

EXPLANATORY STATEMENT

Issued by the authority of the Minister for Mental Health and Ageing

National Health Act 1953

Continence Aids Payment Scheme Variation 2011 (No.1)

The *National Health Act 1953* (the Act) is an act relating to the provision of pharmaceutical, sickness and hospital benefits, and of medical and dental services.

Section 12 of the Act provides that the Minister may, by legislative instrument, formulate a Continence Aids Payment Scheme, under which the Commonwealth makes payments as a contribution towards the cost of buying products that help manage incontinence.

Background

The *Continence Aids Payment Scheme 2010* (CAPS) commenced on 1 July 2010, replacing the previous non-legislative Continence Aids Assistance Scheme (CAAS). Assistance for eligible persons changed from the physical supply of continence aids under CAAS to a monetary payment under the CAPS intended to contribute toward the purchase of continence aids.

Continence Aids Payment Scheme Variation 2011 (No.1)

The Purpose of this Variation is to:

- correct typographical errors;
- specify a time period for the retention of records by authorised agents;

On 28 October 2010 the Senate Standing Committee on Regulations and Ordinances identified several typographical errors in the numbering of paragraphs in the CAPS Instrument and also suggested that the CAPS Instrument be amended to specify a time limit for retention of records. This Variation addresses those matters by correcting the identified typographical errors and stipulating that records relating to payments to authorised agents must be retained for 3 years.

Details of variations to the *Continence Aids Payment Scheme 2010* are attached.

This Variation is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

Consultation

The Minister for Mental Health and Ageing has corresponded with the Senate Standing Committee on Regulations and Ordinances regarding the typographical corrections and records retention period.

Regulation Impact Statement

The Office of Best Practice Regulation has advised that a Regulation Impact Statement is not required for this Variation.

NOTES ON CLAUSES

Clause 1 – Name of Instrument

This clause states that the name of the Instrument is the *Continence Aids Payment Scheme Variation 2011 (No.1)*.

Clause 2 – Commencement

This clause states that the Instrument commences on the day after it is registered.

Clause 3 – Variation of *Continence Aids Payment Scheme 2010*

This clause states that Schedule 1 varies the *Continence Aids Payment Scheme 2010*.

Schedule 1 – Amendments**Item 1 – Section 20**

This item corrects typographical errors in the numbering of paragraphs 20(1)(a) through (c) and 20(2)(a) through (d).

Item 2 – Subsection 21(5)

This item varies subsection 21(5) to specify that an agent for a participating person must retain records for a period ending 3 years after 30 June of the year in which the record was made.