



Human Services Legislation Amendment Act 2011

No. 32, 2011

***An Act to amend the Medicare Australia Act 1973,
the Commonwealth Services Delivery Agency Act
1997 and the Child Support (Registration and
Collection) Act 1988, and for other purposes***

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

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No. 32, 2011

**An Act to amend the *Medicare Australia Act 1973*,
the *Commonwealth Services Delivery Agency Act*
1997 and the *Child Support (Registration and*
Collection) Act 1988, and for other purposes**

[Assented to 25 May 2011]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Human Services Legislation
Amendment Act 2011*.

2 Commencement

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

Commencement information		
Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	25 May 2011
2. Schedules 1 to 3	1 July 2011.	1 July 2011
3. Schedule 4, Part 1	1 July 2011.	1 July 2011
4. Schedule 4, Part 2, Division 1	1 July 2011. However, if Schedule 1 to the <i>Tax Laws Amendment (Confidentiality of Taxpayer Information) Act 2010</i> commences before 1 July 2011, the provision(s) do not commence at all.	
5. Schedule 4, Part 2, Division 2	The later of: (a) immediately after the commencement of the provision(s) covered by table item 2; and (b) the start of the day that Schedule 1 to the <i>Tax Laws Amendment (Confidentiality of Taxpayer Information) Act 2010</i> commences. However, the provision(s) do not commence at all if the event mentioned in paragraph (b) does not occur.	
6. Schedule 4, Part 3	The later of: (a) immediately after the commencement of the provision(s) covered by table item 2; and	

Commencement information		
Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
	(b) the start of the day that Schedule 1 to the <i>Health Insurance Amendment (Compliance) Act 2011</i> commences. However, the provision(s) do not commence at all if the event mentioned in paragraph (b) does not occur.	
7. Schedule 4, Part 4	Immediately after the commencement of Schedule 5 to the <i>National Health Amendment (Pharmaceutical Benefits Scheme) Act 2010</i> . However, if Schedule 5 to the <i>National Health Amendment (Pharmaceutical Benefits Scheme) Act 2010</i> does not commence, the provision(s) do not commence at all.	
7A. Schedule 4, Part 5	1 July 2011. However, if section 2 of the <i>Family Assistance and Other Legislation Amendment (Child Care and Other Measures) Act 2011</i> commences before 1 July 2011, the provision(s) do not commence at all.	
7B. Schedule 4, Part 6	Immediately after the commencement of section 2 of the <i>Family Assistance and Other Legislation Amendment (Child Care and Other Measures) Act 2011</i> . However, if section 2 of the <i>Family Assistance and Other Legislation Amendment (Child Care and Other Measures) Act 2011</i> commences before the day this Act receives the Royal Assent, the provision(s) do not commence at all.	
8. Schedule 5	1 July 2011.	1 July 2011
Note:	This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.	

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- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

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—Amendment of the Medicare Australia Act 1973

Part 1—Amendments

Medicare Australia Act 1973

1 Title

Omit “to establish Medicare Australia, and for related purposes”, substitute “relating to the provision of certain services, and for other purposes”.

2 Section 1

Omit “*Medicare Australia Act 1973*”, substitute “*Human Services (Medicare) Act 1973*”.

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 Section 3 (definition of *authorised officer*)

Omit “Chief Executive Officer or an employee who is appointed by the Chief Executive Officer”, substitute “Chief Executive Medicare or a Departmental employee who is appointed by the Chief Executive Medicare”.

4 Section 3

Insert:

Chief Executive Centrelink has the same meaning as in the *Human Services (Centrelink) Act 1997*.

5 Section 3

Insert:

Chief Executive Medicare means the Chief Executive Medicare referred to in section 4.

6 Section 3 (definition of *Chief Executive Officer*)

Repeal the definition.

7 Section 3 (definition of *Commonwealth authority*)

Repeal the definition.

8 Section 3 (definition of *Commonwealth service*)

Repeal the definition.

9 Section 3

Insert:

data includes:

- (a) information in any form; and
- (b) any program (or part of a program).

10 Section 3

Insert:

data held in a computer includes:

- (a) data held in any removable data storage device for the time being held in a computer; or
- (b) data held in a data storage device on a computer network of which the computer forms a part.

11 Section 3

Insert:

data storage device means a thing containing, or designed to contain, data for use by a computer.

12 Section 3

Insert:

Departmental employee means an APS employee in the Department.

Note: *APS employee* is defined in the *Acts Interpretation Act 1901*.

13 Section 3 (definition of *employee*)

Repeal the definition.

14 Section 3

Insert:

function includes power.

15 Section 3 (definition of *medicare functions*)

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

16 Section 3

Insert:

medicare program has the meaning given by section 41G.

17 Section 3 (definition of *officer assisting*)

Omit “an employee” (wherever occurring), substitute “a Departmental employee”.

18 Section 3

Insert:

perform includes exercise.

19 Section 3 (definition of *principal officer*)

Repeal the definition.

20 Section 3

Insert:

Secretary means the Secretary of the Department.

21 Section 3 (definition of *service arrangements*)

Repeal the definition.

22 Section 3 (definition of *service delivery functions*)

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

23 Section 3B

Repeal the section.

24 Part II

Repeal the Part.

25 Part IIA (heading)

Repeal the heading, substitute:

Part IIA—Chief Executive Medicare

26 Division 1 of Part IIA (heading)

Repeal the heading.

27 Before section 5

Insert:

4 Chief Executive Medicare

- (1) There is to be a Chief Executive Medicare.
- (2) The Chief Executive Medicare is to be a person who is:
 - (a) an SES employee in the Department; and
 - (b) specified in a written instrument made by the Secretary.
- (3) A person must not be specified in an instrument under paragraph (2)(b) if the person is, or is acting as:
 - (a) the Chief Executive Centrelink; or
 - (b) the Child Support Registrar.
- (4) An instrument under paragraph (2)(b) is not a legislative instrument.

4A Acting Chief Executive Medicare

- (1) The Secretary may appoint an SES employee in the Department to act as the Chief Executive Medicare:
 - (a) during a vacancy in the position of Chief Executive Medicare (whether or not an appointment has previously been made to the position); or
 - (b) during any period, or during all periods, when the Chief Executive Medicare:
 - (i) is absent from duty or from Australia; or

- (ii) is, for any reason, unable to perform the duties of the position.
- (2) A person must not be appointed under subsection (1) if the person is, or is acting as:
- (a) the Chief Executive Centrelink; or
 - (b) the Child Support Registrar.
- (3) Anything done by or in relation to a person purporting to act under an appointment under subsection (1) 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 ceased to have effect; or
 - (d) the occasion to act had not arisen or had ceased.

Note: See sections 20 and 33A of the *Acts Interpretation Act 1901*.

28 Subsection 5(1)

Omit “Chief Executive Officer has”, substitute “Chief Executive Medicare has”.

Note 1: The heading to section 5 is altered by omitting “**Chief Executive Officer**” and substituting “**Chief Executive Medicare**”.

Note 2: The following heading to subsection 5(1) is inserted “*Functions—general*”.

28A Paragraph 5(1)(c)

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

28B Paragraph 5(1)(d)

Repeal the paragraph.

28C Subsection 5(2)

Repeal the subsection.

29 At the end of section 5

Add:

Parallel function

- (3) A function prescribed by regulations made for the purposes of paragraph (1)(e) may be a specified function that another person (the ***primary person***) has under a law of the Commonwealth.
- (4) When the specified function is performed by the Chief Executive Medicare, the function is, for the purposes of that or any other law of the Commonwealth, taken to have been performed by the primary person.
- (5) The performance of the specified function by the Chief Executive Medicare does not prevent the performance of the function under the law of the Commonwealth by the primary person.
- (6) For the purposes of subsection (3), it is immaterial whether the specified function is a function that can be delegated.
- (7) For the purposes of subsection (3), it is immaterial whether the specified function is a function under a law administered by the Minister.
- (8) Subsection (3) does not limit paragraph (1)(e).
- (9) Subsections (6) and (7) are enacted for the avoidance of doubt.

Function of acting on behalf of another person

- (10) A function prescribed by regulations made for the purposes of paragraph (1)(e) may be a function of acting on behalf of another person (the ***primary person***) in the performance of a function that the primary person may perform, whether under a law of the Commonwealth or otherwise.
- (11) For the purposes of subsection (10), it is immaterial whether a function that the primary person may perform is a function that can be delegated.
- (12) For the purposes of subsection (10), it is immaterial whether a function that the primary person may perform under a law of the Commonwealth is a function under a law administered by the Minister.
- (13) For the purposes of subsection (10), it is immaterial whether a function that the primary person may perform otherwise than under

a law of the Commonwealth is a function that is within the responsibilities of the Minister.

(14) Subsection (10) does not limit paragraph (1)(e).

(15) Subsections (10) to (14) are enacted for the avoidance of doubt.

30 Section 6

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

Note: The heading to section 6 is altered by omitting “**Chief Executive Officer’s**” and substituting “**Chief Executive Medicare’s**”.

31 Section 6

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

32 Section 7

Repeal the section, substitute:

7 Chief Executive Medicare’s service delivery functions

The Chief Executive Medicare’s *service delivery functions* are as follows:

- (a) to provide services, benefits, programs or facilities that are provided for by the Commonwealth for a purpose for which the Parliament has the power to make laws;
- (b) to provide services, benefits, programs or facilities that are provided for by a person or body other than the Commonwealth for a purpose for which the Parliament has the power to make laws.

33 Section 7A

Repeal the section, substitute:

7A Agreements about performance of Chief Executive Medicare’s functions

The Secretary of the Department may enter into a written agreement with the Secretary of another Department about the performance of any of the Chief Executive Medicare’s functions.

34 Sections 8, 8AA and 8AB

Repeal the sections.

35 Subsection 8AC(1)

Omit “Chief Executive Officer may, by writing, delegate to an employee all or any of the powers or functions of the Chief Executive Officer”, substitute “Chief Executive Medicare may, by writing, delegate to a Departmental employee all or any of the functions of the Chief Executive Medicare”.

36 After subsection 8AC(1)

Insert:

- (1A) For the purposes of subsection (1), it is immaterial whether a function of the Chief Executive Medicare is a function of the kind mentioned in subsection 5(3) or (10).

37 Subsection 8AC(2)

Omit “Chief Executive Officer must not delegate powers or functions”, substitute “Chief Executive Medicare must not delegate functions”.

38 Subsection 8AC(3)

Omit “Chief Executive Officer may, by writing, delegate to an employee all or any of the powers or functions delegated to the Chief Executive Officer”, substitute “Chief Executive Medicare may, by writing, delegate to a Departmental employee all or any of the functions delegated to the Chief Executive Medicare”.

39 Subsection 8AC(4)

Omit “Chief Executive Officer must not delegate powers or functions”, substitute “Chief Executive Medicare must not delegate functions”.

40 Subsection 8AC(4)

Omit “Chief Executive Officer would”, substitute “Chief Executive Medicare would”.

41 At the end of section 8AC

Add:

(5) The Chief Executive Medicare must not delegate functions under subsection (1) or (3) to a Departmental employee who is, or is acting as:

- (a) the Chief Executive Centrelink; or
- (b) the Child Support Registrar.

42 Subsection 8AD(1)

Omit “powers or”.

Note: The heading to section 8AD is altered by omitting “**powers etc. on Chief Executive Officer**” and substituting “**functions etc. on Chief Executive Medicare**”.

43 Subsection 8AD(1)

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

44 Subsection 8AD(1) (note)

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

45 Subsection 8AD(2)

Omit “power or”.

46 Paragraph 8AD(2)(a)

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

47 Subsection 8AD(3)

Omit “Chief Executive Officer cannot exercise a power, or perform a duty or function,”, substitute “Chief Executive Medicare cannot perform a duty or function”.

48 Subsection 8AE(1)

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

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

49 Subsection 8AE(1) (note)

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

50 Paragraph 8AE(2)(b)

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

51 Paragraph 8AE(5)(b)

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

52 Section 8AF

Omit “Chief Executive Officer” (first occurring), substitute “Chief Executive Medicare”.

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

53 Paragraph 8AF(a)

Omit “power or function on the Chief Executive Officer”, substitute “function on the Chief Executive Medicare”.

54 Paragraph 8AF(b)

Omit “power or function is conferred give rise to an obligation on the Chief Executive Officer to exercise the power or to perform the function”, substitute “function is conferred give rise to an obligation on the Chief Executive Medicare to perform the function”.

55 After section 8AF

Insert:

8B Chief Executive Medicare may be assisted by Departmental employees

A Departmental employee may assist the Chief Executive Medicare in the performance of any of the functions of the Chief Executive Medicare.

56 Division 2 of Part IIA

Repeal the Division.

57 Part IID (heading)

Repeal the heading, substitute:

**Part IID—Investigative powers of Chief Executive
Medicare**

58 Subsection 8L(1)

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

59 Section 8M

Omit “Chief Executive Officer may, by signed instrument, appoint an employee”, substitute “Chief Executive Medicare may, by signed instrument, appoint a Departmental employee”.

60 Subsections 8N(1), (2) and (3)

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

61 Subsection 8P(1)

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

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

62 Paragraph 8Q(1)(b)

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

63 Paragraph 8Q(1)(c)

Omit “employee”, substitute “Departmental employee”.

64 Subsection 8Q(3)

Omit “employee”, substitute “Departmental employee”.

65 Subsection 8Q(4)

Omit “an employee”, substitute “a Departmental employee”.

66 After section 8R

Insert:

8RA Use of information

Scope

- (1) This section applies to information that is:
 - (a) given in accordance with a notice under section 8P; or
 - (b) contained in a document produced in accordance with a notice under section 8P.

Use of information

- (2) The information may be used or disclosed for purposes in connection with:
 - (a) the exercise of a power under section 124F of the *Health Insurance Act 1973*; or
 - (b) the exercise of a power under section 124FF of the *Health Insurance Act 1973*; or
 - (c) the exercise of a power under section 133 of the *National Health Act 1953*.
- (3) Subsection (2) does not, by implication, limit the purposes for which the information may otherwise be used or disclosed.

67 Subsection 8U(6)

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

68 Paragraph 8Y(2)(b)

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

69 Sections 8ZF and 8ZG

Repeal the sections, substitute:

8ZF Use of equipment to examine or process things

- (1) The authorised officer or an officer assisting may bring to the warrant premises any equipment reasonably necessary for the examination or processing of a thing found at the premises in order to determine whether it is a thing that may be seized under the warrant.
- (2) A thing found at the premises may be moved to another place for examination or processing in order to determine whether it may be seized under a warrant if:
 - (a) both of the following apply:
 - (i) it is significantly more practicable to do so having regard to the timeliness and cost of examining or processing the thing at another place and the availability of expert assistance;
 - (ii) the authorised officer or officer assisting suspects on reasonable grounds that the thing contains or constitutes evidential material; or
 - (b) the occupier of the premises consents in writing.
- (3) If a thing is moved to another place for the purpose of examination or processing under subsection (2), the authorised officer must, if it is practicable to do so:
 - (a) inform the occupier of the address of the place and the time at which the examination or processing will be carried out; and
 - (b) allow the occupier or his or her representative to be present during the examination or processing.
- (4) The authorised officer need not comply with paragraph (3)(a) or (b) if he or she believes on reasonable grounds that to do so might:
 - (a) endanger the safety of a person; or
 - (b) prejudice an investigation or prosecution.
- (5) The thing may be moved to another place for examination or processing for no longer than 14 days.
- (6) An authorised officer may apply to a magistrate for one or more extensions of that time if the authorised officer believes on reasonable grounds that the thing cannot be examined or processed within 14 days or that time as previously extended.

- (7) The authorised officer must give notice of the application to the occupier of the premises, and the occupier is entitled to be heard in relation to the application.
- (8) A single extension cannot exceed 7 days.
- (9) The authorised officer or an officer assisting may operate equipment already at the warrant premises to carry out the examination or processing of a thing found at the premises in order to determine whether it is a thing that may be seized under the warrant if the authorised officer or officer assisting believes on reasonable grounds that:
 - (a) the equipment is suitable for the examination or processing; and
 - (b) the examination or processing can be carried out without damage to the equipment or the thing.

8ZG Use of electronic equipment at premises

- (1) The authorised officer or an officer assisting may operate electronic equipment at the warrant premises to access data (including data not held at the premises) if he or she suspects on reasonable grounds that the data constitutes evidential material.

Note: An authorised officer can obtain an order requiring a person with knowledge of a computer or computer system to provide assistance: see section 8ZGB.
- (2) If the authorised officer or officer assisting suspects on reasonable grounds that any data accessed by operating the electronic equipment constitutes evidential material, he or she may:
 - (a) copy any or all of the data accessed by operating the electronic equipment to a disk, tape or other associated device brought to the premises; or
 - (b) if the occupier of the premises agrees in writing—copy any or all of the data accessed by operating the electronic equipment to a disk, tape or other associated device at the premises;and take the device from the premises.
- (3) If:
 - (a) the authorised officer or officer assisting takes the device from the premises; and

- (b) the Chief Executive Medicare is satisfied that:
- (i) the reason for the copying of the data no longer exists;
or
 - (ii) a decision has been made not to use the data in evidence;
- the Chief Executive Medicare must arrange for:
- (c) the removal of the data from any device in the control of a Departmental employee; and
 - (d) the destruction of any other reproduction of the data in the control of a Departmental employee.
- (4) If the authorised officer or an officer assisting, after operating the equipment, finds that evidential material is accessible by doing so, he or she may:
- (a) seize the equipment and any disk, tape or other associated device; or
 - (b) if the material can, by using facilities at the premises, be put in documentary form—operate the facilities to put the material in that form and seize the documents so produced.
- (5) An authorised officer or an officer assisting may seize equipment under paragraph (4)(a) only if:
- (a) it is not practicable to copy the data as mentioned in subsection (2) or to put the material in documentary form as mentioned in paragraph (4)(b); or
 - (b) possession by the occupier of the equipment could constitute an offence.
- (6) If the authorised officer or an officer assisting suspects on reasonable grounds that:
- (a) evidential material may be accessible by operating electronic equipment at the premises; and
 - (b) expert assistance is required to operate the equipment; and
 - (c) if he or she does not take action under this subsection, the material may be destroyed, altered or otherwise interfered with;
- he or she may do whatever is necessary to secure the equipment, whether by locking it up, placing a guard or otherwise.
- (7) The authorised officer or an officer assisting must give notice to the occupier of the premises of his or her intention to secure
-

equipment and of the fact that the equipment may be secured for up to 24 hours.

- (8) The equipment may be secured:
 - (a) for a period not exceeding 24 hours; or
 - (b) until the equipment has been operated by the expert; whichever happens first.
- (9) If the authorised officer or an officer assisting believes on reasonable grounds that the expert assistance will not be available within 24 hours, he or she may apply to a magistrate for an extension of that period.
- (10) The authorised officer or an officer assisting must give notice to the occupier of the premises of his or her intention to apply for an extension, and the occupier is entitled to be heard in relation to the application.
- (11) The provisions of Division 4 relating to the issue of warrants apply, with such modifications as are necessary, to the issuing of an extension.

8ZGA Use of electronic equipment at other place

- (1) If electronic equipment found at the warrant premises is moved to another place under subsection 8ZF(2), the authorised officer or an officer assisting may operate the equipment to access data (including data held at another place).
- (2) If the authorised officer or officer assisting suspects on reasonable grounds that any data accessed by operating the electronic equipment constitutes evidential material, he or she may copy any or all of the data accessed by operating the electronic equipment to a disk, tape or other associated device.
- (3) If the Chief Executive Medicare is satisfied that:
 - (a) the reason for the copying of the data no longer exists; or
 - (b) a decision has been made not to use the data in evidence; the Chief Executive Medicare must arrange for:
 - (c) the removal of the data from any device in the control of a Departmental employee; and

- (d) the destruction of any other reproduction of the data in the control of a Departmental employee.
- (4) If the authorised officer or an officer assisting, after operating the equipment, finds that evidential material is accessible by doing so, he or she may:
 - (a) seize the equipment and any disk, tape or other associated device; or
 - (b) if the material can be put in documentary form—put the material in that form and seize the documents so produced.
- (5) An authorised officer or officer assisting may seize equipment under paragraph (4)(a) only if:
 - (a) it is not practicable to copy the data as mentioned in subsection (2) or to put the material in documentary form as mentioned in paragraph (4)(b); or
 - (b) possession by the occupier of the equipment could constitute an offence.

8ZGB Person with knowledge of a computer or a computer system to assist access etc.

- (1) An authorised officer may apply to a magistrate for an order requiring a specified person to provide any information or assistance that is reasonable and necessary to allow an authorised officer or officer assisting to do one or more of the following:
 - (a) access data held in, or accessible from, a computer or data storage device that:
 - (i) is on warrant premises; or
 - (ii) has been removed from warrant premises under subsection 8ZF(2) and is at another place for examination or processing; or
 - (iii) has been seized under this Division and is no longer on the warrant premises;
 - (b) copy data held in, or accessible from, a computer, or data storage device, described in paragraph (a) to another data storage device;
 - (c) convert into documentary form or another form intelligible to an authorised officer or officer assisting:
 - (i) data held in, or accessible from, a computer, or data storage device, described in paragraph (a); or

- (ii) data held in a data storage device to which the data was copied as described in paragraph (b); or
 - (iii) data held in a data storage device removed from warrant premises under subsection 8ZG(2).
- (2) The magistrate may grant the order if the magistrate is satisfied that:
 - (a) there are reasonable grounds for suspecting that evidential material is held in, or is accessible from, the computer or data storage device; and
 - (b) the specified person is:
 - (i) reasonably suspected of having committed the relevant offence or relevant civil contravention stated in the relevant warrant; or
 - (ii) the owner or lessee of the computer or device; or
 - (iii) an employee of the owner or lessee of the computer or device; or
 - (iv) a person engaged under a contract for services by the owner or lessee of the computer or device; or
 - (v) a person who uses or has used the computer or device; or
 - (vi) a person who is or was a system administrator for the system including the computer or device; and
 - (c) the specified person has relevant knowledge of:
 - (i) the computer or device or a computer network of which the computer or device forms or formed a part; or
 - (ii) measures applied to protect data held in, or accessible from, the computer or device.
- (3) If:
 - (a) the computer or data storage device that is the subject of the order is seized under this Division; and
 - (b) the order was granted on the basis of an application made before the seizure;the order does not have effect on or after the seizure.

Note: An application for another order under this section relating to the computer or data storage device may be made after the seizure. If the other order is made after the computer or device has been removed from the warrant premises, that other order can specify conditions relating to the provision of information or assistance.

- (4) If the computer or data storage device is not on warrant premises, the order must:
- (a) specify the period within which the person must provide the information or assistance; and
 - (b) specify the place at which the person must provide the information or assistance; and
 - (c) specify the conditions (if any) determined by the magistrate as the conditions to which the requirement on the person to provide the information or assistance is subject.
- (5) A person commits an offence if the person fails to comply with the order.

Penalty for contravention of this subsection: Imprisonment for 2 years.

8ZGC Accessing data held on other premises—notification to occupier of that premises

- (1) If:
- (a) data that is held on premises other than the warrant premises is accessed under subsection 8ZG(1) or 8ZGA(1); and
 - (b) it is practicable to notify the occupier of the other premises that the data has been accessed under a warrant;
- the authorised officer must:
- (c) do so as soon as practicable; and
 - (d) if the authorised officer has arranged, or intends to arrange, for continued access to the data under subsection 8ZG(2) or (4) or 8ZGA(2) or (4)—include that information in the notification.
- (2) A notification under subsection (1) must include sufficient information to allow the occupier of the other premises to contact the authorised officer.

70 Paragraph 8ZH(1)(a)

Omit “or 8ZG”, substitute “, 8ZG or 8ZGA”.

71 Subsection 8ZL(2)

Omit “paragraph 8ZG(2)(b) or (c)”, substitute “paragraph 8ZG(4)(b) or 8ZGA(4)(b)”.

72 Subsection 8ZM(1)

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

73 Subsection 8ZM(2)

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

74 Subsection 8ZN(1)

Repeal the subsection, substitute:

(1) If, in the exercise of a power under this Part:

(a) an authorised officer; or

(b) an officer assisting;

examines a record containing clinical details relating to an individual patient, the Chief Executive Medicare must advise the patient in writing of the examination of the record.

75 Paragraph 8ZN(2)(b)

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

76 At the end of subsection 8ZN(2)

Add:

; or (c) the examination of the record did not result in:

(i) the authorised officer; or

(ii) the officer assisting;

obtaining any knowledge of any of the clinical details relating to the patient.

77 Section 8ZQ

Omit “Chief Executive Officer’s” (wherever occurring), substitute “Chief Executive Medicare’s”.

78 At the end of Division 6 of Part IID

Add:

8ZR Powers of magistrates

Powers conferred personally

- (1) A power conferred on a magistrate by this Part is conferred on the magistrate:
 - (a) in a personal capacity; and
 - (b) not as a court or a member of a court.

Powers need not be accepted

- (2) The magistrate need not accept the power conferred.

Protection and immunity

- (3) A magistrate exercising a power conferred by this Part has the same protection and immunity as if he or she were exercising the power:
 - (a) as the court of which the magistrate is a member; or
 - (b) as a member of the court of which the magistrate is a member.

79 Part III

Repeal the Part.

80 Paragraph 41C(2)(c)

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

81 Section 41F

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

Note: The heading to section 41F is altered by omitting “**Chief Executive Officer**” and substituting “**Chief Executive Medicare**”.

82 After section 41F

Insert:

41G Medicare programs

For the purposes of a law of the Commonwealth, the following are *medicare programs*:

- (a) services, benefits, programs or facilities that are provided for under:
 - (i) the *Health Insurance Act 1973*; or
 - (ii) the *National Health Act 1953*; or
 - (iii) the *Dental Benefits Act 2008*; or
 - (iv) the *Aged Care Act 1997*; or
 - (v) the *Healthcare Identifiers Act 2010*; or
 - (vi) the *Private Health Insurance Act 2007*; or
 - (vii) the *Health and Other Services (Compensation) Act 1995*;
- (b) services, benefits, programs or facilities specified in a legislative instrument made by the Minister for the purposes of this paragraph.

83 Subsection 42(1A)

Repeal the subsection.

