

EXPLANATORY STATEMENT

Select Legislative Instrument 2012 No. 295

Health Insurance Act 1973

Health Insurance (Diagnostic Imaging Services Table) 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.

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 shall be calculated by reference to the fees for medical services set out in the table.

Subsection 4AA(1) of the Act provides that the regulations may prescribe a table of diagnostic imaging services that describes the services, the fees applicable for each item, and rules for interpreting the table. The *Health Insurance (Diagnostic Imaging Services Table) Regulation 2012* (the Principal Regulation) currently prescribes such a table.

The purpose of the regulation is to correct a drafting error in the description of item 63513. The current wording of the item descriptor does not include the annotations which authorise the claiming of Medicare benefits for the anaesthetic and contrast components of the service. Contrast is a substance (such as a solution of iodine or suspension of barium sulphate) which is comparatively opaque to X-rays, that is introduced into the body to contrast an internal part with its surrounding tissue in radiographic visualisation. Therefore, this amendment clarifies that the use of anaesthetic and contrast is permissible where a General Practitioner requests an MRI knee scan for a child under the age of 16 years.

The Act specifies no conditions which 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

This change is a minor amendment to correct an omission in the Principal Regulation.

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 (Diagnostic Imaging Services Table) 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

The instrument amends the *Health Insurance (Diagnostic Imaging Services Table) Regulation 2012* to ensure that the medical services funded through the Medicare Benefits Schedule continues to be up-to-date and representative of best medical practice.

The *Health Insurance (Diagnostic Imaging Services Table) Amendment Regulation 2012 (No. 1)* corrects a drafting error in the description of item 63513. The current wording of the item descriptor does not include the annotations which authorise the claiming of Medicare benefits for the anaesthetic and contrast components of the service. Contrast is a substance (such as a solution of iodine or suspension of barium sulphate) which is comparatively opaque to X-rays that is introduced into the body to contrast an internal part with its surrounding tissue in radiographic visualisation. Therefore, this amendment clarifies that the use of anaesthetic and contrast is permissible where a General Practitioner requests an MRI knee scan for a child under the age of 16 years.

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