

EXPLANATORY STATEMENT

Select Legislative Instrument 2005 No. 237

Health Insurance Act 1973

Health Insurance Amendment Regulations 2005 (No. 5)

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.

Paragraph 10(2)(aa) of the Act enables a Medicare benefit equal to 100% of the Medicare schedule fee to be paid for certain services, as prescribed in regulations. Schedule 6 to the *Health Insurance Regulations 1975* (the Principal Regulations) currently prescribes those services that attract a Medicare benefit equal to 100% of the Medicare schedule fee. These services are non-referred consultations provided by vocationally and non-vocationally registered general practitioners, and services provided by a practice nurse on behalf of a general practitioner.

The purpose of the proposed Regulations is to update the prescribed list of services, by removing a group of five services from Schedule 6 as these services are being replaced by new Medicare services for chronic disease management and will no longer be available as services attracting Medicare rebates. The *Health Insurance (General Medical Services Table) Regulations* are being amended concurrently to reflect this change.

Details of the Regulations are set out in the Attachment.

The Act specified no conditions to be met before the power to make the proposed Regulations was exercised.

The Regulations are a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

The Regulations commenced on 1 November 2005.

Authority: Subsection 133(1) of the
Health Insurance Act 1973

ATTACHMENT

Details of the proposed *Health Insurance Amendment Regulations 2005 (No. 5)*

Regulation 1 – Name of Regulations

This Regulation provided that the title of the Regulations is the *Health Insurance Amendment Regulations 2005 (No. 5)*.

Regulation 2 - Commencement

This Regulation provided for the Regulations to commence on 1 November 2005.

Regulation 3 - Amendments

This Regulation provided that the *Health Insurance Regulations 1975* (the Principal Regulations) are amended as set out in Schedule 1.

Schedule 1 – Amendments

Item [1]

This item amends item 8 of Schedule 6 of the Principal Regulations to omit items 720, 724, 726, 728 and 730 as services that attract a Medicare benefit equal to 100% of the Medicare schedule fee.