

EXPLANATORY STATEMENT

Select Legislative Instrument 2012 No. 138

Health Insurance Act 1973

Health Insurance Amendment Regulation 2012 (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 by medical practitioners who are not vocationally registered but are undertaking approved placements in specified workforce programs which will lead to vocational registration. Section 3GA of the Act refers to the approved programs and courses in which a non-vocationally registered medical practitioner can participate in order to be eligible to provide rebateable services. (Section 3GA, section 3GC and section 19AA of the Act are collectively known as Medicare Provider Number Legislation.)

The approved programs and courses referred to in section 3GA of the Act are specified in Part 2 of Schedule 5 of the *Health Insurance Regulations 1975* (the Principal Regulations). Recently, the status of several programs and courses in Part 2 of Schedule 5 have changed. The 2010 Review into Medicare Provider Number Legislation recommended that Part 2, Schedule 5 of the Principal Regulations be amended to reflect these changes.

In particular

- the Rural and Remote Area Placement Program (item 2), the Assistance at Operations Program (item 5) and the Metropolitan Workforce Support Program (item 6) be removed from Part 2, Schedule 5 as they no longer exist; and
- the references to the Pre-vocational General Practice Placements Program being managed by the Royal Australian College of General Practitioners (item 19) or the Australian College of Rural and Remote Medicine (item 1) be removed from Part 2, Schedule 5 as the Program is now wholly managed through General Practice Education and Training Limited.

The amendments to the Principal Regulations remove the above references from Part 2, Schedule 5 and result in an updated list of approved programs under section 3GA of the Act.

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

The regulation is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

The regulation commences on the day after it is registered.

The consultation for these changes largely took place through the 2010 Review of Medicare Provider Number Legislation, conducted by ARTD Consultants. As part of the Review, ARTD meet with key industry stakeholders during the consultation phase. Sixty-five participants engaged in one on one interviews or group meetings, six organisations provided formal submissions and 37 responses to a semi-structured electronic submission were received.

During the Review, the consultants liaised continually with the Medical Training Review Panel which includes representatives from all state and territory health administrations, recognised specialist medical colleges, medical schools, the Australian Medical Council, and a range of other professional, industrial and stakeholder bodies.

Authority: Subsection 133(1) of the
Health Insurance Act 1973

Statement of Compatibility with Human Rights

Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011

Health Insurance Amendment Regulation 2012 (No. 1)

This Legislative Instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Overview of the Legislative Instrument

Removes the names of health workforce programs which no longer exist from a table at Part 2, Schedule 5 which lists them as eligible as programs under which approved placements can occur. This is a housekeeping change recommended by the 2010 Review into Medicare Provider Number Legislation

Human rights implications

This Legislative Instrument does not engage any of the applicable rights or freedoms.

Conclusion

This Legislative Instrument is compatible with human rights as it does not raise any human rights issues.

Tanya Plibersek
Minister for Health