

EXPLANATORY STATEMENT

Select Legislative Instrument 2012 No. 293

Health Insurance Act 1973

Health Insurance Amendment Regulation 2012 (No. 3)

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. Sections 3GA, 3GC and 19AA are collectively known as Medicare Provider Number Legislation.

Vocational registration was introduced to improve professional standards and reward high quality practice. It also gives recognition to general practice as a discipline in its own right. Being vocationally registered requires GPs to have Fellowship and be registered on the Medicare Australia Vocational Register, and gives general practitioners access to special Medicare item numbers and higher Medicare rebates, which translates into higher income for GPs.

The approved programs and courses referred to in section 3GA are specified in Part 2 of Schedule 5 to the *Health Insurance Regulations 1973* (the Principal Regulations).

The regulation updates the current references in Part 2 of Schedule 5 to the Principal Regulations, to correct inaccuracies and update business names of approved bodies which will result in an updated list of approved programs and names 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 the day after it is registered.

Consultation

Legal Services Branch, Office of Best Practice Regulation and the Office of Parliamentary Counsel were consulted with regard to the drafting of the Instrument and with the Health Workforce Division Policy Branch in relation to the content. No additional consultation was required as the legislative amendment is administrative in nature with minimal impact on the Department or the community.

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. 3)

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

Approved programs and courses referred to in section 3GA of the Health Insurance Act (1973) are specified in Part 2 of Schedule 5 to the *Health Insurance Regulations 1973* (the Principal Regulations). The instrument updates the current references in Part 2 of Schedule 5 to the Principal Regulations, to correct inaccuracies and update business names of approved bodies which will result in an updated list of approved programs and names under section 3GA of the Act.

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.

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Minister for Health