

EXPLANATORY STATEMENT

Select Legislative Instrument 2012 No. 244

Health Insurance Act 1973

Health Insurance (General Medical Services Table) Regulation 2012

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.

Part II of the Act provides for the payment of Medicare benefits for professional services rendered to eligible persons. Section 9 of the Act provides that Medicare benefits be calculated by reference to the fees for medical services set out in prescribed tables.

Subsection 4(1) of the Act provides that the regulations may prescribe a table of medical services (other than diagnostic imaging services and pathology services) which sets out items of medical services, the fees applicable for each item, and rules for interpreting the table. The *Health Insurance (General Medical Services Table) Regulations 2011* (the 2011 Regulations) currently prescribe such a table.

Subsection 4(2) of the Act provides that unless repealed earlier, this regulation will cease to be in force and will be taken to have been repealed on the day following the 15th sitting day of the House of Representatives after the end of a 12 month period which begins on the day when the regulation is registered on the Federal Register of Legislative Instruments. The 2011 Regulations were registered on the Federal Register of Legislative Instruments on 25 October 2011 and commenced on 1 November 2011.

The purpose of the regulation is to repeal the 2011 Regulations and prescribe a new table of general medical services for the 12 month period beginning on 1 November 2012.

The regulation includes a fee increase of 1.9 per cent for most items except for the following: all items in Group A2; item 173 in Group A7; items 598 and 600 in Group A11; all items in Group A19; and all items in Group A23. The fee increase is applied annually and is the only amendment to the previous year's regulation included in the regulation.

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

No specific consultation was undertaken in relation to the proposed regulation as the fee increase occurs annually on 1 November and is by arrangement with the Department of Finance and Deregulation.

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

The regulation commences on 1 November 2012.

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 (General Medical Services Table) Regulation 2012

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

The instrument repeals the *Health Insurance (General Medical Services Table) Regulations 2011* and prescribes a new table of general medical services for the 12 month period beginning on 1 November 2012. The new regulation includes a fee increase of 1.9 per cent for most items.

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**