

EXPLANATORY STATEMENT

STATUTORY RULES 1986 NO. 326

ISSUED BY AUTHORITY OF THE MINISTER FOR HEALTH

HEALTH INSURANCE ACT 1973

HEALTH INSURANCE REGULATIONS (AMENDMENT)

Section 133 of the Health Insurance Act 1973 provides in part that the Governor-General may make regulations, not inconsistent with that Act, prescribing all matters required or permitted by that Act to be prescribed, or necessary or convenient to be prescribed, for carrying out or giving effect to that Act.

Sub-section 4(1) of the Acts Interpretation Act 1901 provides in part that where an Act that is not to come into operation immediately upon its enactment will confer power to make regulations then, unless the contrary intention appears, the power may be exercised before the Act concerned comes into operation. Sub-section 4(2) provides that such regulations will come into operation at the same time that the Act concerned comes into operation.

The purpose of the Health Insurance Regulations (Amendment) is to make administrative arrangements prior to the amendment of the Health Insurance Act by provisions of the Health Legislation Amendment Act 1986 (Act No. 75 of 1986, assented to on 24 June 1986). That Amendment Act will insert the following sections in the Health Insurance Act:

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- section 23DJ, which will provide that where a person gives an undertaking in relation to an application to be an approved pathology provider or an approved pathology authority, together with a fee, and the undertaking is not accepted, the fee shall be repaid to the person in accordance with the regulations;
- paragraph 23DN(1)(b), which will require a fee to be prescribed in relation to an application for the approval of premises as an accredited pathology laboratory; and
- sub-section 23DN(8), which will provide that where a person applies for the approval of premises as an accredited pathology laboratory, together with a fee, and the application is not granted, the fee shall be repaid to the person in accordance with the regulations.

Regulations 2CB and 2CD provide for the repayment of fees to be made in full and forwarded to the person at the address which the person has specified.

Regulation 2CC provides for an amount of fee which will vary depending upon whether the premises concerned have already been accredited under specified State legislation or not.