

**Senate Community Affairs Committee**

**ANSWERS TO ESTIMATES QUESTIONS ON NOTICE**

**HEALTH PORTFOLIO**

**Supplementary Budget Estimates 2014 - 2015, 22 October 2014**

**Ref No:** SQ14-001451

**OUTCOME:** 0 - Whole of Portfolio

**Topic:** Statutory Review Provisions

**Type of Question:** Written Question on Notice

**Senator:** Ludwig, Joe

**Question:**

1. Please list all current legislation, covered by the department's portfolio, which contain a statutory review provision/s. For each, please provide:

- a) What work has been done towards preparing for the review? If none, why not?
- b) Please provide a schedule or a workplan for the review
- c) When did/will this work begin?
- d) When is/was the review due to commence?
- e) What is the expected report date?
- f) Who is the minister responsible for the review
- g) What department is responsible for the review
- h) List the specific clauses or legislation under review caused by the statutory provision.
- i) List the terms of reference.
- j) What is the scope of the review?
- k) Who is conducting the review? How were they selected? What are the legislated obligations for the selection of the person to conduct the review?
- l) What is the budgeted, projected or expected cost of the review?
- m) When was the Minister briefed on this matter?
- n) What decision points are upcoming for the minister on this matter?
- o) List the number of officers, and their classification level, involved in conducting the review.

2. Will the report will be tabled in Parliament or made public. If so, when?

**Answer:**

The following Acts contain review provisions:

- *Dental Benefits Act 2008* (DB Act);
- *National Health Reform Act 2011*;
- *Health Insurance Act 1973*;
- *Gene Technology Act 2000*;
- *National Health Act 1953*;
- *Personally Controlled Electronic Health Records Act 2012*; and
- *Therapeutic Goods Act 1989*.

***Dental Benefits Act 2008 (DB Act)***

1.
  - a) Preliminary planning has been undertaken for the review.
  - b) The Government is considering the timetable for the review.
  - c) Work will begin when the Government has determined the timetable for the review.
  - d) The commencement date for the review is a decision of Government.
  - e) Under the DB Act, the Minister must cause a copy of the review to be tabled in Parliament within 15 sitting days of the review being provided to the Minister.
  - f) The Minister for Health.
  - g) The Department of Health.
  - h) *Dental Benefits Act 2008*
  - i) The terms of reference will be a decision of Government.
  - j) Section 68 of the DB Act provides that the operation of the DB Act is to be reviewed.
  - k) Subsection 68 (4) of the DB Act provides that the review must be conducted by a panel of at least five people, including:
    - The Commonwealth Chief Medical Officer;
    - a person nominated by the Australian Dental Association;
    - a person nominated by the Consumers' Health Forum of Australia; and
    - two other persons nominated by the Minister, at least one of whom must have qualifications in medicine or dentistry.
  - l) The cost has not yet been estimated.
  - m) The Department of Health will brief the Minister for Health on operational matters for the review once the review's timetable and terms of reference have been determined by Government.
  - n) Please refer to b), above.
  - o) Staffing requirements for the review are yet to be determined.
2. See answer to 1e) above.

***National Health Reform Act 2011***

1.
  - a) Review completed in November 2012.
  - b) Review completed.
  - c) The review commenced in 2012.
  - d) Review completed.
  - e) Review completed.
  - f) – o) The review was completed in November 2012, these questions are not applicable.
2. See answer to 1b) above.

***Health Insurance Act 1973***

1. Section 10C of the *Health Insurance Act 1973*
  - a) Review completed.
  - b) Review completed.

- c) Work commenced in 2011.
- d) 2011.
- e) The report has been tabled in the Parliament.
- f) – o) The review was completed in 2011, these questions are not applicable.

2. See answer to 1e) above.

1. Section 19AD of the *Health Insurance Act 1973*

- a) The Department is currently considering the process required by s.19AD.
- b) The Department is currently considering the process.
- c) The review is scheduled to commence in 2015.
- d) The review is scheduled to commence in 2015.
- e) It is envisaged that this review will be tabled in the Parliament by 31 December 2015.
- f) The Minister for Health is the Minister responsible for the review.
- g) The Department of Health is responsible for the review.
- h) *Health Insurance Act 1973*
- i) Not applicable. As the Review is scheduled in 2015, the Department is currently considering the process.
- j) As the Review is scheduled in 2015, the Department is considering the scope
- k) –l) To be determined.
- m) The Department has not briefed the Minister as yet.
- n) To be determined.
- o) The Department has not determined the number of officers or what classification level will be involved in conducting the review.

2. See answer to 1e) above.

***Gene Technology Act 2000***

- 1.
  - a) The review was completed in 2006.
  - b) Review completed.
  - c) Review completed.
  - d) The review was due to commence as soon as possible after 22 June 2005.
  - e) Review completed.
  - f) – o) The review was completed in 2006, these questions are not applicable.

2. See answer to 1b) above.

***National Health Act 1953***

- 1.
  - a) The draft report for the purposes of s.89A(5) has been completed and was tabled on 3 December 2014.
  - b) The draft report has been completed.
  - c) 2014.
  - d) 2014.
  - e) December 2014.
  - f) - o) The draft report was completed and tabled on 3 December 2014, these questions are not applicable.

2. See answer to 1a) above.

***Personally Controlled Electronic Health Records Act 2012***

1.

- a) A review of the PCEHR system was undertaken in November 2013 which took into account the matters required to be considered in the statutory review referred to in s.108. The report of that review was released on 19 May 2014.
- b) – e) Under consideration.
- f) The Minister for Health.
- g) The Department of Health
- h) – o) Under consideration.

2. Under consideration.

***Therapeutic Goods Act 1989***

1.

- a) Review completed.
- b) - c) See answer 1a) above.
- d) January 2013.
- e) September 2013.
- f) The then Minister for Health and Ageing.
- g) – o) The review was completed in 2013, these questions are not applicable.

2. The report of the review was tabled in Parliament on 10 December 2013.