3(1) (paragraph (a) of the definition of *officer assisting*)**

Omit “officer of the Commission”, substitute “employee”.

**19 Subsection 3(1) (paragraph (b) of the definition of *officer assisting*)**

Omit “officer of the Commission”, substitute “employee”.

**20 Subsection 3(1) (definition of *part-time Commissioner*)**

Repeal the definition.

**21 Subsection 3(1)**

Insert:

*principal officer* means:

- (a) in relation to a Department of State—the Secretary of the Department; or
- (b) in relation to any other Commonwealth authority—the person identified by the regulations as the principal officer of the authority.

**22 Subsection 3(1)**

Insert:

*service arrangements* means arrangements entered into under subsection 7(2).

**23 Subsection 3(1) (definition of *service delivery functions*)**

---

Omit “Commission”, substitute “Chief Executive Officer”.

**24 Subsection 3(1) (definition of *spare capacity functions*)**

Repeal the definition.

**25 Subsection 3(1) (definition of *warrant premises*)**

After “Division 4”, insert “of Part IID”.

**26 Subsection 3(2)**

Repeal the subsection.

**27 Part II (heading)**

Repeal the heading, substitute:

**Part II—Establishment of Medicare Australia**

**28 Section 4**

Repeal the section, substitute:

**4 Establishment of Medicare Australia**

- (1) Medicare Australia is established by this section.
- (2) Medicare Australia comprises:
  - (a) the Chief Executive Officer; and
  - (b) the employees.

**4A Function of Medicare Australia**

The function of Medicare Australia is to assist the Chief Executive Officer in the performance of the Chief Executive Officer’s functions.

**29 Before section 5**

Insert:

## Part IIA—The Chief Executive Officer

### Division 1—Powers and functions of Chief Executive Officer

#### 30 Section 5

Before “The”, insert “(1)”.

#### 31 Section 5

Omit “Commission”, substitute “Chief Executive Officer”.

Note: The heading to section 5 is altered by omitting “the Commission” and substituting “Chief Executive Officer”.

#### 32 Paragraphs 5(c), (d) and (e)

Repeal the paragraphs, substitute:

- (c) any functions conferred on the Chief Executive Officer under any other Act;
- (d) any functions that the Minister, by writing, directs the Chief Executive Officer to perform;
- (e) any functions that are prescribed by the regulations;
- (f) to do anything incidental to or conducive to the performance of any of the above functions.

#### 33 At the end of section 5

Add:

- (2) A direction made under paragraph (1)(d) is a legislative instrument, but neither section 42 nor Part 6 of the *Legislative Instruments Act 2003* applies to the direction.

#### 34 Section 6

Repeal the section, substitute:

### 6 Chief Executive Officer’s medicare functions

The Chief Executive Officer’s *medicare functions* are the functions conferred on the Chief Executive Officer by or under the *Health Insurance Act 1973*.

### **35 Subsection 7(1)**

Omit “Commission’s”, substitute “Chief Executive Officer’s”.

Note: The heading to section 7 is altered by omitting “**Commission’s**” and substituting “**Chief Executive Officer’s**”.

### **36 Subsection 7(2)**

Omit “Commission”, substitute “Chief Executive Officer”.

### **37 Subsection 7(3)**

Omit all the words after “provision of the services”.

### **38 Subsections 7(4) and (5)**

Repeal the subsections, substitute:

- (4) Without limiting subsection (2) or (3), arrangements for the provision of Commonwealth services may include arrangements for:
  - (a) making the Chief Executive Officer or specified employees, or employees in specified classes of employees, available to exercise powers or perform functions in connection with the provision of the services (including powers and functions delegated to the Chief Executive Officer or employees under other laws); or
  - (b) determining a person’s eligibility for, or entitlement to receive or have access to, the services; or
  - (c) maintaining records related to the provision of the services; or
  - (d) providing Commonwealth authorities and other persons with information related to the provision of the services; or
  - (e) undertaking education, compliance, investigation and enforcement activities related to the provision of the services; or
  - (f) recovering overpayments and other amounts due to the Commonwealth in connection with the provision of the services; or
  - (g) conducting litigation or proceedings related to the provision of the services.
- (5) Arrangements for the provision of Commonwealth services may also include agreements covered by section 7A.

- (6) An approval given by the Minister under this section is not a legislative instrument.

### **39 Sections 8 to 8AB**

Repeal the sections, substitute:

#### **7A Agreements about exercise and performance of Chief Executive Officer's powers and functions**

The Chief Executive Officer may enter into a written agreement with a Minister or the principal officer of a Commonwealth authority about the exercise or performance of the Chief Executive Officer's powers or functions.

#### **8 Ministerial directions about exercise and performance of Chief Executive Officer's powers and functions**

- (1) The Minister may, by writing, give directions to the Chief Executive Officer about the exercise or performance of the Chief Executive Officer's powers or functions.
- (2) Without limiting subsection (1), directions under this section may include directions about the following:
- (a) the objectives, strategies, policies or priorities of the Chief Executive Officer or Medicare Australia;
  - (b) the manner in which the Chief Executive Officer exercises or performs his or her powers or functions;
  - (c) the manner in which Medicare Australia performs its function.
- (3) The Minister must not give a direction under this section about the exercise or performance of powers or functions in relation to a particular individual or company.

Note: See also section 19 of the *Public Service Act 1999* which provides that an Agency Head is not subject to direction by any Minister in relation to the exercise of powers by the Agency Head under Division 1 or 2 of Part 4 of that Act in relation to particular individuals.

- (4) Particulars of any directions given by the Minister under this section in a financial year must be included in the Chief Executive Officer's annual report for that year.

- (5) The Chief Executive Officer must ensure that a direction given under this section is complied with.
- (6) A direction given under this section is not a legislative instrument.

### **8AA Minister may request information**

- (1) The Minister may, by writing, request the Chief Executive Officer to give the Minister information about:
  - (a) the exercise or performance of the Chief Executive Officer's powers or functions; or
  - (b) the operation of Medicare Australia.
- (2) The Chief Executive Officer must, within a reasonable time, comply with a request under this section.
- (3) A request made under this section is not a legislative instrument.

### **8AB Management of Medicare Australia**

The Chief Executive Officer is, under the Minister, responsible for:

- (a) deciding the objectives, strategies, policies and priorities of Medicare Australia; and
- (b) managing Medicare Australia; and
- (c) ensuring that Medicare Australia performs its function in a proper, efficient and effective manner.

### **8AC Delegation**

- (1) The Chief Executive Officer may, by writing, delegate to an employee all or any of the powers or functions of the Chief Executive Officer under this Act or any other Act.
- (2) However, the Chief Executive Officer must not delegate powers or functions conferred on him or her under another Act if the delegation is inconsistent with the express provisions of that Act.
- (3) The Chief Executive Officer may, by writing, delegate to an employee all or any of the powers or functions delegated to the Chief Executive Officer under another Act.
- (4) However, the Chief Executive Officer must not delegate powers or functions delegated to him or her under another Act if the

delegation by the Chief Executive Officer would be inconsistent with the express provisions of that Act.

**8AD Commonwealth consent to conferral of powers etc. on Chief Executive Officer by State and Territory laws**

- (1) A law of a State or Territory may confer powers or functions, or impose duties, on the Chief Executive Officer.

Note: Section 8AF sets out when such a law imposes a duty on the Chief Executive Officer.

- (2) Subsection (1) does not authorise the conferral of a power or function, or the imposition of a duty, by a law of a State or Territory to the extent to which:
- (a) the conferral or imposition, or the authorisation, would contravene any constitutional doctrines restricting the duties that may be imposed on the Chief Executive Officer; or
  - (b) the authorisation would otherwise exceed the legislative power of the Commonwealth.
- (3) The Chief Executive Officer cannot exercise a power, or perform a duty or function, under a law of a State or Territory without the written approval of the Minister.

**8AE How duty is imposed on Chief Executive Officer by State and Territory laws**

*Application*

- (1) This section applies if a law of a State or Territory purports to impose a duty on the Chief Executive Officer.

Note: Section 8AF sets out when such a law imposes a duty on the Chief Executive Officer.

*State or Territory legislative power sufficient to support duty*

- (2) The duty is taken not to be imposed by this Act (or any other law of the Commonwealth) to the extent to which:
- (a) imposing the duty is within the legislative powers of the State or Territory concerned; and

- (b) imposing the duty by the law of the State or Territory is consistent with the constitutional doctrines restricting the duties that may be imposed on the Chief Executive Officer.

Note: If this subsection applies, the duty will be taken to be imposed by force of the law of the State or Territory (the Commonwealth having consented under section 8AD to the imposition of the duty by that law).

*Commonwealth legislative power sufficient to support duty but State or Territory legislative powers are not*

- (3) If, to ensure the validity of the purported imposition of the duty, it is necessary that the duty be imposed by a law of the Commonwealth (rather than by the law of the State or Territory), the duty is taken to be imposed by this Act to the extent necessary to ensure that validity.
- (4) If, because of subsection (3), this Act is taken to impose the duty, it is the intention of the Parliament to rely on all powers available to it under the Constitution to support the imposition of the duty by this Act.
- (5) The duty is taken to be imposed by this Act in accordance with subsection (3) only to the extent to which imposing the duty:
- (a) is within the legislative powers of the Commonwealth; and
  - (b) is consistent with the constitutional doctrines restricting the duties that may be imposed on the Chief Executive Officer.
- (6) Subsections (1) to (5) do not limit section 8AD.

### **8AF When State and Territory laws impose a duty on Chief Executive Officer**

For the purposes of sections 8AD and 8AE, a law of a State or Territory *imposes a duty* on the Chief Executive Officer if:

- (a) the law confers a power or function on the Chief Executive Officer; and
- (b) the circumstances in which the power or function is conferred give rise to an obligation on the Chief Executive Officer to exercise the power or to perform the function.

## **Division 2—Appointment etc. of Chief Executive Officer**

### **8AG Appointment**

- (1) There is to be a Chief Executive Officer of Medicare Australia.
- (2) The Chief Executive Officer is to be appointed in writing by the Minister.
- (3) The Chief Executive Officer holds office for the period specified in the instrument of appointment. The period must not exceed 5 years.
- (4) The Chief Executive Officer is to be appointed on a full-time basis.

### **8AH Remuneration**

- (1) The Chief Executive Officer is to be paid the remuneration that is determined by the Remuneration Tribunal. If no determination of that remuneration by the Tribunal is in operation, the Chief Executive Officer is to be paid the remuneration that is prescribed.
- (2) The Chief Executive Officer is to be paid the allowances that are prescribed.
- (3) This section has effect subject to the *Remuneration Tribunal Act 1973*.

### **8AI Leave of absence**

- (1) The Chief Executive Officer has the recreation leave entitlements that are determined by the Remuneration Tribunal.
- (2) The Minister may grant the Chief Executive Officer leave of absence, other than recreation leave, on the terms and conditions as to remuneration or otherwise that the Minister determines.

### **8AJ Other terms and conditions**

The Chief Executive Officer holds office on the terms and conditions (if any) in relation to matters not covered by this Act that are determined by the Minister in writing.

### **8AK Termination of appointment**

- (1) The Minister may terminate the appointment of the Chief Executive Officer for misbehaviour or physical or mental incapacity.
- (2) The Minister may terminate the appointment of the Chief Executive Officer if:
  - (a) the Chief Executive Officer:
    - (i) becomes bankrupt; or
    - (ii) applies to take the benefit of any law for the relief of bankrupt or insolvent debtors; or
    - (iii) compounds with his or her creditors; or
    - (iv) makes an assignment of his or her remuneration for the benefit of his or her creditors; or
  - (b) the Chief Executive Officer is absent, except on leave of absence, for 14 consecutive days or for 28 days in any 12 months; or
  - (c) the Chief Executive Officer engages, except with the Minister's approval, in paid employment outside the duties of his or her office.
- (3) The Minister must terminate the appointment of the Chief Executive Officer if, in the Minister's opinion, the performance of the Chief Executive Officer has been unsatisfactory for a significant period of time.

### **8AL Acting Chief Executive Officer**

- (1) The Minister may appoint a person to act as the Chief Executive Officer:
  - (a) during a vacancy in the office of Chief Executive Officer, whether or not an appointment has previously been made to the office; or
  - (b) during any period, or during all periods, when the Chief Executive Officer is absent from duty or from Australia, or is, for any other reason, unable to perform the functions of the office.
- (2) Anything done by or in relation to a person purporting to act under an appointment under this section is not invalid merely because:

- (a) the occasion for the appointment had not arisen; or
- (b) there was a defect or irregularity in connection with the appointment; or
- (c) the appointment had stopped having effect; or
- (d) the occasion for the person to act had not arisen or had stopped.

#### **8AM Resignation**

The Chief Executive Officer may resign by giving the Minister a written resignation.

#### **40 Part IIC**

Repeal the Part.

#### **41 Part IID (heading)**

Repeal the heading, substitute:

### **Part IID—Investigative powers of Chief Executive Officer**

#### **42 Subsection 8L(1)**

Omit “Managing Director”, substitute “Chief Executive Officer”.

#### **43 Subsection 8L(1)**

Omit “Commission is conducting in the performance of its functions”, substitute “Chief Executive Officer is conducting in the performance of his or her functions”.

#### **44 Section 8M**

Omit “Managing Director”, substitute “Chief Executive Officer”.

#### **45 Section 8M**

Omit “officer of the Commission”, substitute “employee”.

#### **46 Subsection 8N(1)**

Omit “Managing Director”, substitute “Chief Executive Officer”.

#### **47 Paragraph 8N(2)(a)**

Omit “Managing Director”, substitute “Chief Executive Officer”.

**48 Subsection 8N(3)**

Omit “Managing Director”, substitute “Chief Executive Officer”.

**49 Subsection 8P(1)**

Omit “The Managing Director or an”, substitute “An”.

Note: The heading to section 8P is altered by omitting “**Managing Director**” and substituting “**Chief Executive Officer**”.

**50 Subsection 8P(1)**

Omit “Commission if the Managing Director or”, substitute “Chief Executive Officer if the”.

**51 Paragraph 8Q(1)(b)**

Omit “Commission”, substitute “Chief Executive Officer”.

**52 Paragraph 8Q(1)(c)**

Omit “officer of the Commission”, substitute “employee”.

