

## **EXPLANATORY STATEMENT**

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

***National Health Act 1953***

***Continence Aids Payment Scheme Variation 2013 (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.

Paragraph 12(3)(c) of the Act states ‘...the legislative instrument may provide for ... the amount of the contribution that is payable in each financial year in relation to a person who is participating in the scheme’.

***Continence Aids Payment Scheme Variation 2013 (No.1) (the Variation)***

The Continence Aids Payment Scheme 2010 (CAPS) makes a monetary payment to eligible persons which is intended to contribute towards their costs in purchasing continence aids.

The purpose of the Variation is to increase the contribution in line with agreed indexation arrangements for this payment.

This Determination revokes *Continence Aids Payment Scheme Variation 2012 (No. 1)*.

The difference between the Determinations is that the daily amount of CAPS has been increased in accordance with movements in the Consumer Price Index.

### **Consultation**

Indexation of the CAPS uses a formula based on the indexation figures supplied by the Department of Finance and Deregulation. As this is in accordance with policy upon which consultation was undertaken, no specific consultation was undertaken with respect to this variation.

This Variation commences on 1 July 2013.

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

## **Statement of Compatibility with Human Rights**

*Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011*

### **Continence Aids Payment Scheme Variation 2013 (No.1)**

This Legislative Instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

#### **Overview of Legislative Instrument**

The Continence Aids Payment Scheme 2010 (CAPS) makes a monetary payment to eligible persons which is intended to contribute towards their costs in purchasing continence aids.

The purpose of the Variation is to increase the contribution in line with agreed indexation arrangements for this payment.

#### **Human rights implications**

This Legislative Instrument is compatible with the human rights to an adequate standard of living and to the enjoyment of the highest attainable standard of physical and mental health contained in articles 11 and 12 of the International Covenant on Economic Social and Cultural Rights.

This legislative instrument increases the dollar amount of payment under CAPS paid to participating persons. The increase is in accordance with movements in the Consumer Price Index. The increased amount helps to ensure that the level of payment made to participating persons is maintained.

#### **Conclusion**

This Legislative Instrument is compatible with human rights because it enhances the protection of human rights.

**The Hon. Mark Butler MP, Minister for Mental Health and Ageing**