
HEALTH

HE301

Health Services Act 2016

**Health Services (Fees and Charges) Amendment
Order (No. 4) 2023**

SL 2023/87

Made by the Minister under section 56 of the Act.

1. Citation

This order is the *Health Services (Fees and Charges) Amendment Order (No. 4) 2023*.

2. Commencement

This order comes into operation as follows —

- (a) clauses 1 and 2 — on the day on which this order is published in the *Gazette*;
- (b) the rest of the order — immediately after the *Health Services (Fees and Charges) Amendment Order (No. 5) 2023* clause 4 comes into operation.

3. Order amended

This order amends the *Health Services (Fees and Charges) Order 2016*.

4. Clause 3 amended

- (1) In clause 3(1) delete the definitions of:
compensable day patient
compensable in-patient
compensable out-patient

compensable same day patient

- (2) In clause 3(1) insert in alphabetical order:

compensable day patient has the meaning given in clause 3A(1);

compensable in-patient has the meaning given in clause 3A(2);

compensable out-patient has the meaning given in clause 3A(3);

compensable same day patient has the meaning given in clause 3A(4);

5. Clause 3A inserted

At the end of Part 1 insert:

3A. Classes of compensable patients

- (1) A *compensable day patient* is a day patient —

(a) who —

- (i) has received or established a right to receive compensation in respect of an injury, illness or disease for which the patient is receiving health services; or
- (ii) when attending a hospital appears prima facie to have the right to receive compensation in respect of an injury, illness or disease for which the patient is receiving health services;

and

- (b) in relation to whom a decision under subclause (5) has not been made in relation to the patient and the health services the patient is receiving.

- (2) A *compensable in-patient* is an in-patient —

(a) who —

- (i) has received or established a right to receive compensation in respect of an injury, illness or disease for which the patient is receiving health services; or
- (ii) when attending a hospital appears prima facie to have the right to receive compensation in respect of an injury, illness or disease for which the patient is receiving health services;

and

- (b) in relation to whom a decision under subclause (5) has not been made in relation to the patient and the health services the patient is receiving.
- (3) A ***compensable out-patient*** is an out-patient —
 - (a) who —
 - (i) has received or established a right to receive compensation in respect of an injury, illness or disease for which the patient is receiving health services; or
 - (ii) when attending a hospital appears prima facie to have the right to receive compensation in respect of an injury, illness or disease for which the patient is receiving health services;
 - and
 - (b) in relation to whom a decision under subclause (5) has not been made in relation to the patient and the health services the patient is receiving.
- (4) A ***compensable same day patient*** is a same day patient —
 - (a) who is an eligible person and who —
 - (i) has received or established a right to receive compensation in respect of an injury, illness or disease for which the patient is receiving health services; or
 - (ii) when attending a hospital appears prima facie to have the right to receive compensation in respect of an injury, illness or disease for which the patient is receiving health services;
 - and
 - (b) in relation to whom a decision under subclause (5) has not been made in relation to the patient and the health services the patient is receiving.
- (5) The chief executive of the health service provider that is providing a health service to a compensable day patient, compensable in-patient, compensable out-patient or compensable same day patient may decide that the patient is not a compensable patient in relation to those services if the chief executive is satisfied that —

- (a) the compensation received in relation to the injury, illness or disease has been spent and the person is not entitled to further compensation in relation to the injury, illness or disease; or
- (b) the patient no longer has a right to compensation in relation to the injury, illness or disease for which it was received (including, for example, that a statutory limit to compensation has been reached); or
- (c) having regard to the circumstances of the patient, the patient would be unfairly disadvantaged by continuing to be a compensable patient; or
- (d) it is not in the interest of the health service provider for the patient to be a compensable patient in relation to the health service.

6. Clause 4 amended

In clause 4:

- (a) delete “scale of”;
- (b) delete “is” and insert:

are

Note: The heading to amended clause 4 is to read:

Fees and charges

7. Clause 6 amended

In clause 6(1)(a) delete “in-patients, compensable day patients” and insert:

in-patients

8. Clause 12 amended

Delete clause 12(2)(c) and insert:

- (c) a compensable in-patient; or

9. Clause 13 amended

Delete clause 13(2)(a) and insert:

- (a) a compensable day patient; or

10. Clause 14 amended

(1) Delete clause 14(2)(a) and insert:

(a) a compensable out-patient; or

(2) In clause 14(5) delete “compensable day patient” and insert:

compensable out-patient

11. Clause 15 amended

Delete clause 15(2)(c) and insert:

(c) a compensable same day patient; or

12. Schedule 1 heading amended

In the heading to Schedule 1 delete “**Scale of fees**” and insert:

Fees

13. Schedule 1 Division 1 amended

(1) In Schedule 1 Division 1 item 1(b)(i) before “\$717” insert:

no more than

(2) In Schedule 1 Division 1 item 5:

(a) in paragraph (b)(iii) before “\$7.30” insert:

no more than

(b) in paragraph (c)(ii) and (iii) before “\$24” insert:

no more than

A. SANDERSON, Minister for Health.
