

EXPLANATORY STATEMENT

Select Legislative Instrument 2012 No. 296

Health Insurance Act 1973

Health Insurance (General Medical Services Table) Amendment Regulation 2012 (No. 5)

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) Regulation 2012* (the Principal Regulation) currently prescribes such a table.

The regulation amends the Principal Regulation to ensure that the medical services funded through the Medicare Benefits Schedule continue to be up-to-date and representative of best medical practice.

Schedule 1 to the regulation includes a number of minor changes to implement Government policies in relation to Medicare. This includes an amendment to the geographical classification system which determines eligibility for telehealth services. Eligibility will now be determined according to the Australian Standard Geographical Classification Remoteness Area (ASGC-RA) which defines remoteness areas based on population and proximity to population centres. This will introduce a fairer system which will better target funding to areas where access to specialist services is limited.

Details of the regulation are set out in the Attachment.

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 on 1 January 2013.

Consultation

These decisions were taken as part of the 2012-13 Budget, or to correct minor errors.

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

ATTACHMENT

Details of the Health Insurance (General Medical Services Table) Amendment Regulation 2012 (No. 5)**Section 1 – Name of regulation**

This section provides for the regulation to be referred to as the *Health Insurance (General Medical Services Table) Amendment Regulation 2012 (No. 5)*.

Section 2 – Commencement

This section provides for the regulation to commence on 1 January 2013.

Section 3 – Amendment of Health Insurance (General Medical Services Table) Regulation 2012

This section amends the *Health Insurance (General Medical Services Table) Regulation 2012*.

Schedule 1 – Amendments**Items [1] to [10], [12] to [24] and [31] to [33] – Amendment to telehealth items**

These items implement changes agreed at the 2012-13 Mid-Year Economic and Fiscal Outlook to amend the areas eligible for telehealth services from ‘outside an inner metropolitan area’ to ‘outside of major cities’ and introduce six new items for short video consultations with specialists.

Item [11] – Schedule 1, paragraphs 2.5A.2 (c) to (e)

This item amends clause 2.5A.2 to expand the definition of ‘eligible disability’. This will increase the range of conditions that are eligible for Medicare funded allied health services and is a result of the expansion of the *Better Start Initiative for Children with Disabilities* which is managed by the Department of Families, Housing, Community Services and Indigenous Affairs.

Items [25] to [30] and [34] – Amendments to improve the consistency of the Regulation

These items correct minor errors that were identified when the 1 November 2012 amendment regulations were being compiled with the Principal Regulation.

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) Amendment Regulation 2012 (No. 5)

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 will amend the *Health Insurance (General Medical Services Table) Regulation 2012* to ensure that the medical services funded through the Medicare Benefits Schedule continue to be up-to-date and representative of best medical practice.

The *Health Insurance (General Medical Services Table) Amendment Regulation 2012 (No. 5)* will include a number of minor changes to implement Government policies in relation to Medicare. This includes an amendment to the geographical classification system which determines eligibility for telehealth services. Eligibility will now be determined according to the Australian Standard Geographical Classification Remoteness Area (ASGC-RA) which defines remoteness areas based on population and proximity to population centres. This will introduce a fairer system which will better target funding to areas where access to specialist services is limited.

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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