



## Dental Benefits (Consequential Amendments) Bill 2008

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## Dental Benefits (Consequential Amendments) Bill 2008

**Date introduced:** 29 May 2008

**House:** House of Representatives

**Portfolio:** Health and Ageing

**Commencement:** Sections 1 to 3 on Royal Assent.

Schedule 1 commences on the day after the proposed Dental Benefits Act 2008 receives Royal Assent

**Links:** The [relevant links](#) to the Bill, Explanatory Memorandum and second reading speech can be accessed via BillsNet, which is at <http://www.aph.gov.au/bills/>. When Bills have been passed they can be found at

### Purpose

The Dental Benefits (Consequential Amendments) Bill 2008 (the Bill) was introduced with the Dental Benefits Bill 2008. The Bill proposes consequential amendments to the following Acts in order to implement the Teen Dental Plan:

- *Age Discrimination Act 2004* (Age Discrimination Act)
- *A New Tax System (Family Assistance) (Administration) Act 1999* (A New Tax System (Family Assistance) (Administration) Act)
- *Health Insurance Act 1973* (Health Insurance Act)
- *Jurisdiction of Courts (Cross-vesting) Act 1987* (Jurisdiction of Courts (Cross-vesting) Act)
- *Medicare Australia Act 1973* (Medicare Australia Act)
- *Sea Installations Act 1987* (Sea Installations Act)
- *Social Security (Administration) Act 1999* (Social Security (Administration) Act), and
- *Student Assistance Act 1973* (Student Assistance Act).

**Warning:**

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*This Digest does not have any official legal status. Other sources should be consulted to determine the subsequent official status of the Bill.*

## Background

For a detailed background on the proposal to establish dental benefits for teenagers under the Teen Dental Plan, please refer to the [Bills Digest](#) for the accompanying Dental Benefits Bill 2008.<sup>1</sup>

The Bill proposes amendments to implement the Medicare Teen Dental Plan. The proposed amendments aim to:

- ensure that the proposed *Dental Benefits Act 2008* (the Dental Benefits Act) does not breach the Age Discrimination Act
- ensure that the investigative powers of Medicare Australia is used in relation to offence provisions contained in the proposed Dental Benefits Act, and
- allow the exchange of protected information between Centrelink and Medicare Australia, in order to determine eligibility for the vouchers that are to be distributed under the proposed Dental Benefits Act.<sup>2</sup>

## Basis of policy commitment

The Teen Dental Plan is a 2008–09 Budget commitment, which delivers on an election promise.<sup>3</sup>

## Committee consideration

The Bill has been reviewed by the Senate Standing Committee for the Scrutiny of Bills (the Committee) but the Committee did not comment on it.<sup>4</sup>

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1. Amanda Biggs, 'Dental Benefits Bill 2008', *Bills Digest*, Parliamentary Library, no. 135, 2007–08.
  2. Nicola Roxon (Minister for Health and Ageing), 'Second Reading Speech: Dental Benefits (Consequential Amendments) Bill 2008', House of Representatives, *Debates*, 29 May 2008, p. 64.
  3. Australian Government, 'Part 2: Expense Measures,' *Budget Measures 2008–09: Budget Paper No. 2*, p. 210.
  4. Senate Standing Committee for the Scrutiny of Bills, *Alert Digest*, Senate, Canberra, no. 4, 4 June 2008, p. 23.

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## Main provisions

### Schedule 1—Amendments

**Item 1** proposes to amend the Age Discrimination Act by inserting a reference to the proposed Dental Benefits Act into **Schedule 2 of the Age Discrimination Act**. Schedule 2 lists legislation that is exempt from certain provisions of the Age Discrimination Act.

**Items 2 and 3** propose to amend **paragraphs 162(1)(a) and 162(2)(d) of the A New Tax System (Family Assistance) (Administration) Act** to authorise Medicare Australia to access protected information held by Centrelink relating to Family Tax Benefit Part A, Youth Allowance or Abstudy payments for the purposes of the proposed Dental Benefits Act.

**Item 4** proposes to amend **subsection 130(1) of the Health Insurance Act** to allow certain authorised persons, for the purposes of enabling a person to perform functions under the proposed Dental Benefits Act, to be able to record, divulge, or communicate personal information acquired by those authorised persons under the Health Insurance Act.

**Item 5** proposes to amend **the Schedule of the Jurisdiction of Courts (Cross-vesting) Act**, to allow appeals relating to the proposed Dental Benefits Act, to be heard by the Full Federal Court or, with special leave, by the High Court, so as to be consistent with the appeal arrangements that exist under the Health Insurance Act.<sup>5</sup>

**Items 6 to 17** propose to amend **the Medicare Australia Act**, to allow the investigative powers of Medicare Australia to be exercised in relation to offence provisions contained in the proposed Dental Benefits Act. The offence provisions of the proposed Dental Benefits Act are modelled on offence provisions contained in the Health Insurance Act.

**Item 18** proposes to insert a reference to the proposed Dental Benefits Act, into **the Schedule of the Sea Installations Act** to allow provisions of the proposed Dental Benefits Act to apply to people on sea installations located in adjacent areas.<sup>6</sup> This would be consistent with the provision of other health benefits that apply to persons on sea installations located in adjacent areas. Although the Explanatory Memorandum acknowledges that it is unlikely that the dental benefits proposed under the Teen Dental

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5. See *Jurisdiction of Courts (Cross-vesting) Act 1987* subsections 7(5), (7)-(8). Note that subsection 7(5) of the *Jurisdiction of Courts (Cross-vesting) Act 1987* is subject to subsections 7(7)-(8), which provide for situations where the Full Court of the Supreme Court of the State or Territory commences to hear an appeal and then realises that the matter is one to which subsection 7(5) applies either before or after actually determining the matter. In such situations, the interests of justice prevail and the Court's decision remains valid.

6. As to the meaning of 'adjacent area', see *Sea Installations Act 1987* sections 4, 5.

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Plan will be delivered on sea installations,<sup>7</sup> the insertion of this proposed amendment would allow for dental benefits to be provided on sea installations if the Teen Dental Plan is expanded to include other patient groups.

**Items 19 and 20** propose to amend **subsection 202(1) and paragraph 202(2)(d) of the Social Security (Administration) Act**, by inserting references to the proposed Dental Benefits Act to allow protected information relating to Youth Allowance payments to be acquired and used by Medicare Australia, in determining eligibility for the Teen Dental Plan, for the purposes of the proposed Dental Benefits Act.

**Items 21 and 22** propose to insert a reference to the proposed Dental Benefits Act into **subsection 351(1) and paragraph 351(2)(d) of the Student Assistance Act** to allow protected information relating to ABSTUDY payments to be acquired and used by Medicare Australia, in determining eligibility for the Teen Dental Plan, for the purposes of the proposed Dental Benefits Act.

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7. Explanatory Memorandum, 'Dental Benefits (Consequential Amendments) Bill 2008', p. 34.

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