84 Subsection 42(1)

After “annual report”, insert “on the Department’s activities given by the Secretary under section 63 of the *Public Service Act 1999*”.

85 Subsection 42(2)

After “annual report”, insert “mentioned in subsection (1)”.

86 Subsection 42(3)

Repeal the subsection.

87 After section 42

Insert:

43 Arrangements with States and Territories—magistrates

States

- (1) The Governor-General may make arrangements with the Governor of a State in relation to the performance of the functions of a magistrate under this Act by a magistrate of that State.
- (2) The Governor-General may arrange with the Governor of a State with whom an arrangement is in force under subsection (1) for the variation or revocation of the arrangement.

Australian Capital Territory

- (3) The Governor-General may make arrangements with the Chief Minister of the Australian Capital Territory in relation to the performance of the functions of a magistrate under this Act by a magistrate of the Australian Capital Territory.
- (4) The Governor-General may arrange with the Chief Minister of the Australian Capital Territory for the variation or revocation of an arrangement in force under subsection (3).

Northern Territory

- (5) The Governor-General may make arrangements with the Administrator of the Northern Territory in relation to the performance of the functions of a magistrate under this Act by a magistrate of the Northern Territory.
- (6) The Governor-General may arrange with the Administrator of the Northern Territory for the variation or revocation of an arrangement in force under subsection (5).

Gazettal

- (7) A copy of each instrument by which an arrangement under this section is made, varied or revoked is to be published in the *Gazette*.

Legislative instruments

- (8) An instrument by which an arrangement under this section is made, varied or revoked is not a legislative instrument.

43A Multiple secrecy provisions

Scope

- (1) This section applies to particular information if:
- (a) the information is subject to a regulatory regime under a designated program Act (the ***first program Act***); and
 - (b) the information is also subject to a regulatory regime under another designated program Act (the ***second program Act***).

For the purposes of this subsection, in determining whether particular information is subject to a regulatory regime under a designated program Act, disregard whether the information is subject to a regulatory regime under any other designated program Act.

Disclosure or use of information etc.

- (2) If:
- (a) the Secretary, the Chief Executive Medicare or a Departmental employee:
 - (i) discloses the information; or
 - (ii) uses the information; or
 - (iii) makes a record of the information; and
 - (b) the Secretary, the Chief Executive Medicare or the Departmental employee, as the case may be, does so without contravening the first program Act;
- the disclosure, use, or making of the record, as the case may be, does not contravene the second program Act.

Definitions

- (3) In this section:

designated program Act means:

- (a) the *A New Tax System (Family Assistance) (Administration) Act 1999*; or
- (b) the *Aged Care Act 1997*; or
- (c) the *Child Support (Assessment) Act 1989*; or
- (d) the *Child Support (Registration and Collection) Act 1988*; or
- (e) the *Dental Benefits Act 2008*; or
- (f) the *Disability Services Act 1986*; or

- (g) the *Health Insurance Act 1973*; or
- (h) the *Medical Indemnity Act 2002*; or
- (i) the *Midwife Professional Indemnity (Commonwealth Contribution) Scheme Act 2010*; or
- (j) the *National Health Act 1953*; or
- (k) the *Paid Parental Leave Act 2010*; or
- (l) the *Private Health Insurance Act 2007*; or
- (m) the *Social Security (Administration) Act 1999*; or
- (n) the *Student Assistance Act 1973*; or
- (o) an Act specified in a legislative instrument made by the Minister for the purposes of this paragraph.

disclose means disclose, divulge or communicate.

Part 2—Transitional provisions

Division 1—Introduction

88 Definitions

In this Part:

binding non-employment agreement means an agreement:

- (a) that is legally enforceable; and
- (b) to which the Commonwealth or the Chief Executive Officer is a party; and
- (c) that does not contain any or all of the terms and conditions of employment of one or more employees; and
- (d) that was entered into before the transition time.

Chief Executive Centrelink has the same meaning as in the *Human Services (Centrelink) Act 1997* as amended by Schedule 2 to this Act.

Chief Executive Medicare has the same meaning as in the *Human Services (Medicare) Act 1973* as amended by this Schedule.

Chief Executive Officer means the Chief Executive Officer (within the meaning of the *Medicare Australia Act 1973* as in force immediately before the transition time).

Departmental employee has the same meaning as in the *Human Services (Medicare) Act 1973* as amended by this Schedule.

government body means:

- (a) a department of the Commonwealth, a State or a Territory; or
- (b) an agency, authority or instrumentality of the Commonwealth, a State or a Territory.

Medicare Australia means Medicare Australia (within the meaning of the *Medicare Australia Act 1973* as in force immediately before the transition time).

non-binding governmental agreement means an agreement:

- (a) between Medicare Australia and a government body; and
- (b) that is not legally enforceable; and
- (c) that was entered into before the transition time.

Secretary means the Secretary of the Department.

transition time means the commencement of this Schedule.

Division 2—Acts of the CEO etc.

89 Transitional—acts of the CEO under financial management and public service legislation etc.

Scope

- (1) This item applies to an act if:
- (a) the act was done by the Chief Executive Officer before the transition time under:
 - (i) the *Financial Management and Accountability Act 1997*; or
 - (ii) regulations under the *Financial Management and Accountability Act 1997*; or
 - (iii) Finance Minister's Orders under the *Financial Management and Accountability Act 1997*; or
 - (iv) the *Public Service Act 1999*; or
 - (v) regulations under the *Public Service Act 1999*; or
 - (b) the act was done in relation to the Chief Executive Officer before the transition time under, or for the purposes of:
 - (i) the *Financial Management and Accountability Act 1997*; or
 - (ii) regulations under the *Financial Management and Accountability Act 1997*; or
 - (iii) Finance Minister's Orders under the *Financial Management and Accountability Act 1997*; or
 - (iv) the *Public Service Act 1999*; or
 - (v) regulations under the *Public Service Act 1999*.

Note: For acts of delegates, see paragraph 34AB(c) of the *Acts Interpretation Act 1901*.

Effect after transition time

- (2) After the transition time, the act has effect:
- (a) if paragraph (1)(a) applies—as if it had been done by the Secretary; or
 - (b) if paragraph (1)(b) applies—as if it has been done in relation to the Secretary.
- (3) The Minister may, by legislative instrument, declare that subitem (2) does not apply to a specified act.

Note: For specification by class, see subsection 13(3) of the *Legislative Instruments Act 2003*.

- (4) If, at a particular time, the Minister makes a declaration under subitem (3) in relation to a specified act, the Minister may at the same time, by legislative instrument, make any of the following declarations:
- (a) if paragraph (1)(a) applies—that the act has effect, after the transition time, as if it had been done by the Chief Executive Medicare;
 - (b) if paragraph (1)(b) applies—that the act has effect, after the transition time, as if it had been done in relation to the Chief Executive Medicare.

Note: For specification by class, see subsection 13(3) of the *Legislative Instruments Act 2003*.

- (5) A declaration made under subitem (3) or (4) after the transition time takes effect at the transition time.
- (6) A declaration made under subitem (3) or (4) before the transition time, in accordance with section 4 of the *Acts Interpretation Act 1901*, takes effect at the transition time.

90 Transitional—acts of the CEO under binding non-employment agreements etc.

Scope

- (1) This item applies to an act if:
- (a) the act was done by the Chief Executive Officer before the transition time under, or for the purposes of, a binding non-employment agreement; or
 - (b) the act was done in relation to the Chief Executive Officer before the transition time under, or for the purposes of, a binding non-employment agreement.

Effect after transition time

- (2) After the transition time, the act has effect:
- (a) if paragraph (1)(a) applies—as if it had been done by the Secretary; or
 - (b) if paragraph (1)(b) applies—as if it had been done in relation to the Secretary.
- (3) The Minister may, by legislative instrument, declare that subitem (2) does not apply to a specified act.
-

Note: For specification by class, see subsection 13(3) of the *Legislative Instruments Act 2003*.

- (4) If, at a particular time, the Minister makes a declaration under subitem (3) in relation to a specified act, the Minister may at the same time, by legislative instrument, make any of the following declarations:
- (a) if paragraph (1)(a) applies—that the act has effect, after the transition time, as if it had been done by the Chief Executive Medicare;
 - (b) if paragraph (1)(a) applies—that the act has effect, after the transition time, as if it had been done by the Chief Executive Centrelink;
 - (c) if paragraph (1)(b) applies—that the act has effect, after the transition time, as if it had been done in relation to the Chief Executive Medicare;
 - (d) if paragraph (1)(b) applies—that the act has effect, after the transition time, as if it had been done in relation to the Chief Executive Centrelink.

Note: For specification by class, see subsection 13(3) of the *Legislative Instruments Act 2003*.

- (5) A declaration made under subitem (3) or (4) after the transition time takes effect at the transition time.
- (6) A declaration made under subitem (3) or (4) before the transition time, in accordance with section 4 of the *Acts Interpretation Act 1901*, takes effect at the transition time.

91 Transitional—acts of the CEO under non-binding governmental agreements etc.

Scope

- (1) This item applies to an act if:
- (a) the act was done by the Chief Executive Officer before the transition time under, or for the purposes of, a non-binding governmental agreement; or
 - (b) the act was done in relation to the Chief Executive Officer before the transition time under, or for the purposes of, a non-binding governmental agreement.

Effect after transition time

- (2) After the transition time, the act has effect:

- (a) if paragraph (1)(a) applies—as if it had been done by the Chief Executive Medicare; or
- (b) if paragraph (1)(b) applies—as if it had been done in relation to the Chief Executive Medicare.

- (3) The Minister may, by legislative instrument, declare that subitem (2) does not apply to a specified act.

Note: For specification by class, see subsection 13(3) of the *Legislative Instruments Act 2003*.

- (4) If, at a particular time, the Minister makes a declaration under subitem (3) in relation to a specified act, the Minister may at the same time, by legislative instrument, make any of the following declarations:

- (a) if paragraph (1)(a) applies—that the act has effect, after the transition time, as if it had been done by the Secretary;
- (b) if paragraph (1)(a) applies—that the act has effect, after the transition time, as if it had been done by the Chief Executive Centrelink;
- (c) if paragraph (1)(b) applies—that the act has effect, after the transition time, as if it had been done in relation to the Secretary;
- (d) if paragraph (1)(b) applies—that the act has effect, after the transition time, as if it had been done in relation to the Chief Executive Centrelink.

Note: For specification by class, see subsection 13(3) of the *Legislative Instruments Act 2003*.

- (5) A declaration made under subitem (3) or (4) after the transition time takes effect at the transition time.
- (6) A declaration made under subitem (3) or (4) before the transition time, in accordance with section 4 of the *Acts Interpretation Act 1901*, takes effect at the transition time.

92 Transitional—other acts of the CEO

Scope

- (1) This item applies to an act if:
- (a) both:
 - (i) the act was done by the Chief Executive Officer before the transition time; and
 - (ii) none of items 89, 90 and 91 applies to the act; or
 - (b) both:
-

- (i) the act was done in relation to the Chief Executive Officer before the transition time; and
- (ii) none of items 89, 90 and 91 applies to the act.

Effect after transition time

- (2) After the transition time, the act has effect:
 - (a) if paragraph (1)(a) applies—as if it had been done by the Chief Executive Medicare; or
 - (b) if paragraph (1)(b) applies—as if it had been done in relation to the Chief Executive Medicare.
 - (3) The Minister may, by legislative instrument, declare that subitem (2) does not apply to a specified act.
- Note: For specification by class, see subsection 13(3) of the *Legislative Instruments Act 2003*.
- (4) If, at a particular time, the Minister makes a declaration under subitem (3) in relation to a specified act, the Minister may at the same time, by legislative instrument, make any of the following declarations:
 - (a) if paragraph (1)(a) applies—that the act has effect, after the transition time, as if it had been done by the Secretary;
 - (b) if paragraph (1)(a) applies—that the act has effect, after the transition time, as if it had been done by the Chief Executive Centrelink;
 - (c) if paragraph (1)(b) applies—that the act has effect, after the transition time, as if it had been done in relation to the Secretary;
 - (d) if paragraph (1)(b) applies—that the act has effect, after the transition time, as if it had been done in relation to the Chief Executive Centrelink.
 - (5) A declaration made under subitem (3) or (4) after the transition time takes effect at the transition time.
 - (6) A declaration made under subitem (3) or (4) before the transition time, in accordance with section 4 of the *Acts Interpretation Act 1901*, takes effect at the transition time.

93 Transitional—documents lodged with Medicare Australia

Scope

- (1) This item applies to a document that was given to, or lodged with, Medicare Australia before the transition time.

Effect after transition time

- (2) After the transition time, the document has effect as if it had been given to, or lodged with, the Department.
- (3) The Minister may, by legislative instrument, declare that subitem (2) does not apply to a specified document.

Note: For specification by class, see subsection 13(3) of the *Legislative Instruments Act 2003*.

- (4) If, at a particular time, the Minister makes a declaration under subitem (3) in relation to a specified document, the Minister may at the same time, by legislative instrument, make either of the following declarations:
- (a) that the document has effect, after the transition time, as if it had been given to, or lodged with, the Chief Executive Medicare;
 - (b) that the document has effect, after the transition time, as if it had been given to, or lodged with, the Chief Executive Centrelink.

Note: For specification by class, see subsection 13(3) of the *Legislative Instruments Act 2003*.

- (5) A declaration made under subitem (3) or (4) after the transition time takes effect at the transition time.
- (6) A declaration made under subitem (3) or (4) before the transition time, in accordance with section 4 of the *Acts Interpretation Act 1901*, takes effect at the transition time.

94 Transitional—other acts done in relation to Medicare Australia etc.

Scope

- (1) This item applies to an act if:
- (a) the act was done in relation to Medicare Australia before the transition time; and
 - (b) the act is not covered by item 93.
-

Effect after transition time

- (2) After the transition time, the act has effect as if it had been done in relation to the Department.
- (3) The Minister may, by legislative instrument, declare that subitem (2) does not apply to a specified act.

Note: For specification by class, see subsection 13(3) of the *Legislative Instruments Act 2003*.

- (4) If, at a particular time, the Minister makes a declaration under subitem (3) in relation to a specified act, the Minister may at the same time, by legislative instrument, make either of the following declarations:

- (a) that the act has effect, after the transition time, as if it had been done in relation to the Chief Executive Medicare;
- (b) that the act has effect, after the transition time, as if it had been done in relation to the Chief Executive Centrelink.

Note: For specification by class, see subsection 13(3) of the *Legislative Instruments Act 2003*.

- (5) A declaration made under subitem (3) or (4) after the transition time takes effect at the transition time.
- (6) A declaration made under subitem (3) or (4) before the transition time, in accordance with section 4 of the *Acts Interpretation Act 1901*, takes effect at the transition time.

95 Transitional—acts done by employees of Medicare Australia under Commonwealth laws etc.

Scope

- (1) This item applies to an act if:
 - (a) the act was done by an employee of Medicare Australia before the transition time under a law of the Commonwealth;
 - or
 - (b) the act was done in relation to an employee of Medicare Australia before the transition time under a law of the Commonwealth.

Effect after transition time

- (2) After the transition time, the act has effect:

- (a) if paragraph (1)(a) applies—as if it had been done by a Departmental employee; or
- (b) if paragraph (1)(b) applies—as if it had been done in relation to a Departmental employee.

- (3) The Minister may, by legislative instrument, declare that subitem (2) does not apply to a specified act.

Note: For specification by class, see subsection 13(3) of the *Legislative Instruments Act 2003*.

- (4) A declaration made under subitem (3) after the transition time takes effect at the transition time.
- (5) A declaration made under subitem (3) before the transition time, in accordance with section 4 of the *Acts Interpretation Act 1901*, takes effect at the transition time.

96 Variation or revocation of instruments etc.

- (1) If an act consists of the making of an instrument, this Division does not, by implication, prevent the instrument from being varied, amended or revoked after the transition time.
- (2) If an act consists of the making of an agreement, this Division does not, by implication, prevent the agreement from being varied or terminated after the transition time.

96A This Division does not apply to making of lapsed instruments etc.

- (1) This Division does not apply to the making of an instrument, agreement or arrangement, before the transition time, under any of the following provisions of the *Medicare Australia Act 1973*:
 - (a) paragraph 5(1)(d);
 - (b) subsection 7(2);
 - (ba) section 7A;
 - (c) section 8;
 - (d) section 8AA;
 - (e) Division 2 of Part IIA.
- (2) Subitem (1) is enacted for the avoidance of doubt.

Division 3—Translation of references in documents

97 Transitional—translation of references in binding non-employment agreements

Scope

- (1) This item applies to an agreement if:
- (a) the agreement is a binding non-employment agreement; and
 - (b) the agreement was in force immediately before the transition time.

Effect after transition time

- (2) After the transition time, the agreement has effect as if:
- (a) a reference (if any) in the agreement to the Commonwealth of Australia represented by the Chief Executive Officer were a reference to the Commonwealth of Australia represented by the Department; and
 - (b) a reference (if any) in the agreement to the Chief Executive Officer (other than a reference covered by paragraph (a)) were a reference to the Secretary; and
 - (c) a reference (if any) in the agreement to Medicare Australia were a reference to the Department.
- (3) The Minister may, by legislative instrument, make any of the following declarations:
- (a) that paragraph (2)(a) does not apply to a specified agreement;
 - (b) that paragraph (2)(b) does not apply to a specified agreement;
 - (c) that paragraph (2)(c) does not apply to a specified agreement.

Note: For specification by class, see subsection 13(3) of the *Legislative Instruments Act 2003*.

- (4) If, at a particular time, the Minister makes a declaration under paragraph (3)(b) in relation to a specified agreement, the Minister may at the same time, by legislative instrument, make either of the following declarations:
- (a) that the agreement has effect, after the transition time, as if a reference (if any) in the agreement to the Chief Executive Officer (other than a reference covered by paragraph (2)(a)) were a reference to the Chief Executive Medicare;

- (b) that the agreement has effect, after the transition time, as if a reference (if any) in the agreement to the Chief Executive Officer (other than a reference covered by paragraph (2)(a)) were a reference to the Chief Executive Centrelink.

Note: For specification by class, see subsection 13(3) of the *Legislative Instruments Act 2003*.

- (5) A declaration made under subitem (3) or (4) after the transition time takes effect at the transition time.
- (6) A declaration made under subitem (3) or (4) before the transition time, in accordance with section 4 of the *Acts Interpretation Act 1901*, takes effect at the transition time.

Agreement may be varied etc.

- (7) This item does not, by implication, prevent the agreement from being varied or terminated after the transition time.

98 Transitional—translation of references in non-binding governmental agreements

Scope

- (1) This item applies to an agreement if:
 - (a) the agreement is a non-binding governmental agreement; and
 - (b) the agreement was in force immediately before the transition time.

Effect after transition time

- (2) After the transition time, the agreement has effect as if:
 - (a) a reference (if any) in the agreement to the Commonwealth of Australia represented by the Chief Executive Officer were a reference to the Commonwealth of Australia represented by the Department; and
 - (b) a reference (if any) in the agreement to the Chief Executive Officer (other than a reference covered by paragraph (a)) were a reference to the Chief Executive Medicare; and
 - (c) a reference (if any) in the agreement to Medicare Australia were a reference to the Department.
- (3) The Minister may, by legislative instrument, make any of the following declarations:

- (a) that paragraph (2)(a) does not apply to a specified agreement;
- (b) that paragraph (2)(b) does not apply to a specified agreement;
- (c) that paragraph (2)(c) does not apply to a specified agreement.

Note: For specification by class, see subsection 13(3) of the *Legislative Instruments Act 2003*.

- (4) If, at a particular time, the Minister makes a declaration under paragraph (3)(b) in relation to a specified agreement, the Minister may at the same time, by legislative instrument, make either of the following declarations:

- (a) that the agreement has effect, after the transition time, as if a reference (if any) in the agreement to the Chief Executive Officer (other than a reference covered by paragraph (2)(a)) were a reference to the Secretary;
- (b) that the agreement has effect, after the transition time, as if a reference (if any) in the agreement to the Chief Executive Officer (other than a reference covered by paragraph (2)(a)) were a reference to the Chief Executive Centrelink.

Note: For specification by class, see subsection 13(3) of the *Legislative Instruments Act 2003*.

- (5) A declaration made under subitem (3) or (4) after the transition time takes effect at the transition time.
- (6) A declaration made under subitem (3) or (4) before the transition time, in accordance with section 4 of the *Acts Interpretation Act 1901*, takes effect at the transition time.

Agreement may be varied etc.

- (7) This item does not, by implication, prevent the agreement from being varied or terminated after the transition time.

99 Transitional—translation of references in other instruments

Scope

- (1) This item applies to an instrument if:
 - (a) neither item 97 nor item 98 applies to the instrument; and
 - (b) the instrument was in force immediately before the transition time.

Effect after transition time

- (2) After the transition time, the instrument has effect as if:
- (a) a reference (if any) in the instrument to the Chief Executive Officer were a reference to the Chief Executive Medicare; and
 - (b) a reference (if any) in the instrument to Medicare Australia were a reference to the Department.
- (3) The Minister may, by legislative instrument, make either of the following declarations:
- (a) that paragraph (2)(a) does not apply to a specified instrument;
 - (b) that paragraph (2)(b) does not apply to a specified instrument.

Note: For specification by class, see subsection 13(3) of the *Legislative Instruments Act 2003*.

- (4) If, at a particular time, the Minister makes a declaration under paragraph (3)(a) in relation to a specified instrument, the Minister may at the same time, by legislative instrument, make either of the following declarations:
- (a) that the instrument has effect, after the transition time, as if a reference (if any) in the agreement to the Chief Executive Officer were a reference to the Secretary;
 - (b) that the instrument has effect, after the transition time, as if a reference (if any) in the agreement to the Chief Executive Officer were a reference to the Chief Executive Centrelink.

Note: For specification by class, see subsection 13(3) of the *Legislative Instruments Act 2003*.

- (5) A declaration made under subitem (3) or (4) after the transition time takes effect at the transition time.
- (6) A declaration made under subitem (3) or (4) before the transition time, in accordance with section 4 of the *Acts Interpretation Act 1901*, takes effect at the transition time.

Instrument may be varied etc.

- (7) This item does not, by implication, prevent the instrument from being varied, amended, revoked, or terminated after the transition time.

Definition

- (8) In this item:

instrument includes:

- (a) a contract, deed, undertaking or agreement; and
- (b) a notice, authority, order or instruction; and
- (c) an instrument made under an Act or under regulations;

but does not include an Act.

99A This Division does not apply to lapsed instruments etc.

- (1) This Division does not apply to an instrument, agreement or arrangement made before the transition time under any of the following provisions of the *Medicare Australia Act 1973*:
 - (a) paragraph 5(1)(d);
 - (b) subsection 7(2);
 - (ba) section 7A;
 - (c) section 8;
 - (d) section 8AA;
 - (e) Division 2 of Part IIA.
- (2) Subitem (1) is enacted for the avoidance of doubt.

Division 4—Proceedings in courts and tribunals

101 Transitional—proceedings to which the Commonwealth represented by the CEO is a party

Scope

- (1) This item applies to proceedings if:
 - (a) the proceedings are pending in a court or tribunal immediately before the transition time; and
 - (b) a party to the proceedings is described as the Commonwealth represented by the Chief Executive Officer.

Description of party

- (2) After the transition time, the party is to be described as the Commonwealth represented by the Department.

Court or tribunal order

- (3) If the court or tribunal considers that it is in the interests of the administration of justice to do so, the court or tribunal may, by order, determine:
- (a) that subitem (2) does not apply to the proceedings; and
 - (b) that the party is to be described in a manner specified in the order.

102 Transitional—proceedings to which the CEO or Medicare Australia is a party

Scope

- (1) This item applies to proceedings if:
- (a) the proceedings are pending in a court or tribunal immediately before the transition time; and
 - (c) a party to the proceedings is:
 - (i) the Chief Executive Officer; or
 - (ii) Medicare Australia.

Substitution of party

- (2) If the court or tribunal considers that it is in the interests of the administration of justice to do so, the court of tribunal may, by order, determine that, after the transition time, a person specified in the order is substituted as a party to the proceeding.

103 Transitional—proceedings to which the Commonwealth represented by Medicare Australia is a party

Scope

- (1) This item applies to proceedings if:
- (a) the proceedings are pending in a court or tribunal immediately before the transition time; and
 - (b) a party to the proceedings is described as the Commonwealth of Australia represented by Medicare Australia.

Court or tribunal order

- (2) If the court or tribunal considers that it is in the interests of the administration of justice to do so, the court or tribunal may, by order, determine that the party is to be described in the manner specified in the order.

104 Other powers of courts and tribunals unaffected

The powers conferred on a court or tribunal under this Division are in addition to, and not instead of, any other powers of the court or tribunal.

Division 5—Employees

105 Transitional—movement of employees from Medicare Australia to the Department

The movement of APS employees from Medicare Australia to the Department is to be in accordance with a determination under section 72 of the *Public Service Act 1999*.