**53 Subsection 8Q(3)**

Omit “officer of the Commission”, substitute “employee”.

**54 Subsection 8Q(4)**

Omit “officer”, substitute “employee”.

**55 Subsection 8S(2)**

Omit “section 137.2”, substitute “section 137.1 or 137.2”.

**56 Subsection 8U(6)**

Omit “Managing Director’s instrument in writing referred to in”, substitute “relevant instrument made by the Chief Executive Officer under”.

**57 Paragraph 8Y(2)(b)**

Omit “Managing Director’s instrument in writing referred to in”, substitute “relevant instrument made by the Chief Executive Officer under”.

**58 Subsection 8ZM(1)**

Omit “Commission”, substitute “Chief Executive Officer”.

**59 Subsection 8ZM(2)**

Omit “Commission” (wherever occurring), substitute “Chief Executive Officer”.

**60 Subsection 8ZN(1)**

Omit “Commission”, substitute “Chief Executive Officer”.

**61 Paragraph 8ZN(2)(b)**

Omit “Commission”, substitute “Chief Executive Officer”.

**62 Subsection 8ZQ(1)**

Omit “Commission’s”, substitute “Chief Executive Officer’s”.

**63 Subsection 8ZQ(2)**

Omit “Commission’s”, substitute “Chief Executive Officer’s”.

**64 Parts III, IV and V**

Repeal the Parts, substitute:

## **Part III—Staff of Medicare Australia**

### **20 Staff**

- (1) Subject to this Part, the staff of Medicare Australia are to be persons engaged under the *Public Service Act 1999*.
- (2) For the purposes of the *Public Service Act 1999*:
  - (a) the Chief Executive Officer and the APS employees assisting the Chief Executive Officer together constitute a Statutory Agency; and
  - (b) the Chief Executive Officer is the Head of that Statutory Agency.

## **21 Consultants**

- (1) The Chief Executive Officer may engage as consultants persons having suitable qualifications and experience.
- (2) The terms and conditions of engagement are to be determined by the Chief Executive Officer.

## **65 Section 41A**

Repeal the section.

## **66 Paragraph 41C(1)(a)**

Omit “the name ‘medicare’, or”, substitute “the name ‘medicare’ or ‘Medicare Australia’, or”.

Note: The heading to section 41C is replaced by the heading “**Protection of names and symbols**”.

## **67 Paragraphs 41C(1)(b) to (d)**

Omit “the name ‘medicare’ or”, substitute “the name ‘medicare’ or ‘Medicare Australia’ or”.

## **68 Subsection 41C(2)**

Omit “the name ‘medicare’ or”, substitute “the name ‘medicare’ or ‘Medicare Australia’ or”.

## **69 Paragraph 41C(2)(c)**

Omit “or the Commission”, substitute “, the Chief Executive Officer or Medicare Australia”.

## **70 Paragraphs 41C(5)(a) to (c)**

Repeal the paragraphs, substitute:

- (a) a reference to the name “medicare” or “Medicare Australia” is to be read as including a reference to a name or expression that so nearly resembles the name as to be capable of being mistaken for the name; and
- (b) a reference to an official “medicare” or “Medicare Australia” symbol is to be read as a reference to a symbol declared by the regulations to be an official “medicare” or “Medicare Australia” symbol; and

- (c) a reference to a prescribed symbol is to be read as a reference to an emblem, brand, design, symbol, logo or mark that:
- (i) is identical with an official “medicare” or “Medicare Australia” symbol; or
  - (ii) so nearly resembles an official “medicare” or “Medicare Australia” symbol as to be capable of being mistaken for an official “medicare” or “Medicare Australia” symbol; and

**71 At the end of paragraph 41C(5)(d)**

Add “and”.

**72 Subsection 41C(9)**

Omit “or the Commission” (wherever occurring).

**73 Subsection 41C(9)**

Omit “name ‘medicare’ or of an official ‘medicare’ symbol”, substitute “name ‘medicare’ or ‘Medicare Australia’ or of an official ‘medicare’ or ‘Medicare Australia’ symbol”.

**74 Section 41E**

Omit “or the Commission”.

**75 Section 41E**

Omit “or of the Commission”.

**76 After section 41E**

Insert:

**41F Chief Executive Officer may charge for services**

The Chief Executive Officer may charge fees for services he or she provides in connection with the performance of his or her functions.

**77 Before subsection 42(1)**

Insert:

- (1A) The Chief Executive Officer must, as soon as practicable after the end of each financial year, prepare and give the Minister a report on:
- (a) the exercise and performance of the powers and functions of the Chief Executive Officer during that year; and
  - (b) the operations of Medicare Australia during that year.

Note: The heading to section 42 is replaced by the heading “**Chief Executive Officer’s annual report**”.

### **78 Subsection 42(1)**

Omit “on the Commission under section 9 of the *Commonwealth Authorities and Companies Act 1997* must also include”, substitute “must include”.

### **79 At the end of section 42**

Add:

- (3) The Minister must cause a copy of each report under this section to be laid before each House of the Parliament within 15 sitting days of that House after the day on which the Minister receives the report.

## Part 2—Consequential amendments

### *Administrative Decisions (Judicial Review) Act 1977*

#### **80 Paragraph (k) of Schedule 2**

Omit “Health Insurance Commission”.

### *Aged Care Act 1997*

#### **81 Paragraph 86-3(c)**

Omit “Health Insurance Commission”, substitute “Chief Executive Officer of Medicare Australia”.

### *Age Discrimination Act 2004*

#### **82 Subparagraph 42(5)(a)(i)**

Omit “Health Insurance Commission”, substitute “Chief Executive Officer of Medicare Australia”.

#### **83 Paragraph 42(5)(b)**

Omit “Health Insurance Commission”, substitute “Chief Executive Officer of Medicare Australia”.

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

#### **84 Subsection 3(1) (paragraph (d) of the definition of *agency*)**

Repeal the paragraph, substitute:  
(d) Medicare Australia.

#### **85 Subsection 3(1) (paragraph (d) of the definition of *head*)**

Omit “the Health Insurance Commission—the Managing Director of the Commission”, substitute “Medicare Australia—the Chief Executive Officer of Medicare Australia”.

**86 Subsection 3(1) (paragraph (b) of the definition of *protected information*)**

Omit “the Health Insurance Commission”, substitute “Medicare Australia”.

**87 Subsection 3(1) (after paragraph (b) of the definition of *protected information*)**

Insert:

(ba) information about a person obtained by an officer under the family assistance law that was held in the records of the Health Insurance Commission; or

**88 Paragraph 118(1)(e)**

Omit “the Health Insurance Commission—the Managing Director of the Commission”, substitute “Medicare Australia—the Chief Executive Officer of Medicare Australia”.

**89 Subsection 234(3)**

Omit “Managing Director of the Health Insurance Commission”, substitute “Chief Executive Officer of Medicare Australia”.

***Freedom of Information Act 1982***

**90 Division 1 of Part II of Schedule 2**

Omit “Health Insurance Commission, in relation to documents in respect of its commercial activities”.

**91 Division 1 of Part II of Schedule 2 (after item dealing with *Indigenous Business Australia*)**

Insert:

Medicare Australia, in relation to documents in respect of its commercial activities

***Health and Other Services (Compensation) Act 1995***

**92 Subsection 3(1) (definition of *Commission*)**

Repeal the definition.

**93 Subsection 3(1)**

Insert:

*employee of Medicare Australia* means an employee within the meaning of the *Medicare Australia Act 1973*.

**94 Subsection 3(1) (definition of *Managing Director*)**

Repeal the definition.

**95 Subsection 3(1)**

Insert:

*Medicare Australia CEO* means the Chief Executive Officer of Medicare Australia.

**96 Subsection 3(1) (definition of *officer of the Commission*)**

Repeal the definition.

**97 Paragraph 8(6)(a)**

Omit “Commission”, substitute “Medicare Australia CEO”.

**98 Paragraph 10(6)(a)**

Omit “Commission”, substitute “Medicare Australia CEO”.

**99 Section 13**

Omit “Commission”, substitute “Medicare Australia CEO”.

**100 Subsections 14(1) and (3)**

Omit “Managing Director” (wherever occurring), substitute “Medicare Australia CEO”.

**101 Subsection 17(1)**

Omit “Managing Director”, substitute “Medicare Australia CEO”.

**102 Subsection 17(1)**

Omit “Commission”, substitute “Medicare Australia CEO”.

**103 Paragraph 17(3)(a)**

Omit “Commission”, substitute “Medicare Australia CEO”.

**104 Subsection 17(4)**

Omit “Managing Director”, substitute “Medicare Australia CEO”.

**105 Subsection 17(5)**

Omit “Commission”, substitute “Medicare Australia CEO”.

**106 Subsections 17(5A) and (6)**

Omit “Managing Director”, substitute “Medicare Australia CEO”.

**107 Subsection 18(1)**

Omit “Commission”, substitute “Medicare Australia CEO”.

**108 Subsection 18(3)**

Omit “Managing Director”, substitute “Medicare Australia CEO”.

**109 Paragraph 18(4)(b)**

Omit “Managing Director”, substitute “Medicare Australia CEO”.

**110 Subsection 18(5)**

Omit “Commission”, substitute “Medicare Australia CEO”.

**111 Subsection 18(6)**

Omit “Managing Director”, substitute “Medicare Australia CEO”.

**112 Subsection 18(7)**

Omit “Managing Director” (first occurring), substitute “Medicare Australia CEO”.

**113 Paragraph 18(7)(c)**

Omit “Managing Director”, substitute “Medicare Australia CEO”.

**114 Subparagraph 18(7)(c)(ii)**

Omit “Commission”, substitute “Medicare Australia CEO”.

**115 Paragraph 18(8)(c)**

Omit “Managing Director”, substitute “Medicare Australia CEO”.

**116 Subsection 18(10)**

Omit “Managing Director”, substitute “Medicare Australia CEO”.

**117 Subsection 19(1)**

Repeal the subsection, substitute:

- (1) If the claimant is dissatisfied with the Medicare Australia CEO’s decision about extension of the period, the claimant may apply in writing to the Medicare Australia CEO for the decision to be reconsidered.

**118 Subsection 19(3)**

Omit “Managing Director” (first occurring), substitute “Medicare Australia CEO”.

**119 Paragraph 19(3)(d)**

Omit “Managing Director’s”, substitute “Medicare Australia CEO’s”.

**120 Subsection 19(4)**

Omit “Managing Director’s”, substitute “Medicare Australia CEO’s”.

**121 Paragraph 21(1)(a)**

Omit “Commission”, substitute “Medicare Australia CEO”.

**122 Subsection 21(1)**

Omit “Managing Director”, substitute “Medicare Australia CEO”.

**123 Subsection 21(3)**

Omit “Commission”, substitute “Medicare Australia CEO”.

**124 Subsections 21(3) and (5)**

Omit “Managing Director”, substitute “Medicare Australia CEO”.

**125 Subsection 21(8)**

Omit “Managing Director” (first occurring), substitute “Medicare Australia CEO”.

**126 Paragraph 21(8)(a)**

Omit “Managing Director” (wherever occurring), substitute “Medicare Australia CEO”.

**127 Subsections 21(9) and (10)**

Omit “Managing Director”, substitute “Medicare Australia CEO”.

**128 Subsection 21(11)**

Omit “Commission”, substitute “Medicare Australia CEO”.

**129 Subsection 21(12)**

Omit “Managing Director” (first occurring), substitute “Medicare Australia CEO”.

**130 Paragraph 21(12)(b)**

Omit “Managing Director”, substitute “Medicare Australia CEO”.

**131 Paragraph 21(13)(a)**

Omit “Managing Director”, substitute “Medicare Australia CEO”.

**132 Paragraph 22(1)(b)**

Omit “Managing Director”, substitute “Medicare Australia CEO”.

**133 Subsections 23(1), (3), (3A), (4), (5) and (5A)**

Omit “Commission”, substitute “Medicare Australia CEO”.

**134 Paragraph 23A(1)(b)**

Omit “Commission”, substitute “Medicare Australia CEO”.

**135 Paragraph 23A(1)(c)**

Omit “Managing Director”, substitute “Medicare Australia CEO”.

**136 Subparagraphs 23A(1)(d)(i) and (ii)**

Omit “Managing Director”, substitute “Medicare Australia CEO”.

**137 Subsection 23A(2)**

Omit “Commission”, substitute “Medicare Australia CEO”.

**138 Subsection 23A(2) (note)**

Omit “Commission”, substitute “Medicare Australia CEO”.

**139 Subsection 23A(3)**

Omit “Managing Director”, substitute “Medicare Australia CEO”.

**140 Subsection 23B(1)**

Omit “Managing Director” (first occurring), substitute “Medicare Australia CEO”.

**141 Subsection 23B(1)**

Omit “Commission” (first occurring), substitute “Medicare Australia CEO”.

**142 Subsection 23B(1)**

Omit “Managing Director” (second occurring), substitute “Medicare Australia CEO”.

**143 Paragraph 23B(1)(c)**

Omit “Commission”, substitute “Medicare Australia CEO”.

**144 Paragraph 23B(2)(a)**

Omit “Commission”, substitute “Medicare Australia CEO”.

**145 Paragraph 23B(2)(b)**

Omit “Managing Director”, substitute “Medicare Australia CEO”.

**146 Subsection 23B(3)**

Omit “Commission”, substitute “Medicare Australia CEO”.

**147 Subsection 23B(4)**

Omit “Managing Director” (first occurring), substitute “Medicare Australia CEO”.

**148 Paragraph 23B(4)(f)**

Omit “Managing Director”, substitute “Medicare Australia CEO”.

**149 Subsection 23C(1)**

Omit “Managing Director” (wherever occurring), substitute “Medicare Australia CEO”.

**150 Subsection 23C(2)**

Omit “Commission” (first occurring), substitute “Medicare Australia CEO”.

**151 Subsection 23C(2)**

Omit “Managing Director”, substitute “Medicare Australia CEO”.

**152 Subsection 23C(2)**

Omit “Commission” (second occurring), substitute “Medicare Australia CEO”.

**153 Subsection 23D(1)**

Omit “Managing Director”, substitute “Medicare Australia CEO”.

**154 Subsection 24(1)**

Omit “Commission”, substitute “Medicare Australia CEO”.

**155 Subsection 24(1)**

Omit “Managing Director”, substitute “Medicare Australia CEO”.

