

AUSTRALIAN CAPITAL TERRITORY
HEALTH COMMISSION (AMENDMENT) ORDINANCE (NO. 3) 1984

EXPLANATORY STATEMENT

No. 70 of 1984

The Health Commission (Amendment) Ordinance (No. 3) 1984 amends the Health Commission Ordinance 1975 (the principal Ordinance) to enable charges, which have previously been prescribed by the Health Commission (Charges) Regulations, to be determined by the Minister for Health by written notice published in the Gazette. The Health Commission (Charges) Regulations will be repealed upon the commencement of the amending Ordinance as the majority of the regulations prescribe charges. Those that do not, have been incorporated into the Health Commission Ordinance 1975 by the amending Ordinance or prescribed by instrument in writing pursuant to sub-section 74(5).

The practice of prescribing fees by Ministerial determination is now common to most A.C.T. Ordinances which provide for the charging of fees. This change is as a result of an amendment in 1982 to the Seat of Government (Administration) Act 1910 which aimed at reducing the workload of the legislative draftsman and hastening the implementation process of fees.

Sections 1 and 2 provide for the short title and commencement of the Ordinance.

Section 3 defines "Principal Ordinance" as the Health Commission Ordinance 1975.

Section 4 will amend the interpretation provision of the Principal Ordinance by defining references to determined fees and charges to mean those determined by the Minister under the new section 76.



Section 5 inserts a new heading within Part VI of the Principal Ordinance.

Section 6 inserts a new section 70 which contains the exact text of the previous section 75 which related to the approval of certain transactions by the Minister. This has been done as part of a re-arrangement of the financial provisions of the Ordinance. It also inserts an additional heading after section 70.

Section 7 deletes previous sub-sections 74(2), (2A) and (3), replacing them with a sub-section 74(2) which requires persons to pay to the Commission determined fees or charges for services provided by the Commission. Sub-sections 74(2) and (2A) which referred to prescribed fees have been replaced by one sub-section referring to determined fees. Sub-section 74(3) which enabled regulations to prescribe the exemption of certain persons from paying for ambulance services has been omitted as these exemptions can be properly declared by instrument in writing under sub-section 74(5).

Section 8 repeals section 75, the substance of which has been re-located to the new section 70. A new section 75 has been inserted to provide for patient election as to whether they wish to be treated by staff or agents of the Commission and repeats the exact text of regulation 2C of the Health Commission (Charges) Regulations. Regulation 2C cannot be included in the Ministerial determinations as its content is outside the scope of the determination power contained in the Seat of Government (Administration) Act 1910.

Section 8 also inserts section 76 which contains the Minister's power to determine fees.