

EXPLANATORY STATEMENT

Human Services (Medicare) (Medicare Programs) Specification 2015

The concept of “Medicare programs” exists in the *Human Services (Medicare) Act 1973* for the purpose of secrecy provisions governing programs delivered by Department of Human Services (the department), to ensure permitted flows of customer information across the programmes delivered by the department. Section 130 of the *Health Insurance Act 1973* provides that it is an offence to make a record of, or divulge or communicate to any person, information acquired in the performance of his or her duties. One exception to this offence is where the information is recorded, divulged or communicated for the purpose of enabling a person to perform functions in relation to a Medicare program.

Section 41G of the *Human Services (Medicare) Act 1973* is a general interpretation provision that defines “Medicare program” for the purposes of any law of the Commonwealth as:

- services, benefits, programs or facilities that are provided for under the *Health Insurance Act 1973*, the *National Health Act 1953*, the *Dental Benefits Act 2008*, the *Aged Care Act 1997*, the *Aged Care (Transitional Provisions) Act 1997*, the *Healthcare Identifiers Act 2010*, the *Private Health Insurance Act 2007*, or the *Health and Other Services (Compensation) Act 1995* (paragraph 41G (a)); and
- services, benefits, programs or facilities specified in a legislative instrument made by the Minister (paragraph 41G (b)).

The *Human Services (Medicare) (Medicare Programs) Specification 2015* specifies, for the purposes of paragraph 41G (b), programs that are currently delivered by the department but which are not delivered under the legislation specified in paragraph 41G (a). This instrument ensures that information obtained for the purposes of a Medicare program will be able to be used for the purposes of other Medicare programs.

The specification repeals and replaces the *Human Services (Medicare) (Medicare Programs) Specification 2011*. The only substantial change is to add the Aged Care Gateway to the list of Medicare programs.

The Aged Care Gateway is an identifiable entry point to the Aged Care system. The purpose of the Aged Care Gateway is to enable timely and reliable information to be accessed by older people, their families and carers. It is also designed to help people navigate the Aged Care system and will provide referrals for assessment and service provision. When a customer wishes to register for and/or access the Aged Care Gateway, their identity will need to be verified and authenticated to allow creation of a Central Client Record. It is proposed that an identity match will be performed by validating an individual’s Medicare registration information. The proposed data to be used for these purposes includes an individual’s Name, Date of birth, and Medicare Card number and Individual Reference Number. Enabling the use of an individual’s Medicare details helps to ensure integrity of the Aged Care registration process.

The specification is of an administrative nature and ensures that aged care clients creating a client record in the Aged Care Gateway can have their identity verified by reference to their Medicare information. Specifying the Aged Care Gateway as a Medicare program ensures that this transfer of information does not contravene section 130 of the *Health Insurance Act 1973*. Accordingly, no public consultation on the specification was considered necessary.

As this is an internal cross departmental process, there is no impact on clients or third parties for the specification.

The specification commences on 1 July 2015.

No statutory preconditions are needed to be satisfied prior to the making of the specification.

Statement of compatibility with human rights

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

The 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*.

The instrument does not engage any of the applicable rights or freedoms. It is compatible with human rights as it does not raise any human rights issues.