106 Transitional—employment agreements and determinations

Transferring employees

- (1) For the purposes of this item, a person is a *transferring employee* if:
- (a) the person was an APS employee in Medicare Australia immediately before the transition time; and
 - (b) the person is covered by a determination that:
 - (i) is made under section 72 of the *Public Service Act 1999*; and
 - (ii) causes the person, at the transition time, to become an APS employee in the Department.
- (2) If:
- (a) a person is a transferring employee (other than an SES employee); and
 - (b) immediately before the transition time, a designated agreement applied to the person's employment in Medicare Australia; and
 - (c) there is no enterprise agreement that:
 - (i) commences at the transition time; and

- (ii) was made by the Secretary on behalf of the Commonwealth; and
- (iii) covers the Commonwealth and the transferring employee in relation to the transferring employee's employment in the Department;

then:

- (d) the designated agreement (as in force immediately before the transition time):
 - (i) covers the Commonwealth and the transferring employee in relation to the transferring employee's employment in the Department; and
 - (ii) applies to the transferring employee's employment in the Department; and
 - (e) while the designated agreement covers the Commonwealth and the transferring employee in relation to the transferring employee's employment in the Department, no other enterprise agreement, modern award or award-based transitional instrument covers the transferring employee in relation to the transferring employee's employment in the Department; and
 - (f) the designated agreement has effect after the transition time, in relation to the transferring employee's employment in the Department, as if it had been made by the Secretary on behalf of the Commonwealth; and
 - (g) if the transferring employee becomes an SES employee after the transition time—paragraphs (d), (e) and (f) cease to apply in relation to the transferring employee; and
 - (h) if:
 - (i) an enterprise agreement commences after the transition time; and
 - (ii) the enterprise agreement was made by the Secretary on behalf of the Commonwealth; and
 - (iii) apart from paragraphs (d), (e) and (f), the enterprise agreement covers the Commonwealth and the transferring employee in relation to the transferring employee's employment in the Department;paragraphs (d), (e) and (f) cease to apply in relation to the transferring employee when the enterprise agreement commences.
-

- (3) If:
- (a) a person is a transferring employee; and
 - (b) immediately before the transition time, an individual agreement-based transitional instrument applied to the person's employment in Medicare Australia;
- the individual agreement-based transitional instrument has effect after the transition time, in relation to the transferring employee's employment in the Department, as if it had been made with the Secretary on behalf of the Commonwealth.
- (4) If:
- (a) a person is a transferring employee (other than an SES employee); and
 - (b) immediately before the transition time, an individual agreement-based transitional instrument applied to the person's employment in Medicare Australia; and
 - (c) at a time (the *cessation time*) during the period:
 - (i) beginning at the transition time; and
 - (ii) ending immediately before the commencement of an enterprise agreement made after the transition time by the Secretary on behalf of the Commonwealth, where (apart from the individual agreement-based transitional instrument) the enterprise agreement covers the Commonwealth and the transferring employee in relation to the transferring employee's employment in the Department;
- the individual agreement-based transitional instrument ceases to cover the person's employment; and
- (d) a designated agreement covers the Commonwealth because of subitem (2); and
 - (e) the Secretary, by written notice given to the transferring employee before or within 14 days after the cessation time, determines that the designated agreement is applicable to the transferring employee for the purposes of this subitem from the cessation time;
- then:
- (f) the designated agreement (as in force immediately before the transition time):

- (i) covers the Commonwealth and the transferring employee in relation to the transferring employee's employment in the Department; and
 - (ii) applies to the transferring employee's employment in the Department; and
 - (g) while the designated agreement covers the Commonwealth and the transferring employee in relation to the transferring employee's employment in the Department, no other enterprise agreement, modern award or award-based transitional instrument covers the transferring employee in relation to the transferring employee's employment in the Department; and
 - (h) the designated agreement has effect after the cessation time, in relation to the transferring employee's employment in the Department, as if it had been made by the Secretary on behalf of the Commonwealth; and
 - (i) if the transferring employee becomes an SES employee after the cessation time—paragraphs (f), (g) and (h) cease to apply in relation to the transferring employee; and
 - (j) if:
 - (i) an enterprise agreement commences after the transition time; and
 - (ii) the enterprise agreement was made by the Secretary on behalf of the Commonwealth; and
 - (iii) apart from paragraphs (f), (g) and (h), the enterprise agreement covers the Commonwealth and the transferring employee in relation to the transferring employee's employment in the Department;paragraphs (f), (g) and (h) cease to apply in relation to the transferring employee when the enterprise agreement commences.
- (5) If:
- (a) a person is a transferring employee; and
 - (b) immediately before the transition time, a determination under subsection 24(1) of the *Public Service Act 1999* applied to the person's employment in Medicare Australia;
- then:
- (c) the determination (to the extent to which it relates to the transferring employee) has effect after the transition time, in
-

relation to the transferring employee's employment in the Department, as if:

- (i) the determination had been made by the Secretary; and
 - (ii) the determination were applicable to the person's employment in the Department; and
- (d) paragraph (c) does not prevent the variation or revocation of the determination.

New employees

- (6) For the purposes of this item, a person is a *new employee* if:
- (a) the person is an APS employee (other than an SES employee) in the Department; and
 - (b) the person is not a transferring employee.
- (7) If:
- (a) a designated agreement covers the Commonwealth because of subitem (2); and
 - (b) after the transition time, a person becomes a new employee; and
 - (c) the Secretary, by written notice given to the new employee before or within 14 days after the person becomes a new employee, determines that the designated agreement is applicable to the new employee for the purposes of this subitem from the time when the person becomes a new employee;
- then:
- (d) the designated agreement (as in force immediately before the transition time):
 - (i) covers the Commonwealth and the new employee in relation to the new employee's employment in the Department; and
 - (ii) applies to the new employee's employment in the Department; and
 - (e) while the designated agreement covers the Commonwealth and the new employee in relation to the new employee's employment in the Department, no other enterprise agreement, modern award or award-based transitional instrument covers the new employee in relation to the new employee's employment in the Department; and

- (f) the designated agreement has effect after the transition time, in relation to the new employee's employment in the Department, as if it had been made by the Secretary on behalf of the Commonwealth; and
- (g) if the new employee becomes an SES employee after the transition time—paragraphs (d), (e) and (f) cease to apply in relation to the new employee; and
- (h) if:
 - (i) an enterprise agreement commences after the transition time; and
 - (ii) the enterprise agreement was made by the Secretary on behalf of the Commonwealth; and
 - (iii) apart from paragraphs (d), (e) and (f), the enterprise agreement covers the Commonwealth and the new employee in relation to the new employee's employment in the Department;paragraphs (d), (e) and (f) cease to apply in relation to the new employee when the enterprise agreement commences.

Section 58 of the Fair Work Act 2009

- (8) Paragraphs (2)(h), (4)(j) and (7)(h) have effect subject to section 58 of the *Fair Work Act 2009*.

Delegation

- (9) The Secretary may, in writing, delegate the powers conferred by paragraphs (4)(e) and (7)(c) to an SES employee in the Department.

Legislative instrument

- (10) A determination made under paragraph (4)(e) or (7)(c) is not a legislative instrument.

Definitions

- (11) In this item:
award-based transitional instrument has the same meaning as in Schedule 2 to the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009*.

collective agreement-based transitional instrument has the same meaning as in Schedule 2 to the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009*.

commence, in relation to an enterprise agreement, means begin to operate.

designated agreement means:

- (a) the *Medicare Australia Collective Agreement 2008-2011*; or
- (b) the *Medicare Australia (Medical Officers) Collective Agreement 2008-2011*; or
- (c) a collective agreement-based transitional instrument.

enterprise agreement has the same meaning as in the *Fair Work Act 2009*.

individual agreement-based transitional instrument has the same meaning as in Schedule 2 to the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009*.

modern award has the same meaning as in the *Fair Work Act 2009*.

107 This Division prevails over Divisions 2 and 3

Divisions 2 and 3 have no effect to the extent (if any) to which they are inconsistent with this Division.

Division 6—Miscellaneous

108 Transitional—transfer of appropriated money

- (1) For the purposes of the operation of an Appropriation Act after the transition time, references to Medicare Australia are to be read as references to the Department.
- (2) In this item:
Appropriation Act means an Act appropriating money for expenditure out of the Consolidated Revenue Fund in relation to:
 - (a) the financial year beginning on 1 July 2010; or
 - (b) an earlier financial year.

109 Transitional—responsibility for Commonwealth resources

Scope

- (1) This item applies to Commonwealth resources if, immediately before the transition time, the Chief Executive Officer was responsible for the resources under the *Financial Management and Accountability Act 1997*.

Responsibility

- (2) At the transition time, the Secretary assumes responsibility, under the *Financial Management and Accountability Act 1997*, for the Commonwealth resources.

110 Transitional—final annual report

- (1) Despite the amendments of section 42 of the *Medicare Australia Act 1973* made by this Schedule, that section continues to apply, in relation to the report for the financial year beginning on 1 July 2010, as if those amendments had not been made.
- (2) However, the obligation to prepare the report and give it to the Minister is imposed on the Secretary instead of the Chief Executive Officer.

111 Transitional—other reporting requirements

Scope

- (1) This item applies if, assuming that this Schedule had not been enacted:
 - (a) the Chief Executive Officer would, after the transition time, be obliged under a law of the Commonwealth to:
 - (i) prepare a report in relation to Medicare Australia; and
 - (ii) give the report to another person; and
 - (b) the report would relate to:
 - (i) the financial year beginning 1 July 2010; or
 - (ii) a period that ends on or before 30 June 2011.

Obligation

- (2) Despite the amendments made by this Schedule, the obligation to prepare the report, and give it to the other person, continues to apply.
 - (3) However, the obligation is imposed on the Secretary instead of the Chief Executive Officer.
-

112 Transitional—transfer of records to the Department

Scope

- (1) This item applies to any records or documents that were in possession of the Chief Executive Officer or Medicare Australia immediately before the transition time.

Transfer

- (2) The records and documents are, by force of this subitem, transferred to the Department at the transition time.

113 Transitional—subsections 5(10) to (14) of the *Human Services (Medicare) Act 1973*

- (1) For the purposes of subsections 5(10) to (14) of the *Human Services (Medicare) Act 1973* as amended by this Schedule, it is immaterial whether regulations mentioned in subsection 5(10) of that Act were made before, at or after the transition time.
- (2) Without limiting their effect apart from this subitem, subsections 5(10) to (14) of the *Human Services (Medicare) Act 1973* as amended by this Schedule also have effect as provided by subitem (3).
- (3) Subsections 5(10) to (14) of the *Human Services (Medicare) Act 1973* as amended by this Schedule also have the effect they would have if the reference in subsection 5(10) of the *Human Services (Medicare) Act 1973* as amended by this Schedule to a function prescribed by regulations made for the purposes of paragraph 5(1)(e) of that Act were a reference to a function that the Chief Executive Officer was, before the transition time, directed to perform under paragraph 5(1)(d) of the *Medicare Australia Act 1973*.

114 Transitional—amendments of sections 8ZF and 8ZG of the *Medicare Australia Act 1973*

Despite the repeal of sections 8ZF and 8ZG of the *Medicare Australia Act 1973* made by this Schedule, those sections continue to apply, after the transition time, in relation to warrants issued before the transition time, as if that repeal had not happened.

115 Transitional—use or disclosure of information

Section 8RA of the *Human Services (Medicare) Act 1973* as amended by this Schedule applies in relation to notices issued under section 8P of that Act after the transition time.

116 Transitional—amendments of section 8ZN of the Medicare Australia Act 1973

- (1) Despite the amendments of section 8ZN of the *Medicare Australia Act 1973* made by this Schedule, that section continues to apply, after the transition time, in relation to powers exercised under Part IID of the *Medicare Australia Act 1973* before the transition time, as if those amendments had not been made.
- (2) Section 8ZN of the *Human Services (Medicare) Act 1973* as amended by this Schedule applies in relation to powers exercised under Part IID of that Act after the transition time.

Schedule 2—Amendment of the Commonwealth Services Delivery Agency Act 1997

Part 1—Amendments

Commonwealth Services Delivery Agency Act 1997

1 Title

Omit “to establish an agency for the provision of certain Commonwealth services, and for related purposes”, substitute “relating to the provision of certain services, and for other purposes”.

2 Section 1

Omit “*Commonwealth Services Delivery Agency Act 1997*”, substitute “*Human Services (Centrelink) Act 1997*”.

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 Section 2A

Repeal the section.

4 Section 3 (definition of *Agency*)

Repeal the definition.

5 Section 3

Insert:

centrelink program has the meaning given by section 40.

6 Section 3

Insert:

Chief Executive Centrelink means the Chief Executive Centrelink referred to in section 7.

7 Section 3

Insert:

Chief Executive Medicare has the same meaning as in the *Human Services (Medicare) Act 1973*.

8 Section 3 (definition of *Chief Executive Officer*)

Repeal the definition.

9 Section 3 (definition of *Commonwealth authority*)

Repeal the definition.

10 Section 3 (definition of *Commonwealth service*)

Repeal the definition.

11 Section 3

Insert:

Departmental employee means an APS employee in the Department.

Note: *APS employee* is defined in the *Acts Interpretation Act 1901*.

12 Section 3 (definition of *employee*)

Repeal the definition.

13 Section 3

Insert:

function includes power.

14 Section 3

Insert:

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

15 Section 3

Insert:

perform includes exercise.

16 Section 3 (definition of *principal officer*)

Repeal the definition.

17 Section 3

Insert:

Secretary means the Secretary of the Department.

18 Section 3 (definition of *service arrangements*)

Repeal the definition.

19 Section 3

Insert:

service delivery functions, in relation to the Chief Executive Centrelink, has the meaning given by section 8A.

20 Part 2

Repeal the Part.

21 Part 3 (heading)

Repeal the heading, substitute:

Part 3—Chief Executive Centrelink

22 Division 1 of Part 3 (heading)

Repeal the heading.

23 Section 7

Repeal the section, substitute:

7 Chief Executive Centrelink

- (1) There is to be a Chief Executive Centrelink.
- (2) The Chief Executive Centrelink is to be a person who is:
 - (a) an SES employee in the Department; and
 - (b) specified in a written instrument made by the Secretary.

- (3) A person must not be specified in an instrument under paragraph (2)(b) if the person is, or is acting as:
 - (a) the Chief Executive Medicare; or
 - (b) the Child Support Registrar.
- (4) An instrument under paragraph (2)(b) is not a legislative instrument.

7A Acting Chief Executive Centrelink

- (1) The Secretary may appoint an SES employee in the Department to act as the Chief Executive Centrelink:
 - (a) during a vacancy in the position of Chief Executive Centrelink (whether or not an appointment has previously been made to the position); or
 - (b) during any period, or during all periods, when the Chief Executive Centrelink:
 - (i) is absent from duty or from Australia; or
 - (ii) is, for any reason, unable to perform the duties of the position.
- (2) A person must not be appointed under subsection (1) if the person is, or is acting as:
 - (a) the Chief Executive Medicare; or
 - (b) the Child Support Registrar.
- (3) Anything done by or in relation to a person purporting to act under an appointment under subsection (1) 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 ceased to have effect; or
 - (d) the occasion to act had not arisen or had ceased.

Note: See sections 20 and 33A of the *Acts Interpretation Act 1901*.

24 Subsection 8(1)

Omit “Chief Executive Officer has”, substitute “Chief Executive Centrelink has”.

Note 1: The heading to section 8 is altered by omitting “**Chief Executive Officer**” and substituting “**Chief Executive Centrelink**”.

Note 2: The following heading to subsection 8(1) is inserted “*Functions—general*”.

25 Paragraph 8(1)(a)

Repeal the paragraph, substitute:

- (a) the service delivery functions mentioned in section 8A;

26 Paragraph 8(1)(b)

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

26A After paragraph 8(1)(b)

Insert:

- (ba) any functions that are prescribed by the regulations;

27 Paragraph 8(1)(c)

Repeal the paragraph.

27A Subsection 8(2)

Repeal the subsection.

28 At the end of section 8

Add:

Parallel function

- (3) A function prescribed by regulations made for the purposes of paragraph (1)(ba) may be a specified function that another person (the *primary person*) has under a law of the Commonwealth.
- (4) When the specified function is performed by the Chief Executive Centrelink, the function is, for the purposes of that or any other law of the Commonwealth, taken to have been performed by the primary person.
- (5) The performance of the specified function by the Chief Executive Centrelink does not prevent the performance of the function under the law of the Commonwealth by the primary person.
- (6) For the purposes of subsection (3), it is immaterial whether the specified function is a function that can be delegated.

- (7) For the purposes of subsection (3), it is immaterial whether the specified function is a function under a law administered by the Minister.
- (8) Subsection (3) does not limit paragraph (1)(ba).
- (9) Subsections (6) and (7) are enacted for the avoidance of doubt.

Function of acting on behalf of another person

- (10) A function prescribed by regulations made for the purposes of paragraph (1)(ba) may be a function of acting on behalf of another person (the **primary person**) in the performance of a function that the primary person may perform, whether under a law of the Commonwealth or otherwise.
- (11) For the purposes of subsection (10), it is immaterial whether a function that the primary person may perform is a function that can be delegated.
- (12) For the purposes of subsection (10), it is immaterial whether a function that the primary person may perform under a law of the Commonwealth is a function under a law administered by the Minister.
- (13) For the purposes of subsection (10), it is immaterial whether a function that the primary person may perform otherwise than under a law of the Commonwealth is a function that is within the responsibilities of the Minister.
- (14) Subsection (10) does not limit paragraph (1)(ba).
- (15) Subsections (10) to (14) are enacted for the avoidance of doubt.

29 Section 8A

Repeal the section, substitute:

8A Chief Executive Centrelink's service delivery functions

The Chief Executive Centrelink's *service delivery functions* are as follows:

- (a) to provide services, benefits, programs or facilities that are provided for by the Commonwealth for a purpose for which the Parliament has the power to make laws;

- (b) to provide services, benefits, programs or facilities that are provided for by a person other than the Commonwealth for a purpose for which the Parliament has the power to make laws.

8B Agreements about performance of Chief Executive Centrelink's functions

The Secretary of the Department may enter into a written agreement with the Secretary of another Department about the performance of any of the Chief Executive Centrelink's functions.

30 Sections 9, 10 and 11

Repeal the sections.

31 Subsection 12(1)

Omit "Chief Executive Officer may, by writing, delegate to an employee all or any of the powers or functions of the Chief Executive Officer", substitute "Chief Executive Centrelink may, by writing, delegate to a Departmental employee all or any of the functions of the Chief Executive Centrelink".

32 After subsection 12(1)

Insert:

- (1A) For the purposes of subsection (1), it is immaterial whether a function of the Chief Executive Centrelink is a function of the kind mentioned in subsection 8(3) or (10).

33 Subsection 12(2)

Omit "Chief Executive Officer must not delegate powers or functions", substitute "Chief Executive Centrelink must not delegate functions".

34 Subsection 12(3)

Omit "Chief Executive Officer may, by writing, delegate to an employee all or any of the powers or functions delegated to the Chief Executive Officer", substitute "Chief Executive Centrelink may, by writing, delegate to a Departmental employee all or any of the functions delegated to the Chief Executive Centrelink".

35 Subsection 12(4)

Omit “Chief Executive Officer must not delegate powers or functions”, substitute “Chief Executive Centrelink must not delegate functions”.

36 Subsection 12(4)

Omit “Chief Executive Officer would”, substitute “Chief Executive Centrelink would”.

37 At the end of section 12

Add:

- (5) The Chief Executive Centrelink must not delegate functions under subsection (1) or (3) to a Departmental employee who is, or is acting as:
- (a) the Chief Executive Medicare; or
 - (b) the Child Support Registrar.

38 After section 12

Insert:

13 Commonwealth consent to conferral of powers etc. on Chief Executive Centrelink 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 Centrelink.

Note: Section 15 sets out when such a law imposes a duty on the Chief Executive Centrelink.

- (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 Centrelink; or
 - (b) the authorisation would otherwise exceed the legislative power of the Commonwealth.
- (3) The Chief Executive Centrelink 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.

14 How duty is imposed on Chief Executive Centrelink 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 Centrelink.

Note: Section 15 sets out when such a law imposes a duty on the Chief Executive Centrelink.

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 Centrelink.

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 13 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 Centrelink.

(6) Subsections (1) to (5) do not limit section 13.

15 When State and Territory laws impose a duty on Chief Executive Centrelink

For the purposes of sections 13 and 14, a law of a State or Territory imposes a duty on the Chief Executive Centrelink if:

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

16 Chief Executive Centrelink may be assisted by Departmental employees

A Departmental employee may assist the Chief Executive Centrelink in the performance of any of the functions of the Chief Executive Centrelink.

39 Division 2 of Part 3

Repeal the Division.

40 Part 4

Repeal the Part.

41 Subsection 38(1)

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

42 Paragraph 38(1)(f)

Omit “the protected symbol”, substitute “a protected symbol”.

43 Subsections 38(2) and (3)

Omit “the protected symbol”, substitute “a protected symbol”.

44 Subsection 38(4) (definition of *protected symbol*)

Repeal the definition, substitute:

protected symbol means:

- (a) a symbol:
 - (i) that is used, or for use, in connection with the performance of any or all of the functions of the Chief Executive Centrelink; and
 - (ii) the design of which is set out in the regulations; or
- (b) a symbol:
 - (i) that is used, or for use, in connection with one or more services, benefits, programs or facilities, where Departmental employees are involved in the provision of those services, benefits, programs or facilities; and
 - (ii) the design of which is set out in the regulations.

45 Subsection 38(4) (paragraph (c) of the definition of *protection time*)

Omit “the protected symbol”, substitute “a protected symbol”.

46 At the end of section 38

Add:

- (5) To avoid doubt, a name may be prescribed by regulations made for the purposes of paragraph (b) of the definition of ***protected name*** in subsection (4) even if the name is not used, or for use, in connection with the performance of any or all of the functions of the Chief Executive Centrelink.
- (6) To avoid doubt, the design of a symbol may be set out in regulations made for the purposes of subparagraph (b)(ii) of the definition of ***protected symbol*** in subsection (4) even if the symbol is not used, or for use, in connection with the performance of any or all of the functions of the Chief Executive Centrelink.
- (7) For the purposes of subparagraph (b)(i) of the definition of ***protected symbol*** in subsection (4), a person is taken to be involved in the provision of services, benefits, programs or facilities if the person’s duties include:
 - (a) making payments in connection with the services, benefits, programs or facilities; or

- (b) making decisions in connection with the services, benefits, programs or facilities; or
- (c) collecting information in connection with the services, benefits, programs or facilities; or
- (d) providing information about the services, benefits, programs or facilities.

47 Section 39

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

Note: The heading to section 39 is altered by omitting “**Chief Executive Officer**” and substituting “**Chief Executive Centrelink**”.

48 Section 40

Repeal the section, substitute:

40 Centrelink programs

- (1) For the purposes of a law of the Commonwealth, the following are *centrelink programs*:
 - (a) services, benefits, programs or facilities, where:
 - (i) the Chief Executive Centrelink is; or
 - (ii) Departmental employees are;
involved in the provision of the services, benefits, programs or facilities; or
 - (b) services, benefits, programs or facilities specified in a legislative instrument made by the Minister for the purposes of this paragraph.
- (2) However, the following are not *centrelink programs*:
 - (a) medicare programs;
 - (b) services, benefits, programs or facilities that are provided for under:
 - (i) the *Child Support (Assessment) Act 1989*; or
 - (ii) the *Child Support (Registration and Collection) Act 1988*; or
 - (c) services, benefits, programs or facilities that are specified in a legislative instrument made by the Minister for the purposes of this paragraph.

- (3) For the purposes of paragraph (1)(a), a person is taken to be involved in the provision of services, benefits, programs or facilities if the person's duties include:
- (a) making payments in connection with the services, benefits, programs or facilities; or
 - (b) making decisions in connection with the services, benefits, programs or facilities; or
 - (c) collecting information in connection with the services, benefits, programs or facilities; or
 - (d) providing information about the services, benefits, programs or facilities.

40A Multiple secrecy provisions

Scope

- (1) This section applies to particular information if:
- (a) the information is subject to a regulatory regime under a designated program Act (the **first program Act**); and
 - (b) the information is also subject to a regulatory regime under another designated program Act (the **second program Act**).

For the purposes of this subsection, in determining whether particular information is subject to a regulatory regime under a designated program Act, disregard whether the information is subject to a regulatory regime under any other designated program Act.

Disclosure or use of information etc.

- (2) If:
- (a) the Secretary, the Chief Executive Centrelink or a Departmental employee:
 - (i) discloses the information; or
 - (ii) uses the information; or
 - (iii) makes a record of the information; and
 - (b) the Secretary, the Chief Executive Centrelink or the Departmental employee, as the case may be, does so without contravening the first program Act;
- the disclosure, use, or making of the record, as the case may be, does not contravene the second program Act.

Definitions

(3) In this section:

designated program Act means:

- (a) the *A New Tax System (Family Assistance) (Administration) Act 1999*; or
- (b) the *Aged Care Act 1997*; or
- (c) the *Child Support (Assessment) Act 1989*; or
- (d) the *Child Support (Registration and Collection) Act 1988*; or
- (e) the *Dental Benefits Act 2008*; or
- (f) the *Disability Services Act 1986*; or
- (g) the *Health Insurance Act 1973*; or
- (h) the *Medical Indemnity Act 2002*; or
- (i) the *Midwife Professional Indemnity (Commonwealth Contribution) Scheme Act 2010*; or
- (j) the *National Health Act 1953*; or
- (k) the *Paid Parental Leave Act 2010*; or
- (l) the *Private Health Insurance Act 2007*; or
- (m) the *Social Security (Administration) Act 1999*; or
- (n) the *Student Assistance Act 1973*; or
- (o) an Act specified in a legislative instrument made by the Minister for the purposes of this paragraph.

disclose means disclose, divulge or communicate.

Part 2—Transitional provisions

Division 1—Introduction

49 Definitions

In this Part:

binding non-employment agreement means an agreement:

- (a) that is legally enforceable; and
- (b) to which the Commonwealth or the Chief Executive Officer is a party; and
- (c) that does not contain any or all of the terms and conditions of employment of one or more employees; and
- (d) that was entered into before the transition time.

Centrelink means the Commonwealth Services Delivery Agency established by the *Commonwealth Services Delivery Agency Act 1997* as in force before the transition time.

Chief Executive Centrelink has the same meaning as in the *Human Services (Centrelink) Act 1997* as amended by this Schedule.

Chief Executive Medicare has the same meaning as in the *Human Services (Medicare) Act 1973* as amended by Schedule 1 to this Act.

Chief Executive Officer means the Chief Executive Officer (within the meaning of the *Commonwealth Services Delivery Agency Act 1997* as in force immediately before the transition time).

Departmental employee has the same meaning as in the *Human Services (Centrelink) Act 1997* as amended by this Schedule.

government body means:

- (a) a department of the Commonwealth, a State or a Territory; or
- (b) an agency, authority or instrumentality of the Commonwealth, a State or a Territory.

non-binding governmental agreement means an agreement:

- (a) between Centrelink and a government body; and
- (b) that is not legally enforceable; and
- (c) that was entered into before the transition time.

Secretary means the Secretary of the Department.

transition time means the commencement of this Schedule.

Division 2—Acts of the CEO etc.

