

# **Health Insurance Commission Amendment Regulations 2004 (No. 1)**

## **2004 No. 182**

### **EXPLANATORY STATEMENT**

#### **STATUTORY RULES 2004 NO. 182**

Issued by the Authority of the Minister for Health and Ageing

*Health Insurance Act 1973*  
*Health Insurance Commission Act 1973*

*Health Insurance Amendment Regulations 2004 (No. 5)*  
*Health Insurance Commission Amendment Regulations 2004 (No. 1)*

Subsection 133(1) of the *Health Insurance Act 1973* (the Act) provides, in part, that the Governor-General may make regulations, not inconsistent with the Act, prescribing all matters required or permitted by the Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to the Act.

Section 44 of the *Health Insurance Commission Act 1973* (the Commission Act) provides that the Governor-General may make regulations, not inconsistent with the Commission Act, prescribing all matters required or permitted by the Commission Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to the Commission Act. Subsection 8AA(2) of the Commission Act provides that the Health Insurance Commission (the Commission) is to perform such additional functions as are prescribed by the regulations.

The purpose of the Regulations is to confer additional functions on the Commission to process and pay claims under Part 2 of Chapter 6 of the *Military Rehabilitation and Compensation Act 2004* (the Compensation Act).

The Compensation Act establishes a rehabilitation and compensation scheme specifically for members of the Australian Defence Force and their families.

*Health Insurance Amendment Regulations 2004 (No. 5)*

Subsection 130(3A) of the Act provides that the Commission may divulge information to prescribed authorities or persons in accordance with prescribed conditions. Schedule 3 to the *Health Insurance Regulations 1975* prescribes authorities and persons for this purpose. In order for the Commission to undertake the function of processing claims for compensation under the Compensation Act, the Regulations amend the definition of "Veterans' patient" to include a person entitled to treatment under Part 2 of Chapter 6 of the Compensation Act. The effect of these provisions is that HIC could disclose certain information in relation to Veteran patients to officers within the Health Program administered by the Department of Veterans' Affairs.

*Health Insurance Commission Amendment Regulations 2004 (No. 1)*

The Regulations enable the Commission to process claims for compensation under Part 2 of Chapter 6 of the Compensation Act on behalf of the Military Rehabilitation and Compensation Commission. The Regulations also enable the Commission to make payments in respect of those claims.

Neither the Act nor the Commission Act specifies any conditions that need to be met before the power to make the proposed Regulations may be exercised.

Details of the Regulations are set out in Attachments A and B.

The Regulations commence on 1 July 2004 to coincide with the commencement of Part 2 of Chapter 6 of the Compensation Act.

## **ATTACHMENT A**

### **DETAILS OF THE *HEALTH INSURANCE AMENDMENT REGULATIONS 2004 (No. 5)*.**

Regulation 1 names the regulations as the *Health Insurance Amendment Regulations 2004 (No. 5)*.

Regulation 2 provides for the regulations to commence on 1 July 2004.

Regulation 3 provides that Schedule 1 amends the *Health Insurance Regulations 1975*.

#### **Schedule 1 - Amendment**

##### **Item [1]**

This item amends paragraph (c) of Clause 1 in Schedule 3, Part 1, definition of *Veterans' patient* to substitute a new paragraph (c):

"(c) the *Papua New Guinea (Members of the Forces) Benefits Act 1957*; or"

and insert a new paragraph (d):

"(d) Chapter 6 of the *Military Rehabilitation and Compensation Act 2004*."

The change to paragraph (c) substitutes the full stop at the end of the paragraph with a semi-colon and adds the word 'or' to allow the insertion of the new paragraph (d).

The new paragraph (d) ensures that the definition of *Veterans' patient* covers Chapter 6 of the *Military Rehabilitation and Compensation Act 2004*.

The rehabilitation and compensation scheme established by the *Military Rehabilitation and Compensation Act 2004* is specifically for members of the Australian Defence Force and their families.

## **ATTACHMENT B**

### **DETAILS OF THE *HEALTH INSURANCE COMMISSION AMENDMENT REGULATIONS 2004 (No. 1)*.**

Regulation 1 names the regulations as the *Health Insurance Commission Amendment Regulations 2004 (No. 1)*.

Regulation 2 provides for the regulations to commence on 1 July 2004.

Regulation 3 provides that Schedule 1 amends the *Health Insurance Commission Regulations 1975*.

#### **Schedule 1 - Amendment**

##### **Item [1]**

This item inserts a new regulation 3I, after regulation 3H, into the *Health Insurance Commission Regulations 1975*. Regulation 3I sets out, for the purpose of section 8AA (2) of the Act, the

additional functions of the Health Insurance Commission in relation to claims for compensation under the *Military Rehabilitation and Compensation Act 2004* (the Act).

New subregulation 3I(1) prescribes the following functions:

- (a) process, on behalf of the Military Rehabilitation and Compensation Commission, claims for compensation under Part 2 of Chapter 6 of the Act; and
- (b) make payments in respect of those claims.

New subregulation 3I(2) defines the meaning of the Military Rehabilitation and Compensation Commission as the Commission established by section 361 of the Act.

The rehabilitation and compensation scheme established by the Act is specifically for