

Health Insurance Commission Regulations (Amendment) 1998 No. 67

EXPLANATORY STATEMENT

STATUTORY RULES 1998 NO. 67

Issued by the Authority of the Minister for Health and Family Services

Health Insurance Commission Act 1973

Health Insurance Commission Regulations (Amendment)

The *Health Insurance Commission Act 1973* (the Act) provides for the functions of the Health Insurance Commission (HIC).

Subsection 8AA(2) of the Act provides that the HIC shall perform such functions as are prescribed by the Regulations

Section 44 of the Act provides for the Governor-General to make regulations for the purposes of the Act.

The purpose of the amendment to the Regulations is to ensure that the HIC is lawfully authorised to use Australian Childhood Immunisation Register (ACIR) information to determine a child's immunisation status for the purposes of establishing eligibility for the Commonwealth Childcare Rebate (the Rebate). The Rebate assists families with the cost of work-related child care. To be able to claim, a family must have met Australian residency requirements, be registered with the HIC and incur work-related child-care costs for dependent children under the age of 13 (or up to 17 in special circumstances). The care must also be provided by a person registered as a child-care provider with the HIC. Child-care is considered work-related if it is required because both parents in a two parent family are, or the sole parent is, working, looking for work, training or studying.

The HIC, by virtue of section 8BA of the Act, administers the Rebate, (This function was scheduled to be transferred to the new Commonwealth Government payment agency, Centrelink, from 27 April 1998. There has been a delay in transferring the function, and the HIC is now to continue to administer the Rebate until 1999).

For the purposes of establishing eligibility for the Rebate, the Government has introduced a new eligibility criterion. Pursuant to items 25 and 26 of Schedule 1 to the *Child Care Legislation Amendment Act 1998*, changes have been made to the *Childcare Rebate Act 1993* to insert the new immunisation eligibility requirement.

The new eligibility criterion requires some children to be fully immunised for their family to be eligible to claim the Rebate. The most efficient means of establishing whether a child is immunised for the purposes of a Rebate claim is by referring to the ACIR which was established, and is kept, by the HIC.

New Regulation 3R enables the HIC to use the information in the ACIR for the purposes of satisfying itself of a child's immunisation status.

Details of the amendments to the Regulations are set out in the Attachment.

The amendments to the Regulations commenced on the same day as the amendments to the *Childcare Rebate Act 1993*, made under the *Child Care Legislation Amendment Act 1998*.

ATTACHMENT

Details of Proposed Amendments to Regulation 3R

The primary purpose of new Regulation 3R of the Health Insurance Commission Regulations is to enable the Health Insurance Commission to use Australian Childhood Immunisation Register information to determine a child's immunisation status for the purposes of establishing eligibility for the Commonwealth Childcare Rebate.

Specifically:

- * **subregulation 1.1** - provides that commencement of the Regulations occurs on the same day as relevant amendments made to the *Childcare Rebate Act 1993* by the *Child Care Legislation Amendment Act 1998*;
- * **subregulation 2.1** - provides for the amendment of the Health Insurance Commission Regulations, as set out below;
- * **subregulations 3.1** - provides for the insertion of new regulation 3R.

The subregulation inserts:

- * - **subregulation 3R(1)** - which allows the HIC to use the information in the Australian Childhood Immunisation Register for the purpose of satisfying itself of a matter mentioned in subsection 39A(3) of the *Childcare Rebate Act 1993*; and
- * - **subregulation 3R(2)** - which provides that, for the purposes of subregulation 3R(1), the Australian Childhood Immunisation Register is that which is kept under section 46B of the *Health Insurance Commission Act 1973*.