50 Transitional—acts of the CEO under financial management and public service legislation etc.

Scope

- (1) This item applies to an act if:
- (a) the act was done by the Chief Executive Officer before the transition time under:
 - (i) the *Financial Management and Accountability Act 1997*; or
 - (ii) regulations under the *Financial Management and Accountability Act 1997*; or
 - (iii) Finance Minister's Orders under the *Financial Management and Accountability Act 1997*; or
 - (iv) the *Public Service Act 1999*; or
 - (v) regulations under the *Public Service Act 1999*; or
 - (b) the act was done in relation to the Chief Executive Officer before the transition time under, or for the purposes of:
 - (i) the *Financial Management and Accountability Act 1997*; or
 - (ii) regulations under the *Financial Management and Accountability Act 1997*; or
 - (iii) Finance Minister's Orders under the *Financial Management and Accountability Act 1997*; or
 - (iv) the *Public Service Act 1999*; or
 - (v) regulations under the *Public Service Act 1999*.

Note: For acts of delegates, see paragraph 34AB(c) of the *Acts Interpretation Act 1901*.

Effect after transition time

- (2) After the transition time, the act has effect:
- (a) if paragraph (1)(a) applies—as if it had been done by the Secretary; or
 - (b) if paragraph (1)(b) applies—as if it had been done in relation to the Secretary.
- (3) The Minister may, by legislative instrument, declare that subitem (2) does not apply to a specified act.

Note: For specification by class, see subsection 13(3) of the *Legislative Instruments Act 2003*.

- (4) If, at a particular time, the Minister makes a declaration under subitem (3) in relation to a specified act, the Minister may at the same time, by legislative instrument, make any of the following declarations:
- (a) if paragraph (1)(a) applies—that the act has effect, after the transition time, as if it had been done by the Chief Executive Centrelink;
 - (b) if paragraph (1)(b) applies—that the act has effect, after the transition time, as if it had been done in relation to the Chief Executive Centrelink.

Note: For specification by class, see subsection 13(3) of the *Legislative Instruments Act 2003*.

- (5) A declaration made under subitem (3) or (4) after the transition time takes effect at the transition time.
- (6) A declaration made under subitem (3) or (4) before the transition time, in accordance with section 4 of the *Acts Interpretation Act 1901*, takes effect at the transition time.

51 Transitional—acts of the CEO under binding non-employment agreements etc.

Scope

- (1) This item applies to an act if:
- (a) the act was done by the Chief Executive Officer before the transition time under, or for the purposes of, a binding non-employment agreement; or
 - (b) the act was done in relation to the Chief Executive Officer before the transition time under, or for the purposes of, a binding non-employment agreement.

Effect after transition time

- (2) After the transition time, the act has effect:
- (a) if paragraph (1)(a) applies—as if it had been done by the Secretary; or
 - (b) if paragraph (1)(b) applies—as if it had been done in relation to the Secretary.
- (3) The Minister may, by legislative instrument, declare that subitem (2) does not apply to a specified act.

Note: For specification by class, see subsection 13(3) of the *Legislative Instruments Act 2003*.

- (4) If, at a particular time, the Minister makes a declaration under subitem (3) in relation to a specified act, the Minister may at the same time, by legislative instrument, make any of the following declarations:
- (a) if paragraph (1)(a) applies—that the act has effect, after the transition time, as if it had been done by the Chief Executive Centrelink;
 - (b) if paragraph (1)(a) applies—that the act has effect, after the transition time, as if it had been done by the Chief Executive Medicare;
 - (c) if paragraph (1)(b) applies—that the act has effect, after the transition time, as if it had been done in relation to the Chief Executive Centrelink;
 - (d) if paragraph (1)(b) applies—that the act has effect, after the transition time, as if it had been done in relation to the Chief Executive Medicare.

Note: For specification by class, see subsection 13(3) of the *Legislative Instruments Act 2003*.

- (5) A declaration made under subitem (3) or (4) after the transition time takes effect at the transition time.
- (6) A declaration made under subitem (3) or (4) before the transition time, in accordance with section 4 of the *Acts Interpretation Act 1901*, takes effect at the transition time.

52 Transitional—acts of the CEO under non-binding governmental agreements etc.

Scope

- (1) This item applies to an act if:
- (a) the act was done by the Chief Executive Officer before the transition time under, or for the purposes of, a non-binding governmental agreement; or
 - (b) the act was done in relation to the Chief Executive Officer before the transition time under, or for the purposes of, a non-binding governmental agreement.

Effect after transition time

- (2) After the transition time, the act has effect:

- (a) if paragraph (1)(a) applies—as if it had been done by the Chief Executive Centrelink; or
- (b) if paragraph (1)(b) applies—as if it had been done in relation to the Chief Executive Centrelink.

- (3) The Minister may, by legislative instrument, declare that subitem (2) does not apply to a specified act.

Note: For specification by class, see subsection 13(3) of the *Legislative Instruments Act 2003*.

- (4) If, at a particular time, the Minister makes a declaration under subitem (3) in relation to a specified act, the Minister may at the same time, by legislative instrument, make any of the following declarations:

- (a) if paragraph (1)(a) applies—that the act has effect, after the transition time, as if it had been done by the Secretary;
- (b) if paragraph (1)(a) applies—that the act has effect, after the transition time, as if it had been done by the Chief Executive Medicare;
- (c) if paragraph (1)(b) applies—that the act has effect, after the transition time, as if it had been done in relation to the Secretary;
- (d) if paragraph (1)(b) applies—that the act has effect, after the transition time, as if it had been done in relation to the Chief Executive Medicare.

Note: For specification by class, see subsection 13(3) of the *Legislative Instruments Act 2003*.

- (5) A declaration made under subitem (3) or (4) after the transition time takes effect at the transition time.
- (6) A declaration made under subitem (3) or (4) before the transition time, in accordance with section 4 of the *Acts Interpretation Act 1901*, takes effect at the transition time.

53 Transitional—other acts of the CEO

Scope

- (1) This item applies to an act if:
- (a) both:
 - (i) the act was done by the Chief Executive Officer before the transition time; and
 - (ii) none of items 50, 51 and 52 applies to the act; or
 - (b) both:

- (i) the act was done in relation to the Chief Executive Officer before the transition time; and
- (ii) none of items 50, 51 and 52 applies to the act.

Effect after transition time

- (2) After the transition time, the act has effect:
 - (a) if paragraph (1)(a) applies—as if it had been done by the Chief Executive Centrelink; or
 - (b) if paragraph (1)(b) applies—as if it had been done in relation to the Chief Executive Centrelink.
 - (3) The Minister may, by legislative instrument, declare that subitem (2) does not apply to a specified act.
- Note: For specification by class, see subsection 13(3) of the *Legislative Instruments Act 2003*.
- (4) If, at a particular time, the Minister makes a declaration under subitem (3) in relation to a specified act, the Minister may at the same time, by legislative instrument, make any of the following declarations:
 - (a) if paragraph (1)(a) applies—that the act has effect, after the transition time, as if it had been done by the Secretary;
 - (b) if paragraph (1)(a) applies—that the act has effect, after the transition time, as if it had been done by the Chief Executive Medicare;
 - (c) if paragraph (1)(b) applies—that the act has effect, after the transition time, as if it had been done in relation to the Secretary;
 - (d) if paragraph (1)(b) applies—that the act has effect, after the transition time, as if it had been done in relation to the Chief Executive Medicare.
 - (5) A declaration made under subitem (3) or (4) after the transition time takes effect at the transition time.
 - (6) A declaration made under subitem (3) or (4) before the transition time, in accordance with section 4 of the *Acts Interpretation Act 1901*, takes effect at the transition time.

54 Transitional—documents lodged with Centrelink

Scope

- (1) This item applies to a document that was given to, or lodged with, Centrelink before the transition time.

Effect after transition time

- (2) After the transition time, the document has effect as if it had been given to, or lodged with, the Department.
- (3) The Minister may, by legislative instrument, declare that subitem (2) does not apply to a specified document.

Note: For specification by class, see subsection 13(3) of the *Legislative Instruments Act 2003*.

- (4) If, at a particular time, the Minister makes a declaration under subitem (3) in relation to a specified document, the Minister may at the same time, by legislative instrument, make either of the following declarations:

- (a) that the document has effect, after the transition time, as if it had been given to, or lodged with, the Chief Executive Centrelink;
- (b) that the document has effect, after the transition time, as if it had been given to, or lodged with, the Chief Executive Medicare.

Note: For specification by class, see subsection 13(3) of the *Legislative Instruments Act 2003*.

- (5) A declaration made under subitem (3) or (4) after the transition time takes effect at the transition time.
- (6) A declaration made under subitem (3) or (4) before the transition time, in accordance with section 4 of the *Acts Interpretation Act 1901*, takes effect at the transition time.

55 Transitional—other acts done in relation to Centrelink etc.

Scope

- (1) This item applies to an act if:
- (a) the act was done in relation to Centrelink before the transition time; and
- (b) the act is not covered by item 54.

Effect after transition time

- (2) After the transition time, the act has effect as if it had been done in relation to the Department.
- (3) The Minister may, by legislative instrument, declare that subitem (2) does not apply to a specified act.
- Note: For specification by class, see subsection 13(3) of the *Legislative Instruments Act 2003*.
- (4) If, at a particular time, the Minister makes a declaration under subitem (3) in relation to a specified act, the Minister may at the same time, by legislative instrument, make either of the following declarations:
- (a) that the act has effect, after the transition time, as if it had been done in relation to the Chief Executive Centrelink;
 - (b) that the act has effect, after the transition time, as if it had been done in relation to the Chief Executive Medicare.
- Note: For specification by class, see subsection 13(3) of the *Legislative Instruments Act 2003*.
- (5) A declaration made under subitem (3) or (4) after the transition time takes effect at the transition time.
- (6) A declaration made under subitem (3) or (4) before the transition time, in accordance with section 4 of the *Acts Interpretation Act 1901*, takes effect at the transition time.

56 Transitional—acts done by employees of Centrelink under Commonwealth laws etc.

Scope

- (1) This item applies to an act if:
- (a) the act was done by an employee of Centrelink before the transition time under a law of the Commonwealth; or
 - (b) the act was done in relation to an employee of Centrelink before the transition time under a law of the Commonwealth.

Effect after transition time

- (2) After the transition time, the act has effect:
- (a) if paragraph (1)(a) applies—as if it had been done by a Departmental employee; or
-

(b) if paragraph (1)(b) applies—as if it has been done in relation to a Departmental employee.

- (3) The Minister may, by legislative instrument, declare that subitem (2) does not apply to a specified act.

Note: For specification by class, see subsection 13(3) of the *Legislative Instruments Act 2003*.

- (4) A declaration made under subitem (3) after the transition time takes effect at the transition time.
- (5) A declaration made under subitem (3) before the transition time, in accordance with section 4 of the *Acts Interpretation Act 1901*, takes effect at the transition time.

57 Variation or revocation of instruments etc.

- (1) If an act consists of the making of an instrument, this Division does not, by implication, prevent the instrument from being varied, amended or revoked after the transition time.
- (2) If an act consists of the making of an agreement, this Division does not, by implication, prevent the agreement from being varied or terminated after the transition time.

57A This Division does not apply to making of lapsed instruments etc.

- (1) This Division does not apply to the making of an instrument, agreement or arrangement, before the transition time, under any of the following provisions of the *Commonwealth Services Delivery Agency Act 1997*:
- (a) subsection 7(1);
 - (b) paragraph 8(1)(c);
 - (ba) section 8A;
 - (c) section 9;
 - (d) section 10;
 - (e) Division 2 of Part 3.
- (2) Subitem (1) is enacted for the avoidance of doubt.

Division 3—Translation of references in documents

58 Transitional—translation of references in binding non-employment agreements

Scope

- (1) This item applies to an agreement if:
- (a) the agreement is a binding non-employment agreement; and
 - (b) the agreement was in force immediately before the transition time.

Effect after transition time

- (2) After the transition time, the agreement has effect as if:
- (a) a reference (if any) in the agreement to the Commonwealth of Australia represented by the Chief Executive Officer were a reference to the Commonwealth of Australia represented by the Department; and
 - (b) a reference (if any) in the agreement to the Chief Executive Officer (other than a reference covered by paragraph (a)) were a reference to the Secretary; and
 - (c) a reference (if any) in the agreement to Centrelink were a reference to the Department.
- (3) The Minister may, by legislative instrument, make any of the following declarations:
- (a) that paragraph (2)(a) does not apply to a specified agreement;
 - (b) that paragraph (2)(b) does not apply to a specified agreement;
 - (c) that paragraph (2)(c) does not apply to a specified agreement.

Note: For specification by class, see subsection 13(3) of the *Legislative Instruments Act 2003*.

- (4) If, at a particular time, the Minister makes a declaration under paragraph (3)(b) in relation to a specified agreement, the Minister may at the same time, by legislative instrument, make either of the following declarations:
- (a) that the agreement has effect, after the transition time, as if a reference (if any) in the agreement to the Chief Executive Officer (other than a reference covered by paragraph (2)(a)) were a reference to the Chief Executive Centrelink;

- (b) that the agreement has effect, after the transition time, as if a reference (if any) in the agreement to the Chief Executive Officer (other than a reference covered by paragraph (2)(a)) were a reference to the Chief Executive Centrelink.

Note: For specification by class, see subsection 13(3) of the *Legislative Instruments Act 2003*.

- (5) A declaration made under subitem (3) or (4) after the transition time takes effect at the transition time.
- (6) A declaration made under subitem (3) or (4) before the transition time, in accordance with section 4 of the *Acts Interpretation Act 1901*, takes effect at the transition time.

Agreement may be varied etc.

- (7) This item does not, by implication, prevent the agreement from being varied or terminated after the transition time.

59 Transitional—translation of references in non-binding governmental agreements

Scope

- (1) This item applies to an agreement if:
 - (a) the agreement is a non-binding governmental agreement; and
 - (b) the agreement was in force immediately before the transition time.

Effect after transition time

- (2) After the transition time, the agreement has effect as if:
 - (a) a reference (if any) in the agreement to the Commonwealth of Australia represented by the Chief Executive Officer were a reference to the Commonwealth of Australia represented by the Department; and
 - (b) a reference (if any) in the agreement to the Chief Executive Officer (other than a reference covered by paragraph (a)) were a reference to the Chief Executive Centrelink; and
 - (c) a reference (if any) in the agreement to Centrelink were a reference to the Department.
- (3) The Minister may, by legislative instrument, make any of the following declarations:

- (a) that paragraph (2)(a) does not apply to a specified agreement;
- (b) that paragraph (2)(b) does not apply to a specified agreement;
- (c) that paragraph (2)(c) does not apply to a specified agreement.

Note: For specification by class, see subsection 13(3) of the *Legislative Instruments Act 2003*.

- (4) If, at a particular time, the Minister makes a declaration under paragraph (3)(b) in relation to a specified agreement, the Minister may at the same time, by legislative instrument, make either of the following declarations:

- (a) that the agreement has effect, after the transition time, as if a reference (if any) in the agreement to the Chief Executive Officer (other than a reference covered by paragraph (2)(a)) were a reference to the Secretary;
- (b) that the agreement has effect, after the transition time, as if a reference (if any) in the agreement to the Chief Executive Officer (other than a reference covered by paragraph (2)(a)) were a reference to the Chief Executive Medicare.

Note: For specification by class, see subsection 13(3) of the *Legislative Instruments Act 2003*.

- (5) A declaration made under subitem (3) or (4) after the transition time takes effect at the transition time.
- (6) A declaration made under subitem (3) or (4) before the transition time, in accordance with section 4 of the *Acts Interpretation Act 1901*, takes effect at the transition time.

Agreement may be varied etc.

- (7) This item does not, by implication, prevent the agreement from being varied or terminated after the transition time.

60 Transitional—translation of references in other instruments

Scope

- (1) This item applies to an instrument if:
- (a) neither item 58 nor item 59 applies to the instrument; and
 - (b) the instrument was in force immediately before the transition time.

Effect after transition time

- (2) After the transition time, the instrument has effect as if:
- (a) a reference (if any) in the instrument to the Chief Executive Officer were a reference to the Chief Executive Centrelink; and
 - (b) a reference (if any) in the instrument to Centrelink were a reference to the Department.
- (3) The Minister may, by legislative instrument, make either of the following declarations:
- (a) that paragraph (2)(a) does not apply to a specified instrument;
 - (b) that paragraph (2)(b) does not apply to a specified instrument.

Note: For specification by class, see subsection 13(3) of the *Legislative Instruments Act 2003*.

- (4) If, at a particular time, the Minister makes a declaration under paragraph (3)(a) in relation to a specified instrument, the Minister may at the same time, by legislative instrument, make either of the following declarations:
- (a) that the instrument has effect, after the transition time, as if a reference (if any) in the agreement to the Chief Executive Officer were a reference to the Secretary;
 - (b) that the instrument has effect, after the transition time, as if a reference (if any) in the agreement to the Chief Executive Officer were a reference to the Chief Executive Medicare.

Note: For specification by class, see subsection 13(3) of the *Legislative Instruments Act 2003*.

- (5) A declaration made under subitem (3) or (4) after the transition time takes effect at the transition time.
- (6) A declaration made under subitem (3) or (4) before the transition time, in accordance with section 4 of the *Acts Interpretation Act 1901*, takes effect at the transition time.

Instrument may be varied etc.

- (7) This item does not, by implication, prevent the instrument from being varied, amended, revoked, or terminated after the transition time.

Definition

- (8) In this item:

instrument includes:

- (a) a contract, deed, undertaking or agreement; and
- (b) a notice, authority, order or instruction; and
- (c) an instrument made under an Act or under regulations;

but does not include an Act.

60A This Division does not apply to lapsed instruments etc.

- (1) This Division does not apply to an instrument, agreement or arrangement made before the transition time under any of the following provisions of the *Commonwealth Services Delivery Agency Act 1997*:
 - (a) subsection 7(1);
 - (b) paragraph 8(1)(c);
 - (ba) section 8A;
 - (c) section 9;
 - (d) section 10;
 - (e) Division 2 of Part 3.
- (2) Subitem (1) is enacted for the avoidance of doubt.

Division 4—Proceedings in courts and tribunals

61 Transitional—administrative law proceedings

Scope

- (1) This item applies to proceedings:
 - (a) that are pending in a court or tribunal immediately before the transition time; and
 - (b) to which the Chief Executive Officer is a party;if the proceedings are:
 - (c) in the Administrative Appeals Tribunal; or
 - (d) in the Social Security Appeals Tribunal; or
 - (e) in a court under the *Administrative Decisions (Judicial Review) Act 1977*; or
 - (f) in a court or tribunal in relation to the review (otherwise than under the *Administrative Decisions (Judicial Review) Act 1977*) of:
 - (i) a decision; or

- (ii) conduct engaged in for the purpose of making a decision; or
- (iii) a failure to make a decision.

Substitution of party

- (2) At the transition time, the Chief Executive Centrelink is substituted as a party to the proceedings.

Court or tribunal may make another substitution

- (3) If the court or tribunal considers that it is in the interests of the administration of justice to do so, the court or tribunal may, by order, determine:
 - (a) that subitem (2) does not apply to the proceedings; and
 - (b) that a person specified in the order is substituted as a party to the proceedings.

62 Transitional—other proceedings to which the Commonwealth represented by the CEO is a party

Scope

- (1) This item applies to proceedings if:
 - (a) the proceedings are pending in a court or tribunal immediately before the transition time; and
 - (b) a party to the proceedings is described as the Commonwealth represented by the Chief Executive Officer.

Description of party

- (2) After the transition time, the party is to be described as the Commonwealth represented by the Department.

Court or tribunal order

- (3) If the court or tribunal considers that it is in the interests of the administration of justice to do so, the court or tribunal may, by order, determine:
 - (a) that subitem (2) does not apply to the proceedings; and
 - (b) that the party is to be described in a manner specified in the order.

63 Transitional—other proceedings to which the CEO or Centrelink is a party

Scope

- (1) This item applies to proceedings if:
 - (a) the proceedings are pending in a court or tribunal immediately before the transition time; and
 - (b) item 61 does not apply to the proceedings; and
 - (c) a party to the proceedings is:
 - (i) the Chief Executive Officer; or
 - (ii) Centrelink.

Substitution of party

- (2) If the court or tribunal considers that it is in the interests of the administration of justice to do so, the court or tribunal may, by order, determine that, after the transition time, a person specified in the order is substituted as a party to the proceeding.

64 Transitional—other proceedings to which the Commonwealth represented by Centrelink is a party

Scope

- (1) This item applies to proceedings if:
 - (a) the proceedings are pending in a court or tribunal immediately before the transition time; and
 - (b) a party to the proceedings is described as the Commonwealth of Australia represented by Centrelink.

Court or tribunal order

- (2) If the court or tribunal considers that it is in the interests of the administration of justice to do so, the court or tribunal may, by order, determine that the party is to be described in the manner specified in the order.

65 Other powers of courts and tribunals unaffected

The powers conferred on a court or tribunal under this Division are in addition to, and not instead of, any other powers of the court or tribunal.

Division 5—Employees

66 Transitional—movement of employees from Centrelink to the Department

The movement of APS employees from Centrelink to the Department is to be in accordance with a determination under section 72 of the *Public Service Act 1999*.

67 Transitional—employment agreements and determinations

Transferring employees

- (1) For the purposes of this item, a person is a *transferring employee* if:
- (a) the person was an APS employee in Centrelink immediately before the transition time; and
 - (b) the person is covered by a determination that:
 - (i) is made under section 72 of the *Public Service Act 1999*; and
 - (ii) causes the person, at the transition time, to become an APS employee in the Department.
- (2) If:
- (a) a person is a transferring employee (other than an SES employee); and
 - (b) immediately before the transition time, a designated agreement applied to the person's employment in Centrelink; and
 - (c) there is no enterprise agreement that:
 - (i) commences at the transition time; and
 - (ii) was made by the Secretary on behalf of the Commonwealth; and
 - (iii) covers the Commonwealth and the transferring employee in relation to the transferring employee's employment in the Department;
- then:
- (d) the designated agreement (as in force immediately before the transition time):

- (i) covers the Commonwealth and the transferring employee in relation to the transferring employee's employment in the Department; and
 - (ii) applies to the transferring employee's employment in the Department; and
 - (e) while the designated agreement covers the Commonwealth and the transferring employee in relation to the transferring employee's employment in the Department, no other enterprise agreement, modern award or award-based transitional instrument covers the transferring employee in relation to the transferring employee's employment in the Department; and
 - (f) the designated agreement has effect after the transition time, in relation to the transferring employee's employment in the Department, as if it had been made by the Secretary on behalf of the Commonwealth; and
 - (g) if the transferring employee becomes an SES employee after the transition time—paragraphs (d), (e) and (f) cease to apply in relation to the transferring employee; and
 - (h) if:
 - (i) an enterprise agreement commences after the transition time; and
 - (ii) the enterprise agreement was made by the Secretary on behalf of the Commonwealth; and
 - (iii) apart from paragraphs (d), (e) and (f), the enterprise agreement covers the Commonwealth and the transferring employee in relation to the transferring employee's employment in the Department;paragraphs (d), (e) and (f) cease to apply in relation to the transferring employee when the enterprise agreement commences.
- (3) If:
- (a) a person is a transferring employee; and
 - (b) immediately before the transition time, an individual agreement-based transitional instrument applied to the person's employment in Centrelink;

the individual agreement-based transitional instrument has effect after the transition time, in relation to the transferring employee's employment in the Department, as if it had been made with the Secretary on behalf of the Commonwealth.

(4) If:

- (a) a person is a transferring employee (other than an SES employee); and
- (b) immediately before the transition time, an individual agreement-based transitional instrument applied to the person's employment in Centrelink; and
- (c) at a time (the *cessation time*) during the period:
 - (i) beginning at the transition time; and
 - (ii) ending immediately before the commencement of an enterprise agreement made after the transition time by the Secretary on behalf of the Commonwealth, where (apart from the individual agreement-based transitional instrument) the enterprise agreement covers the Commonwealth and the transferring employee in relation to the transferring employee's employment in the Department;

the individual agreement-based transitional instrument ceases to cover the person's employment; and

- (d) a designated agreement covers the Commonwealth because of subitem (2); and
- (e) the Secretary, by written notice given to the transferring employee before or within 14 days after the cessation time, determines that the designated agreement is applicable to the transferring employee for the purposes of this subitem from the cessation time;

then:

- (f) the designated agreement (as in force immediately before the transition time):
 - (i) covers the Commonwealth and the transferring employee in relation to the transferring employee's employment in the Department; and
 - (ii) applies to the transferring employee's employment in the Department; and
- (g) while the designated agreement covers the Commonwealth and the transferring employee in relation to the transferring

employee's employment in the Department, no other enterprise agreement, modern award or award-based transitional instrument covers the transferring employee in relation to the transferring employee's employment in the Department; and

- (h) the designated agreement has effect after the cessation time, in relation to the transferring employee's employment in the Department, as if it had been made by the Secretary on behalf of the Commonwealth; and
- (i) if the transferring employee becomes an SES employee after the cessation time—paragraphs (f), (g) and (h) cease to apply in relation to the transferring employee; and
- (j) if:
 - (i) an enterprise agreement commences after the transition time; and
 - (ii) the enterprise agreement was made by the Secretary on behalf of the Commonwealth; and
 - (iii) apart from paragraphs (f), (g) and (h), the enterprise agreement covers the Commonwealth and the transferring employee in relation to the transferring employee's employment in the Department;paragraphs (f), (g) and (h) cease to apply in relation to the transferring employee when the enterprise agreement commences.

(5) If:

- (a) a person is a transferring employee; and
- (b) immediately before the transition time, a determination under subsection 24(1) of the *Public Service Act 1999* applied to the person's employment in Centrelink;

then:

- (c) the determination (to the extent to which it relates to the transferring employee) has effect after the transition time, in relation to the transferring employee's employment in the Department, as if:
 - (i) the determination had been made by the Secretary; and
 - (ii) the determination were applicable to the person's employment in the Department; and
- (d) paragraph (c) does not prevent the variation or revocation of the determination.