**156 Subsection 24(4)**

Omit “Managing Director” (first occurring), substitute “Medicare Australia CEO”.

**157 Paragraph 24(4)(a)**

Omit “Managing Director”, substitute “Medicare Australia CEO”.

**158 Paragraphs 24(4)(a) and (b)**

Omit “Commission”, substitute “Medicare Australia CEO”.

**159 Subsections 24(5) and (6)**

Omit “Managing Director”, substitute “Medicare Australia CEO”.

**160 Subsection 25(1)**

Omit “Commission”, substitute “Medicare Australia CEO”.

**161 Subsections 25(1) and (4)**

Omit “Managing Director”, substitute “Medicare Australia CEO”.

**162 Subsection 25(4)**

Omit “Commission”, substitute “Medicare Australia CEO”.

**163 Subsection 25(5)**

Omit “Managing Director”, substitute “Medicare Australia CEO”.

**164 Paragraphs 25(5)(a) and (b)**

Omit “Commission”, substitute “Medicare Australia CEO”.

**165 Subsections 25(6) and (7)**

Omit “Managing Director”, substitute “Medicare Australia CEO”.

**166 Subsection 25(8)**

Omit “Managing Director” (first occurring), substitute “Medicare Australia CEO”.

**167 Paragraph 25(8)(a)**

Omit “Managing Director” (wherever occurring), substitute “Medicare Australia CEO”.

**168 Subsections 26(1) and (3)**

Omit “Commission”, substitute “Medicare Australia CEO”.

**169 Paragraph 26(6)(a)**

Omit “Commission”, substitute “Medicare Australia CEO”.

**170 Subsections 28(1) and (2)**

Omit “Managing Director”, substitute “Medicare Australia CEO”.

**171 Subsection 32(1)**

Omit “Managing Director” (first occurring), substitute “Medicare Australia CEO”.

**172 Paragraphs 32(1)(a) and (b)**

Omit “Managing Director”, substitute “Medicare Australia CEO”.

**173 Subsection 33C(1)**

Omit “Commission”, substitute “Medicare Australia CEO”.

**174 Paragraph 33D(1)(a)**

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Omit “Commission”, substitute “Medicare Australia CEO”.

**175 Subsection 33D(2)**

Omit “Managing Director” (first occurring), substitute “Medicare Australia CEO”.

**176 Paragraphs 33D(2)(b) and (3)(a)**

Omit “Managing Director”, substitute “Medicare Australia CEO”.

**177 Subsection 33H(2)**

Omit “Commission”, substitute “Medicare Australia CEO”.

**178 Subsection 33K(1)**

Omit “Commission” (wherever occurring), substitute “Medicare Australia CEO”.

**179 Subsection 34(1)**

Omit “Commission” (first occurring), substitute “Medicare Australia CEO”.

**180 Subparagraph 34(1)(b)(i)**

Omit “Commission”, substitute “Medicare Australia CEO”.

**181 Subparagraph 34(1)(b)(i)**

Omit “Managing Director”, substitute “Medicare Australia CEO”.

**182 Subsection 34(2)**

Omit “Managing Director”, substitute “Medicare Australia CEO”.

**183 Paragraphs 35(1)(a) and 36(1)(a)**

Omit “Commission”, substitute “Medicare Australia CEO”.

**184 Section 39**

Omit “Commission”, substitute “Medicare Australia CEO”.

**185 Subsection 40(1)**

Repeal the subsection, substitute:

(1) In addition to the functions of the Medicare Australia CEO under the *Medicare Australia Act 1973*, the Medicare Australia CEO has such additional functions as are conferred on the Medicare Australia CEO under this Act.

Note: The heading to section 40 is altered by omitting “**Commission**” and substituting “**Medicare Australia CEO**”.

**186 Subsection 40(2)**

Omit “Commission” (first occurring), substitute “Medicare Australia CEO”.

**187 Subsection 40(2)**

Omit “its”, substitute “his or her”.

**188 Subsection 40(2)**

Omit “*Health Insurance Commission*”, substitute “*Medicare Australia*”.

**189 Subsection 41(1)**

Omit “Managing Director”, substitute “Medicare Australia CEO”.

**190 Paragraph 41(1)(a)**

Omit “officer of the Commission”, substitute “employee of Medicare Australia”.

**191 Subsection 41(2)**

Omit “Commission” (first occurring), substitute “Medicare Australia CEO”.

**192 Subsection 41(2)**

Omit “*Health Insurance Commission*”, substitute “*Medicare Australia*”.

**193 Paragraph 41(3)(b)**

Omit “Managing Director”, substitute “Medicare Australia CEO”.

**194 Paragraph 41(3)(c)**

Omit “officer of the Commission”, substitute “employee of Medicare Australia”.

**195 Subsection 42(1)**

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Omit “Managing Director” (wherever occurring), substitute “Medicare Australia CEO”.

Note: The heading to section 42 is altered by omitting “**Managing Director**” and substituting “**Medicare Australia CEO**”.

**196 Subsection 42(3) (paragraph (a) of the definition of authorised officer)**

Omit “*Health Insurance Commission*”, substitute “*Medicare Australia*”.

**197 Subsection 42(3) (paragraph (b) of the definition of authorised officer)**

Omit “officer of the Commission”, substitute “employee of Medicare Australia”.

**198 Subsection 42(3) (paragraph (b) of the definition of authorised officer)**

Omit “Managing Director”, substitute “Medicare Australia CEO”.

**199 Paragraph 43(1)(c)**

Omit “officer of the Commission”, substitute “employee of Medicare Australia”.

**200 Subsections 43(3) and (5)**

Omit “officer of the Commission”, substitute “employee of Medicare Australia”.

**201 Subsection 43(5)**

Omit “Commission” (second occurring), substitute “Medicare Australia CEO”.

**202 Section 46**

Omit “Commission” (first occurring), substitute “Medicare Australia CEO”.

**203 Paragraph 46(b)**

Omit “Commission”, substitute “Medicare Australia CEO”.

***Health and Other Services (Compensation) Care Charges Act  
1995***

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**204 Paragraph 6(6)(a)**

Omit “Commission”, substitute “Medicare Australia CEO”.

**205 Paragraph 8(6)(a)**

Omit “Commission”, substitute “Medicare Australia CEO”.

***Health Insurance Act 1973***

**206 Subsection 3(1) (definition of *Commission*)**

Repeal the definition.

**207 Subsection 3(1)**

Insert:

*employee of Medicare Australia* means an employee within the meaning of the *Medicare Australia Act 1973*.

**208 Subsection 3(1)**

Insert:

*Medicare Australia CEO* means the Chief Executive Officer of Medicare Australia.

**209 Subsection 3(1) (definition of *officer*)**

Repeal the definition.

**210 Subsections 3D(1) and (3)**

Omit “Managing Director of the Commission”, substitute “Medicare Australia CEO”.

**211 Paragraph 3DA(3)(a)**

Omit “Managing Director of the Commission”, substitute “Medicare Australia CEO”.

**212 Subsection 3EA(1)**

Omit “Commission”, substitute “Medicare Australia CEO”.

**213 Subsection 3EA(2)**

Omit “Managing Director of the Commission”, substitute “Medicare Australia CEO”.

**214 Subsection 3EA(2)**

Omit “Managing Director” (second occurring), substitute “Medicare Australia CEO”.

**215 Paragraphs 3EA(3)(a) and (b)**

Omit “Commission”, substitute “Medicare Australia CEO”.

**216 Subsection 3EA(4)**

Omit “Managing Director”, substitute “Medicare Australia CEO”.

**217 Subsection 3EA(5)**

Omit “Commission”, substitute “Medicare Australia CEO”.

**218 Subsection 3EA(6)**

Omit “Managing Director”, substitute “Medicare Australia CEO”.

**219 Subsection 3EA(7) (definition of *authorised officer*)**

Omit “a Commission staff member authorised by the Managing Director”, substitute “an employee of Medicare Australia authorised by the Medicare Australia CEO”.

**220 Subsection 3EA(7) (definition of *Commission staff member*)**

Repeal the definition.

**221 Subsection 3EB(1)**

Omit “Managing Director of the Commission”, substitute “Medicare Australia CEO”.

**222 Paragraphs 3EB(1)(a) and (b)**

Omit “Managing Director”, substitute “Medicare Australia CEO”.

**223 Subsection 3EB(2)**

Omit “Managing Director”, substitute “Medicare Australia CEO”.

**224 Subsections 3F(2) and (4)**

Omit “Commission”, substitute “Medicare Australia CEO”.

**225 Subsection 3F(6)**

Omit “Managing Director of the Commission”, substitute “Medicare Australia CEO”.

**226 Subsection 3F(6)**

Omit “Managing Director” (second occurring), substitute “Medicare Australia CEO”.

**227 Paragraphs 3F(6A)(a) and (b)**

Omit “Commission”, substitute “Medicare Australia CEO”.

**228 Subsection 3F(7)**

Omit “Managing Director of the Commission”, substitute “Medicare Australia CEO”.

**229 Subsection 3F(8)**

Omit “Commission”, substitute “Medicare Australia CEO”.

**230 Subsection 3F(9)**

Omit “Managing Director of the Commission”, substitute “Medicare Australia CEO”.

**231 Subsection 3F(10) (definition of *authorised officer*)**

Omit “a Commission staff member authorised by the Managing Director of the Commission”, substitute “an employee of Medicare Australia authorised by the Medicare Australia CEO”.

**232 Subsection 3F(10) (definition of *Commission staff member*)**

Repeal the definition.

**233 Subsection 3G(1)**

Omit “Managing Director of the Commission”, substitute “Medicare Australia CEO”.

**234 Paragraphs 3G(1)(a) and (b)**

Omit “Managing Director”, substitute “Medicare Australia CEO”.

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**235 Subsection 3G(2)**

Omit “Managing Director”, substitute “Medicare Australia CEO”.

**236 Subsections 3GA(2) and (4)**

Omit “Commission”, substitute “Medicare Australia CEO”.

**237 Paragraph 3GA(5)(a)**

Omit “Managing Director of the Commission”, substitute “Medicare Australia CEO”.

**238 Subsection 3GA(5)**

Omit “Managing Director” (second occurring), substitute “Medicare Australia CEO”.

**239 Paragraph 3GA(6)(a)**

Omit “Managing Director of the Commission”, substitute “Medicare Australia CEO”.

**240 Subparagraphs 3GA(6)(a)(i) and (ii)**

Omit “Commission”, substitute “Medicare Australia CEO”.

**241 Paragraph 3GA(6)(b)**

Omit “Commission”, substitute “Medicare Australia CEO”.

**242 Subsection 3GA(7)**

Omit “Managing Director”, substitute “Medicare Australia CEO”.

**243 Subsection 3GA(8)**

Omit “Commission”, substitute “Medicare Australia CEO”.

**244 Subsection 3GB(1)**

Omit “Managing Director of the Commission”, substitute “Medicare Australia CEO”.

**245 Paragraphs 3GB(1)(a) and (b)**

Omit “Managing Director”, substitute “Medicare Australia CEO”.

**246 Subsection 3GB(2)**

Omit “Managing Director”, substitute “Medicare Australia CEO”.

**247 Subsection 8(1A) (definition of *General Manager*)**

Repeal the definition.

**248 Subsection 10AA(2)**

Omit “Commission” (first occurring), substitute “Medicare Australia CEO”.

**249 Subsection 10AA(2)**

Omit “General Manager”, substitute “Medicare Australia CEO”.

**250 Subsection 10AA(2)**

Omit “Commission” (second occurring), substitute “Medicare Australia CEO”.

**251 Subsection 10AA(4)**

Omit “Commission” (first occurring), substitute “Medicare Australia CEO”.

**252 Subsection 10AA(4)**

Omit “General Manager”, substitute “Medicare Australia CEO”.

**253 Subsection 10AA(4)**

Omit “Commission” (second occurring), substitute “Medicare Australia CEO”.

**254 Subsection 10AA(5)**

Omit “Commission” (first occurring), substitute “Medicare Australia CEO”.

**255 Subsection 10AA(5)**

Omit “General Manager”, substitute “Medicare Australia CEO”.

**256 Subsection 10AA(5)**

Omit “Commission” (second occurring), substitute “Medicare Australia CEO”.

**257 Paragraphs 10AC(2)(a), (b) and (c)**

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Omit “Commission”, substitute “Medicare Australia CEO”.

**258 Paragraphs 10AC(3)(a) and (b)**

Omit “Commission”, substitute “Medicare Australia CEO”.

**259 Paragraph 10ACA(4)(d)**

Omit “Commission”, substitute “Medicare Australia CEO”.

**260 Subsection 10ACA(5)**

Omit “Commission”, substitute “Medicare Australia CEO”.

**261 Paragraphs 10ACA(6)(c) and (d)**

Omit “Commission”, substitute “Medicare Australia CEO”.

**262 Paragraphs 10AD(3)(a), (b) and (c)**

Omit “Commission”, substitute “Medicare Australia CEO”.

**263 Paragraph 10ADA(5)(d)**

Omit “Commission”, substitute “Medicare Australia CEO”.

**264 Subsection 10ADA(6)**

Omit “Commission”, substitute “Medicare Australia CEO”.

**265 Paragraphs 10ADA(7)(c) and (d)**

Omit “Commission”, substitute “Medicare Australia CEO”.

**266 Subsection 10AE(1)**

Omit “Commission” (first and second occurring), substitute “Medicare Australia CEO”.

**267 Paragraph 10AE(1)(b)**

Omit “Commission” (wherever occurring), substitute “Medicare Australia CEO”.

**268 Subparagraph 16B(7)(e)(i)**

Omit “Commission”, substitute “Medicare Australia CEO”.

**269 Subparagraph 16B(11)(d)(i)**

Omit “Commission”, substitute “Medicare Australia CEO”.

**270 Paragraph 19AB(6)(b)**

Omit “Commission”, substitute “Medicare Australia CEO”.

**271 Subsection 19AB(6)**

Omit “officer of the Commission”, substitute “employee of Medicare Australia”.

**272 Subsection 19D(12)**

Omit “Commission”, substitute “Medicare Australia CEO”.

**273 Subsection 20(1)**

Omit “Commission”, substitute “Medicare Australia CEO”.

**274 Subsection 20(1A)**

Omit “Managing Director of the Commission”, substitute “Medicare Australia CEO”.

