

Statement of Compatibility with Human Rights

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

Health Insurance (Accredited Pathology Laboratories – Approval) Amendment Principles 2015 (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 the Legislative Instrument

Section 23DNA of the *Health Insurance Act 1973* ('the Act') provides for the Minister to determine the principles to be applied in exercising his or her powers under Section 23DN of the Act to approve in principle, or refuse to approve, premises as an accredited pathology laboratory. The current principles determined under Section 23DNA are the *Health Insurance (Accredited Pathology Laboratories – Approval) Principles 2002* ('the Principles').

With the exception of some basic tests conducted by some medical practitioners within their own medical practice, Medicare benefits for pathology services are only payable when they are rendered in an accredited pathology laboratory. The Principles operate to ensure minimum acceptable standards in pathology laboratories at which Medicare eligible pathology services are provided.

Schedule 1 of the Principles specifies accreditation materials that set out relevant standards against which applicants for accreditation are to be assessed. These documents are developed and maintained by the National Pathology Accreditation Advisory Council (NPAAC) or endorsed by NPAAC as supplementary accreditation materials. The accreditation process is administered by the Department of Human Services, while the National Association of Testing Authorities (NATA) conducts the accreditation assessment, in conjunction with the Royal College of Pathologists of Australasia.

This Legislative Instrument makes amendments to the Principles to incorporate two recently revised versions of NPAAC accreditation documents currently listed in Schedule 1 of the Principles, namely the -

- a) *Performance Measures for Australian Laboratories Reporting Cervical Cytology (Third Edition 2015)*; and
- b) *Requirements for Procedures Related to the Collection, Processing, Storage and Issue of Human Haemopoietic Progenitor Cells (Fifth Edition 2015)*

This Legislative Instrument also corrects two administrative errors in the edition references to the documents in items 13 and 15 of Schedule 1 of the Principles. However the content of those documents is not affected.

These documents set out minimum acceptable standards for good laboratory practice based on current best practice.

This Legislative Instrument does not make any substantive changes to the law.

Human rights implications

This Legislative Instrument does not engage any of the applicable rights or freedoms.

The revision of the NPAAC accreditation documents is part of the ongoing process of refining accreditation requirements to maintain their currency and to ensure they reflect contemporary clinical best practice and with a comprehensive format. This helps assure the quality of Australian pathology services. The revised accreditation materials do not impose any new requirements on pathology laboratories seeking approval to provide Medicare eligible pathology services.

Patient access to Medicare rebates for pathology services is not affected by these amendments.

Conclusion

This Legislative Instrument is compatible with human rights as it does not raise any human rights issues.

Catherine Rule
First Assistant Secretary
Medical Benefits Division
Department of Health