

1994

LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

HEALTH (AMENDMENT) BILL 1994

EXPLANATORY MEMORANDUM

**Circulated by authority of the Minister for Health
Mr Terry Connolly MLA**

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

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OUTLINE

The Health Act 1993

The *Health Act 1993*, the Principal Act, provides for certain matters in relation to the administration of health services in the Australian Capital Territory that are more appropriately dealt with in substantive legislation rather than administratively.

The Act incorporates the Medicare principles and commitments which were outlined in the Medicare Agreement 1993–98 and also provides for the appointment of quality assurance committees, the determination of fees and charges, clinical privileges for health providers and a statement of objectives for the provision of health services in the ACT.

The Health (Amendment) Bill 1994

The *Health (Amendment) Bill 1994*, the Amending Bill, amends the Act to include an explanation of, and detail about, each of the Medicare principles and commitments. The explanations are outlined through the addition of footnotes.

This Bill also creates Part VII of the Health Act 1993 to allow for the release of confidential information to assist in the prevention or detection of fraud with the consent of the Minister for Health, and for the Executive to make regulations consistent with the Act.

FINANCIAL IMPLICATIONS

The Amendment Bill has no financial implications.

FORMAL CLAUSES

Clauses 1, 2 and 3 are formal requirements. They refer to the short title of the Bill, its commencement and the definition of the Principal Act. The Act commences on the day it is notified in the *Gazette*.

Clause 4, provides for explanatory footnotes to be given for each of the Medicare principles and commitments. These principles and commitments provide guidelines that govern the delivery of hospital services in the ACT.

Clause 4 amends section 5 of the Principal Act, by reference to the explanatory notes to the guidelines contained in the Commonwealth Medicare Agreements Act 1992, which by this Bill will also be set out as footnotes to the Principal Act.

Clause 5, in creating Part VII of the Health Act 1993, provides for the insertion of two new Sections in the Act. The proposed Section 21 allows for the release of confidential information to assist with the prevention or detection of fraud with the consent of the Minister for Health and the proposed Section 22 allows for the Executive to make regulations consistent with the Act.

Section 21 provides for the Minister for Health to consent to the release of information, relating to the provision of health services by a health service provider at a health facility, to assist in the prevention or detection of fraud. With the consent of the Minister, a person responsible for the management of a health facility or another person authorised in writing by the identified health facility manager may release confidential information. For example, the Minister consenting to the release, to the Health Insurance Commission, of public hospital records of payments to Visiting Medical Officers for services provided to patients.

Section 22 provides for the Executive to make regulations which are consistent with the Principal Act and which are required or permitted by the Act or give effect to provisions within the Act. This will enable minor administrative details to be amended by regulation.