**275 Subsections 20(3) and (4)**

Omit “Commission”, substitute “Medicare Australia CEO”.

**276 Subsection 20A(3A)**

Omit “Managing Director of the Commission”, substitute “Medicare Australia CEO”.

**277 Subsections 20AB(1), (3) and (4)**

Omit “Commission”, substitute “Medicare Australia CEO”.

**278 Subsection 20AC(1)**

Omit “Commission” (first and second occurring), substitute “Medicare Australia CEO”.

**279 Paragraph 20AC(1)(a)**

Omit “Commission”, substitute “Medicare Australia CEO”.

**280 Subsection 20AC(2)**

Omit “Commission” (first occurring), substitute “Medicare Australia CEO”.

**281 Paragraph 20AC(2)(a)**

Omit “Commission’s”, substitute “Medicare Australia CEO’s”.

**282 Paragraph 20AC(2)(b)**

Omit “Commission”, substitute “Medicare Australia CEO”.

**283 Subsections 20AC(3), (4) and (5)**

Omit “Commission”, substitute “Medicare Australia CEO”.

**284 Subsection 20AD(1)**

Omit “Commission” (wherever occurring), substitute “Medicare Australia CEO”.

**285 Subsections 20AD(2), (3) and (4)**

Omit “Commission”, substitute “Medicare Australia CEO”.

**286 Subsection 20AD(4)**

Omit “Commission’s”, substitute “Medicare Australia CEO’s”.

**287 Subsection 20AD(5)**

Omit “Commission”, substitute “Medicare Australia CEO”.

**288 Paragraph 20B(1)(a)**

Omit “Commission” (first and second occurring), substitute “Medicare Australia CEO”.

**289 Paragraph 20B(1)(a)**

Omit “Managing Director of the Commission”, substitute “Medicare Australia CEO”.

**290 Paragraph 20B(1)(b)**

Omit “Commission” (first and second occurring), substitute “Medicare Australia CEO”.

**291 Paragraph 20B(1)(b)**

Omit “Managing Director of the Commission”, substitute “Medicare Australia CEO”.

**292 Paragraph 20B(2)(b)**

Omit “Commission” (first and second occurring), substitute “Medicare Australia CEO”.

**293 Paragraph 20B(2)(b)**

Omit “Managing Director of the Commission”, substitute “Medicare Australia CEO”.

**294 Subsections 20B(2A) and (3)**

Omit “Commission”, substitute “Medicare Australia CEO”.

**295 Paragraph 20BA(1)(e)**

Omit “Managing Director”, substitute “Medicare Australia CEO”.

**296 Paragraph 20BA(1)(e)**

Omit “officer of the Commission”, substitute “employee of Medicare Australia”.

**297 Subsection 20BA(2)**

Omit “Managing Director’s”, substitute “Medicare Australia CEO’s”.

**298 Subsection 20BA(3)**

Omit “Managing Director”, substitute “Medicare Australia CEO”.

**299 Paragraph 20BA(3)(c)**

Omit “officer of the Commission”, substitute “employee of Medicare Australia”.

**300 Paragraph 20BA(3)(d)**

Omit “Managing Director’s”, substitute “Medicare Australia CEO’s”.

**301 Subsection 20BA(4)**

Omit “Managing Director’s”, substitute “Medicare Australia CEO’s”.

**302 Subsection 20BA(5)**

Omit “officer of the Commission”, substitute “employee of Medicare Australia”.

**303 Subsection 23DA(1) (definition of *officer*)**

Omit “other than the Commission”.

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**304 Paragraph 23DK(1A)(c)**

Omit “Managing Director of the Commission”, substitute “Medicare Australia CEO”.

**305 Paragraph 23DK(2A)(c)**

Omit “Managing Director of the Commission”, substitute “Medicare Australia CEO”.

**306 Subsection 23DK(3)**

Omit “Managing Director of the Commission”, substitute “Medicare Australia CEO”.

**307 Subsection 23DK(3)**

Omit “officer of the Commission”, substitute “employee of Medicare Australia”.

**308 Subsection 23DK(3)**

Omit “Managing Director” (second occurring), substitute “Medicare Australia CEO”.

**309 Subsection 23DK(4)**

Omit “officer” (first occurring), substitute “employee of Medicare Australia”.

**310 Subsection 23DK(4)**

Omit “officer” (second occurring), substitute “employee”.

**311 Subsection 23DKA(4)**

Omit “Managing Director of the Commission”, substitute “Medicare Australia CEO”.

**312 Subsection 23DKA(4)**

Omit “officer of the Commission”, substitute “employee of Medicare Australia”.

**313 Subsection 23DKA(5)**

Omit “officer of the Commission”, substitute “employee of Medicare Australia”.

**314 Subsection 23DKA(5)**

Omit “officer” (second occurring), substitute “employee”.

**315 Paragraphs 23DKA(7)(a) and (b)**

Omit “officer of the Commission”, substitute “employee of Medicare Australia”.

**316 Subsection 23DR(2)**

Omit “Managing Director of the Commission”, substitute “Medicare Australia CEO”.

**317 Subsections 23DR(2) and (3)**

Omit “officer of the Commission”, substitute “employee of Medicare Australia”.

**318 Subsection 23DR(3)**

Omit “officer” (second occurring), substitute “employee”.

**319 Subsection 23DS(4)**

Omit “Managing Director of the Commission”, substitute “Medicare Australia CEO”.

**320 Subsections 23DS(4) and (5)**

Omit “officer of the Commission”, substitute “employee of Medicare Australia”.

**321 Subsection 23DS(5)**

Omit “officer” (second occurring), substitute “employee”.

**322 Paragraphs 23DS(7)(a) and (b)**

Omit “officer of the Commission”, substitute “employee of Medicare Australia”.

**323 Subsection 23DSC(2)**

Omit “Commission”, substitute “Medicare Australia CEO”.

**324 Paragraph 23DSC(4)(c)**

Omit “Commission”, substitute “Medicare Australia CEO”.

**325 Subsection 23DSC(4)**

Omit “Managing Director of the Commission”, substitute “Medicare Australia CEO”.

**326 Paragraph 23DSC(5)(b)**

Omit “Commission”, substitute “Medicare Australia CEO”.

**327 Subsections 23DSC(6) and (7)**

Omit “Managing Director”, substitute “Medicare Australia CEO”.

**328 Paragraphs 23DSD(1)(a), (b) and (c)**

Omit “Commission” (wherever occurring), substitute “Medicare Australia CEO”.

**329 Subsection 23DSD(2)**

Omit “Managing Director of the Commission”, substitute “Medicare Australia CEO”.

**330 Subsection 23DSD(4)**

Omit “Managing Director”, substitute “Medicare Australia CEO”.

**331 Section 46A (paragraph (b) of the definition of *information relating to a child’s Australian immunisation encounter*)**

Omit “Commission”, substitute “Medicare Australia CEO”.

**332 Section 46A (definition of *recognised immunisation provider*)**

Omit “Commission”, substitute “Medicare Australia CEO”.

**333 Section 46B**

Omit “Commission’s”, substitute “Medicare Australia CEO’s”.

Note: The heading to section 46B is altered by omitting “**Commission’s**” and substituting “**Medicare Australia CEO’s**”.

**334 Paragraph 46B(b)**

Omit “Commission”, substitute “Medicare Australia CEO”.

**335 Subparagraph 46B(d)(iii)**

Omit “Commission”, substitute “Medicare Australia CEO”.

**336 Paragraph 46B(d)**

Omit “Commission” (second occurring), substitute “Medicare Australia CEO”.

**337 Subsections 46C(1) and (2)**

Omit “Commission” (wherever occurring), substitute “Medicare Australia CEO”.

**338 Subsection 46D(5)**

Omit “Managing Director of the Commission”, substitute “Medicare Australia CEO”.

**339 Subsection 46D(6)**

Omit “Managing Director”, substitute “Medicare Australia CEO”.

**340 Subsection 46D(7)**

Omit “Commission”, substitute “Medicare Australia CEO”.

**341 Subsection 46E(1)**

Omit “Commission’s”, substitute “Medicare Australia CEO’s”.

Note: The heading to section 46E is altered by omitting “**Managing Director of the Commission**” and substituting “**Medicare Australia CEO**”.

**342 Subsection 46E(1)**

Omit “Managing Director of the Commission”, substitute “Medicare Australia CEO”.

**343 Paragraph 46E(1)(c)**

Omit “Commission”, substitute “Medicare Australia CEO”.

**344 Subsection 46E(2)**

Omit “Managing Director of the Commission”, substitute “Medicare Australia CEO”.

**345 Subsection 80(3)**

Omit “Commission”, substitute “Medicare Australia CEO”.

**346 Subsection 81(1) (paragraph (a) of the definition of review period)**

Omit “Commission”, substitute “Medicare Australia CEO”.

**347 Division 3 of Part VAA (heading)**

Repeal the heading, substitute:

**Division 3—Medicare Australia CEO may request review**

**348 Subsection 86(1)**

Omit “Commission”, substitute “Medicare Australia CEO”.

Note: The heading to section 86 is altered by omitting “**Commission**” and substituting “**Medicare Australia CEO**”.

**349 Subsection 87(1)**

Omit “Commission” (wherever occurring), substitute “Medicare Australia CEO”.

Note: The heading to section 87 is altered by omitting “**Commission**” and substituting “**Medicare Australia CEO**”.

**350 Subsection 88(1)**

Omit “Commission” (wherever occurring), substitute “Medicare Australia CEO”.

**351 Subsection 88(1) (note)**

Omit “Commission”, substitute “Medicare Australia CEO”.

**352 Subsection 88(3)**

Omit “Commission”, substitute “Medicare Australia CEO”.

**353 Subsection 88(3)**

Omit “it”, substitute “he or she”.

**354 Subsection 88A(1)**

Omit “Commission”, substitute “Medicare Australia CEO”.

**355 Paragraph 88A(4)(b)**

Omit “Commission”, substitute “Medicare Australia CEO”.

**356 Subsection 88A(8)**

Omit “Commission”, substitute “Medicare Australia CEO”.

**357 Paragraphs 89(a) and (b)**

Omit “Commission”, substitute “Medicare Australia CEO”.

**358 Subsection 89A(1)**

Omit “Commission”, substitute “Medicare Australia CEO”.

Note: The heading to section 89A is altered by omitting “**Commission**” and substituting “**Medicare Australia CEO**”.

**359 Subsection 91(2)**

Omit “Commission”, substitute “Medicare Australia CEO”.

**360 Paragraph 92(4)(c)**

Omit “Commission”, substitute “Medicare Australia CEO”.

**361 Subsection 93(7)**

Omit “Commission”, substitute “Medicare Australia CEO”.

**362 Paragraphs 105(1)(b) and (2)(b)**

Omit “Commission”, substitute “Medicare Australia CEO”.

**363 Paragraph 106G(6)(b)**

Omit “Commission”, substitute “Medicare Australia CEO”.

**364 Subsection 106J(2)**

Omit “Commission”, substitute “Medicare Australia CEO”.

**365 Paragraphs 106J(3)(a), (b), (c) and (d)**

Omit “Commission” (wherever occurring), substitute “Medicare Australia CEO”.

**366 Subsection 106KB(2)**

Omit “Commission”, substitute “Medicare Australia CEO”.

**367 Subsections 106KC(1) and (2)**

Omit “Commission”, substitute “Medicare Australia CEO”.

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**368 Subparagraph 106KE(1)(b)(iii)**

Omit “Commission”, substitute “Medicare Australia CEO”.

**369 Subparagraph 106L(5)(a)(iii)**

Omit “Commission”, substitute “Medicare Australia CEO”.

**370 Subsection 106N(1)**

Omit “Commission”, substitute “Medicare Australia CEO”.

Note: The heading to section 106N is altered by omitting “**Commission**” and substituting “**Medicare Australia CEO**”.

**371 Subsections 106W(1) and (2)**

Omit “Commission”, substitute “Medicare Australia CEO”.

**372 Subsection 106ZPM(3)**

Omit “Commission”, substitute “Medicare Australia CEO”.

**373 Paragraph 124EC(b)**

Omit “officer of the Commission”, substitute “employee of Medicare Australia”.

**374 Section 124EC**

Omit “Managing Director of the Commission”, substitute “Medicare Australia CEO”.

**375 Subsection 129AAC(1)**

Omit “officer of the Commission”, substitute “employee of Medicare Australia”.

**376 Paragraph 129AC(2)(b)**

Omit “Managing Director of the Commission”, substitute “Medicare Australia CEO”.

**377 Subparagraph 129AC(2)(c)(i)**

Omit “Managing Director” (wherever occurring), substitute “Medicare Australia CEO”.

**378 Subsection 129AC(4)**

Omit “Managing Director”, substitute “Medicare Australia CEO”.

**379 Subsection 129AC(4)**

Omit “Commission”, substitute “Medicare Australia CEO”.

**380 Section 129AF**

Omit “Managing Director of the Commission”, substitute “Medicare Australia CEO”.

**381 Section 129AF**

Omit “Managing Director” (second occurring), substitute “Medicare Australia CEO”.

**382 Subsection 130(1)**

Omit “*Health Insurance Commission*”, substitute “*Medicare Australia*”.

**383 Subsections 130(3) and (3A)**

Omit “Managing Director of the Commission”, substitute “Medicare Australia CEO”.

**384 Paragraph 130(3D)(a)**

Omit “Commission”, substitute “Medicare Australia CEO”.

**385 Paragraph 130(4A)(a)**

Omit “Commission”, substitute “Medicare Australia CEO”.

**386 Subsection 130(5)**

Omit “Commission”, substitute “Medicare Australia CEO”.

**387 Subsection 130(5E)**

Omit “Commission, or an officer of the Commission”, substitute “Medicare Australia CEO, or an employee of Medicare Australia”.

**388 Subsection 130(6)**

Omit “Managing Director of the Commission” (first occurring), substitute “Medicare Australia CEO”.

**389 Paragraph 130(6)(f)**

Omit “Managing Director of the Commission”, substitute “Medicare Australia CEO”.

**390 Subsection 130(7)**

Omit “Managing Director of the Commission” (first occurring), substitute “Medicare Australia CEO”.

**391 Paragraph 130(7)(h)**

Omit “Managing Director of the Commission”, substitute “Medicare Australia CEO”.

