

MEDICAL SERVICES AMENDMENT BILL 2018
SERIAL NO. 75

LEGISLATIVE ASSEMBLY OF THE
NORTHERN TERRITORY

MINISTER FOR HEALTH

EXPLANATORY STATEMENT

GENERAL OUTLINE

This Bill amends the *Medical Services Act*.

The purpose of this Bill is to provide the Minister with sufficient power to determine fees and charges consistent with the Commonwealth *Health Insurance Act 1973* and the National Health Reform Agreement 2012.

NOTES ON CLAUSES

Clause 1. Short title

This is a formal clause which provides for the citation of the Bill. The Bill, when assented, will be cited as the *Medical Services Amendment Act 2018*

Clause 2. Commencement

This clause sets out when the amended Act will commence. In this case it will be the day after assent by the Administrator of the Northern Territory.

Clause 3. Act amended

This Act amends the *Medical Services Act*.

Clause 4. Section 4A inserted

Inserts the substance of the former section 6(3) and specifically references the National Health Reform Agreement. Language has been modernised. Moving this section from Part 2 to Part 1 of the Act is also to recognise that this applies to the entire *Medical Services Act* and not section 6 in isolation.

Clause 5. Section 5 amended (Definitions)

Amends the definition of "declared premises", replacing the words "the subject of a declaration under section 6(2)(a)" inserting this with "declared under section 6(2)". This amendment was made to make the definition plainer and more consistent with the definitions *hospital* and *nursing home*.

Amends the definition of "dependants" removing reference of "he or she" and replacing this with "who". This is to modernise the Act and terms he and she are no longer contemporary terms.

Omits the definition of "health practitioner" and addresses the definition in section 17(5) making reference to the Health Practitioner Regulation National Law. This describes the relevant people directly.

Amends the definition of "medical service" replacing an extensive list of services with "(a) means a service for maintaining, improving, restoring or managing people's health and wellbeing; and

(b) includes the provision of goods and services for, or in relation to, that service". This is sufficiently broad enough to allow changes in models of clinical care and emerging technologies.

Inserts the definition of National Health Agreement referencing section 3(1) of the *National Health Funding Pool and Administration (National Uniform Legislation) Act*.

Amends the definition of Nursing Home as regulation in this area has been significantly reformed since the *Medical Services Act* was enacted. This ensures that the concepts in the *Medical Services Act* are not outdated.

Amends the definition of salaried in relation to dentists and medical practitioners to mean carrying out duties as a public sector employee. This draws the clear distinction between private and salaried. In addition, "public sector employee" is the preferred term since it's consistent with the *Public Sector Employment and Management Act* and the statute book more broadly.

Amends the definition of vehicle, referencing this to the *Motor Vehicles Act*.

Amends the definition of private nurse to mean not a public sector employee. This is now consistent with the definitions of private dentist or medical practitioner.

Clause 6. Section 6 replaced (Powers of the Minister)

Section 6 is omitted, removing the prescriptive and obsolete terms of who the Minister can determine charges for. The new replacement provision recognises the National Health Reform Agreement and gives the Minister the power to determine fees for medical services according to the type of patient or the place at which the services are provided as well as charges determined by the Commonwealth. These amendments allow the Minister sufficient scope to determine fees for appropriate patient types and circumstances, consistent with the national legislative framework and agreements, or any agreement which replaces or supersedes the existing agreements, to which the Territory is a party.

Clause 7. Section 9 amended (Transport of patients inside and outside the Territory)

Section 9(5) is omitted. Transport of patients now falls within the definition of medical service.

Clause 8. Section 10 repealed (Costs payable in certain circumstances)

Section 10 is repealed. Transport with an attendant now falls within the definition of medical service.

Clause 9. Section 14 amended (Burial expenses)

Section 14(3) is omitted. Disposal of foetal tissue now falls within the definition of medical service.

Clause 10. Section 17 amended (Use of facilities by private practitioners)

Amends section 17(5). This section now describes the relevant people directly. This section also lists the other allied health professions recognised as practitioners under the previous definition of medical services, allowing for a comprehensive list of professions allowed to work privately in Health Services and Department of Health facilities.

Clause 11. Section 20 inserted (Validation of charges for medical services)

Inserts provisions whereby previous determinations by the Minister under the former Act (prior to the *Medical Services Amendment Bill 2018*) are deemed to be valid retrospectively.

Clause 12. Schedule 2

This provision has been repealed as the previous section 6(3) makes reference to outdated agreements. This also references section 24 of the *Health Insurance Act*, which was repealed in 2007.