New employees

- (6) For the purposes of this item, a person is a *new employee* if:
- (a) the person is an APS employee (other than an SES employee) in the Department; and
 - (b) the person is not a transferring employee.
- (7) If:
- (a) a designated agreement covers the Commonwealth because of subitem (2); and
 - (b) after the transition time, a person becomes a new employee; and
 - (c) the Secretary, by written notice given to the new employee before or within 14 days after the person becomes a new employee, determines that the designated agreement is applicable to the new employee for the purposes of this subitem from the time when the person becomes a new employee;
- then:
- (d) the designated agreement (as in force immediately before the transition time):
 - (i) covers the Commonwealth and the new employee in relation to the new employee's employment in the Department; and
 - (ii) applies to the new employee's employment in the Department; and
 - (e) while the designated agreement covers the Commonwealth and the new employee in relation to the new employee's employment in the Department, no other enterprise agreement, modern award or award-based transitional instrument covers the new employee in relation to the new employee's employment in the Department; and
 - (f) the designated agreement has effect after the transition time, in relation to the new employee's employment in the Department, as if it had been made by the Secretary on behalf of the Commonwealth; and
 - (g) if the new employee becomes an SES employee after the transition time—paragraphs (d), (e) and (f) cease to apply in relation to the new employee; and
 - (h) if:

- (i) an enterprise agreement commences after the transition time; and
 - (ii) the enterprise agreement was made by the Secretary on behalf of the Commonwealth; and
 - (iii) apart from paragraphs (d), (e) and (f), the enterprise agreement covers the Commonwealth and the new employee in relation to the new employee's employment in the Department;
- paragraphs (d), (e) and (f) cease to apply in relation to the new employee when the enterprise agreement commences.

Section 58 of the Fair Work Act 2009

- (8) Paragraphs (2)(h), (4)(j) and (7)(h) have effect subject to section 58 of the *Fair Work Act 2009*.

Delegation

- (9) The Secretary may, in writing, delegate the powers conferred by paragraphs (4)(e) and (7)(c) to an SES employee in the Department.

Legislative instrument

- (10) A determination made under paragraph (4)(e) or (7)(c) is not a legislative instrument.

Definitions

- (11) In this item:

award-based transitional instrument has the same meaning as in Schedule 2 to the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009*.

collective agreement-based transitional instrument has the same meaning as in Schedule 2 to the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009*.

commence, in relation to an enterprise agreement, means begin to operate.

designated agreement means:

- (a) the *Centrelink Agreement 2009-2011*; or
- (b) a collective agreement-based transitional instrument.

enterprise agreement has the same meaning as in the *Fair Work Act 2009*.

individual agreement-based transitional instrument has the same meaning as in Schedule 2 to the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009*.

modern award has the same meaning as in the *Fair Work Act 2009*.

68 This Division prevails over Divisions 2 and 3

Divisions 2 and 3 have no effect to the extent (if any) to which they are inconsistent with this Division.

Division 6—Miscellaneous

69 Transitional—transfer of appropriated money

- (1) For the purposes of the operation of an Appropriation Act after the transition time, references to Centrelink are to be read as references to the Department.
- (2) In this item:
Appropriation Act means an Act appropriating money for expenditure out of the Consolidated Revenue Fund in relation to:
 - (a) the financial year beginning on 1 July 2010; or
 - (b) an earlier financial year.

70 Transitional—responsibility for Commonwealth resources

Scope

- (1) This item applies to Commonwealth resources if, immediately before the transition time, the Chief Executive Officer was responsible for the resources under the *Financial Management and Accountability Act 1997*.

Responsibility

- (2) At the transition time, the Secretary assumes responsibility, under the *Financial Management and Accountability Act 1997*, for the Commonwealth resources.

71 Transitional—final annual report

- (1) Despite the amendments of section 40 of the *Commonwealth Services Delivery Agency Act 1997* made by this Schedule, that section continues to apply, in relation to the report for the financial year beginning on 1 July 2010, as if those amendments had not been made.
- (2) However, the obligation to prepare the report and give it to the Minister is imposed on the Secretary instead of the Chief Executive Officer.

72 Transitional—other reporting requirements

Scope

- (1) This item applies if, assuming that this Schedule had not been enacted:
 - (a) the Chief Executive Officer would, after the transition time, be obliged under a law of the Commonwealth to:
 - (i) prepare a report in relation to Centrelink; and
 - (ii) give the report to another person; and
 - (b) the report would relate to:
 - (i) the financial year beginning 1 July 2010; or
 - (ii) a period that ends on or before 30 June 2011.

Obligation

- (2) Despite the amendments made by this Schedule, the obligation to prepare the report, and give it to the other person, continues to apply.
- (3) However, the obligation is imposed on the Secretary instead of the Chief Executive Officer.

73 Transitional—transfer of records to the Department

Scope

- (1) This item applies to any records or documents that were in possession of the Chief Executive Officer or Centrelink immediately before the transition time.

Transfer

- (2) The records and documents are, by force of this subitem, transferred to the Department at the transition time.

74 Transitional—subsections 8(10) to (14) of the *Human Services (Centrelink) Act 1997*

- (1) Without limiting their effect apart from this subitem, subsections 8(10) to (14) of the *Human Services (Centrelink) Act 1997* as amended by this Schedule also have effect as provided by subitem (2).
- (2) Subsections 8(10) to (14) of the *Human Services (Centrelink) Act 1997* as amended by this Schedule also have the effect they would have if the reference in subsection 8(10) of the *Human Services (Centrelink) Act 1997* as amended by this Schedule to a function prescribed by regulations made for the purposes of paragraph 8(1)(ba) of that Act were a reference to a function that the Chief Executive Officer was, before the transition time, directed to perform under paragraph 8(1)(c) of the *Commonwealth Services Delivery Act 1997*.

75 Transitional—regulations setting out protected symbol

Scope

- (1) This item applies to regulations that:
 - (a) were made for the purposes of the definition of ***protected symbol*** in subsection 38(4) of the *Commonwealth Services Delivery Agency Act 1997*; and
 - (b) were in force immediately before the transition time.

Effect after transition time

- (2) The regulations have effect, after the transition time, as if they had been made for the purposes of subparagraph (a)(ii) of the definition of ***protected symbol*** in subsection 38(4) of the *Human Services (Centrelink) Act 1997* as amended by this Schedule.

Schedule 3—Amendment of the Child Support (Registration and Collection) Act 1988

Child Support (Registration and Collection) Act 1988

1 Subsection 4(1) (definition of CEO)

Repeal the definition.

2 Subsection 4(1)

Insert:

Chief Executive Centrelink has the same meaning as in the *Human Services (Centrelink) Act 1997*.

3 Subsection 4(1)

Insert:

Chief Executive Medicare has the same meaning as in the *Human Services (Medicare) Act 1973*.

4 Subsection 4(1) (definition of employee)

Repeal the definition, substitute:

employee, when used in Part IV, VI or IX, means a person who receives, or is entitled to receive, work and income support related withholding payments.

5 Subsection 4(1)

Insert:

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

6 Subsection 4(1) (definition of service arrangements)

Repeal the definition.

7 Subsection 4(1) (definition of Services Delivery Agency)

Repeal the definition.

8 Subsection 10(2)

Repeal the subsection, substitute:

- (2) The Child Support Registrar is to be a person who is:
 - (a) an SES employee in the Department; and
 - (b) specified in a written instrument made by the Secretary.
- (3) A person must not be specified in an instrument under paragraph (2)(b) if the person is, or is acting as:
 - (a) the Chief Executive Centrelink; or
 - (b) the Chief Executive Medicare.
- (4) An instrument under paragraph (2)(b) is not a legislative instrument.

9 After section 10

Insert:

10A Acting Child Support Registrar

- (1) The Secretary may appoint an SES employee in the Department to act as the Child Support Registrar:
 - (a) during a vacancy in the position of Child Support Registrar (whether or not an appointment has previously been made to the position); or
 - (b) during any period, or during all periods, when the Child Support Registrar:
 - (i) is absent from duty or from Australia; or
 - (ii) is, for any reason, unable to perform the duties of the position.
- (2) A person must not be appointed under subsection (1) if the person is, or is acting as:
 - (a) the Chief Executive Centrelink; or
 - (b) the Chief Executive Medicare.
- (3) Anything done by or in relation to a person purporting to act under an appointment under subsection (1) 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 ceased to have effect; or
- (d) the occasion to act had not arisen or had ceased.

Note: See sections 20 and 33A of the *Acts Interpretation Act 1901*.

10 Subsection 15(1A)

Repeal the subsection, substitute:

- (1A) The Registrar may, in writing, delegate all or any of his or her powers or functions under this Act to the Chief Executive Centrelink.

10A After subsection 16(2A)

Insert:

- (2AAA) Subsection (2) does not apply to the making of a record of information with the express or implied authorisation of the person to whom the information relates.

11 Paragraphs 16(3)(ba) and (bb)

Repeal the paragraphs, substitute:

(ba) to:

- (i) the Chief Executive Centrelink; or
- (ii) a Departmental employee (within the meaning of the *Human Services (Centrelink) Act 1997*);

for the purpose of the administration of this Act or of any other law of the Commonwealth relating to pensions, allowances or benefits; or

(bb) to:

- (i) the Chief Executive Medicare; or
- (ii) a Departmental employee (within the meaning of the *Human Services (Medicare) Act 1973*);

for the purpose of the performance of functions, or the exercise of powers, in connection with a medicare program; or

12 Paragraph 16(4C)(d)

Omit “Child Support Agency”, substitute “Registrar or an officer or employee of the Department”.

13 Subsection 16AA(3) (paragraphs (a) and (b) of the definition of *relevant information*)

Before “Child Support Agency”, insert “former”.

14 After section 16AA

Insert:

16AB Multiple secrecy provisions

Scope

- (1) This section applies to particular information if:
- (a) the information is subject to a regulatory regime under a designated program Act (the *first program Act*); and
 - (b) the information is also subject to a regulatory regime under another designated program Act (the *second program Act*).

For the purposes of this subsection, in determining whether particular information is subject to a regulatory regime under a designated program Act, disregard whether the information is subject to a regulatory regime under any other designated program Act.

Disclosure or use of information etc.

- (2) If:
- (a) the Secretary, the Registrar or an officer or employee of the Department:
 - (i) discloses the information; or
 - (ii) uses the information; or
 - (iii) makes a record of the information; and
 - (b) the Secretary, the Registrar or the officer or employee of the Department, as the case may be, does so without contravening the first program Act;
- the disclosure, use, or making of the record, as the case may be, does not contravene the second program Act.

Definitions

- (3) In this section:
- designated program Act* means:

- (a) this Act; or
- (b) the *A New Tax System (Family Assistance) (Administration) Act 1999*; or
- (c) the *Aged Care Act 1997*; or
- (d) the *Child Support (Assessment) Act 1989*; or
- (e) the *Dental Benefits Act 2008*; or
- (f) the *Disability Services Act 1986*; or
- (g) the *Health Insurance Act 1973*; or
- (h) the *Medical Indemnity Act 2002*; or
- (i) the *Midwife Professional Indemnity (Commonwealth Contribution) Scheme Act 2010*; or
- (j) the *National Health Act 1953*; or
- (k) the *Paid Parental Leave Act 2010*; or
- (l) the *Private Health Insurance Act 2007*; or
- (m) the *Social Security (Administration) Act 1999*; or
- (n) the *Student Assistance Act 1973*; or
- (o) an Act specified in a legislative instrument made by the Minister for the purposes of this paragraph.

disclose means disclose, divulge or communicate.

15 Subparagraphs 94(1)(a)(iii) and (iv)

Repeal the subparagraphs.

16 Subsection 95(1)

Repeal the subsection, substitute:

Applications must be forwarded to SSAT

- (1) If an application for review under this Part is sent or delivered to an office of the Department, the Secretary must send the application to the SSAT Principal Member:
 - (a) as soon as practicable; and
 - (b) in any case—not later than 7 days after the application is received at the office of the Department.

17 Paragraph 95(2)(b)

Omit “a Secretary or the CEO”, substitute “the Secretary”.

Schedule 4—Consequential amendments

Part 1—General amendments

Aged Care Act 1997

1 Paragraph 86-3(c)

Omit “Chief Executive Officer of Medicare Australia”, substitute “*Chief Executive Medicare”.

2 Paragraph 86-3(ca)

Omit “Chief Executive Officer of Centrelink”, substitute “*Chief Executive Centrelink”.

3 Section 86-7

Omit “the *CEO or an *employee of the *Services Delivery Agency”, substitute “the *Chief Executive Centrelink or a Departmental employee (within the meaning of the *Human Services (Centrelink) Act 1997*)”.

4 Paragraph 96-2(2A)(a)

Repeal the paragraph, substitute:

- (a) the *Chief Executive Centrelink;
- (aa) the *Chief Executive Medicare;

5 Paragraph 96-2(3A)(a)

Repeal the paragraph, substitute:

- (a) the *Chief Executive Centrelink;
- (aa) the *Chief Executive Medicare;

6 Subsection 96-2(6A)

Omit “the *CEO, the CEO”, substitute “the *Chief Executive Centrelink, the Chief Executive Centrelink”.

7 Subsection 96-2(6A)

Omit “an *employee of the *Services Delivery Agency”, substitute “a Departmental employee (within the meaning of the *Human Services (Centrelink) Act 1997*)”.

8 After subsection 96-2(6A)

Insert:

- (6AA) If, under subsection (2A) or (3A), the Secretary delegates a power mentioned in that subsection to the *Chief Executive Medicare, the Chief Executive Medicare may, by writing, sub-delegate the power to a Departmental employee (within the meaning of the *Human Services (Medicare) Act 1973*).

9 Paragraphs 96-2(7)(b) and (c)

Repeal the paragraphs, substitute:

- (b) the *Chief Executive Centrelink; or
(c) a Departmental employee (within the meaning of the *Human Services (Centrelink) Act 1997*).

10 Clause 1 of Schedule 1 (definition of *Centrelink*)

Repeal the definition.

11 Clause 1 of Schedule 1 (definition of *CEO*)

Repeal the definition.

12 Clause 1 of Schedule 1

Insert:

Chief Executive Centrelink has the same meaning as in the *Human Services (Centrelink) Act 1997*.

13 Clause 1 of Schedule 1

Insert:

Chief Executive Medicare has the same meaning as in the *Human Services (Medicare) Act 1973*.

14 Clause 1 of Schedule 1 (definition of *employee*)

Repeal the definition.

15 Clause 1 of Schedule 1 (definition of *Services Delivery Agency*)

Repeal the definition.

Age Discrimination Act 2004

16 Section 5

Insert:

Chief Executive Medicare has the same meaning as in the *Human Services (Medicare) Act 1973*.

17 Subparagraph 42(5)(a)(i)

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

18 Paragraph 42(5)(b)

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

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

19 Subsection 3(1) (paragraphs (b) and (d) of the definition of agency)

Repeal the paragraphs, substitute:

(b) the Human Services Department.

20 Subsection 3(1)

Insert:

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

21 Subsection 3(1)

Insert:

Chief Executive Centrelink has the same meaning as in the *Human Services (Centrelink) Act 1997*.

22 Subsection 3(1)

Insert:

Chief Executive Medicare has the same meaning as in the *Human Services (Medicare) Act 1973*.

23 Subsection 3(1) (paragraphs (b) and (d) of the definition of head)

Repeal the paragraphs, substitute:

- (b) in the case of the Human Services Department—the Secretary of the Human Services Department.

24 Subsection 3(1)

Insert:

Human Services Department means the Department administered by the Human Services Minister.

25 Subsection 3(1)

Insert:

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

26 Subsection 3(1)

Insert:

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

27 Subsection 3(1) (after paragraph (a) of the definition of officer)

Insert:

- (aa) if the agency is the Human Services Department:
 - (i) the Chief Executive Centrelink; and
 - (ii) the Chief Executive Medicare; and

28 Subsection 3(1) (paragraphs (a) and (b) of the definition of protected information)

Repeal the paragraphs, substitute:

- (a) information about a person that:
 - (i) was obtained by an officer under the family assistance law; and

- (ii) is or was held in the records of the Department or the Human Services Department; or
- (aa) information about a person that was held in the records of the Commonwealth Services Delivery Agency (within the meaning of the *Commonwealth Services Delivery Agency Act 1997* as in force before 1 July 2011); or
- (b) information about a person that:
 - (i) was obtained by an officer under the family assistance law; and
 - (ii) was held in the records of Medicare Australia (within the meaning of the *Medicare Australia Act 1973* as in force before 1 July 2011); or

28A Subsection 3(1)

Insert:

social security law has the same meaning as in the *Social Security Act 1991*.

29 Paragraph 108(2)(a)

Repeal the paragraph, substitute:

- (a) a decision made by:
 - (i) the Secretary personally; or
 - (ii) another agency head himself or herself in the exercise of a delegated power; or
 - (iii) the Chief Executive Centrelink in the exercise of a delegated power; or
 - (iv) the Chief Executive Medicare in the exercise of a delegated power; or

29A Subsection 109C(2)

Omit “officer of an agency other than the Department”, substitute “officer of the Human Services Department”.

30 Subsection 109C(2)

Omit “head of the agency”, substitute “Secretary of the Human Services Department”.

31 Subsection 111(1A)

Repeal the subsection, substitute:

(1A) If a decision has been made by:

- (a) the Secretary personally (except a decision under Division 2 of Part 8C (infringement notices)); or
- (b) another agency head himself or herself in the exercise of a delegated power; or
- (c) the Chief Executive Centrelink in the exercise of a delegated power; or
- (d) the Chief Executive Medicare in the exercise of a delegated power;

a person whose interests are affected by the decision may apply to the SSAT for review of the decision.

32 Paragraphs 118(1)(c) and (e)

Repeal the paragraphs.

33 Subdivision B of Division 3 of Part 5 (heading)

Repeal the heading, substitute:

Subdivision B—Submissions from parties other than agency representatives

34 At the end of section 122A

Add “, the Chief Executive Centrelink or the Chief Executive Medicare”.

Note: The heading to section 122A is altered by omitting “**agency heads**” and substituting “**agency representatives**”.

35 Subdivision BA of Division 3 of Part 5 (heading)

Repeal the heading, substitute:

Subdivision BA—Submissions from agency representatives

36 Subsection 126A(1)

Repeal the subsection, substitute:

- (1) The following persons (each of whom is called an *agency representative*) may make written submissions to the SSAT:
 - (a) the head of an agency that is a party to a review of a decision;

- (b) the Chief Executive Centrelink, if the Chief Executive Centrelink is a party to a review of a decision;
- (c) the Chief Executive Medicare, if the Chief Executive Medicare is a party to a review of a decision.

Note: The heading to section 126A is altered by omitting “**agency heads**” and substituting “**agency representatives**”.

37 Subsection 126A(2)

Omit “head of the agency”, substitute “agency representative”.

Note: The heading to subsection 126A(2) is altered by omitting “*Agency head*” and substituting “*Agency representative*”.

38 Subsection 126A(4)

Omit “head of the agency”, substitute “agency representative”.

Note: The heading to subsection 126A(4) is altered by omitting “*agency head*” and substituting “*agency representative*”.

39 Subsection 126A(5)

Omit “head of the agency”, substitute “agency representative”.

40 Subsection 141(2)

Omit “(other than a head of an agency)”, substitute “(other than a head of an agency, the Chief Executive Centrelink or the Chief Executive Medicare)”.

41 Subsection 144(1C)

Repeal the subsection, substitute:

- (1C) If a decision of a kind mentioned in subsection (1) (decisions in relation to child care services and registered carers) has been made by:
- (a) the Secretary personally; or
 - (b) another agency head himself or herself in the exercise of a delegated power; or
 - (c) the Chief Executive Centrelink in the exercise of a delegated power; or
 - (d) the Chief Executive Medicare in the exercise of a delegated power;
- application may also be made to the AAT for the review of the decision.

41A After paragraph 162(2)(daa)

Insert:

- (dab) for the purposes of the social security law; or
- (dac) for the purposes of the *Paid Parental Leave Act 2010*; or
- (dad) for the purposes of the *Student Assistance Act 1973*; or

42 At the end of paragraph 168(1)(b)

Add:

- ; or (iii) to the Chief Executive Centrelink for the purposes of a centrelink program; or
- (iv) to the Chief Executive Medicare for the purposes of a medicare program.

42A Subsection 221(2)

Omit “officer of an agency other than the Department, unless the head of the agency”, substitute “officer of the Human Services Department, unless the Secretary of the Human Services Department”.

43 Subsection 221(3)

Omit “to an officer, except the head of an agency,”.

44 At the end of subsection 221(3)

Add “except to the Secretary of the Human Services Department, the Chief Executive Centrelink or the Chief Executive Medicare”.

45 Subsection 234(3)

Repeal the subsection.

Anti-Money Laundering and Counter-Terrorism Financing Act 2006

47 Section 5 (paragraphs (i) and (j) of the definition of *designated agency*)

Repeal the paragraphs, substitute:

- (i) the Human Services Department; or

48 Section 5

Insert:

Human Services Department means the Department administered by the Human Services Minister.

49 Section 5

Insert:

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

Child Support (Assessment) Act 1989

50 Subsection 149(1AA)

Repeal the subsection, substitute:

(1AA) The Registrar may, in writing, delegate all or any of his or her powers or functions under this Act to the Chief Executive Centrelink.

50A After subsection 150(2A)

Insert:

(2B) Subsection (2) does not apply to the making of a record of information with the express or implied authorisation of the person to whom the information relates.

51 Paragraphs 150(3)(ba) and (bb)

Repeal the paragraphs, substitute:

(ba) to:

- (i) the Chief Executive Centrelink; or
 - (ii) a Departmental employee (within the meaning of the *Human Services (Centrelink) Act 1997*);
- for the purpose of the administration of this Act or of any other law of the Commonwealth relating to pensions, allowances or benefits; or

(bb) to:

- (i) the Chief Executive Medicare; or
- (ii) a Departmental employee (within the meaning of the *Human Services (Medicare) Act 1973*);

for the purpose of the performance of functions, or the exercise of powers, in connection with a medicare program;
or

52 Paragraph 150(4C)(d)

Omit “Child Support Agency”, substitute “Registrar or an officer or employee of the Department”.

53 Subsection 150AA(3) (paragraphs (a) and (b) of the definition of *relevant information*)

Before “Child Support Agency”, insert “former”.

54 Subsection 151A(1)

Repeal the subsection, substitute:

- (1) As soon as practicable after a carer referred to in subsection 151(4) makes an election, the Registrar must inform:
 - (a) the Secretary; or
 - (b) if the Secretary has delegated his or her powers under this section to:
 - (i) the Chief Executive Centrelink; or
 - (ii) an officer or employee of the Department;the Chief Executive Centrelink.

55 Subsection 151A(7)

Repeal the subsection, substitute:

- (7) The Secretary may, by writing, delegate all or any of his or her powers under this section to:
 - (a) the Chief Executive Centrelink; or
 - (b) an officer or employee of the Department.

Data-matching Program (Assistance and Tax) Act 1990

56 Subsection 3(1) (paragraph (e) of the definition of *assistance agency*)

Repeal the paragraph, substitute:

- (e) the Human Services Department.

57 Subsection 3(1) (definition of CEO)

Repeal the definition.

58 Subsection 3(1)

Insert:

Chief Executive Centrelink has the same meaning as in the *Human Services (Centrelink) Act 1997*.

59 Subsection 3(1) (definition of employee)

Repeal the definition.

60 Subsection 3(1)

Insert:

Human Services Department means the Department administered by the Human Services Minister.

61 Subsection 3(1)

Insert:

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

62 Subsection 3(1) (paragraph (b) of the definition of matching agency)

Omit “the employees of the Services Delivery Agency”, substitute “the Departmental employees (within the meaning of the *Human Services (Centrelink) Act 1997*)”.

63 Subsection 3(1) (paragraphs (b), (ca) and (de) of the definition of personal assistance)

Omit “Services Delivery Agency”, substitute “Human Services Department”.

64 Subsection 3(1) (definition of Services Delivery Agency)

Repeal the definition.

65 Paragraph 3A(1)(a)

Repeal the paragraph, substitute:

- (a) the Secretary of the Department of Social Security delegates to:
- (i) the Chief Executive Centrelink; or
 - (ii) a Departmental employee (within the meaning of the *Human Services (Centrelink) Act 1997*);
- all or any of the Secretary's powers under an Act; and

66 Subsection 4(2)

Repeal the subsection, substitute:

- (2) While a direction under section 3A is in force, the Chief Executive Centrelink is to ensure that there are Departmental employees (within the meaning of the *Human Services (Centrelink) Act 1997*) who are responsible for the matching of data under this Act.

67 Subsection 10(3A)

Omit "that is a Department, the CEO", substitute "(other than the Human Services Department), the Chief Executive Centrelink".

Dental Benefits Act 2008

68 Section 3

Omit:

- | |
|---|
| <ul style="list-style-type: none">• If dental benefit is payable, it is payable by the Medicare Australia CEO to the person who incurs the dental expenses in respect of the dental service. In some circumstances, dental benefit is payable to the dental provider.• Claims for dental benefit must be lodged with the Medicare Australia CEO.• The Medicare Australia CEO is to issue vouchers in relation to a dental service to persons who qualify for a voucher. |
|---|

substitute:

- | |
|---|
| <ul style="list-style-type: none">• If dental benefit is payable, it is payable by the Chief Executive Medicare to the person who incurs the dental |
|---|

expenses in respect of the dental service. In some circumstances, dental benefit is payable to the dental provider.

- Claims for dental benefit must be lodged with the Chief Executive Medicare.
- The Chief Executive Medicare is to issue vouchers in relation to a dental service to persons who qualify for a voucher.

69 Section 4 (definition of *approved form*)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

70 Section 4

Insert:

Chief Executive Centrelink has the same meaning as in the *Human Services (Centrelink) Act 1997*.

71 Section 4

Insert:

Chief Executive Medicare has the same meaning as in the *Human Services (Medicare) Act 1973*.

72 Section 4 (definition of *employee of Medicare*)

Repeal the definition.

73 Section 4

Insert:

Human Services Department means the Department administered by the Human Services Minister.

74 Section 4

Insert:

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

75 Section 4 (definition of *Medicare Australia CEO*)

Repeal the definition.

