

## **EXPLANATORY STATEMENT**

### **Select Legislative Instrument 2006 No. 70**

Subject: *Health Insurance Act 1973*

*Health Insurance (Diagnostic Imaging Services Table) Amendment Regulations 2006 (No. 1)*

Subsection 133(1) of the *Health Insurance Act 1973* (the Act) provides that the Governor-General may make regulations, not inconsistent with the Act, prescribing all matters required or permitted by the Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to the Act.

The Act provides, in part, for payments of Medicare benefits in respect of professional services rendered to eligible persons. Section 9 of the Act provides that Medicare benefits shall be calculated by reference to the fees for medical services, including diagnostic imaging services, set out in prescribed tables.

Subsection 4AA(1) of the Act provides that the regulations may prescribe a table of diagnostic imaging services, the amount of fees applicable in respect of each item and the rules for interpretation of the table. Schedule 1 of the *Health Insurance (Diagnostic Imaging Services Table) Regulations 2005* (the Principal Regulations) prescribes such a table.

The purpose of the Regulations is to provide Medicare eligibility for scans conducted on the Magnetic Resonance Imaging (MRI) unit at the Sydney Children's Hospital, Randwick. This would be achieved by inserting a new item 5 in the table in paragraph 36(c) of the Principal Regulations.

The Strengthening Cancer Care initiative in the 2005-06 Budget extended Medicare eligibility to this MRI unit. The Department has consulted with NSW Health on the implementation of this measure.

The Act specifies no conditions that need to be met before the power to make the proposed Regulations may be exercised.

The Regulations are a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

The proposed Regulations commence on the day after they are registered on the Federal Register of Legislative Instruments.