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

Omit “*Health Insurance Commission*”, substitute “*Medicare Australia*”.

**393 Subsections 131(1), (2) and (3)**

Omit “Managing Director of the Commission”, substitute “Medicare Australia CEO”.

**394 At the end of paragraphs 131(4)(a) and (aa)**

Add “or”.

**395 Paragraphs 131(4)(b) and (c)**

Repeal the paragraphs, substitute:

(b) the Medicare Australia CEO; or

(c) an employee of Medicare Australia.

***Hearing Services Administration Act 1997***

**396 Subsections 21(6) and (7) (notes)**

Repeal the notes.

**397 Subsection 21(10) (at the end of the definition of *body*)**

Add:

; or (d) the Chief Executive Officer of Medicare Australia.

***Income Tax Assessment Act 1936***

**398 Paragraphs 16(4)(fa) and (fb)**

Omit “Health Insurance Commission”, substitute “Chief Executive Officer of Medicare Australia”.

***Medical Indemnity Act 2002***

**399 Subsection 4(1) (definition of *HIC*)**

Repeal the definition.

**400 Subsection 4(1) (paragraph (c) of the definition of *late payment penalty*)**

Omit “HIC”, substitute “Medicare Australia CEO”.

**401 Subsection 4(1) (definition of *Managing Director*)**

Repeal the definition.

**402 Subsection 4(1)**

Insert:

*Medicare Australia CEO* means the Chief Executive Officer of Medicare Australia.

**403 Subsection 4(1) (definition of *qualifying claim certificate*)**

Omit “HIC”, substitute “Medicare Australia CEO”.

**404 Subsection 10(2) (table item 9)**

Omit “HIC”, substitute “Medicare Australia CEO”.

**405 Subsection 13(2)**

Omit “HIC”, substitute “Medicare Australia CEO”.

**406 Subsection 13(3)**

Omit “HIC” (wherever occurring), substitute “Medicare Australia CEO”.

Note: The heading to subsection 13(3) is altered by omitting “*HIC*’s” and substituting “*Medicare Australia CEO*’s”.

**407 Paragraph 13(4)(b)**

Omit “HIC”, substitute “Medicare Australia CEO”.

**408 Subsection 13(6)**

Omit “HIC” (wherever occurring), substitute “Medicare Australia CEO”.

**409 Paragraph 16(1)(f)**

Omit “HIC”, substitute “Medicare Australia CEO”.

**410 Paragraph 17(1)(g)**

Omit “HIC”, substitute “Medicare Australia CEO”.

**411 Paragraph 19(b)**

Omit “HIC”, substitute “Medicare Australia CEO”.

**412 Subsection 23(2)**

Omit “HIC”, substitute “Medicare Australia CEO”.

**413 Subsection 23(3)**

Omit “HIC” (wherever occurring), substitute “Medicare Australia CEO”.

Note: The heading to subsection 23(3) is altered by omitting “*HIC’s*” and substituting “*Medicare Australia CEO’s*”.

**414 Paragraph 23(4)(b)**

Omit “HIC”, substitute “Medicare Australia CEO”.

**415 Subsection 23(6)**

Omit “HIC” (wherever occurring), substitute “Medicare Australia CEO”.

**416 Paragraph 24(1)(e)**

Omit “HIC”, substitute “Medicare Australia CEO”.

**417 Paragraph 24(5)(a)**

Omit “HIC”, substitute “Medicare Australia CEO”.

**418 Subsection 25(1)**

Omit “HIC”, substitute “Medicare Australia CEO”.

Note: The heading to section 25 is altered by omitting “**HIC**” and substituting “**Medicare Australia CEO**”.

**419 Paragraph 25(2)(b)**

Omit “HIC”, substitute “Medicare Australia CEO”.

**420 Subsection 26(1)**

Omit “HIC”, substitute “Medicare Australia CEO”.

Note: The heading to section 26 is altered by omitting “HIC” and substituting “**Medicare Australia CEO**”.

**421 Subsections 27(3) and (4)**

Omit “HIC” (wherever occurring), substitute “Medicare Australia CEO”.

**422 Subsections 27B(1) and (3)**

Omit “HIC” (wherever occurring), substitute “Medicare Australia CEO”.

Note: The heading to section 27B is altered by omitting “HIC” and substituting “**Medicare Australia CEO**”.

**423 Paragraph 27B(4)(b)**

Omit “HIC”, substitute “Medicare Australia CEO”.

**424 Subsection 28(2) (table item 7)**

Omit “HIC”, substitute “Medicare Australia CEO”.

**425 Subsections 34AB(1) and (3)**

Omit “HIC” (wherever occurring), substitute “Medicare Australia CEO”.

Note: The heading to section 34AB is altered by omitting “HIC” and substituting “**Medicare Australia CEO**”.

**426 Paragraph 34AB(4)(b)**

Omit “HIC”, substitute “Medicare Australia CEO”.

**427 Subsection 34A(3) (table item 12)**

Omit “HIC”, substitute “Medicare Australia CEO”.

**428 Subsection 34E(1)**

Omit “HIC” (wherever occurring), substitute “Medicare Australia CEO”.

Note: The heading to section 34E is altered by omitting “HIC” and substituting “**Medicare Australia CEO**”.

**429 Subsections 34E(4) and (5)**

Omit “HIC” (wherever occurring), substitute “Medicare Australia CEO”.

Note: The heading to subsection 34E(5) is altered by omitting “HIC” and substituting “Medicare Australia CEO”.

**430 Subsection 34E(5)**

Omit “its”, substitute “his or her”.

**431 Paragraphs 34H(2)(a) and (b)**

Omit “HIC”, substitute “Medicare Australia CEO”.

**432 Subsections 34I(1) and (2)**

Omit “HIC” (wherever occurring), substitute “Medicare Australia CEO”.

**433 Paragraph 34J(1)(b)**

Omit “HIC”, substitute “Medicare Australia CEO”.

Note: The heading to section 34J is altered by omitting “HIC” and substituting “Medicare Australia CEO”.

**434 Subsection 34J(1)**

Omit “HIC” (last occurring), substitute “Medicare Australia CEO”.

**435 Paragraph 34J(2)(b)**

Omit “HIC”, substitute “Medicare Australia CEO”.

**436 Subsection 34K(1)**

Omit “HIC” (wherever occurring), substitute “Medicare Australia CEO”.

**437 Subsection 34K(2)**

Omit “it”, substitute “he or she”.

**438 Subsections 34K(2) and (3)**

Omit “HIC” (wherever occurring), substitute “Medicare Australia CEO”.

**439 Paragraphs 34K(4)(a) and (5)(a)**

Omit “HIC”, substitute “Medicare Australia CEO”.

**440 Subsections 34K(6) and (7)**

Omit “HIC” (wherever occurring), substitute “Medicare Australia CEO”.

Note: The heading to subsection 34K(7) is altered by omitting “HIC” and substituting “Medicare Australia CEO”.

**441 Subsection 34K(7)**

Omit “its”, substitute “his or her”.

**442 Subsection 34L(1)**

Omit “HIC”, substitute “Medicare Australia CEO”.

**443 Subsection 34L(5)**

Omit “HIC” (wherever occurring), substitute “Medicare Australia CEO”.

**444 Subsection 34Q(2)**

Omit “HIC”, substitute “Medicare Australia CEO”.

Note: The heading to subsection 34Q(2) is altered by omitting “HIC” and substituting “Medicare Australia CEO”.

**445 Paragraph 34Q(5)(a)**

Omit “HIC”, substitute “Medicare Australia CEO”.

**446 Subsection 34Q(5)**

Omit “HIC” (last occurring), substitute “Medicare Australia CEO”.

**447 Paragraph 34Q(7)(a)**

Omit “HIC”, substitute “Medicare Australia CEO”.

**448 Subsection 34T(3)**

Omit “HIC”, substitute “Medicare Australia CEO”.

**449 Paragraph 34T(4)(a)**

Omit “HIC”, substitute “Medicare Australia CEO”.

**450 Subsection 34U(1)**

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Omit “HIC”, substitute “Medicare Australia CEO”.

Note: The heading to section 34U is altered by omitting “HIC” and substituting “Medicare Australia CEO”.

**451 Paragraph 34U(2)(b)**

Omit “HIC”, substitute “Medicare Australia CEO”.

**452 Subsection 34V(1)**

Omit “HIC”, substitute “Medicare Australia CEO”.

Note: The heading to section 34V is altered by omitting “HIC” and substituting “Medicare Australia CEO”.

**453 Subsections 34W(3) and (4)**

Omit “HIC” (wherever occurring), substitute “Medicare Australia CEO”.

**454 Subsections 34Y(1) and (3)**

Omit “HIC” (wherever occurring), substitute “Medicare Australia CEO”.

Note: The heading to section 34Y is altered by omitting “HIC” and substituting “Medicare Australia CEO”.

**455 Paragraph 34Y(4)(b)**

Omit “HIC”, substitute “Medicare Australia CEO”.

**456 Subsection 34ZA(3) (table items 7 and 13)**

Omit “HIC”, substitute “Medicare Australia CEO”.

**457 Paragraphs 34ZB(4A)(b) and (4B)(c)**

Omit “HIC”, substitute “Medicare Australia CEO”.

**458 Paragraph 34ZC(e)**

Omit “HIC”, substitute “Medicare Australia CEO”.

**459 Subsection 34ZJ(3)**

Omit “HIC”, substitute “Medicare Australia CEO”.

**460 Paragraph 34ZJ(4)(a)**

Omit “HIC”, substitute “Medicare Australia CEO”.

**461 Subsection 34ZK(1)**

Omit “HIC”, substitute “Medicare Australia CEO”.

Note: The heading to section 34ZK is altered by omitting “HIC” and substituting “Medicare Australia CEO”.

**462 Paragraph 34ZK(2)(b)**

Omit “HIC”, substitute “Medicare Australia CEO”.

**463 Subsection 34ZL(1)**

Omit “HIC”, substitute “Medicare Australia CEO”.

Note: The heading to section 34ZL is altered by omitting “HIC” and substituting “Medicare Australia CEO”.

**464 Subsections 34ZM(3) and (4)**

Omit “HIC” (wherever occurring), substitute “Medicare Australia CEO”.

**465 Subsections 34ZO(1) and (3)**

Omit “HIC” (wherever occurring), substitute “Medicare Australia CEO”.

Note: The heading to section 34ZO is altered by omitting “HIC” and substituting “Medicare Australia CEO”.

**466 Paragraph 34ZO(4)(b)**

Omit “HIC”, substitute “Medicare Australia CEO”.

**467 Subsection 34ZT(1)**

Omit “HIC” (wherever occurring), substitute “Medicare Australia CEO”.

**468 Paragraph 34ZT(2)(b)**

Omit “HIC”, substitute “Medicare Australia CEO”.

**469 Subsection 34ZU(1)**

Omit “HIC”, substitute “Medicare Australia CEO”.

Note: The heading to section 34ZU is altered by omitting “HIC” and substituting “Medicare Australia CEO”.

**470 Paragraph 34ZU(2)(c)**

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Omit “HIC”, substitute “Medicare Australia CEO”.

**471 Subsection 35(2) (table item 3)**

Omit “HIC”, substitute “Medicare Australia CEO”.

**472 Paragraphs 36(1)(a) and (b)**

Omit “HIC”, substitute “Medicare Australia CEO”.

**473 Subsection 37(1)**

Omit “HIC”, substitute “Medicare Australia CEO”.

**474 Paragraphs 37(2)(b) and (c)**

Omit “HIC”, substitute “Medicare Australia CEO”.

**475 Subsection 37(2)**

Omit “HIC” (third and fourth occurring), substitute “Medicare Australia CEO”.

**476 Paragraphs 37A(2)(a) and (b)**

Omit “HIC”, substitute “Medicare Australia CEO”.

**477 Subsections 37A(5) and (6)**

Omit “HIC” (wherever occurring), substitute “Medicare Australia CEO”.

**478 Subsections 37B(1), (2), (3) and (4)**

Omit “HIC” (wherever occurring), substitute “Medicare Australia CEO”.

**479 Subsections 38(1), (3) and (3A)**

Omit “HIC” (wherever occurring), substitute “Medicare Australia CEO”.

Note: The heading to section 38 is altered by omitting “HIC” and substituting “Medicare Australia CEO”.

**480 Paragraph 38(4)(b)**

Omit “HIC”, substitute “Medicare Australia CEO”.

**481 Paragraphs 39(1)(d) and (1A)(b)**

Omit “HIC”, substitute “Medicare Australia CEO”.

**482 Subsection 39(3)**

Omit “HIC”, substitute “Medicare Australia CEO”.

**483 Paragraph 40(1)(e)**

Omit “HIC”, substitute “Medicare Australia CEO”.

**484 Subsection 40(3)**

Omit “HIC”, substitute “Medicare Australia CEO”.

**485 Paragraph 41(4)(a)**

Omit “HIC”, substitute “Medicare Australia CEO”.

**486 Subsection 42(1)**

Omit “HIC”, substitute “Medicare Australia CEO”.

Note: The heading to section 42 is altered by omitting “**HIC**” and substituting “**Medicare Australia CEO**”.

**487 Subsection 42(2)**

Omit “HIC” (wherever occurring), substitute “Medicare Australia CEO”.

Note: The heading to subsection 42(2) is altered by omitting “*HIC*” and substituting “*Medicare Australia CEO*”.

**488 Paragraph 42(3)(a)**

Omit “HIC”, substitute “Medicare Australia CEO”.

**489 Subsections 42(9) and (10)**

Omit “HIC”, substitute “Medicare Australia CEO”.

**490 Subsection 44(1)**

Omit “HIC” (wherever occurring), substitute “Medicare Australia CEO”.

Note: The heading to section 44 is altered by omitting “**HIC**” and substituting “**Medicare Australia CEO**”.

**491 Paragraph 44(2)(b)**

Omit “HIC”, substitute “Medicare Australia CEO”.

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**492 Section 44A**

Omit “HIC”, substitute “Medicare Australia CEO”.

Note: The heading to section 44A is altered by omitting “HIC” and substituting “Medicare Australia CEO”.

**493 Section 44B**

Omit “HIC”, substitute “Medicare Australia CEO”.

Note: The heading to section 44B is altered by omitting “HIC” and substituting “Medicare Australia CEO”.

**494 Subsections 46(1) and (2)**

Omit “HIC”, substitute “Medicare Australia CEO”.