76 Section 4

Insert:

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

77 Section 10

Omit:

- Dental benefit is payable by the Medicare Australia CEO to:
 - (a) the person who incurs the dental expenses in respect of the dental service; or
 - (b) the dental provider, if there has been an assignment of dental benefits or if there has been a request that the dental provider be paid.
- Claims for dental benefit must be lodged with the Medicare Australia CEO.

substitute:

- Dental benefit is payable by the Chief Executive Medicare to:
 - (a) the person who incurs the dental expenses in respect of the dental service; or
 - (b) the dental provider, if there has been an assignment of dental benefits or if there has been a request that the dental provider be paid.
- Claims for dental benefit must be lodged with the Chief Executive Medicare.

78 Subsection 11(1)

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

79 Subsection 13(2)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

80 Sections 14 to 16

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

81 Section 22

Omit:

- The Medicare Australia CEO must issue a voucher to a person if the person qualifies for the voucher on or before 31 October in a calendar year.
- A person who qualifies for a voucher may request the Medicare Australia CEO to issue the voucher.

substitute:

- The Chief Executive Medicare must issue a voucher to a person if the person qualifies for the voucher on or before 31 October in a calendar year.
- A person who qualifies for a voucher may request the Chief Executive Medicare to issue the voucher.

82 Sections 27 to 29

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

Note: The heading to section 27 is altered by omitting “**Medicare Australia CEO**” and substituting “**Chief Executive Medicare**”.

83 Paragraphs 34(2)(a) to (c)

Repeal the paragraphs, substitute:

- (a) the Chief Executive Medicare;
- (b) a Departmental employee (within the meaning of the *Human Services (Medicare) Act 1973*);
- (c) a consultant to the Human Services Department;

84 Paragraph 35(c)

Repeal the paragraph, substitute:

- (c) for the purposes of enabling a person to perform duties or functions, or exercise powers, in connection with a medicare program.

85 Sections 36 to 40

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

86 Paragraphs 41(1)(a) to (c)

Repeal the paragraphs, substitute:

- (a) the Chief Executive Medicare; or
- (b) the Chief Executive Centrelink; or
- (c) the Minister who administers:
 - (i) this Act; or
 - (ii) the *Human Services (Medicare) Act 1973*; or
 - (iii) the *Social Security Act 1991* in so far as that Act relates to youth allowance; or
 - (iv) the *A New Tax System (Family Assistance) Act 1999* in so far as that Act relates to family tax benefit; or
 - (v) the ABSTUDY scheme; or

87 Subsection 41(2) (definition of *Centrelink*)

Repeal the definition.

88 Subsection 41(2) (definition of *employee of Centrelink*)

Repeal the definition.

89 Sections 57 and 58

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

90 Subsection 60(2)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

91 Section 63

Omit:

(a) the functions of the Medicare Australia CEO; and

substitute:

(a) the functions of the Chief Executive Medicare; and

92 Subsection 64(1)

Repeal the subsection, substitute:

- (1) In addition to the functions of the Chief Executive Medicare under the *Human Services (Medicare) Act 1973*, the Chief Executive Medicare has such additional functions as are conferred on the Chief Executive Medicare by or under this Act.

Note: The heading to section 64 is altered by omitting “**Medicare Australia CEO**” and substituting “**Chief Executive Medicare**”.

93 Subsection 64(2)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

94 Subsection 64(2)

Omit “*Medicare Australia Act 1973*”, substitute “*Human Services (Medicare) Act 1973*”.

Disability Services Act 1986

94A At the end of subsection 28(5)

Add:

- ; or (d) make a record of information with the express or implied authorisation of the person to whom the information relates.

Farm Household Support Act 1992

95 Subsection 3(2) (definition of *Agency*)

Repeal the definition.

96 Subsection 3(2) (definition of *CEO*)

Repeal the definition.

97 Subsection 3(2)

Insert:

Chief Executive Centrelink has the same meaning as in the *Human Services (Centrelink) Act 1997*.

98 Subsection 3(2) (definition of *employee*)

Repeal the definition.

99 Subsection 3(2)

Insert:

Human Services Department means the Department administered by the Human Services Minister.

100 Subsection 3(2)

Insert:

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

101 Subsection 3(2) (definition of *service arrangements*)

Repeal the definition.

102 Subsection 53(3)

Repeal the subsection, substitute:

- (3) The Secretary may, in writing, delegate all or any of his or her powers under this Act to:
 - (a) the Chief Executive Centrelink; or
 - (b) a Departmental employee (within the meaning of the *Human Services (Centrelink) Act 1997*).

103 Subsection 53A(1)

Repeal the subsection, substitute:

- (1) If the Secretary delegates to:
 - (a) the Chief Executive Centrelink; or

(b) a Departmental employee (within the meaning of the *Human Services (Centrelink) Act 1997*);

a power under this Act to require a person to produce or give to the Department any document or information, the delegate may, in exercising the power, require the person to produce or give the document or information to the Human Services Department instead of the Department.

104 Subsections 53A(2) and (3)

Omit “Agency”, substitute “Human Services Department”.

105 Paragraph 53A(4)(a)

Omit “CEO or an employee of the Agency”, substitute “Chief Executive Centrelink or a Departmental employee (within the meaning of the *Human Services (Centrelink) Act 1997*)”.

106 Paragraph 53A(4)(c)

Omit “CEO”, substitute “Chief Executive Centrelink”.

107 Paragraph 53A(4)(d)

Omit “Agency”, substitute “Human Services Department”.

Freedom of Information Act 1982

108 Subsection 4(1)

Insert:

Chief Executive Medicare has the same meaning as in the *Human Services (Medicare) Act 1973*.

109 Subsection 4(1)

Insert:

Human Services Department means the Department administered by the Human Services Minister.

110 Subsection 4(1)

Insert:

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

111 Division 1 of Part II of Schedule 2 (before the item relating to Indigenous Business Australia)

Insert:

Human Services Department, in relation to documents in respect of commercial activities relating to the functions of the Chief Executive Medicare

112 Division 1 of Part II of Schedule 2 (the item relating to Medicare Australia)

Repeal the item.

113 Transitional—Medicare Australia documents

The *Freedom of Information Act 1982* has effect, after the commencement of this item, as if the reference in Division 1 of Part II of Schedule 2 to documents in respect of commercial activities relating to the functions of the Chief Executive Medicare included a reference to the following:

- (a) documents in respect of commercial activities of Medicare Australia (within the meaning of the *Medicare Australia Act 1973* as in force before 1 July 2011);
- (b) documents in respect of commercial activities of the Health Insurance Commission (within the meaning of the *Health Insurance Act 1973* as in force before 1 October 2005).

Fringe Benefits Tax Assessment Act 1986

114 Paragraph 5(5)(d)

Omit “Chief Executive Officer of the Commonwealth Services Delivery Agency established by the *Commonwealth Services Delivery Agency Act 1997*”, substitute “Chief Executive Centrelink”.

115 Subsection 136(1)

Insert:

Chief Executive Centrelink has the same meaning as in the *Human Services (Centrelink) Act 1997*.

Health and Other Services (Compensation) Act 1995

116 Subsection 3(1)

Insert:

Chief Executive Medicare has the same meaning as in the *Human Services (Medicare) Act 1973*.

117 Subsection 3(1) (definition of *employee of Medicare Australia*)

Repeal the definition.

118 Subsection 3(1) (definition of *Medicare Australia CEO*)

Repeal the definition.

119 Paragraph 8(6)(a)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

120 Paragraph 10(6)(a)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

121 Sections 13 to 18

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

122 Subsection 19(1)

Omit “Medicare Australia CEO’s”, substitute “Chief Executive Medicare’s”.

123 Subsection 19(1)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

124 Subsection 19(3)

Omit “Medicare Australia CEO must”, substitute “Chief Executive Medicare must”.

125 Paragraph 19(3)(d)

Omit “Medicare Australia CEO’s”, substitute “Chief Executive Medicare’s”.

126 Subsection 19(4)

Omit “Medicare Australia CEO’s”, substitute “Chief Executive Medicare’s”.

127 Sections 21 to 26

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

128 Section 28

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

129 Subsection 32(1)

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

130 Sections 33C to 33H

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

131 Subsection 33K(1)

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

132 Sections 34 to 36

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

133 Section 39

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

134 Subsection 40(1)

Repeal the subsection, substitute:

- (1) In addition to the functions of the Chief Executive Medicare under the *Human Services (Medicare) Act 1973*, the Chief Executive Medicare has such additional functions as are conferred on the Chief Executive Medicare under this Act.

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

135 Subsection 40(2)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

136 Subsection 40(2)

Omit “*Medicare Australia Act 1973*”, substitute “*Human Services (Medicare) Act 1973*”.

137 Subsection 41(1)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

138 Paragraph 41(1)(a)

Repeal the paragraph, substitute:

- (a) a Departmental employee (within the meaning of the *Human Services (Medicare) Act 1973*); or

139 Subsection 41(2)

Omit “Medicare Australia CEO has under the *Medicare Australia Act 1973*”, substitute “Chief Executive Medicare has under the *Human Services (Medicare) Act 1973*”.

140 Paragraphs 41(3)(b) and (c)

Repeal the paragraphs, substitute:

- (b) the Chief Executive Medicare; or
(c) a Departmental employee (within the meaning of the *Human Services (Medicare) Act 1973*).

141 Subsection 42(1)

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

Schedule 4 Consequential amendments

Part 1 General amendments

Note: The heading to section 42 is altered by omitting “Medicare Australia CEO” and substituting “Chief Executive Medicare”.

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

Omit “*Medicare Australia Act 1973*”, substitute “*Human Services (Medicare) Act 1973*”.

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

Omit “an employee of Medicare Australia”, substitute “a Departmental employee (within the meaning of the *Human Services (Medicare) Act 1973*)”.

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

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

145 Paragraph 43(1)(c)

Omit “employee of Medicare Australia”, substitute “Departmental employee (within the meaning of the *Human Services (Medicare) Act 1973*)”.

146 Subsection 43(3)

Omit “employee of Medicare Australia”, substitute “Departmental employee (within the meaning of the *Human Services (Medicare) Act 1973*)”.

147 Subsection 43(5)

Omit “an employee of Medicare Australia”, substitute “a Departmental employee (within the meaning of the *Human Services (Medicare) Act 1973*)”.

148 Subsection 43(5)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

149 Section 46

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

Health and Other Services (Compensation) Care Charges Act 1995

150 Paragraph 6(6)(a)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

151 Paragraph 8(6)(a)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

Healthcare Identifiers Act 2010

152 Section 5

Insert:

Chief Executive Medicare has the same meaning as in the *Human Services (Medicare) Act 1973*.

153 Section 5

Insert:

Human Services Department means the Department administered by the Human Services Minister.

154 Section 5

Insert:

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

155 Section 5

Insert:

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

156 Section 5 (definition of *service operator*)

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

157 Paragraph 12(2)(a)

Repeal the paragraph, substitute:

- (a) the Human Services Department;

158 At the end of section 12

Add:

- (4) This section does not apply to identifying information if:
 - (a) the data source is the Human Services Department; and
 - (b) the identifying information was not obtained in connection with a medicare program.

Health Insurance Act 1973

159 Subsection 3(1) (definition of *Centrelink CEO*)

Repeal the definition.

160 Subsection 3(1)

Insert:

Chief Executive Centrelink has the same meaning as in the *Human Services (Centrelink) Act 1997*.

161 Subsection 3(1)

Insert:

Chief Executive Medicare has the same meaning as in the *Human Services (Medicare) Act 1973*.

162 Subsection 3(1) (definition of *employee of Centrelink*)

Repeal the definition.

163 Subsection 3(1) (definition of *employee of Medicare Australia*)

Repeal the definition.

164 Subsection 3(1)

Insert:

Human Services Department means the Department administered by the Human Services Minister.

165 Subsection 3(1)

Insert:

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

166 Subsection 3(1) (definition of *Medicare Australia CEO*)

Repeal the definition.

167 Subsection 3(1)

Insert:

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

168 Subsection 3D(1)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

169 Subsection 3D(3)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

170 Paragraph 3DA(3)(a)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

171 Subsections 3EA(1) to (6)

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

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

Omit “an employee of Medicare Australia authorised by the Medicare Australia CEO”, substitute “a Departmental employee (within the meaning of the *Human Services (Medicare) Act 1973*) authorised in writing by the Chief Executive Medicare”.

173 Section 3EB

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

174 Subsections 3F(2), (4), (7), (8) and (9)

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

175 Subsection 3F(10)

Omit “an employee of Medicare Australia authorised by the Medicare Australia CEO”, substitute “a Departmental employee (within the meaning of the *Human Services (Medicare) Act 1973*) authorised in writing by the Chief Executive Medicare”.

176 Sections 3G to 3GB

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

177 Section 10AA

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

178 Sections 10AC to 10AE

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

179 Subparagraph 16B(7)(e)(i)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

180 Subparagraph 16B(11)(d)(i)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

181 Paragraph 19AB(6)(b)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

182 Subsection 19AB(6)

Omit “an employee of Medicare Australia”, substitute “a Departmental employee (within the meaning of the *Human Services (Medicare) Act 1973*)”.

183 Subsection 19D(12)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

184 Sections 20 to 20AB

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

185 Subsection 20AC(1)

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

186 Subsection 20AC(2)

Omit “Medicare Australia CEO must”, substitute “Chief Executive Medicare must”.

187 Paragraph 20AC(2)(a)

Omit “Medicare Australia CEO’s”, substitute “Chief Executive Medicare’s”.

188 Paragraph 20AC(2)(b)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

189 Subsections 20AC(3) to (5)

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

190 Subsections 20AD(1) to (3)

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

191 Subsection 20AD(4)

Omit “The Medicare Australia CEO must give to the applicant written notice of the Medicare Australia CEO’s”, substitute “The Chief Executive Medicare must give to the applicant written notice of the Chief Executive Medicare’s”.

192 Subsection 20AD(5)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

193 Section 20B

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

194 Paragraph 20BA(1)(e)

Omit “Medicare Australia CEO, to a medical practitioner who is an employee of Medicare Australia”, substitute “Chief Executive Medicare, to a medical practitioner who is a Departmental employee (within the meaning of the *Human Services (Medicare) Act 1973*)”.

195 Subsection 20BA(2)

Omit “Medicare Australia CEO’s”, substitute “Chief Executive Medicare’s”.

196 Subsection 20BA(3)

Omit “Medicare Australia CEO may”, substitute “Chief Executive Medicare may”.

197 Paragraph 20BA(3)(c)

Omit “an employee of Medicare Australia”, substitute “a Departmental employee (within the meaning of the *Human Services (Medicare) Act 1973*)”.

198 Paragraph 20BA(3)(d)

Omit “Medicare Australia CEO’s”, substitute “Chief Executive Medicare’s”.

199 Subsection 20BA(4)

Omit “Medicare Australia CEO’s”, substitute “Chief Executive Medicare’s”.

200 Subsection 20BA(5)

Omit “an employee of Medicare Australia”, substitute “a Departmental employee (within the meaning of the *Human Services (Medicare) Act 1973*)”.

201 Paragraphs 23DK(1A)(c) and (2A)(c)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

202 Subsection 23DK(3)

Omit “Medicare Australia CEO, produce to an employee of Medicare Australia, as soon as practicable and in any case before the end of the day after the day on which the request is made by the Medicare Australia CEO”, substitute “Chief Executive Medicare, produce to a Departmental employee (within the meaning of the *Human Services (Medicare) Act 1973*), as soon as practicable and in any case before the end of the day after the day on which the request is made by the Chief Executive Medicare”.

203 Subsection 23DK(4)

Omit “An employee of Medicare Australia”, substitute “A Departmental employee (within the meaning of the *Human Services (Medicare) Act 1973*)”.

204 Subsection 23DKA(4)

Omit “Medicare Australia CEO, produce to an employee of Medicare Australia”, substitute “Chief Executive Medicare, produce to a Departmental employee (within the meaning of the *Human Services (Medicare) Act 1973*)”.

205 Subsection 23DKA(5)

Omit “an employee of Medicare Australia”, substitute “a Departmental employee (within the meaning of the *Human Services (Medicare) Act 1973*)”.

206 Paragraphs 23DKA(7)(a) and (b)

Omit “an employee of Medicare Australia”, substitute “a Departmental employee (within the meaning of the *Human Services (Medicare) Act 1973*)”.

207 Subsection 23DR(2)

Omit “Medicare Australia CEO, produce to an employee of Medicare Australia”, substitute “Chief Executive Medicare, produce to a Departmental employee (within the meaning of the *Human Services (Medicare) Act 1973*)”.

208 Subsection 23DR(3)

Omit “An employee of Medicare Australia”, substitute “A Departmental employee (within the meaning of the *Human Services (Medicare) Act 1973*)”.

209 Subsection 23DS(4)

Omit “Medicare Australia CEO, produce to an employee of Medicare Australia”, substitute “Chief Executive Medicare, produce to a Departmental employee (within the meaning of the *Human Services (Medicare) Act 1973*)”.

210 Subsection 23DS(5)

Omit “an employee of Medicare Australia”, substitute “a Departmental employee (within the meaning of the *Human Services (Medicare) Act 1973*)”.

211 Paragraphs 23DS(7)(a) and (b)

Omit “an employee of Medicare Australia”, substitute “a Departmental employee (within the meaning of the *Human Services (Medicare) Act 1973*)”.

212 Sections 23DSC and 23DSD

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

213 Paragraph 23DZZIK(3)(a)

Omit “Medicare Australia CEO, in the form approved in writing by the CEO”, substitute “Chief Executive Medicare, in the form approved in writing by the Chief Executive Medicare”.

214 Paragraph 23DZZIL(3)(a)

Omit “Medicare Australia CEO, in the form approved in writing by the CEO”, substitute “Chief Executive Medicare, in the form approved in writing by the Chief Executive Medicare”.

215 Paragraph 23DZZIM(3)(a)

Omit “Medicare Australia CEO, in the form approved in writing by the CEO”, substitute “Chief Executive Medicare, in the form approved in writing by the Chief Executive Medicare”.

216 Paragraph 23DZZIQ(7)(a)

Omit “Medicare Australia CEO, in the form approved in writing by the CEO”, substitute “Chief Executive Medicare, in the form approved in writing by the Chief Executive Medicare”.

217 Paragraph 23DZZIR(5)(a)

Omit “Medicare Australia CEO, in the form approved in writing by the CEO”, substitute “Chief Executive Medicare, in the form approved in writing by the Chief Executive Medicare”.

218 Paragraph 23DZZIS(5)(a)

Omit “Medicare Australia CEO, in the form approved in writing by the CEO”, substitute “Chief Executive Medicare, in the form approved in writing by the Chief Executive Medicare”.

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

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

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

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

221 Section 46B

Omit “Medicare Australia CEO’s functions”, substitute “Chief Executive Medicare’s functions”.

Schedule 4 Consequential amendments
Part 1 General amendments

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

222 Paragraphs 46B(b) and (d)

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

223 Sections 46C and 46D

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

224 Subsection 46E(1)

Omit “Medicare Australia CEO’s functions under section 46B, the Medicare Australia CEO”, substitute “Chief Executive Medicare’s functions under section 46B, the Chief Executive Medicare”.

Note: The heading to section 46E is altered by omitting “**Medicare Australia CEO**” and substituting “**Chief Executive Medicare**”.

225 Paragraph 46E(1)(c)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

226 Subsection 46E(2)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

227 Subsection 80(3)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

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

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

229 Division 3 of Part VAA (heading)

Repeal the heading, substitute:

Division 3—Chief Executive Medicare may request review

230 Subsection 86(1)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

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

231 Subsection 87(1)

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

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

232 Subsection 88(1)

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

233 Subsection 88(3)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

234 Section 88A

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

235 Sections 89 and 89A

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

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

236 Subsection 91(2)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

237 Paragraph 92(4)(c)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

Schedule 4 Consequential amendments

Part 1 General amendments

238 Subsection 93(7)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

239 Paragraphs 105(1)(b) and (2)(b)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

240 Paragraph 106G(6)(b)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

241 Subsections 106J(2) and (3)

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

242 Subsection 106KB(2)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

243 Section 106KC

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

244 Subparagraph 106KE(1)(b)(iii)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

245 Subparagraph 106L(5)(a)(iii)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

246 Subsection 106N(1)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

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

247 Section 106W

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

248 Subsection 106ZPM(3)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

249 Paragraph 124EC(b)

Omit “an employee of Medicare Australia”, substitute “a Departmental employee (within the meaning of the *Human Services (Medicare) Act 1973*)”.

250 Section 124EC

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

251 Subsection 125A(1)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

252 Paragraph 125D(b)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

253 Subsection 129AAC(1)

Omit “an employee of Medicare Australia”, substitute “a Departmental employee (within the meaning of the *Human Services (Medicare) Act 1973*)”.

254 Section 129AC

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

255 Section 129AF

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

256 Subsection 130(1)

Schedule 4 Consequential amendments

Part 1 General amendments

Omit “under the *Medicare Australia Act 1973*, the”, substitute “in relation to a medicare program or for the purposes of enabling a person to perform functions under the”.

257 Subsections 130(3) and (3A)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

257A After subsection 130(3A)

Insert:

(3AA) Despite subsection (1), an officer may make a record of information with the express or implied authorisation of the person to whom the information relates.

258 Paragraph 130(3D)(a)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

259 Paragraph 130(4A)(a)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

260 Subsection 130(5)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

261 Subsection 130(5E)

Omit “Medicare Australia CEO, or an employee of Medicare Australia”, substitute “Chief Executive Medicare, or a Departmental employee (within the meaning of the *Human Services (Medicare) Act 1973*)”.

262 Subsection 130(6)

Omit “Medicare Australia CEO may”, substitute “Chief Executive Medicare may”.

263 Paragraph 130(6)(ca)

Repeal the paragraph, substitute:

(ca) the Chief Executive Centrelink or a Departmental employee (within the meaning of the *Human Services (Centrelink) Act 1997*); or

264 Paragraph 130(6)(f)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

265 Subsection 130(7)

Omit “Medicare Australia CEO may”, substitute “Chief Executive Medicare may”.

266 Paragraph 130(7)(e)

Omit “Centrelink CEO or an employee of Centrelink”, substitute “Chief Executive Centrelink or a Departmental employee (within the meaning of the *Human Services (Centrelink) Act 1997*)”.

267 Paragraph 130(7)(h)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

268 Paragraph 130(9)(aa)

Omit “Centrelink CEO or an employee of Centrelink”, substitute “Chief Executive Centrelink or a Departmental employee (within the meaning of the *Human Services (Centrelink) Act 1997*)”.

269 Subsection 130(25) (definition of officer)

Omit “the *Medicare Australia Act 1973*”, substitute “a medicare program”.

270 Subsection 130G(1)

Omit “Centrelink CEO”, substitute “Chief Executive Centrelink”.

271 Subsection 130G(1)

Omit “an employee of Centrelink”, substitute “a Departmental employee (within the meaning of the *Human Services (Centrelink) Act 1997*)”.

272 Transitional—signature of Centrelink CEO or employee of Centrelink

Despite the amendments of section 130G of the *Health Insurance Act 1973* made by this Schedule, that section continues to apply, in relation to the signature of a person who:

- (a) held the office of Centrelink CEO before the commencement of this item; or
- (b) was an employee of Centrelink before the commencement of this item;

as if those amendments had not been made.

273 Subsections 131(1) to (3)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

274 Subsection 131(4) (paragraphs (b) and (c) of the definition of officer)

Repeal the paragraphs, substitute:

- (b) the Chief Executive Medicare; or
- (c) a Departmental employee (within the meaning of the *Human Services (Medicare) Act 1973*).

275 Section 131A

Repeal the section.

Hearing Services Administration Act 1997

276 Section 4

Insert:

Chief Executive Medicare has the same meaning as in the *Human Services (Medicare) Act 1973*.

277 Subsection 21(10) (paragraph (d) of the definition of body)

Repeal the paragraph, substitute:

- (d) the Chief Executive Medicare.

Higher Education Support Act 2003

278 Paragraph 46-20(2)(m)

Omit “or the Chief Executive Officer, or an *employee, of *Centrelink”, substitute “, the *Chief Executive Centrelink or a Departmental employee (within the meaning of the *Human Services (Centrelink) Act 1997*)”.

279 Subclause 1(1) of Schedule 1 (definition of *Centrelink*)

Repeal the definition.

280 Subclause 1(1) of Schedule 1

Insert:

Chief Executive Centrelink has the same meaning as in the *Human Services (Centrelink) Act 1997*.

281 Subclause 1(1) of Schedule 1 (definition of *employee*)

Repeal the definition.

Income Tax Assessment Act 1936

282 Subsection 6(1)

Insert:

Chief Executive Centrelink has the same meaning as in the *Human Services (Centrelink) Act 1997*.

283 Subsection 202CB(6)

Omit “the Chief Executive Officer of the Commonwealth Services Delivery Agency, established by the *Commonwealth Services Delivery Agency Act 1997*”, substitute “the Chief Executive Centrelink”.

284 Subsection 202CE(7)

Omit “the Chief Executive Officer of the Commonwealth Services Delivery Agency, established by the *Commonwealth Services Delivery Agency Act 1997*”, substitute “the Chief Executive Centrelink”.

Income Tax Assessment Act 1997

285 Subsection 54-40(2) (note)

Omit “Centrelink”, substitute “the Department administered by the Minister administering the *Human Services (Centrelink) Act 1997*”.

Medical Indemnity Act 2002

286 Subsection 4(1)

Insert:

Chief Executive Medicare has the same meaning as in the *Human Services (Medicare) Act 1973*.

287 Subsection 4(1)

Insert:

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

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

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

289 Subsection 4(1) (definition of *Medicare Australia CEO*)

Repeal the definition.

290 Subsection 4(1)

Insert:

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

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

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

292 Subsection 10(2) (table item 9)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

293 Section 13

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

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

294 Paragraph 16(1)(f)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

295 Paragraph 17(1)(g)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

296 Paragraph 19(b)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

297 Section 23

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

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

298 Sections 24 and 25

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

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

299 Subsection 26(1)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

Note: The heading to section 26 is altered by omitting “**Medicare Australia CEO**” and substituting “**Chief Executive Medicare**”.

300 Subsections 27(3) and (4)

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

301 Section 27B

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

Schedule 4 Consequential amendments

Part 1 General amendments

Note: The heading to section 27B is altered by omitting “**Medicare Australia CEO**” and substituting “**Chief Executive Medicare**”.

