

1995

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HOUSE OF REPRESENTATIVES

HEALTH INSURANCE AMENDMENT BILL 1995

EXPLANATORY MEMORANDUM

(Circulated by authority of the Minister for Human Services and Health,
the Hon. Dr Carmen Lawrence, MP)



HEALTH INSURANCE AMENDMENT BILL 1995

OUTLINE

This Bill proposes amendments to Section 130 of the *Health Insurance Act 1973* (the Act). The purpose of the Bill is to assist the Health Insurance Commission (the Commission) to establish and maintain the Australian Childhood Immunisation Register. This function will be conferred on the Commission by amending the Health Insurance Commission Regulations. The amendments to the Act provide for the release of information to enable the Register to operate effectively.

No State or Territory is able to adequately monitor immunisation coverage using consistent methodology or with a reasonable degree of precision.

The establishment of the Register is necessary to address the continuing epidemics of vaccine-preventable diseases which indicate that current immunisation rates are not sufficient to prevent the transmission of diseases such as measles, whooping cough and rubella.

Information contained in the Register will provide parents with an optional recall/reminder scheme which will inform parents when their child's next immunisation is due or past due. The Register will also provide an effective management tool for monitoring immunisation coverage. Areas of low immunisation coverage can be identified, therefore enabling States and Territories to specifically target education activities and resources.

FINANCIAL IMPACT

The Commonwealth has made a commitment to contribute \$3.00 to reimburse recognised immunisation providers for the provision of data about the National Health and Medical Research Council recommended immunisation episodes. The Commonwealth is seeking to establish bilateral agreements with the States and Territories to cost share this data collection fee for a total payment of up to \$6.00 per immunisation encounter.

The estimated cost to the Commonwealth for the data collection component of the Register is \$2.43m in 1995-96, and \$4.93m in 1996-97. Funding allocated to the Commission to establish and administer the Register is \$3.18m and \$3.3m for the 1995-96 and 1996-97 financial years respectively.

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NOTES ON CLAUSES

Clause 1 - Short title

This clause cites the title of the proposed legislation as the *Health Insurance Amendment Act 1995*.

Clause 2 - Commencement

This clause provides that the commencement date of the Bill is the day on which it receives the Royal Assent.

Clause 3 - Amendments

This clause provides that the *Health Insurance Act 1973* (the Act) is amended as set out in the Schedule.

SCHEDULE

AMENDMENT OF THE HEALTH INSURANCE ACT 1973

Item 1

Item 1 provides for the addition of subsection 130(3B) to the Act. This new subsection provides for the Health Insurance Commission to divulge information about immunisation:

- (a) of children (not identifying a particular child) to:
 - a person who is recognised by the Commission as an immunisation provider;
 - an officer of the Department of Human Services and Health;
 - an authorised officer of a Government Department, or an authority of a State or Territory, who has requested the information and has agreed in writing to comply with the obligations placed on recipients of information under subsection (3F); or
- (b) concerning a particular child, to a recognised immunisation provider, if a parent or guardian of the child consents to the information being given; or

- (c) concerning a particular child to that child's parent or guardian by sending a document containing the information by post to the parent or guardian's address last known to the Commission; or
- (d) of children, upon request, an authorised officer of a prescribed body for a purpose relating to the immunisation or health of children. It is proposed at this stage that the prescribed bodies will include Commonwealth, State and Territory health authorities and divisions of general practice; or
- (e) of children, upon request to an authorised officer of a Government Department, or of an authority of a State or Territory for a purpose relating to the immunisation or health of children where compliance with subsection (3F) has been agreed in writing.

Item 1 also provides for the insertion into the Act of proposed subsections 130(3C) to (3L). These new subsections clarify some of the terms used and the extent of application of proposed subsection 130(3B).

Proposed subsection 130(3C) defines 'information' and clarifies the type of information which will be released in each of the circumstances outlined in subsection (3B). Where a parent or guardian of a child opts out of the recall/reminder scheme no information will be released under subsection (3B). Subsection (3C) also describes what a 'purpose relating to the immunisation or health of children' means.

Proposed subsection 130(3D) empowers the Secretary or the Managing Director of the Commission to authorise officers for the purposes of subsection (3B).

Proposed subsections 130(3E) to (3K) set out the rights and obligations persons receiving information under subsection (3B) will have under the Act. These rights and obligations are in line with those which apply to officers under subsections 130(1) and (2) of the Act.

Proposed subsection 130(3L) places responsibility for the security of information which has been disclosed to prescribed bodies under subsection (3B), on those prescribed bodies.

Items 2 and 3

Items 2 and 3 provide for a reference to be made to new subsection 130(3B) in subsections 130(11) and 130(13) of the Act.

Item 4

Item 4 of the Schedule makes the definitions in subsection 13(25) applicable unless there is an intention to the contrary.