**495 Subsection 50(3) (table item 13)**

Omit “HIC”, substitute “Medicare Australia CEO”.

**496 Paragraph 52(2)(f)**

Omit “HIC”, substitute “Medicare Australia CEO”.

**497 Subsection 53(1)**

Omit “HIC”, substitute “Medicare Australia CEO”.

**498 Subsection 53(2)**

Omit “HIC” (first occurring), substitute “Medicare Australia CEO”.

**499 Subparagraph 53(2)(c)(i)**

Omit “HIC”, substitute “Medicare Australia CEO”.

**500 Paragraph 53(2)(e)**

Omit “HIC”, substitute “Medicare Australia CEO”.

**501 Subsections 56(2) and (3)**

Omit “HIC” (wherever occurring), substitute “Medicare Australia CEO”.

Note: The heading to subsection 56(3) is altered by omitting “HIC’s” and substituting “Medicare Australia CEO’s”.

**502 Paragraph 56(5)(b)**

Omit “HIC”, substitute “Medicare Australia CEO”.

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**503 Subsection 56(6)**

Omit “HIC” (wherever occurring), substitute “Medicare Australia CEO”.

**504 Subsection 57(3) (table item 10)**

Omit “HIC”, substitute “Medicare Australia CEO”.

**505 Subsection 60(2) (table item 7)**

Omit “HIC”, substitute “Medicare Australia CEO”.

**506 Subsection 62(1)**

Omit “HIC”, substitute “Medicare Australia CEO”.

**507 Subsection 62(3)**

Omit “HIC” (first occurring), substitute “Medicare Australia CEO”.

**508 Paragraph 62(3)(a)**

Omit “HIC”, substitute “Medicare Australia CEO”.

**509 Paragraph 62(3)(b)**

Omit “HIC” (first occurring), substitute “Medicare Australia CEO”.

**510 Subparagraphs 62(3)(b)(i) and (ii)**

Omit “HIC”, substitute “Medicare Australia CEO”.

**511 Subsections 62(4), (5) and (6)**

Omit “HIC”, substitute “Medicare Australia CEO”.

**512 Subsections 65(4) and (5)**

Omit “HIC” (wherever occurring), substitute “Medicare Australia CEO”.

**513 Paragraph 66(1)(b)**

Omit “HIC”, substitute “Medicare Australia CEO”.

**514 Subsection 66(3)**

Omit “HIC”, substitute “Medicare Australia CEO”.

**515 Paragraphs 66A(1)(b) and (c)**

Omit “HIC”, substitute “Medicare Australia CEO”.

**516 Subsection 66A(2)**

Omit “HIC” (first occurring), substitute “Medicare Australia CEO”.

Note: The heading to subsection 66A(2) is altered by omitting “HIC” and substituting “Medicare Australia CEO”.

**517 Paragraph 66A(2)(d)**

Omit “HIC” (first occurring), substitute “Medicare Australia CEO”.

**518 Subparagraph 66A(2)(d)(i)**

Omit “HIC”, substitute “Medicare Australia CEO”.

**519 Subparagraph 66A(2)(d)(ii)**

Omit “HIC” (first occurring), substitute “Medicare Australia CEO”.

**520 Subparagraph 66A(2)(d)(ii)**

Omit “it”, substitute “he or she”.

**521 Subparagraph 66A(2)(d)(ii)**

Omit “HIC” (second occurring), substitute “Medicare Australia CEO”.

**522 Subsection 66A(3)**

Omit “HIC” (first occurring), substitute “Medicare Australia CEO”.

**523 Paragraphs 66A(3)(a) and (b)**

Omit “HIC” (wherever occurring), substitute “Medicare Australia CEO”.

**524 Paragraphs 66A(4)(b), (c) and (d)**

Omit “HIC”, substitute “Medicare Australia CEO”.

**525 Paragraph 66A(4)(d)**

Omit “its”, substitute “his or her”.

**526 Subsection 66A(5)**

Omit “HIC” (wherever occurring), substitute “Medicare Australia CEO”.

**527 Paragraph 66A(7)(a)**

Omit “HIC”, substitute “Medicare Australia CEO”.

**528 Paragraphs 66B(1)(a) and (b)**

Omit “HIC”, substitute “Medicare Australia CEO”.

**529 Subsections 66B(3) and (4)**

Omit “HIC” (wherever occurring), substitute “Medicare Australia CEO”.

**530 Paragraph 67(1)(c)**

Omit “HIC”, substitute “Medicare Australia CEO”.

**531 Subsections 68(2) and (4)**

Omit “HIC”, substitute “Medicare Australia CEO”.

**532 Subsection 69(1)**

Omit “HIC”, substitute “Medicare Australia CEO”.

Note: The heading to section 69 is altered by omitting “HIC” and substituting “Medicare Australia CEO”.

**533 Subsection 69(2)**

Omit “HIC” (wherever occurring), substitute “Medicare Australia CEO”.

Note: The heading to subsection 69(2) is altered by omitting “HIC” and substituting “Medicare Australia CEO”.

**534 Paragraph 69(3)(a)**

Omit “HIC”, substitute “Medicare Australia CEO”.

**535 Subsections 69(7), (9) and (10)**

Omit “HIC”, substitute “Medicare Australia CEO”.

**536 Subsection 70(1)**

Omit “HIC” (first occurring), substitute “Medicare Australia CEO”.

**537 Subparagraph 70(1)(a)(iv)**

Omit “HIC”, substitute “Medicare Australia CEO”.

**538 Subsection 70(4)**

Omit “HIC”, substitute “Medicare Australia CEO”.

**539 Subsection 71(1)**

Omit “HIC” (wherever occurring), substitute “Medicare Australia CEO”.

Note: The heading to section 71 is altered by omitting “**HIC**” and substituting “**Medicare Australia CEO**”.

**540 Paragraph 71(3)(b)**

Omit “HIC”, substitute “Medicare Australia CEO”.

**541 Subsection 72(1)**

Omit “HIC”, substitute “Medicare Australia CEO”.

Note: The heading to section 72 is altered by omitting “**HIC**” and substituting “**Medicare Australia CEO**”.

**542 Paragraphs 72(2)(b) and (c)**

Omit “HIC”, substitute “Medicare Australia CEO”.

**543 Subsections 74(1) and (2)**

Omit “HIC”, substitute “Medicare Australia CEO”.

**544 Section 75**

Omit “HIC”, substitute “Medicare Australia CEO”.

**545 Section 76**

Omit “HIC” (first occurring), substitute “Medicare Australia CEO”.

Note: The heading to section 76 is altered by omitting “**HIC**” and substituting “**Medicare Australia CEO**”.

**546 Section 76**

Omit “*Health Insurance Commission*”, substitute “*Medicare Australia*”.

**547 Section 76**

Omit “HIC” (second and third occurring), substitute “Medicare Australia CEO”.

**548 Subparagraph 77(2)(c)(iii)**

Omit “*Health Insurance Commission*”, substitute “*Medicare Australia*”.

**549 Subsections 77(3) and (4)**

Omit “Managing Director”, substitute “Medicare Australia CEO”.

***Medical Indemnity (Prudential Supervision and Product Standards) Act 2003***

**550 Paragraph 26D(2)(b)**

Omit “Health Insurance Commission”, substitute “Chief Executive Officer of Medicare Australia”.

***National Health Act 1953***

**551 Subsection 4(1)**

Insert:

*Medicare Australia CEO* means the Chief Executive Officer of Medicare Australia.

**552 Paragraph 82L(3)(c)**

Omit “Commission”, substitute “Medicare Australia CEO”.

**553 Subsection 84(1) (definition of *CTS claim*)**

Omit “Health Insurance Commission”, substitute “Medicare Australia CEO”.

**554 Subsection 84(1) (paragraph (a) of the definition of *medicare card*)**

Omit “Health Insurance Commission”, substitute “Medicare Australia CEO”.

**555 Subsection 84(1) (paragraph (b) of the definition of *medicare number*)**

Omit “Health Insurance Commission”, substitute “Medicare Australia CEO”.

**556 Subsection 84(10)**

Omit “Health Insurance Commission” (first occurring), substitute “Medicare Australia CEO”.

**557 Paragraph 84(10)(a)**

Omit “Health Insurance Commission”, substitute “Medicare Australia CEO”.

**558 Paragraph 86B(3)(c)**

Omit “Health Insurance Commission”, substitute “Medicare Australia CEO”.

**559 Subsection 86C(5)**

Omit “Health Insurance Commission”, substitute “Medicare Australia CEO”.

**560 Subsection 86C(7) (note 1)**

Omit “Health Insurance Commission” (wherever occurring) , substitute “Medicare Australia CEO”.

**561 Paragraphs 99(7)(c) and (d)**

Omit “Health Insurance Commission”, substitute “Medicare Australia CEO”.

**562 Subsection 99(8)**

Omit “Health Insurance Commission” (wherever occurring), substitute “Medicare Australia CEO”.

**563 Subsection 99ZH(1) (definition of *Commission*)**

Repeal the definition.

**564 Subsection 99ZH(1) (definition of *Managing Director*)**

Repeal the definition.

**565 Subsection 99ZH(1) (definition of *PBS monitoring purposes*)**

Omit “Commission”, substitute “Medicare Australia CEO”.

**566 Subsection 99ZH(1) (paragraph (a) of the definition of *PBS regulatory purposes*)**

Omit “Commission to perform its”, substitute “Medicare Australia CEO to perform his or her”.

**567 Subsection 99ZJ(1)**

Omit “Commission”, substitute “Medicare Australia CEO”.

**568 Subparagraphs 99ZJ(6)(a)(ii) and (b)(ii)**

Omit “Commission”, substitute “Medicare Australia CEO”.

**569 Subsection 99ZJ(8)**

Omit “Commission” (first occurring), substitute “Medicare Australia CEO”.

**570 Subparagraphs 99ZJ(8)(d)(ii) and (e)(ii)**

Omit “Commission”, substitute “Medicare Australia CEO”.

**571 Subsection 99ZK(1)**

Omit “Commission”, substitute “Medicare Australia CEO”.

**572 Paragraph 99ZK(5)(b)**

Omit “Commission”, substitute “Medicare Australia CEO”.

**573 Subparagraph 99ZK(5)(d)(ii)**

Omit “Commission”, substitute “Medicare Australia CEO”.

**574 Subsection 99ZK(6)**

Omit “Commission” (first occurring), substitute “Medicare Australia CEO”.

**575 Paragraph 99ZK(6)(e)**

Omit “Commission”, substitute “Medicare Australia CEO”.

**576 Subparagraph 99ZK(6)(g)(ii)**

Omit “Commission”, substitute “Medicare Australia CEO”.

**577 Subsection 99ZN(1)**

Omit “Commission”, substitute “Medicare Australia CEO”.

**578 Paragraphs 99ZN(2)(b) and (c)**

Omit “Commission”, substitute “Medicare Australia CEO”.

**579 Paragraph 99ZN(3)(a)**

Omit “Commission”, substitute “Medicare Australia CEO”.

**580 Paragraph 99ZN(5)(c)**

Omit “Commission” (first occurring), substitute “Medicare Australia CEO”.

**581 Subparagraphs 99ZN(5)(c)(i), (ii) and (iii)**

Omit “Commission” (wherever occurring), substitute “Medicare Australia CEO”.

**582 Paragraphs 99ZN(5)(d) and (e)**

Omit “Commission” (wherever occurring), substitute “Medicare Australia CEO”.

**583 Subsection 99ZO(1)**

Omit “Commission”, substitute “Medicare Australia CEO”.

Note: The heading to section 99ZO is altered by omitting “**Commission**” and substituting “**Medicare Australia CEO**”.

**584 Subsection 99ZO(1)**

Omit “Managing Director”, substitute “Medicare Australia CEO”.

**585 Subsections 99ZO(2) and (3)**

Omit “Commission” (wherever occurring), substitute “Medicare Australia CEO”.

**586 Subsection 99ZO(4)**

Omit “Commission” (first and second occurring), substitute “Medicare Australia CEO”.

**587 Paragraphs 99ZO(4)(b), (5)(a) and (7)(a)**

Omit “Commission”, substitute “Medicare Australia CEO”.

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**588 Subsection 99ZO(7)**

Omit “Commission” (second occurring), substitute “Medicare Australia CEO”.

**589 Paragraphs 99ZO(7)(c) and (d)**

Omit “it decides that it”, substitute “the Medicare Australia CEO decides that he or she”.

**590 Subsections 99ZO(8) and (10)**

Omit “Commission”, substitute “Medicare Australia CEO”.

**591 Subsection 99ZR(1)**

Repeal the subsection, substitute:

- (1) Subject to subsection (2), neither the Commonwealth, the Medicare Australia CEO nor any person performing duty as a Customs officer or as a member of the staff of Medicare Australia is liable for any act done in good faith by such a Customs officer, by the Medicare Australia CEO, or by such a member of the staff of Medicare Australia in the performance of functions or duties, or the exercise of powers, under this Division.

**592 Subsection 99ZR(2)**

Omit “Commission” (wherever occurring), substitute “Medicare Australia CEO”.

**593 Paragraph 99ZS(1)(c)**

Omit “Commission”, substitute “Medicare Australia CEO”.

**594 Subsection 99ZS(2)**

Omit “Commission” (first and second occurring), substitute “Medicare Australia CEO”.

**595 Subsection 99ZS(2)**

Omit “, or of the staff of, the Commission”, substitute “the staff of Medicare Australia”.

**596 Paragraph 99ZS(2)(a)**

Omit “Commission”, substitute “Medicare Australia CEO”.

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**597 Subsection 99ZS(3)**

Omit “Commission”, substitute “Medicare Australia CEO”.

**598 Section 99ZT**

Omit “Commission”, substitute “Medicare Australia CEO”.

**599 Subsection 103(4AD)**

Omit “Commission”, substitute “Medicare Australia CEO”.

**600 Subsection 135A(1)**

Omit “*Health Insurance Commission*”, substitute “*Medicare Australia*”.

**601 Paragraph 135AAA(2)(d)**

Omit “*Health Insurance Commission*”, substitute “*Medicare Australia*”.

**602 Paragraph 135AAA(4)(d)**

Omit “*Health Insurance Commission*”, substitute “*Medicare Australia*”.