302 Subsection 28(2) (table item 7)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

303 Section 34AB

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

Note: The heading to section 34AB is altered by omitting “**Medicare Australia CEO**” and substituting “**Chief Executive Medicare**”.

304 Subsection 34A(3) (table item 12)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

305 Subsection 34E(1)

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

Note: The heading to section 34E is altered by omitting “**Medicare Australia CEO**” and substituting “**Chief Executive Medicare**”.

306 Subsections 34E(4) and (5)

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

Note: The heading to subsection 34E(5) is altered by omitting “*Medicare Australia CEO*” and substituting “*Chief Executive Medicare*”.

307 Sections 34H and 34I

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

308 Section 34J

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

Note: The heading to section 34J is altered by omitting “**Medicare Australia CEO**” and substituting “**Chief Executive Medicare**”.

309 Section 34K

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

Note: The heading to subsection 34K(7) is altered by omitting “*Medicare Australia CEO*” and substituting “*Chief Executive Medicare*”.

310 Section 34L

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

311 Section 34Q

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

Note: The heading to subsection 34Q(2) is altered by omitting “*Medicare Australia CEO*” and substituting “*Chief Executive Medicare*”.

312 Subsection 34T(3)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

313 Paragraph 34T(4)(a)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

314 Section 34U

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

Note: The heading to section 34U is altered by omitting “**Medicare Australia CEO**” and substituting “**Chief Executive Medicare**”.

315 Subsection 34V(1)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

Note: The heading to section 34V is altered by omitting “**Medicare Australia CEO**” and substituting “**Chief Executive Medicare**”.

316 Subsections 34W(3) and (4)

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

317 Section 34Y

Schedule 4 Consequential amendments

Part 1 General amendments

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

Note: The heading to section 34Y is altered by omitting “Medicare Australia CEO” and substituting “Chief Executive Medicare”.

318 Subsection 34ZA(3) (table items 7 and 13)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

319 Paragraphs 34ZB(4A)(b) and (4B)(c)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

320 Paragraph 34ZC(1)(e)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

321 Subsection 34ZJ(3)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

322 Paragraph 34ZJ(4)(a)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

323 Section 34ZK

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

Note: The heading to section 34ZK is altered by omitting “Medicare Australia CEO” and substituting “Chief Executive Medicare”.

324 Subsection 34ZL(1)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

Note: The heading to section 34ZL is altered by omitting “Medicare Australia CEO” and substituting “Chief Executive Medicare”.

325 Subsections 34ZM(3) and (4)

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

326 Section 34ZO

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

Note: The heading to section 34ZO is altered by omitting “**Medicare Australia CEO**” and substituting “**Chief Executive Medicare**”.

327 Section 34ZT

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

328 Section 34ZU

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

Note: The heading to section 34ZU is altered by omitting “**Medicare Australia CEO**” and substituting “**Chief Executive Medicare**”.

329 Subsection 35(2) (table item 3)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

330 Sections 36 to 37B

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

331 Section 38

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

Note: The heading to section 38 is altered by omitting “**Medicare Australia CEO**” and substituting “**Chief Executive Medicare**”.

332 Sections 39 to 41

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

333 Section 42

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

Note 1: The heading to section 42 is altered by omitting “**Medicare Australia CEO**” and substituting “**Chief Executive Medicare**”.

Schedule 4 Consequential amendments

Part 1 General amendments

Note 2: The heading to subsection 42(2) is altered by omitting “*Medicare Australia CEO*” and substituting “*Chief Executive Medicare*”.

334 Section 44

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

Note: The heading to section 44 is altered by omitting “**Medicare Australia CEO**” and substituting “**Chief Executive Medicare**”.

335 Section 44A

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

Note: The heading to section 44A is altered by omitting “**Medicare Australia CEO**” and substituting “**Chief Executive Medicare**”.

336 Section 44B

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

Note: The heading to section 44B is altered by omitting “**Medicare Australia CEO**” and substituting “**Chief Executive Medicare**”.

337 Subsections 46(1) and (2)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

338 Subsection 50(3) (table item 13)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

339 Paragraph 52(2)(f)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

340 Section 53

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

341 Section 56

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

Note: The heading to subsection 56(3) is altered by omitting “*Medicare Australia CEO’s*” and substituting “*Chief Executive Medicare’s*”.

342 Subsection 57(3) (table item 10)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

343 Subsection 59A(2) (table item 10)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

344 Section 59E

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

Note: The heading to subsection 59E(3) is altered by omitting “*Medicare Australia CEO’s*” and substituting “*Chief Executive Medicare’s*”.

345 Subsection 60(2) (table item 7)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

346 Sections 62 to 66

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

347 Section 66A

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

Note: The heading to subsection 66A(2) is altered by omitting “*Medicare Australia CEO*” and substituting “*Chief Executive Medicare*”.

348 Sections 66B to 68

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

349 Section 69

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

Note 1: The heading to section 69 is altered by omitting “**Medicare Australia CEO**” and substituting “**Chief Executive Medicare**”.

Schedule 4 Consequential amendments

Part 1 General amendments

Note 2: The heading to subsection 69(2) is altered by omitting “*Medicare Australia CEO*” and substituting “*Chief Executive Medicare*”.

350 Section 70

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

351 Section 71

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

Note: The heading to section 71 is altered by omitting “**Medicare Australia CEO**” and substituting “**Chief Executive Medicare**”.

352 Section 72

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

Note: The heading to section 72 is altered by omitting “**Medicare Australia CEO**” and substituting “**Chief Executive Medicare**”.

353 Subsections 74(1) and (2)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

354 Section 75

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

355 Section 76

Omit “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”, substitute “Chief Executive Medicare under the *Human Services (Medicare) Act 1973*, the Chief Executive Medicare has such additional functions as are conferred on the Chief Executive Medicare”.

Note: The heading to section 76 is altered by omitting “**Medicare Australia CEO**” and substituting “**Chief Executive Medicare**”.

356 Subparagraph 77(2)(c)(iii)

Repeal the subparagraph, substitute:
(iii) a medicare program; or

357 Subsections 77(3) and (4)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

357A After subsection 77(5)

Insert:

- (5A) Despite subsection (2), an officer may make a record of information with the express or implied authorisation of the person to whom the information relates.

Medical Indemnity (Prudential Supervision and Product Standards) Act 2003

358 Subsection 4(1)

Insert:

Chief Executive Medicare has the same meaning as in the *Human Services (Medicare) Act 1973*.

359 Paragraph 26D(2)(b)

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

Midwife Professional Indemnity (Commonwealth Contribution) Scheme Act 2010

360 Subsection 5(1) (definition of *apportionment certificate*)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

361 Subsection 5(1)

Insert:

Chief Executive Medicare has the same meaning as in the *Human Services (Medicare) Act 1973*.

362 Subsection 5(1) (definition of *Level 1 qualifying claim certificate*)

Schedule 4 Consequential amendments

Part 1 General amendments

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

363 Subsection 5(1) (definition of *Level 2 qualifying claim certificate*)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

364 Subsection 5(1) (definition of *Medicare Australia CEO*)

Repeal the definition.

365 Subsection 9(3) (table item 2)

Omit “Medicare CEO”, substitute “Chief Executive Medicare”.

366 Subsection 9(3) (table item 13)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

367 Section 11

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

Note 1: The heading to section 11 is altered by omitting “**Medicare Australia CEO**” and substituting “**Chief Executive Medicare**”.

Note 2: The heading to subsection 11(8) is altered by omitting “*Medicare Australia CEO*” and substituting “*Chief Executive Medicare*”.

368 Sections 12 and 13

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

369 Section 14

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

Note: The heading to section 14 is altered by omitting “**Medicare Australia CEO**” and substituting “**Chief Executive Medicare**”.

370 Section 15

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

Note: The heading to subsection 15(7) is altered by omitting “*Medicare Australia CEO*” and substituting “*Chief Executive Medicare*”.

371 Subparagraph 16(1)(c)(ii)

Omit “Medicare CEO”, substitute “Chief Executive Medicare”.

372 Subsection 18(1)

Omit “Medicare Australia CEO may”, substitute “Chief Executive Medicare may”.

373 Subparagraph 18(1)(d)(ii)

Omit “Medicare CEO”, substitute “Chief Executive Medicare”.

374 Subsection 18(4)

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

375 Section 22

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

Note: The heading to subsection 22(2) is altered by omitting “*Medicare Australia CEO*” and substituting “*Chief Executive Medicare*”.

376 Section 25

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

377 Section 26

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

Note: The heading to section 26 is altered by omitting “**Medicare Australia CEO**” and substituting “**Chief Executive Medicare**”.

378 Subsection 27(1)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

Note: The heading to section 27 is altered by omitting “**Medicare Australia CEO**” and substituting “**Chief Executive Medicare**”.

379 Section 28

Schedule 4 Consequential amendments

Part 1 General amendments

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

380 Subsection 29(2) (table items 8 and 14)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

381 Paragraphs 31(3)(b) and (4)(c)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

382 Subparagraph 32(1)(c)(ii)

Omit “Medicare CEO”, substitute “Chief Executive Medicare”.

383 Paragraph 32(1)(f)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

384 Section 37

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

385 Section 38

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

Note: The heading to section 38 is altered by omitting “**Medicare Australia CEO**” and substituting “**Chief Executive Medicare**”.

386 Subsection 39(1)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

Note: The heading to section 39 is altered by omitting “**Medicare Australia CEO**” and substituting “**Chief Executive Medicare**”.

387 Section 40

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

388 Section 45

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

389 Section 46

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

Note: The heading to section 46 is altered by omitting “**Medicare Australia CEO**” and substituting “**Chief Executive Medicare**”.

390 Subsection 50(2) (table item 1)

Omit “Medicare CEO”, substitute “Chief Executive Medicare”.

391 Subsection 50(2) (table item 7)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

392 Subsection 51(1)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

Note: The heading to section 51 is altered by omitting “**Medicare Australia CEO**” and substituting “**Chief Executive Medicare**”.

393 Subparagraph 51(1)(a)(i)

Omit “Medicare CEO”, substitute “Chief Executive Medicare”.

394 Paragraph 51(1)(b)

Omit “Medicare CEO”, substitute “Chief Executive Medicare”.

395 Subsections 51(2) to (7)

Omit “Medicare CEO”, substitute “Chief Executive Medicare”.

396 Subsection 52(1)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

Note: The heading to section 52 is altered by omitting “**Medicare CEO**” and substituting “**Chief Executive Medicare**”.

397 Sections 53 and 54

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

398 Section 55

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

Note: The heading to section 55 is altered by omitting “**Medicare Australia CEO**” and substituting “**Chief Executive Medicare**”.

399 Subsection 56(1)

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

400 Subsection 56(2)

Omit “Medicare CEO” (wherever occurring), substitute “Chief Executive Medicare”.

401 Subsections 56(3) to (6)

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

Note: The heading to subsection 56(6) is altered by omitting “*Medicare Australia CEO*” and substituting “*Chief Executive Medicare*”.

402 Sections 57 to 61

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

403 Section 62

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

Note: The heading to section 62 is altered by omitting “**Medicare Australia CEO**” and substituting “**Chief Executive Medicare**”.

404 Sections 63 and 64

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

405 Section 65

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

Note 1: The heading to section 65 is altered by omitting “**Medicare Australia CEO**” and substituting “**Chief Executive Medicare**”.

Note 2: The heading to subsection 65(2) is altered by omitting “*Medicare Australia CEO*” and substituting “*Chief Executive Medicare*”.

406 Section 67

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

407 Subsection 72(3) (table item 10)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

408 Sections 76 and 77

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

409 Subsection 79(3)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

410 Section 80

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

Note 1: The heading to section 80 is altered by omitting “**Medicare Australia CEO**” and substituting “**Chief Executive Medicare**”.

Note 2: The heading to subsection 80(2) is altered by omitting “*Medicare Australia CEO*” and substituting “*Chief Executive Medicare*”.

411 Section 81

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

412 Section 82

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

Note: The heading to section 82 is altered by omitting “**Medicare Australia CEO**” and substituting “**Chief Executive Medicare**”.

413 Section 83

Schedule 4 Consequential amendments

Part 1 General amendments

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

Note: The heading to section 83 is altered by omitting “**Medicare Australia CEO**” and substituting “**Chief Executive Medicare**”.

414 Sections 85 and 86

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

415 Section 87

Omit “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”, substitute “Chief Executive Medicare under the *Human Services (Medicare) Act 1973*, the Chief Executive Medicare has such additional functions as are conferred on the Chief Executive Medicare”.

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

416 Subparagraph 88(2)(c)(iii)

Repeal the subparagraph, substitute:
(iii) a medicare program; or

417 Subsection 88(3)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

417A After subsection 88(5)

Insert:

(5A) Despite subsection (2), an officer may make a record of information with the express or implied authorisation of the person to whom the information relates.

418 Subsection 90(2)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

National Health Act 1953

419 Subsection 4(1)

Insert:

Chief Executive Medicare has the same meaning as in the *Human Services (Medicare) Act 1973*.

420 Subsection 4(1)

Insert:

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

421 Subsection 4(1) (definition of *Medicare Australia CEO*)

Repeal the definition.

422 Subsection 4(1)

Insert:

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

423 Paragraph 12(3)(e)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

424 Subsection 13(1)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

Note: The heading to section 13 is altered by omitting “**Medicare Australia CEO**” and substituting “**Chief Executive Medicare**”.

425 Subsections 14(1) and (2)

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

426 Subsection 14(3)

Omit “Medicare Australia CEO’s”, substitute “Chief Executive Medicare’s”.

427 Subsection 14(4)

Omit “Medicare Australia CEO must”, substitute “Chief Executive Medicare must”.

428 Subparagraph 14(4)(c)(ii)

Omit “Medicare Australia CEO’s”, substitute “Chief Executive Medicare’s”.

429 Subsection 14(5)

Omit “Medicare Australia CEO’s”, substitute “Chief Executive Medicare’s”.

430 Subsections 15(1) and (2)

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

431 Subsection 15(3)

Omit “Medicare Australia CEO’s”, substitute “Chief Executive Medicare’s”.

432 Subsection 15(4)

Omit “Medicare Australia CEO must”, substitute “Chief Executive Medicare must”.

433 Subparagraph 15(4)(c)(ii)

Omit “Medicare Australia CEO’s”, substitute “Chief Executive Medicare’s”.

434 Subsection 15(5)

Omit “Medicare Australia CEO’s”, substitute “Chief Executive Medicare’s”.

435 Subsection 84(1) (definition of *CTS claim*)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

436 Subsection 84(1) (paragraph (a) of the definition of *medicare card*)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

437 Subsection 84(1) (paragraph (b) of the definition of *medicare number*)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

438 Subsection 84(10)

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

439 Paragraph 86B(3)(c)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

440 Subsection 86C(5)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

441 Subsection 86C(7) (note 1)

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

442 Subsections 99(7) and (8)

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

443 Subsection 99ZH(1) (definition of *PBS monitoring purposes*)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

444 Subsection 99ZH(1) (paragraph (a) of the definition of *PBS regulatory purposes*)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

445 Sections 99ZJ and 99ZK

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

446 Section 99ZN

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

447 Section 99ZO

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

Note: The heading to section 99ZO is altered by omitting “**Medicare Australia CEO**” and substituting “**Chief Executive Medicare**”.

448 Subsection 99ZR(1)

Repeal the subsection, substitute:

- (1) Subject to subsection (2), neither the Commonwealth, the Chief Executive Medicare nor any person performing duty as a Customs officer or as a Departmental employee (within the meaning of the *Human Services (Medicare) Act 1973*) is liable for any act done in good faith by such a Customs officer, by the Chief Executive Medicare, or by such an employee in the performance of functions or duties, or the exercise of powers, under this Division.

449 Subsection 99ZR(2)

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

450 Paragraph 99ZS(1)(c)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

451 Subsection 99ZS(2)

Omit “Medicare Australia CEO may”, substitute “Chief Executive Medicare may”.

452 Subsection 99ZS(2)

Omit “by the Medicare Australia CEO, or by members of the staff of Medicare Australia”, substitute “by the Chief Executive Medicare, or by Departmental employees (within the meaning of the *Human Services (Medicare) Act 1973*)”.

453 Paragraph 99ZS(2)(a)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

454 Subsection 99ZS(3)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

455 Section 99ZT

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

456 Subsection 103(4AD)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

457 Subsection 135A(1)

Omit “under the *Medicare Australia Act 1973* or the”, substitute “in relation to a medicare program or under the”.

458 Paragraph 135A(6)(ea)

Repeal the paragraph, substitute:

- (ea) the Chief Executive Centrelink or a Departmental employee (within the meaning of the *Human Services (Centrelink) Act 1997*); or

459 Paragraph 135A(7)(g)

Omit “CEO or an employee of the Services Delivery Agency”, substitute “Chief Executive Centrelink or a Departmental employee (within the meaning of the *Human Services (Centrelink) Act 1997*)”.

460 Paragraph 135A(9)(aa)

Omit “CEO or an employee of the Services Delivery Agency”, substitute “Chief Executive Centrelink or a Departmental employee (within the meaning of the *Human Services (Centrelink) Act 1997*)”.

461 Subsection 135A(24) (definition of CEO)

Repeal the definition.

462 Subsection 135A(24)

Insert:

Chief Executive Centrelink has the same meaning as in the *Human Services (Centrelink) Act 1997*.

463 Subsection 135A(24) (definition of employee)

Repeal the definition.

464 Subsection 135A(24) (definition of Services Delivery Agency)

Repeal the definition.

465 Paragraphs 135AAA(2)(d) and (4)(d)

Omit “under the *Medicare Australia Act 1973*”, substitute “in relation to a medicare program”.

466 Subsection 135AA(5A)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

467 Subsection 135AC(2) (paragraph (b) of the definition of health law)

Repeal the paragraph, substitute:
(b) the *Human Services (Medicare) Act 1973*.

Paid Parental Leave Act 2010

468 Section 6 (definition of CEO)

Repeal the definition.

469 Section 6

Insert:

Chief Executive Centrelink has the same meaning as in the *Human Services (Centrelink) Act 1997*.

470 Section 6

Insert:

Chief Executive Medicare has the same meaning as in the *Human Services (Medicare) Act 1973*.

470A Section 6

Insert:

family assistance law has the same meaning as in the *A New Tax System (Family Assistance) (Administration) Act 1999*.

471 Section 6

Insert:

Human Services Department means the Department administered by the Human Services Minister.

472 Section 6

Insert:

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

473 Section 6 (paragraphs (b) and (c) of the definition of *PPL agency*)

Repeal the paragraphs, substitute:

(b) the Human Services Department.

474 Section 6 (definition of *PPL agency head*)

Repeal the definition.

475 Section 6

Insert:

PPL agency representative means:

- (a) for the Department—the Secretary; or
- (b) for the Human Services Department—the Chief Executive Centrelink or the Chief Executive Medicare.

476 Section 6 (before paragraph (a) of the definition of *protected information*)

Insert:

- (aa) information about a person that is or was held in the records of the Department or the Human Services Department; or

477 Section 6 (paragraph (a) of the definition of *protected information*)

Omit “is or was held in the records of the Department or the Commonwealth Services Delivery Agency”, substitute “was held in the records of the Commonwealth Services Delivery Agency (within the meaning of the *Commonwealth Services Delivery Agency Act 1997* as in force before 1 July 2011)”.

478 Section 6 (paragraph (b) of the definition of *protected information*)

Omit “is or was held in the records of Medicare Australia”, substitute “was held in the records of Medicare Australia (within the meaning of the *Medicare Australia Act 1973* as in force before 1 July 2011)”.

479 Section 6 (definition of *service arrangements*)

Repeal the definition.

479A Section 6

Insert:

social security law has the same meaning as in the Social Security Act.

479B After paragraph 127(2)(d)

Insert:

- (da) for the purposes of the family assistance law; or
- (db) for the purposes of the social security law; or
- (dc) for the purposes of the *Student Assistance Act 1973*; or

480 Subsection 206(4)

Omit “PPL agency head”, substitute “PPL agency representative”.

481 Subsection 207(4)

Omit “PPL agency head”, substitute “PPL agency representative”.

482 Paragraph 208(4)(b)

Omit “PPL agency head”, substitute “PPL agency representative”.

483 Section 213

Omit:

This Part is about the review by the Social Security Appeals Tribunal (SSAT) of decisions that have been reviewed under Part 5-1, and of decisions made personally by particular PPL agency heads (which are not subject to internal review).

substitute:

This Part is about the review by the Social Security Appeals Tribunal (SSAT) of decisions that have been reviewed under Part 5-1, and of decisions made personally by particular PPL agency representatives (which are not subject to internal review).

484 Paragraph 215(1)(d)

Omit “PPL agency head”, substitute “PPL agency representative”.

485 Subparagraphs 217(1)(a)(iii) and (iv)

Repeal the subparagraphs, substitute:

- (iii) if the decision was made by the Chief Executive Centrelink, the Chief Executive Medicare or an APS employee in the Human Services Department—an office of the Human Services Department; or

486 Subparagraph 218(c)(ii)

Omit “PPL agency head”, substitute “PPL agency representative”.

487 Paragraphs 222(1)(c) and (d)

Repeal the paragraphs, substitute:

- (c) if the claimant decision was made by the Chief Executive Centrelink or an APS employee in the Human Services Department—the Chief Executive Centrelink; and
- (d) if the claimant decision was made by the Chief Executive Medicare—the Chief Executive Medicare; and

488 Paragraph 223(1)(d)

Omit “PPL agency head”, substitute “PPL agency representative”.

489 Subparagraph 226(c)(ii)

Omit “PPL agency head”, substitute “PPL agency representative”.

490 Paragraphs 230(c) and (d)

Repeal the paragraphs, substitute:

- (c) if the relevant decision was made by the Chief Executive Centrelink or an APS employee in the Human Services Department—the Chief Executive Centrelink; and
- (d) if the relevant decision was made by the Chief Executive Medicare—the Chief Executive Medicare.

491 Section 231

Omit:

Division 3 sets out how people other than PPL agency heads may make submissions to the SSAT.

Division 4 sets out how PPL agency heads may make submissions to the SSAT.

substitute:

Division 3 sets out how people other than PPL agency representatives may make submissions to the SSAT.

Division 4 sets out how PPL agency representatives may make submissions to the SSAT.

492 Subsection 232(1)

Omit “, of the Commonwealth Services Delivery Agency or of Medicare Australia”, substitute “or of the Human Services Department”.

493 Division 3 of Part 5-3 (heading)

Repeal the heading, substitute:

Division 3—Submissions from parties other than PPL agency representatives

494 Section 236

Omit “PPL agency head”, substitute “PPL agency representative”.

Note: The heading to section 236 is altered by omitting “**PPL agency heads**” and substituting “**PPL agency representatives**”.

495 Division 4 of Part 5-3 (heading)

Repeal the heading, substitute:

Division 4—Submissions from PPL agency representatives

496 Section 240

Omit “PPL agency head” (wherever occurring), substitute “PPL agency representative”.

Note 1: The heading to section 240 is altered by omitting “**PPL agency heads**” and substituting “**PPL agency representatives**”.

Note 2: The heading to subsection 240(2) is altered by omitting “*PPL agency head*” and substituting “*PPL agency representative*”.

Note 3: The heading to subsection 240(4) is altered by omitting “*PPL agency head*” and substituting “*PPL agency representative*”.

497 Subsection 257(3)

Omit “PPL agency head” (wherever occurring), substitute “PPL agency representative”.

498 Subsection 257(6)

Omit “PPL agency head”, substitute “PPL agency representative”.

499 Paragraphs 266(1)(a) and (b)

Repeal the paragraphs, substitute:

- (a) if the decision that was reviewed by the SSAT was made by the Chief Executive Centrelink or an APS employee in the Human Services Department—the Chief Executive Centrelink;
- (b) if the decision that was reviewed by the SSAT was made by the Chief Executive Medicare—the Chief Executive Medicare;

500 Paragraph 303(1)(b)

Omit “but does not include the CEO or an employee of the Commonwealth Services Delivery Agency”, substitute “but not including the Chief Executive Centrelink, the Chief Executive Medicare or an APS employee in the Human Services Department”.

501 Subsection 303(2)

Omit “and in accordance with service arrangements”.

502 Subsection 303(2)

Omit “the CEO of, or an employee of, the Commonwealth Services Delivery Agency or Medicare Australia”, substitute “the Chief Executive Centrelink, the Chief Executive Medicare or an APS employee in the Human Services Department”.

503 Paragraph 303(3)(a)

Repeal the paragraph, substitute:

- (a) the Chief Executive Centrelink; or
- (aa) the Chief Executive Medicare; or

504 Subsection 303(4)

Omit “the CEO of the Commonwealth Services Delivery Agency or Medicare Australia”, substitute “the Chief Executive Centrelink or the Chief Executive Medicare”.

505 Subsection 303(5)

Repeal the subsection, substitute:

- (5) If the Secretary delegates the power mentioned in subsection (4) to the Chief Executive Centrelink, the Chief Executive Centrelink cannot, despite any other provision in the *Human Services (Centrelink) Act 1997*, delegate that power to a Departmental

employee (within the meaning of the *Human Services (Centrelink) Act 1997*).

- (6) If the Secretary delegates the power mentioned in subsection (4) to the Chief Executive Medicare, the Chief Executive Medicare cannot, despite any other provision in the *Human Services (Medicare) Act 1973*, delegate that power to a Departmental employee (within the meaning of the *Human Services (Medicare) Act 1973*).

Private Health Insurance Act 2007

506 Subsection 1-10(6) (table item 4)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

507 Sections 23-15 to 23-45

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

508 Subsection 26-10(2)

Omit “an office of Medicare Australia, or a place approved by the Medicare Australia CEO”, substitute “an office of the *Human Services Department (other than an office specified in an instrument under subsection (3)), or a place approved by the Chief Executive Medicare”.

509 At the end of section 26-10

Add:

- (3) The Chief Executive Medicare may, by written instrument, specify one or more offices of the *Human Services Department for the purposes of subsection (2).
- (4) An instrument under subsection (3) is not a legislative instrument.

510 Section 26-15

Repeal the section, substitute:

26-15 Withdrawal of claim

- (1) A claimant may at any time, by writing sent to or lodged at:

- (a) an office of the *Human Services Department (other than an office specified in an instrument under subsection (2)); or
 - (b) a place approved by the Chief Executive Medicare; withdraw a claim.
- (2) The Chief Executive Medicare may, by written instrument, specify one or more offices of the *Human Services Department for the purposes of paragraph (1)(a).
- (3) An instrument under subsection (2) is not a legislative instrument.

