

NORTHERN TERRITORY OF AUSTRALIA

MEDICAL SERVICES AMENDMENT ACT 2019

Act No. 17 of 2019

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NORTHERN TERRITORY OF AUSTRALIA

Act No. 17 of 2019

An Act to amend the *Medical Services Act 1982*

[Assented to 30 May 2019]
[Introduced 28 November 2018]

The Legislative Assembly of the Northern Territory enacts as follows:

Part 1 Preliminary matters

1 Short title

This Act may be cited as the *Medical Services Amendment Act 2019*.

2 Commencement

This Act commences on the day after the day on which the Administrator's assent to this Act is declared.

Part 2 Amendment of Medical Services Act 1982

3 Act amended

This Part amends the *Medical Services Act 1982*.

4 Section 4A inserted

After section 4

insert

4A Effect of National Health Agreement

The Minister must ensure, as far as possible, that the Medicare principles in the National Health Agreement are complied with in administering this Act and in the provision of medical services by the Territory or in hospitals in the Territory.

5 Section 5 amended (Definitions)

- (1) Section 5, definitions **health practitioner**, **medical services**, **nursing home**, **salaried dentist** or **salaried medical practitioner** and **vehicle**

omit

- (2) Section 5

insert (in alphabetical order)

medical service means:

- (a) a service for maintaining, improving, restoring or managing people's health and wellbeing; and
- (b) the supply of any goods or services in relation to a service mentioned in paragraph (a).

Examples for definition medical service, paragraph (b)

Appliances and home modifications, prostheses, pharmaceuticals, aeromedical and other transport services, blood management services and administrative support services.

National Health Agreement means:

- (a) the National Health Reform Agreement as defined in section 3(1) of the *National Health Funding Pool and Administration (National Uniform Legislation) Act 2012*; or
- (b) any agreement that replaces or supersedes that agreement.

nursing home means premises declared under section 6(2) to be a nursing home.

salaried, in relation to a dentist or medical practitioner, means a dentist or medical practitioner who is carrying out duties as a public sector employee.

vehicle, see section 5(1) of the *Motor Vehicles Act 1949*.

(3) Section 5, definition **declared premises**

omit

the subject of a declaration under section 6(2)(a)

insert

declared under section 6(2)

(4) Section 5, definition **dependant**, paragraph (a)

omit

the spouse or de facto partner of the person if he or she

insert

a spouse or de facto partner of the person who

(5) Section 5, definition **private nurse**, paragraph (b)

omit, insert

(b) is not a public sector employee.

6 Section 6 replaced

Section 6

repeal, insert

6 Powers of Minister

(1) The Minister may arrange for the provision of medical services in accordance with section 4A as the Minister considers appropriate.

(2) The Minister may, by *Gazette* notice, declare premises to be any of the following:

(a) a hospital;

(b) a nursing home;

(c) an urban health centre;

- (d) any other health centre as specified in the notice.
- (3) The Minister may, by *Gazette* notice, determine fees and charges for medical services provided under this Act.
- (4) Without limiting subsection (3), the Minister may:
 - (a) determine that no fee or charge is payable, or that a particular fee or charge is payable:
 - (i) for a medical service provided to a particular type of patient; or
 - (ii) for a medical service provided at a particular place; and
 - (b) adopt by reference any fees or charges (as in force at a particular time or as in force from time to time) fixed or determined by a Commonwealth authority or body.

7 Section 9 amended (Transport of patients inside and outside the Territory)

Section 9(5)

omit

8 Section 10 repealed (Costs payable in certain circumstances)

Section 10

repeal

9 Section 14 amended (Burial expenses)

Section 14(3)

omit

10 Section 17 amended (Use of facilities by private practitioners)

Section 17(5)

omit, insert

- (5) The CEO may also approve any of the following persons to attend on a patient in declared premises and subsections (8) and (10) apply to the person as if the person were a visiting medical practitioner:
- (a) a health practitioner as defined in section 5 of the Health Practitioner Regulation National Law, other than an individual who practises in the dental, medical, nursing, midwifery or pharmacy professions;
 - (b) a dietitian, masseur, naturopath, social worker, speech pathologist, audiologist or audiometrist;
 - (c) a person who provides pathology services.

11 Section 20 inserted

After section 19

insert

20 Validation of charges for medical services

- (1) Any charge for medical services determined or purported to be determined under this Act before the commencement, that would have been valid had it been determined after the commencement, is taken to be and to have always been valid.
- (2) Any charge mentioned in subsection (1) recovered or purported to be recovered before the commencement is taken to be, and to have always been, validly recovered.
- (3) In this section:

commencement means the commencement of the *Medical Services Amendment Act 2019*.

12 Schedule 2 repealed (Clauses 1 to 3 of Agreement)

Schedule 2

repeal

13 Act further amended

Schedule 1 has effect.

Part 3 Amendment of other laws

14 Other laws amended

Schedule 2 amends the laws mentioned in it.

Part 4 Repeal of Act

15 Repeal of Act

This Act is repealed on the day after it commences.

Schedule 1 Act further amended

section 13

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
section 4(1)	Subject to subsection (2), this	This
section 4(2)	whole subsection	
section 7(2)(c)	charges	fees and charges
Part III, heading, after "of"		fees and
section 12, heading	Charges, &c.,	Fees and charges
sections 12(1)	charge services rendered	fee or charge medical services provided
section 13, heading, after "of"		fees and
section 13(1)	charge	fee or charge
section 13(2)	Subject to subsection (3), if dependant, the person upon whom the person is dependent is liable for payment of the charges	If dependant of someone else, the other person is liable for payment of the fees or charges
section 13(3)	whole subsection	(3) If an infant who receives medical services is not a dependant of a person, the infant and the infant's parent or guardian are jointly and severally liable for payment of the

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
		fees or charges.
section 13(4)	where a charge or part of a charge shall be charge	if a fee or charge, or part of a fee or charge, is fee or charge
section 13(4)(a) and (b)	charge <i>(all references)</i>	fee or charge
section 13(5)	(4)(a) and (b)	(4)
section 15, heading, after " of "		fees and
section 15(1) and (2)	charge	fee or charge
section 18(a), after "for"	charges	fees and

Schedule 2 Other laws amended

section 14

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
<i>Cross-border Justice Regulations 2009</i>		
regulation 58(2), definition <i>hospital</i> , paragraph (a)	6(2)(a)(i)	6(2)
<i>Medicines, Poisons and Therapeutic Goods Act 2012</i>		
section 5, definition <i>manager</i> , paragraph (a)	6(2)(a)(i)	6(2)
<i>Rail Safety (National Uniform Legislation) Regulations 2013</i>		
regulation 6(7), definition <i>hospital</i>	6(2)(a)(i)	6(2)
<i>Traffic Act 1987</i>		
section 3(1), definition <i>hospital</i>	6(2)(a)(i)	6(2)