**603 Subsection 135AA(5A)**

Omit “Health Insurance Commission”, substitute “Medicare Australia CEO”.

**604 Paragraph (1)(o) of Schedule 1**

Omit “Commission”, substitute “Medicare Australia CEO”.

**605 Subparagraphs 5(1)(cb)(iii) and (cc)(iii) of Schedule 2**

Omit “Health Insurance Commission”, substitute “Medicare Australia CEO”.

***Occupational Health and Safety (Commonwealth  
Employment) Act 1991***

**606 Schedule 1**

Omit “Health Insurance Commission”.

***Private Health Insurance Incentives Act 1998***

**607 Subsection 1-15(2) (note)**

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Omit “**HIC**”, substitute “**Medicare Australia CEO**”.

**608 Subsection 4-6(1)**

Omit “Managing Director”, substitute “Medicare Australia CEO”.

**609 Paragraph 6-10(1)(a)**

Omit “HIC”, substitute “Medicare Australia CEO”.

**610 Paragraph 6-10(1)(c)**

Omit “, or a place approved by, the HIC”, substitute “Medicare Australia, or a place approved by the Medicare Australia CEO”.

**611 Subsection 6-10(2)**

Omit “HIC”, substitute “Medicare Australia CEO”.

**612 Section 6-15**

Omit “, or a place approved by, the HIC”, substitute “Medicare Australia, or a place approved by the Medicare Australia CEO”.

**613 Subsections 6-20(1), (2) and (3)**

Omit “HIC”, substitute “Medicare Australia CEO”.

**614 Subsection 6-25(1)**

Omit “HIC” (wherever occurring), substitute “Medicare Australia CEO”.

**615 Paragraph 6-25(3)(b)**

Omit “HIC”, substitute “Medicare Australia CEO”.

**616 Subsections 6-30(1) and (2)**

Omit “HIC”, substitute “Medicare Australia CEO”.

Note: The heading to section 6-30 is altered by omitting “**HIC**” and substituting “**Medicare Australia CEO**”.

**617 Subsection 6-30(3)**

Repeal the subsection, substitute:

- (3) The Medicare Australia CEO must give to you a notice stating his or her decision on the reconsideration together with a statement of his or her reasons for the decision.

**618 Section 6-35**

Repeal the section, substitute:

**6-35 Deadline for reconsiderations**

- (1) The Medicare Australia CEO must make his or her decision on reconsideration of a decision within 28 days after the day on which he or she received an application for reconsideration.
- (2) The Medicare Australia CEO is taken, for the purposes of this Division, to have made a decision confirming the original decision if the Medicare Australia CEO has not told the applicant of the decision on the reconsideration before the end of the period of 28 days.

Note: A decision confirming the original decision is reviewable under section 19-10.

**619 Section 7-1**

Omit “HIC”, substitute “Medicare Australia CEO”.

**620 Subsection 8-5(1)**

Omit “HIC”, substitute “Medicare Australia CEO”.

**621 Paragraph 8-5(2)(a)**

Omit “HIC”, substitute “Medicare Australia CEO”.

**622 Subsections 11-5(1), (2), (3) and (4)**

Omit “HIC” (wherever occurring), substitute “Medicare Australia CEO”.

Note: The heading to section 11-5 is altered by omitting “HIC” and substituting “Medicare Australia CEO”.

**623 Subsection 11-20(1)**

Omit “HIC”, substitute “Medicare Australia CEO”.

Note: The heading to section 11-20 is altered by omitting “HIC” and substituting “Medicare Australia CEO”.

**624 Subsections 11-20(1), (2) and (3)**

Omit “\*Managing Director”, substitute “Medicare Australia CEO”.

**625 Subsection 11-20(4)**

Omit “Managing Director”, substitute “Medicare Australia CEO”.

**626 Subsection 11-25(1)**

Omit “HIC”, substitute “Medicare Australia CEO”.

**627 Subsection 11-25(1)**

Omit “it”, substitute “the Medicare Australia CEO”.

**628 Subsection 11-25(2)**

Omit “HIC”, substitute “Medicare Australia CEO”.

**629 Section 11-35**

Omit “HIC”, substitute “Medicare Australia CEO”.

**630 Section 11-35**

Omit “\*Managing Director”, substitute “Medicare Australia CEO”.

**631 Subsections 11-40(1) and (3)**

Omit “HIC” (wherever occurring), substitute “Medicare Australia CEO”.

**632 Subsections 11-45(1) and (2)**

Omit “HIC”, substitute “Medicare Australia CEO”.

**633 Subsection 11-50(2)**

Omit “\*Managing Director”, substitute “Medicare Australia CEO”.

**634 Subsections 15-5(1) and (2)**

Omit “HIC” (wherever occurring), substitute “Medicare Australia CEO”.

**635 Subsection 15-10(1)**

Omit “HIC”, substitute “Medicare Australia CEO”.

**636 Subsection 15-10(2)**

Omit “\*Managing Director”, substitute “Medicare Australia CEO”.

**637 Subsection 15-10(2)**

Omit “Managing Director determines”, substitute “Medicare Australia CEO determines”.

**638 Subsection 15-10(4)**

Omit “\*Managing Director”, substitute “Medicare Australia CEO”.

**639 Subsection 15-15(3)**

Omit “\*Managing Director”, substitute “Medicare Australia CEO”.

**640 Subsection 15-20(1)**

Repeal the subsection, substitute:

- (1) If the Medicare Australia CEO considers that a claim is incorrect, the Medicare Australia CEO may either refuse the claim or pay only such part of the claim as he or she is satisfied is correct.

**641 Subsection 15-20(1A)**

Omit “HIC” (wherever occurring), substitute “Medicare Australia CEO”.

**642 Subsection 15-20(3)**

Repeal the subsection, substitute:

- (3) The Medicare Australia CEO is taken, for the purposes of this Act, to have decided that a claim is correct if the Medicare Australia CEO does not give notice of his or her decision that the claim is incorrect on or before the day under subsection 15-15(2) on or before which, if the claim were correct, it would have been required to have been paid.

**643 Subsections 15-21(2) and 15-22(2)**

Omit “\*Managing Director”, substitute “Medicare Australia CEO”.

**644 Paragraph 15-23(1)(e)**

Omit “\*Managing Director”, substitute “Medicare Australia CEO”.

**645 Subsection 15-24(1)**

Omit “\*Managing Director”, substitute “Medicare Australia CEO”.

**646 Subsection 15-24(1)**

Omit “Managing Director is satisfied”, substitute “Medicare Australia CEO is satisfied”.

**647 Subsection 15-24(2)**

Omit “\*Managing Director”, substitute “Medicare Australia CEO”.

**648 Subsection 15-24(2)**

Omit “Managing Director is satisfied”, substitute “Medicare Australia CEO is satisfied”.

**649 Subsection 15-24(3)**

Omit “\*Managing Director”, substitute “Medicare Australia CEO”.

**650 Subsection 15-24(3)**

Omit “Managing Director’s”, substitute “Medicare Australia CEO’s”.

**651 Subsection 15-24(5)**

Omit “\*Managing Director”, substitute “Medicare Australia CEO”.

**652 Subsection 15-24(5)**

Omit “Managing Director”, substitute “Medicare Australia CEO”.

**653 Subsection 15-24(5)**

Omit “by the Managing Director”, substitute “by the Medicare Australia CEO”.

**654 Subsection 15-24(6)**

Omit “\*Managing Director”, substitute “Medicare Australia CEO”.

**655 Subsection 15-24(6)**

Omit “fund, the Managing Director”, substitute “fund, the Medicare Australia CEO”.

**656 Subsection 15-25(1)**

Omit “HIC”, substitute “Medicare Australia CEO”.

**657 Paragraph 15-25(2)(c)**

Omit “HIC”, substitute “Medicare Australia CEO”.

**658 Subsections 15-25(3) and (4)**

Omit “HIC”, substitute “Medicare Australia CEO”.

**659 Subsection 15-25(6)**

Repeal the subsection, substitute:

- (6) The Medicare Australia CEO must notify the \*health fund stating the Medicare Australia CEO’s decision on the reconsideration together with a statement of his or her reasons for the decision.

**660 Subsection 15-25(7)**

Omit “HIC” (wherever occurring), substitute “Medicare Australia CEO”.

**661 Subsection 15-25(7)**

Omit “its”, substitute “his or her”.

**662 Subsection 16-5(1)**

Omit “HIC”, substitute “Medicare Australia CEO”.

Note: The heading to section 16-5 is altered by omitting “HIC” and substituting “Medicare Australia CEO”.

**663 Paragraph 16-5(2)(c)**

Omit “HIC”, substitute “Medicare Australia CEO”.

**664 Subsection 16-5(3)**

Omit “HIC”, substitute “Medicare Australia CEO”.

**665 Subsection 16-5(3)**

Omit “it”, substitute “he or she”.

**666 Subsections 16-5(4), (6) and (7)**

Omit “HIC” (wherever occurring), substitute “Medicare Australia CEO”.

**667 Subsection 16-10(1)**

Omit “HIC” (first occurring), substitute “Medicare Australia CEO”.

Note: The heading to section 16-10 is altered by omitting “HIC” and substituting “Medicare Australia CEO”.

**668 Paragraphs 16-10(1)(a) and (b)**

Omit “HIC”, substitute “Medicare Australia CEO”.

**669 Subsection 16-10(3)**

Omit “HIC”, substitute “Medicare Australia CEO”.

**670 Subparagraph 18-5(1)(d)(iii)**

Omit “HIC” (wherever occurring), substitute “Medicare Australia CEO”.

**671 Subsection 18-10(1)**

Omit “\*Managing Director”, substitute “Medicare Australia CEO”.

**672 Paragraph 18-10(1)(a)**

Omit “Managing Director”, substitute “Medicare Australia CEO”.

**673 Subsection 18-10(3)**

Omit “\*Managing Director”, substitute “Medicare Australia CEO”.

**674 Subsections 18-15(1) and (1A)**

Omit “\*Managing Director”, substitute “Medicare Australia CEO”.

**675 Subsection 18-15(1A)**

Omit “Managing Director is”, substitute “Medicare Australia CEO is”.

**676 Subsection 18-15(3)**

Omit “\*Managing Director”, substitute “Medicare Australia CEO”.

**677 Paragraph 18-20(1)(a)**

Omit “HIC”, substitute “Medicare Australia CEO”.

Note: The heading to section 18-20 is altered by omitting “HIC” and substituting “Medicare Australia CEO”.

**678 Subsection 18-20(1)**

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Omit “HIC” (second occurring), substitute “Medicare Australia CEO”.

**679 Subsection 18-20(2)**

Omit “HIC”, substitute “Medicare Australia CEO”.

**680 Subsection 18-20(2)**

Omit “\*Managing Director”, substitute “Medicare Australia CEO”.

**681 Subsection 18-20(3)**

Omit “HIC”, substitute “Medicare Australia CEO”.

**682 Paragraph 18-20(3)(a)**

Omit “it”, substitute “the Medicare Australia CEO”.

**683 Subsection 18-25(1)**

Omit “HIC” (wherever occurring), substitute “Medicare Australia CEO”.

**684 Paragraph 18-25(3)(b)**

Omit “HIC”, substitute “Medicare Australia CEO”.

**685 Subsections 18-25(4) and (5)**

Omit “HIC”, substitute “Medicare Australia CEO”.

**686 Subsections 18-25(6), (7) and (8)**

Repeal the subsections, substitute:

- (6) The Medicare Australia CEO must give you a notice stating his or her decision on the reconsideration together with a statement of his or her reasons for the decision.
- (7) The Medicare Australia CEO must make his or her decision on reconsideration of a decision within 28 days after the day on which he or she received an application for reconsideration.
- (8) The Medicare Australia CEO is taken, for the purposes of this Division, to have made a decision confirming the original decision if the Medicare Australia CEO has not told the applicant of his or her decision on the reconsideration before the end of the period of 28 days.

**687 Subsection 19-1(1)**

Omit “HIC”, substitute “Medicare Australia CEO”.

**688 Subsection 19-1(2)**

Omit “HIC” (first occurring), substitute “Medicare Australia CEO”.

**689 Paragraph 19-1(2)(k)**

Omit “HIC”, substitute “Medicare Australia CEO”.

**690 Paragraph 19-1(2)(l)**

Omit “\*Managing Director”, substitute “Medicare Australia CEO”.

**691 Subsection 19-1(3)**

Omit “\*Managing Director”, substitute “Medicare Australia CEO”.

**692 Paragraph 19-1(5)(a)**

Omit “HIC”, substitute “Medicare Australia CEO”.

**693 Subsections 19-2(1) and (2)**

Omit “HIC” (wherever occurring), substitute “Medicare Australia CEO”.

**694 Section 19-3**

Omit “HIC”, substitute “Medicare Australia CEO”.

**695 Section 19-3**

Omit “it”, substitute “he or she”.

**696 Paragraphs 19-10(a), (b), (c) and (e)**

Omit “HIC”, substitute “Medicare Australia CEO”.

**697 Paragraph 19-10(f)**

Omit “\*Managing Director”, substitute “Medicare Australia CEO”.

**698 Paragraph 19-10(g)**

Omit “HIC”, substitute “Medicare Australia CEO”.

**699 Subsection 19-15(1)**

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Omit “The HIC”, substitute “(1) The Medicare Australia CEO”.

**700 Paragraph 19-15(1)(h)**

Omit “HIC”, substitute “Medicare Australia CEO”.

**701 Subsection 19-15(2)**

Omit “HIC”, substitute “Medicare Australia CEO”.

**702 Paragraph 19-16(1)(b)**

Omit “Managing Director”, substitute “Medicare Australia CEO”.

**703 Paragraph 19-16(1)(d)**

Repeal the paragraph, substitute:

(d) an employee of Medicare Australia.

**704 Subsections 19-16(2) and (3)**

Repeal the subsections, substitute:

(2) The Medicare Australia CEO may, by writing, delegate all or any of his or her powers under this Act to an employee of Medicare Australia.

**705 Section 19-25**

Omit “HIC”, substitute “Medicare Australia CEO”.

**706 Section 20-5**

Insert:

*employee of Medicare Australia* means an employee within the meaning of the *Medicare Australia Act 1973*.

**707 Section 20-5 (definition of *HIC*)**

Repeal the definition.

**708 Section 20-5 (definition of *Managing Director*)**

Repeal the definition.