511 Sections 26-20 to 26-30

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

512 Subsection 34-25(5)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

513 Section 276-1

Omit:

(b) for the Medicare Australia CEO to supervise that reimbursement and related matters; and

substitute:

(b) for the Chief Executive Medicare to supervise that reimbursement and related matters; and

514 Section 279-1

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

515 Sections 279-10 to 279-30

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

516 Subsections 279-40(1) and (2)

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

517 Subsection 279-40(3)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

518 Subsection 279-40(3)

Omit “Medicare Australia CEO’s”, substitute “Chief Executive Medicare’s”.

519 Subsections 279-40(5) and (6)

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

520 Subsections 279-45(1) to (4)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

521 Subsection 279-45(5)

Omit “Medicare Australia CEO must notify the private health insurer stating the Medicare Australia CEO’s”, substitute “Chief Executive Medicare must notify the private health insurer stating the Chief Executive Medicare’s”.

522 Subsection 279-45(6)

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

523 Subdivision 279-B (heading)

Repeal the heading, substitute:

Subdivision 279-B—Powers of Chief Executive Medicare in relation to participating insurers

524 Section 279-50

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

Schedule 4 Consequential amendments
Part 1 General amendments

Note: The heading to section 279-50 is altered by omitting “**Medicare Australia CEO**” and substituting “**Chief Executive Medicare**”.

525 Section 279-55

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

Note: The heading to section 279-55 is altered by omitting “**Medicare Australia CEO**” and substituting “**Chief Executive Medicare**”.

526 Subparagraph 282-1(1)(f)(iii)

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

527 Section 282-5

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

528 Section 282-10

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

Note: The heading to section 282-10 is altered by omitting “**Medicare Australia CEO**” and substituting “**Chief Executive Medicare**”.

529 Section 282-15

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

530 Subsection 282-20(1)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

531 Section 282-30

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

532 Section 282-35

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

533 Section 282-35

Omit “an employee of Medicare Australia”, substitute “a Departmental employee (within the meaning of the *Human Services (Medicare) Act 1973*)”.

534 Paragraph 323-5(b)

Omit “under the *Medicare Australia Act 1973*”, substitute “in connection with a *medicare program”.

535 Paragraphs 323-10(2)(h) and (i)

Repeal the paragraphs, substitute:

- (h) the Chief Executive Medicare;
- (i) a Departmental employee (within the meaning of the *Human Services (Medicare) Act 1973*).

536 Section 328-1

Omit:

Several kinds of decisions made under this Act by the Medicare CEO, the Council, the Minister and the Private Health Insurance Ombudsman are reviewable by the Administrative Appeals Tribunal.

substitute:

Several kinds of decisions made under this Act by the Chief Executive Medicare, the Council, the Minister and the Private Health Insurance Ombudsman are reviewable by the Administrative Appeals Tribunal.

537 Section 328-5 (table items 3, 40, 41 and 42)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

538 Paragraphs 333-1(2)(a) and (b)

Repeal the paragraphs, substitute:

- (a) the Chief Executive Medicare; or
- (b) a Departmental employee (within the meaning of the *Human Services (Medicare) Act 1973*); or

539 Subsection 333-10(1) (table item 2)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

540 Subsection 333-10(5)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

541 Clause 1 of Schedule 1

Insert:

Chief Executive Medicare has the same meaning as in the *Human Services (Medicare) Act 1973*.

542 Clause 1 of Schedule 1

Insert:

Human Services Department means the Department administered by the *Human Services Minister.

543 Clause 1 of Schedule 1

Insert:

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

544 Clause 1 of Schedule 1 (definition of *Medicare Australia CEO*)

Repeal the definition.

545 Clause 1 of Schedule 1

Insert:

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

Private Health Insurance (Transitional Provisions and Consequential Amendments) Act 2007

546 Subsection 7(2)

Repeal the subsection, substitute:

- (2) The Chief Executive Medicare (within the meaning of the *Human Services (Medicare) Act 1973*) may continue to approve forms under section 11-50 for the purposes of subsection (1), as if the references in that section to the Medicare Australia CEO were references to the Chief Executive Medicare.

547 Section 50

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare (within the meaning of the *Human Services (Medicare) Act 1973*)”.

548 At the end of section 50

Add “and as if references in that Division to the Medicare Australia CEO were references to the Chief Executive Medicare”.

549 Section 51

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare (within the meaning of the *Human Services (Medicare) Act 1973*)”.

550 At the end of section 51

Add “and as if references in that Division to the Medicare Australia CEO were references to the Chief Executive Medicare”.

Remuneration Tribunal Act 1973

551 Subsection 3(1) (paragraph (d) of the definition of *principal executive office*)

Repeal the paragraph.

552 After paragraph 3(4)(m)

Insert:

- (n) the Chief Executive Centrelink (within the meaning of the *Human Services (Centrelink) Act 1997*);
- (o) the Chief Executive Medicare (within the meaning of the *Human Services (Medicare) Act 1973*);
- (oa) the Child Support Registrar;

Social Security Act 1991

553 Subsection 23(1) (definition of Agency)

Repeal the definition.

554 Subsection 23(1) (definition of Agency Act)

Repeal the definition.

555 Subsection 23(1)

Insert:

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

556 Subsection 23(1) (definition of CEO)

Repeal the definition.

557 Subsection 23(1)

Insert:

Chief Executive Centrelink has the same meaning as in the *Human Services (Centrelink) Act 1997*.

558 Subsection 23(1) (definition of employee)

Repeal the definition.

559 Subsection 23(1)

Insert:

Human Services Department means the Department administered by the Human Services Minister.

560 Subsection 23(1)

Insert:

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

560A Subsection 23(1)

Insert:

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

561 Subsection 23(1) (paragraph (a) of the definition of *protected information*)

Repeal the paragraph, substitute:

- (a) information about a person that:
 - (i) was obtained by an officer under the social security law; and
 - (ii) is or was held in the records of the Department or the Human Services Department; or

562 Subsection 23(1) (paragraph (b) of the definition of *protected information*)

Omit “or Medicare Australia”.

563 Subsection 23(1) (after paragraph (b) of the definition of *protected information*)

Insert:

- (baa) information about a person that was held in the records of the Commonwealth Services Delivery Agency (within the meaning of the *Commonwealth Services Delivery Agency Act 1997* as in force before 1 July 2011); or
- (bab) information about a person that:
 - (i) was obtained by an officer under the family assistance law; and
 - (ii) was held in the records of Medicare Australia (within the meaning of the *Medicare Australia Act 1973* as in force before 1 July 2011); or

564 Subsection 23(1) (subparagraph (c)(ii) of the definition of *protected information*)

Repeal the subparagraph, substitute:

- (ii) the Human Services Department;

565 Subsection 23(1) (subparagraph (c)(iii) of the definition of *protected information*)

Omit “Office;”, substitute “Office.”.

566 Subsection 23(1) (subparagraph (c)(iv) of the definition of *protected information*)

Repeal the subparagraph.

567 Subsection 23(1) (subparagraph (b)(i) of the definition of *Secretary*)

Repeal the subparagraph, substitute:

- (i) in the review of a decision made by the Chief Executive Centrelink or a Departmental employee (within the meaning of the *Human Services (Centrelink) Act 1997*) as a delegate of the Secretary of the Department or of the Secretary of the Employment Department—the Chief Executive Centrelink; or

568 Subsection 23(1) (definition of *service arrangements*)

Repeal the definition.

569 Section 1185AA

Before “In this”, insert “(1)”.

570 At the end of section 1185AA

Add:

- (2) For the purposes of the definition of *applicable cut-off date* in subsection (1), *Agency* means the Commonwealth Services Delivery Agency (within the meaning of the *Commonwealth Services Delivery Agency Act 1997* as in force before 1 July 2011).

571 Subsections 1185AB(3) to (5)

Omit “Agency” (wherever occurring), substitute “Human Services Department”.

572 Section 1185P

Before “In this”, insert “(1)”.

573 At the end of section 1185P

Add:

- (2) For the purposes of the definition of *applicable cut-off date* in subsection (1), *Agency* means the Commonwealth Services

Delivery Agency (within the meaning of the *Commonwealth Services Delivery Agency Act 1997* as in force before 1 July 2011).

574 Subsections 1185Q(3) to (5)

Omit “Agency” (wherever occurring), substitute “Human Services Department”.

Social Security (Administration) Act 1999

575 Section 123TC (definition of *Centrelink*)

Repeal the definition.

576 Subsection 123ZNA(2)

Omit “Centrelink”, substitute “the Human Services Department”.

577 Paragraph 129(4)(f)

Omit “CEO”, substitute “Chief Executive Centrelink”.

578 Subsection 135(1)

Omit “CEO”, substitute “Chief Executive Centrelink”.

579 Section 142

Omit “CEO” (wherever occurring), substitute “Chief Executive Centrelink”.

580 Subsections 149(1) and (2)

Omit “CEO”, substitute “Chief Executive Centrelink”.

581 Paragraph 150(e)

Omit “CEO”, substitute “Chief Executive Centrelink”.

582 Subparagraph 154(1)(a)(iii)

Repeal the subparagraph, substitute:

- (iii) if the decision was made by the Chief Executive Centrelink or a Departmental employee (within the meaning of the *Human Services (Centrelink) Act 1997*)—an office of the Human Services Department; or

583 Paragraph 156(1)(c)

Repeal the paragraph, substitute:

- (c) if the relevant decision was made by the Chief Executive Centrelink or a Departmental employee (within the meaning of the *Human Services (Centrelink) Act 1997*) in the exercise of a delegated power—the Chief Executive Centrelink; and

584 Subsection 157(1)

Omit “Agency” (wherever occurring), substitute “Human Services Department”.

585 Paragraph 186(1)(a)

Repeal the paragraph, substitute:

- (a) if the original decision was made by the Chief Executive Centrelink or a Departmental employee (within the meaning of the *Human Services (Centrelink) Act 1997*)—the Chief Executive Centrelink; or

586 Paragraph 186(4)(b)

Repeal the paragraph, substitute:

- (b) the original decision was made by the Chief Executive Centrelink or a Departmental employee (within the meaning of the *Human Services (Centrelink) Act 1997*);

587 Subsection 186(4)

Omit “to the CEO”, substitute “to the Chief Executive Centrelink”.

587A After paragraph 202(2)(d)

Insert:

- (daa) for the purposes of the family assistance law; or
- (dab) for the purposes of the *Paid Parental Leave Act 2010*; or
- (dac) for the purposes of the *Student Assistance Act 1973*; or

587B At the end of paragraph 208(1)(b)

Add:

- ; or (iv) to the Chief Executive Centrelink for the purposes of a centrelink program; or
- (v) to the Chief Executive Medicare for the purposes of a medicare program.

588 Subsection 234(2)

Omit “and in accordance with service arrangements”.

589 Subsection 234(2)

Omit “the CEO or an employee of the Agency”, substitute “the Chief Executive Centrelink or a Departmental employee (within the meaning of the *Human Services (Centrelink) Act 1997*)”.

590 Subsection 234(3)

Omit “CEO”, substitute “Chief Executive Centrelink”.

591 Subsection 234(4)

Repeal the subsection, substitute:

- (4) If the Secretary delegates to the Chief Executive Centrelink the Secretary’s power under subsection 208(1) to disclose information to a person referred to in subparagraph 208(1)(b)(i), the Chief Executive Centrelink cannot, in spite of any provision to the contrary in the *Human Services (Centrelink) Act 1997*, delegate the power to a Departmental employee (within the meaning of the *Human Services (Centrelink) Act 1997*).

592 Paragraph 234(6)(b)

Repeal the paragraph, substitute:

- (b) to a Departmental employee (within the meaning of the *Human Services (Centrelink) Act 1997*).

593 Subsection 234(7)

Omit “the CEO or an employee of the Agency”, substitute “the Chief Executive Centrelink or a Departmental employee (within the meaning of the *Human Services (Centrelink) Act 1997*)”.

594 Schedule 5 (heading)

Repeal the heading, substitute:

Schedule 5—Provisions relating to the Chief Executive Centrelink etc.

595 Subclause 1(1) of Schedule 5

Schedule 4 Consequential amendments

Part 1 General amendments

Omit “the CEO or an employee of the Agency”, substitute “the Chief Executive Centrelink or a Departmental employee (within the meaning of the *Human Services (Centrelink) Act 1997*)”.

596 Subclause 1(1) of Schedule 5

Omit “information to the CEO”, substitute “information to the Chief Executive Centrelink”.

597 Subclause 1(2) of Schedule 5

Omit “the CEO or an employee of the Agency”, substitute “the Chief Executive Centrelink or a Departmental employee (within the meaning of the *Human Services (Centrelink) Act 1997*)”.

598 Subclause 1(2) of Schedule 5

Omit “Agency, or lodge it with the Agency”, substitute “Human Services Department, or lodge it with the Human Services Department”.

599 Paragraph 1(3)(a) of Schedule 5

Omit “CEO”, substitute “Chief Executive Centrelink”.

600 Paragraph 1(3)(b) of Schedule 5

Omit “Agency, or lodges it with the Agency”, substitute “Human Services Department, or lodges it with the Human Services Department”.

601 Paragraph 1(4)(a) of Schedule 5

Omit “CEO”, substitute “Chief Executive Centrelink”.

602 Paragraph 1(4)(b) of Schedule 5

Omit “Agency, or lodge it with the Agency”, substitute “Human Services Department, or lodge it with the Human Services Department”.

603 Paragraph 2(1)(a) of Schedule 5

Omit “the CEO or an employee of the Agency”, substitute “the Chief Executive Centrelink or a Departmental employee (within the meaning of the *Human Services (Centrelink) Act 1997*)”.

604 Paragraph 2(1)(c) of Schedule 5

Omit “CEO”, substitute “Chief Executive Centrelink”.

605 Paragraph 2(1)(d) of Schedule 5

Omit “Agency”, substitute “Human Services Department”.

606 Paragraph 2(1)(e) of Schedule 5

Omit “an employee of the Agency”, substitute “a Departmental employee (within the meaning of the *Human Services (Centrelink) Act 1997*)”.

Student Assistance Act 1973

607 Subsection 3(1) (definition of Agency)

Repeal the definition.

608 Subsection 3(1) (definition of Agency Act)

Repeal the definition.

608A Subsection 3(1)

Insert:

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

609 Subsection 3(1) (definition of CEO)

Repeal the definition.

610 Subsection 3(1)

Insert:

Chief Executive Centrelink has the same meaning as in the *Human Services (Centrelink) Act 1997*.

611 Subsection 3(1) (second definition of employee)

Repeal the definition.

611A Subsection 3(1)

Insert:

family assistance law has the same meaning as in the *A New Tax System (Family Assistance) (Administration) Act 1999*.

612 Subsection 3(1)

Insert:

Human Services Department means the Department administered by the Human Services Minister.

613 Subsection 3(1)

Insert:

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

613A Subsection 3(1)

Insert:

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

614 Subsection 3(1) (subparagraph (b)(iii) of the definition of protected information)

Repeal the subparagraph, substitute:

(iii) the Human Services Department.

615 Subsection 3(1) (definition of service arrangements)

Repeal the definition.

615A Subsection 3(1)

Insert:

social security law has the same meaning as in the *Social Security Act 1991*.

616 Subsection 338(2)

Omit “CEO”, substitute “Chief Executive Centrelink”.

617 Subsection 338(2A)

Repeal the subsection, substitute:

CEO may not subdelegate power under paragraph 355(1)(b)

- (2A) If the Secretary delegates to the Chief Executive Centrelink the Secretary's power under paragraph 355(1)(b), the Chief Executive Centrelink cannot, despite section 12 of the *Human Services (Centrelink) Act 1997*, delegate the power to a Departmental employee (within the meaning of the *Human Services (Centrelink) Act 1997*).

617A After paragraph 351(2)(da)

Insert:

- (db) for the purposes of the family assistance law; or
- (dc) for the purposes of the social security law; or
- (dd) for the purposes of the *Paid Parental Leave Act 2010*; or

617B Paragraph 355(1)(b)

Repeal the paragraph, substitute:

- (b) disclose any such information:
 - (i) to the Secretary of a Department of State of the Commonwealth for the purposes of that Department; or
 - (ii) to the head of an authority of the Commonwealth for the purposes of that authority; or
 - (iii) to the Chief Executive Centrelink for the purposes of a centrelink program; or
 - (iv) to the Chief Executive Medicare for the purposes of a medicare program; or

Part 2—Amendments contingent on the commencement of the Tax Laws Amendment (Confidentiality of Taxpayer Information) Act 2010

Division 1—Amendments that commence if the Tax Laws Amendment (Confidentiality of Taxpayer Information) Act 2010 does not commence before 1 July 2011

Excise Act 1901

618 Subsection 4(1)

Insert:

Chief Executive Centrelink has the same meaning as in the *Human Services (Centrelink) Act 1997*.

619 Subparagraph 159(3)(c)(vi)

Omit “Chief Executive Officer of the Commonwealth Services Delivery Agency established by the *Commonwealth Services Delivery Agency Act 1997*”, substitute “Chief Executive Centrelink”.

620 Subparagraph 159(3)(d)(v)

Omit “Chief Executive Officer of the Commonwealth Services Delivery Agency established by the *Commonwealth Services Delivery Agency Act 1997*”, substitute “Chief Executive Centrelink”.

Income Tax Assessment Act 1936

621 Subsection 6(1)

Insert:

Chief Executive Medicare has the same meaning as in the *Human Services (Medicare) Act 1973*.

622 Paragraph 16(4)(eb)

Omit “the Chief Executive Officer of the Commonwealth Services Delivery Agency, established by the *Commonwealth Services Delivery Agency Act 1997*”, substitute “the Chief Executive Centrelink”.

623 Paragraphs 16(4)(fa) and (fb)

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

624 Paragraph 16(4)(fca)

Omit “the Chief Executive Officer of Centrelink”, substitute “the Chief Executive Centrelink”.

Product Grants and Benefits Administration Act 2000

625 Section 5

Insert:

Chief Executive Centrelink has the same meaning as in the *Human Services (Centrelink) Act 1997*.

626 Subparagraph 47(3)(c)(v)

Omit “the Chief Executive Officer of the Commonwealth Services Delivery Agency established by the *Commonwealth Services Delivery Agency Act 1997*”, substitute “the Chief Executive Centrelink”.

627 Subparagraph 47(3)(d)(iv)

Omit “the Chief Executive Officer of the Commonwealth Services Delivery Agency established by the *Commonwealth Services Delivery Agency Act 1997*”, substitute “the Chief Executive Centrelink”.

Taxation Administration Act 1953

628 Subsection 355-5(5) in Schedule 1 (table item 4)

Omit “the Chief Executive Officer of the Commonwealth Services Delivery Agency”, substitute “the Chief Executive Centrelink (within the meaning of the *Human Services (Centrelink) Act 1997*)”.

Schedule 4 Consequential amendments

Part 2 Amendments contingent on the commencement of the Tax Laws Amendment
(Confidentiality of Taxpayer Information) Act 2010

**Division 2—Amendments that commence on the later of
1 July 2011 and when the Tax Laws Amendment
(Confidentiality of Taxpayer Information) Act
2010 commences**

Taxation Administration Act 1953

629 Subsection 355-65(2) in Schedule 1 (table item 8)

Omit “the Chief Executive Officer of Medicare Australia”, substitute
“the Chief Executive Medicare (within the meaning of the *Human
Services (Medicare) Act 1973*)”.

Part 3—Amendments contingent on the commencement of the Health Insurance Amendment (Compliance) Act 2011

Health Insurance Act 1973

630 Subsection 129AAD(1)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare (the *CEO*)”.

631 Paragraph 129AAD(1)(b)

Omit “an employee of Medicare Australia”, substitute “a Departmental employee (within the meaning of the *Human Services (Medicare) Act 1973*)”.

632 Subsections 129AAD(3), (5) and (6)

Omit “an employee of Medicare Australia”, substitute “a Departmental employee (within the meaning of the *Human Services (Medicare) Act 1973*)”.

633 Paragraph 129AAD(11)(b)

Omit “*Medicare Australia Act 1973*”, substitute “*Human Services (Medicare) Act 1973*”.

634 Subsection 129AAG(1)

Omit “Medicare Australia CEO, or an employee of Medicare Australia”, substitute “Chief Executive Medicare, (the *CEO*) or a Departmental employee (within the meaning of the *Human Services (Medicare) Act 1973*)”.

Note: The heading to subsection 129AAG(1) is altered by omitting “**CEO or employee of Medicare Australia**” and substituting “**Chief Executive Medicare or Departmental employee**”.

635 Paragraph 129AAG(6)(b)

Omit “*Medicare Australia Act 1973*”, substitute “*Human Services (Medicare) Act 1973*”.

Schedule 4 Consequential amendments

Part 3 Amendments contingent on the commencement of the Health Insurance Amendment (Compliance) Act 2011

636 Subsection 129AAG(6)

Omit “An employee of Medicare Australia”, substitute “A Departmental employee (within the meaning of the *Human Services (Medicare) Act 1973*)”.

637 Subsection 129AAG(7)

Omit “an employee of Medicare Australia”, substitute “a Departmental employee (within the meaning of the *Human Services (Medicare) Act 1973*)”.

638 Subsection 129AAH(1)

Omit “Medicare Australia CEO, or to an employee of Medicare Australia”, substitute “Chief Executive Medicare (the *CEO*), or to a Departmental employee (within the meaning of the *Human Services (Medicare) Act 1973*)”.

639 Subsection 129AAI(1)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare (the *CEO*)”.

640 Subsection 129AAJ(1)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare (the *CEO*)”.

641 Subsection 129AAJ(2)

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

642 Subsections 129AC(1B), (1D) and (1F)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

643 Subsection 129AC(4)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

644 Section 129AEA

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

645 Subsection 129AEB(3) (table item 1)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare (the *CEO*)”.

646 Subsection 129AEB(3) (table item 1)

Omit “an employee of Medicare Australia”, substitute “a Departmental employee (within the meaning of the *Human Services (Medicare) Act 1973*)”.

647 Subsection 129AEB(3) (table item 2)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare (the *CEO*)”.

648 Subsection 129AEB(3) (table item 2)

Omit “an employee of Medicare Australia”, substitute “a Departmental employee (within the meaning of the *Human Services (Medicare) Act 1973*)”.

649 Subsection 129AEB(3) (table item 3)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare (the *CEO*)”.

650 Subsection 129AEB(3) (table item 3)

Omit “an employee of Medicare Australia”, substitute “a Departmental employee (within the meaning of the *Human Services (Medicare) Act 1973*)”.

651 Subsection 129AEB(4)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

652 Subparagraph 129AEB(5)(a)(i)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare (the *CEO*)”.

653 Section 129AEC

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

Schedule 4 Consequential amendments

Part 4 Amendments contingent on the commencement of the National Health Amendment (Pharmaceutical Benefits) Scheme Act 2010

Part 4—Amendments contingent on the commencement of the National Health Amendment (Pharmaceutical Benefits) Scheme Act 2010

National Health Act 1953

654 Paragraph 135AA(5B)(a)

Omit “Medicare Australia CEO”, substitute “Chief Executive Medicare”.

**Part 5—Amendments anticipating the enactment of
the Family Assistance and Other Legislation
Amendment (Child Care and Other
Measures) Act 2011**

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

655 At the end of subsection 162(2)

Add:

; or (f) with the express or implied authorisation of the person to
whom the information relates.

Social Security (Administration) Act 1999

656 At the end of subsection 202(2)

Add:

; or (f) with the express or implied authorisation of the person to
whom the information relates.

Student Assistance Act 1973

657 At the end of subsection 351(2) (before the note)

Add:

; or (f) with the express or implied authorisation of the person to
whom the information relates.

Schedule 4 Consequential amendments

Part 6 Amendments contingent on the commencement of the Family Assistance and Other Legislation Amendment (Child Care and Other Measures) Act 2011

Part 6—Amendments contingent on the commencement of the Family Assistance and Other Legislation Amendment (Child Care and Other Measures) Act 2011

Family Assistance and Other Legislation Amendment (Child Care and Other Measures) Act 2011

658 Subsection 2(1) (table item 5)

Repeal the item, substitute:

5. Schedule 4, items 1 to 3	The day after this Act receives the Royal Assent.
6. Schedule 4, item 4	The day after this Act receives the Royal Assent. However, if item 655 of Schedule 4 to the <i>Human Services Legislation Amendment Act 2011</i> commences before the day after this Act receives the Royal Assent, the provision(s) do not commence at all.
7. Schedule 4, items 5 to 7	The day after this Act receives the Royal Assent.
8. Schedule 4, item 8	The day after this Act receives the Royal Assent. However, if item 656 of Schedule 4 to the <i>Human Services Legislation Amendment Act 2011</i> commences before the day after this Act receives the Royal Assent, the provision(s) do not commence at all.
9. Schedule 4, items 9 to 11	The day after this Act receives the Royal Assent.
10. Schedule 4, item 12	The day after this Act receives the Royal Assent. However, if item 657 of Schedule 4 to the <i>Human Services Legislation Amendment Act 2011</i> commences before the day after this Act receives the Royal Assent, the provision(s) do not commence at all.

Consequential amendments **Schedule 4**
Amendments contingent on the commencement of the Family Assistance and Other
Legislation Amendment (Child Care and Other Measures) Act 2011 **Part 6**

11. Schedule 4, items 13 to 15	The day after this Act receives the Royal Assent.
12. Schedule 5	The day after this Act receives the Royal Assent.

Schedule 5—Transitional regulations

1 Transitional regulations

- (1) The Governor-General may make regulations in relation to transitional matters arising out of the amendments made by this Act.
- (2) Regulations that are made:
 - (a) under subitem (1); and
 - (b) within 6 months after the commencement of this item;may be expressed to take effect at a time that is earlier than the time when the regulations are made. The time must not be earlier than the commencement of this item.
- (3) Subitem (2) has effect despite section 12 of the *Legislative Instruments Act 2003*.

[*Minister's second reading speech made in—
House of Representatives on 25 November 2010
Senate on 10 May 2011*]