

EXPLANATORY STATEMENT

STATUTORY RULES 1982 NO.284

ISSUED BY AUTHORITY OF THE MINISTER FOR HEALTH

NATIONAL HEALTH REGULATIONS (AMENDMENT)

Section 140 of the National Health Act 1953 (the Act) provides that the Governor-General may make regulations prescribing all matters which are required or permitted by the Act to be prescribed, or which are necessary or convenient to be prescribed for carrying out or giving effect to the Act.

Sub-section 47(1) of the Act provides that Commonwealth benefit at the rates, or such higher rates, as are prescribed by regulations, is payable to the proprietor of an approved nursing home, in respect of each qualified nursing home patient, for each day on which the patient receives nursing home care in that nursing home. The rates of benefit for each State and Territory were increased by regulations with effect from 5 November 1981. In accordance with Government policy, laid down in 1977, it has again become necessary to increase those rates to reflect overall increases in nursing home fees.

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The regulations amend Regulation 28A of the National Health Regulations to provide for an increase in the daily rate of benefit as shown in the following table:

	<u>Present Level</u>	<u>New Level</u>
	\$	\$
New South Wales	23.00	28.05
Victoria	31.65	41.90
Queensland	20.40	24.00
South Australia	27.60	32.20
Western Australia	18.55	21.65
Tasmania	20.65	25.35
Australian Capital Territory	23.00	28.05
Northern Territory	27.60	32.20

Sub-paragraph 47(2)(b)(iii) of the Act fixes the minimum amount of daily patient contribution (\$6.70 or such higher amount as is prescribed by regulations) that nursing home patients accommodated in approved non-government nursing homes are required to contribute towards their care and treatment. Such an amount is prescribed by Regulation 29 of the National Health Regulations. In 1978, the Government decided that such patients should contribute an amount which would leave a patient, receiving only a pension and supplementary assistance under the Social Services Act 1947, an adequate amount for personal spending. A patient contribution equivalent to 87½% of entitlement for such pensioners

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was determined to leave such an amount. An increase in pension rates with effect from 4 November 1982 has made it necessary to increase the amount of patient contribution from that date in order to maintain this relativity. The regulations accordingly provide for an increase in the prescribed daily amount from \$10.25 to \$10.90.

The regulations came into operation on 4 November 1982.