**709 Section 20-5**

Insert:

*Medicare Australia CEO* means the Chief Executive Officer of Medicare Australia.

***Remuneration and Allowances Act 1990***

**710 Clause 3 of Schedule 2 (Part 3 of the table, table item dealing with the General Manager, Health Insurance Commission)**

Repeal the item.

***Social Security Act 1991***

**711 Subsection 23(1) (paragraph (b) of the definition of *protected information*)**

Omit “the Health Insurance Commission”, substitute “Medicare Australia”.

**712 Subsection 23(1) (after paragraph (b) of the definition of *protected information*)**

Insert:

- (ba) information about a person obtained by an officer under the family assistance law that was held in the records of the Health Insurance Commission; or

**713 Subsection 23(1) (subparagraph (c)(iv) of the definition of *protected information*)**

Repeal the subparagraph, substitute:

- (iv) Medicare Australia.

## Part 3—Transitional provisions

### 714 Definitions

(1) In this Part:

***amend*** includes repeal and remake.

***asset*** means:

- (a) any legal or equitable estate or interest in real or personal property, whether actual, contingent or prospective; and
- (b) any right, power, privilege or immunity, whether actual, contingent or prospective;

but does not include a right, power, privilege or immunity conferred by an Act or by regulations or other subordinate legislation made under an Act.

***CEO*** means the Chief Executive Officer of Medicare Australia.

***commencement time*** means the time when this Part commences.

***Commissioner*** means a Commissioner of HIC.

***HeSA*** means Health eSignature Authority Pty Ltd (ACN 091 282 638).

***HIC*** means the Health Insurance Commission established under the old law.

***instrument***:

- (a) includes:
  - (i) a contract, deed, undertaking or agreement; and
  - (ii) a notice, authority, order or instruction; and
  - (iii) an instrument made under an Act or regulations; but
- (b) does not include an Act or regulations.

***liability*** means any liability, duty or obligation, whether actual, contingent or prospective, but does not include a liability, duty or obligation imposed by an Act or by regulations or other subordinate legislation made under an Act.

***Managing Director*** means the Managing Director of HIC.

***new law*** means the *Medicare Australia Act 1973* as in force after the commencement time.

***old law*** means the *Health Insurance Commission Act 1973* as in force before the commencement time.

- (2) In this Part, unless a contrary intention is expressed, a reference to a law (however described) is a reference to a law of the Commonwealth.

### **715 Managing Director to become CEO**

The person who was the Managing Director immediately before the commencement time under the old law, becomes the CEO immediately after the commencement time and holds office as if he or she were appointed for the remainder of his or her term as Managing Director by the Minister under Division 2 of Part IIA of the new law immediately after the commencement time.

### **716 Operation of laws—things done by, or in relation to, HIC**

- (1) If, before the commencement time, a thing was done by, or in relation to, HIC, a Commissioner, the Managing Director or HeSA, then, for the purposes of the operation of any law after the commencement time, the thing is taken to have been done by, or in relation to, the CEO.
- (2) For the purposes of subitem (1), a thing done before the commencement time under a provision amended by this Schedule has effect from that time as if it were done under that provision as amended. However, this is not taken to change the time at which the thing was actually done.
- (3) The Minister may, by writing, determine that subitem (1):
- (a) does not apply in relation to a specified thing done by, or in relation to, HIC, a Commissioner, the Managing Director or HeSA; or
  - (b) applies as if the reference in that subitem to the CEO were a reference to the Commonwealth or to Medicare Australia.
- A determination under this subitem has effect accordingly.
- (4) The regulations may provide for a thing specified in a determination under paragraph (3)(a) to be taken to have been done by, or in relation to, a person or body other than the CEO, the Commonwealth or Medicare Australia.
- (5) To avoid doubt, for the purposes of this item, doing a thing includes making an instrument.
- (6) A determination made under subitem (3) is not a legislative instrument.

### **717 References in instruments**

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- (1) If:
- (a) an instrument is in force immediately before the commencement time; and
  - (b) the instrument contains a reference to HIC (however described), a Commissioner, the Managing Director or HeSA;
- the instrument has effect from the commencement time as if the reference to HIC, the Commissioner, the Managing Director or HeSA were a reference to the CEO.
- (2) If:
- (a) an instrument is in force immediately before the commencement time; and
  - (b) the instrument contains a reference to an officer of HIC (however described);
- the instrument has effect from the commencement time as if the reference to the officer of HIC were a reference to an employee of Medicare Australia.
- (3) The Minister may, by writing, determine that subitem (1) or (2):
- (a) does not apply in relation to a specified reference; or
  - (b) applies as if:
    - (i) in the case of subitem (1)—the reference in that subitem to the CEO were a reference to the Commonwealth or Medicare Australia; or
    - (ii) in the case of subitem (2)—the reference in that subitem to an employee of Medicare Australia were a reference to the CEO.
- A determination under this subitem has effect accordingly.
- (4) The regulations may provide that an instrument containing a reference specified in a determination under paragraph (3)(a) has effect from the commencement time as if:
- (a) in the case of an instrument covered by subitem (1)—the reference were a reference to a person or body other than the CEO, the Commonwealth or Medicare Australia; or
  - (b) in the case of an instrument covered by subitem (2)—the reference were a reference to a person or body other than the CEO or an employee of Medicare Australia.

- (5) This item has effect subject to subitem 718(3).
- (6) A determination made under subitem (3) is not a legislative instrument.

## **718 Transfer of assets and liabilities to the Commonwealth**

### *Transfer of assets and liabilities*

- (1) At the commencement time:
  - (a) the assets and liabilities of HIC become assets and liabilities of the Commonwealth without any conveyance, transfer or assignment; and
  - (b) the Commonwealth becomes HIC's successor in law in relation to those assets and liabilities.
- (2) At the commencement time:
  - (a) the assets and liabilities of HeSA become assets and liabilities of the Commonwealth without any conveyance, transfer or assignment; and
  - (b) the Commonwealth becomes HeSA's successor in law in relation to those assets and liabilities.

### *Instruments relating to transferred assets and liabilities*

- (3) If:
  - (a) an instrument is in force immediately before the commencement time; and
  - (b) the instrument relates to assets or liabilities covered by subitem (1) or (2); and
  - (c) the instrument refers to HIC (however described) or to HeSA;

the reference is to be read as a reference to the Commonwealth as necessary to give effect to subitems (1) and (2).

### *Proceedings relating to transferred assets and liabilities*

- (4) If, immediately before the commencement time, any proceedings:
  - (a) that related to assets or liabilities covered by subitem (1) or (2); and
  - (b) to which HIC or HeSA was a party;

were pending in any court or tribunal, then, from the commencement time, the Commonwealth is substituted for HIC or HeSA as a party to the proceedings.

## **719 Recording Commonwealth ownership of assets and liabilities**

- (1) This item applies if:
  - (a) an asset or liability becomes an asset or liability of the Commonwealth under item 718; and
  - (b) a law of the Commonwealth or a State or Territory provides for the registration or recording of interests, or the transfer of interests, in such an asset or liability.
- (2) The Minister may give the person responsible for such registration or recording (the *registration official*) a certificate that:
  - (a) is signed by the Minister; and
  - (b) identifies the asset or liability; and
  - (c) states that, under item 718, the asset or liability has become an asset or liability of the Commonwealth.
- (3) The registration official may:
  - (a) deal with, and give effect to, the certificate as if it were a proper and appropriate instrument for transactions in relation to assets or liabilities of that kind; and
  - (b) make such entries in the register or record as are necessary having regard to the effect of this Part.
- (4) A document that appears to be a certificate given in accordance with subitem (2):
  - (a) is taken to be such a certificate; and
  - (b) is taken to have been properly given;unless the contrary is established.

## **720 Appropriations**

### *Transfer of appropriations*

- (1) If:
  - (a) a provision of an Act or regulations provides for, or relates to, the appropriation of money out of the Consolidated Revenue Fund; and

(b) the provision refers to HIC (however described);  
the reference to HIC is to be read from the commencement time as a reference to Medicare Australia.

- (2) The Minister may, by writing, determine that a particular reference to HIC covered by subitem (1) is to be read as a reference to the CEO. A determination under this subitem has effect accordingly.
- (3) A determination made under subitem (2) is not a legislative instrument.

*Re-appropriation of money*

- (4) If an amount of money (the *original amount*) becomes an asset of the Commonwealth under item 718, an amount equal to the original amount may be paid out of the Consolidated Revenue Fund, which is appropriated accordingly, for the purposes of Medicare Australia.

**721 Transfer of staff**

*Long service leave*

- (1) If:
  - (a) a member of the staff of HIC transfers, or is transferred, to Medicare Australia; and
  - (b) previous employment of the staff member could have been taken into account for the purposes of calculating the staff member's entitlement to long service leave as a member of the staff of HIC;

the previous employment must be taken into account in a similar manner for the purposes of calculating the staff member's entitlement to long service leave as an employee of Medicare Australia.

*Other staffing matters*

- (2) The regulations may prescribe other matters of a transitional nature in relation to the transfer of staff from HIC to Medicare Australia.
- (3) Without limiting subitem (2), regulations under that subitem may provide for:
  - (a) some or all of the entitlements and obligations of the staff of HIC to be preserved; or
  - (b) HIC staffing procedures to apply, or to continue to apply, in relation to:

- (i) processes begun before, but not completed by, the commencement time; or
  - (ii) things done by, for or in relation to HIC or a staff member of HIC before the commencement time; or
- (c) Medicare Australia staffing procedures to apply in relation to:
  - (i) processes begun before, but not completed by, the commencement time; or
  - (ii) things done by, for or in relation to HIC or a staff member of HIC before the commencement time.
- (4) Regulations made under this item have effect despite the *Public Service Act 1999*.
- (5) In this item:  
*staffing procedures* includes procedures and policies related to recruitment, promotion, performance management, inefficiency, misconduct, forfeiture of position, fitness for duty, loss of essential qualifications, disciplinary action, reviews of or appeals against staffing decisions, transfers, redundancy, resignations, termination of employment, grievance processes and leave.

## **722 Transfer of records**

At the commencement time, the records and documents of HIC and HeSA become the records and documents of the CEO.

## **723 Access by Commissioners to records**

For the purposes of the operation of subsection 27L(4) of the *Commonwealth Authorities and Companies Act 1997* in relation to the books of HIC, the reference in that subsection to a Commonwealth authority is to be read, after the commencement time, as a reference to the CEO.

## **724 Financial statements and other reporting requirements**

### *Financial statements*

- (1) If:
  - (a) immediately before the commencement time, a law required HIC, a Commissioner or the Managing Director to provide financial statements for a period; and

(b) the period ends after the commencement time;  
the CEO must, within 3 months after the commencement time, provide the statements for so much of the period as occurs before the commencement time.

*Other reporting requirements*

- (2) If:
- (a) immediately before the commencement time, a law required HIC, a Commissioner or the Managing Director to provide a report (other than financial statements) for a period; and
  - (b) the period ends after the commencement time;
- the CEO must provide the report, as required, for so much of the period as occurs before the commencement time.
- (3) If:
- (a) under subitem (2), the CEO is required to provide a report for a part of a period; and
  - (b) the CEO is also required to provide a similar report for the remainder of the period;
- the CEO may meet the requirements in a single report for the period.

*Outstanding reporting requirements*

- (4) If:
- (a) a law required HIC, a Commissioner or the Managing Director to provide a report (whether financial statements or otherwise) for a period that ended before the commencement time; and
  - (b) the report has not been provided by the commencement time;
- the CEO must provide the report as required.

**725 Substitution of parties to proceedings**

- (1) If, immediately before the commencement time, any proceedings to which HIC, a Commissioner, the Managing Director or HeSA was a party were pending in any court or tribunal, then, from the commencement time, the CEO is substituted for HIC, the Commissioner, the Managing Director or HeSA as a party to the proceedings.

- (2) This item has effect subject to subitem 718(4).

**726 Exemption from stamp duty and other State or Territory taxes**

No stamp duty or other tax is payable under a law of a State or Territory in respect of, or anything connected with:

- (a) the transfer of an asset or liability under this Part; or
- (b) the operation of this Part in any other respect.

**727 Constitutional safety net—acquisition of property**

- (1) If:
- (a) a provision of this Schedule would result in an acquisition of property; and
  - (b) the provision would not be valid, apart from this item, because a particular person has not been compensated;
- the Commonwealth must pay that person:
- (c) a reasonable amount of compensation agreed on between the person and the Commonwealth; or
  - (d) failing agreement—a reasonable amount of compensation determined by a court of competent jurisdiction.
- (2) Any damages or compensation recovered, or other remedy given, in a proceeding begun otherwise than under this item must be taken into account in assessing compensation payable in a proceeding begun under this item and arising out of the same event or transaction.
- (3) In this item:
- acquisition of property* has the same meaning as in paragraph 51(xxxi) of the Constitution.

**728 Operation of the *Administrative Decisions (Judicial Review) Act 1977***

Despite the amendment made by item 80, the *Administrative Decisions (Judicial Review) Act 1977* has effect in relation to decisions made before the commencement time as if that amendment had not been made.

**729 Operation of the *Freedom of Information Act 1982***

The *Freedom of Information Act 1982* has effect after the commencement time as if the reference to Medicare Australia in Division 1 of Part II of Schedule 2 to that Act included a reference to HIC.

### **730 Delegation by Minister**

- (1) The Minister may, by writing, delegate all or any of his or her powers and functions under this Part to:
- (a) the Secretary of the Department; or
  - (b) an SES employee, or acting SES employee, in the Department; or
  - (c) the CEO.
- (2) In exercising or performing powers or functions under a delegation, the delegate must comply with any directions of the Minister.
- (3) A power or function delegated to the CEO under subitem (1) must not be sub-delegated under subsection 8AC(3) of the *Medicare Australia Act 1973*.

### **731 Regulations**

- (1) The Governor-General may make regulations prescribing matters:
- (a) required or permitted by this Schedule to be prescribed; or
  - (b) necessary or convenient to be prescribed for carrying out or giving effect to this Schedule.
- (2) In particular, regulations may be made prescribing matters of a transitional nature (including prescribing any saving or application provisions) relating to the amendments or repeals made by this Schedule.

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*[Minister's second reading speech made in—  
House of Representatives on 23 June 2005  
Senate on 10 August 2005]*

(122/05)