

ADDITIONAL COMMENTS BY LABOR SENATORS

Doctors' clinical autonomy

Labor believes the protections on doctors' clinical autonomy in the Bill are not strong enough as they currently stand.

The protection on doctors' clinical autonomy in the existing section in the Bill (172-5) is limited to medical purchaser provider agreements – that is, agreements between health insurers and medical practitioners.

Both the AMA and the Australian Private Hospitals Association argue that the legislation needs to include protections of doctors' clinical freedom in other circumstances and contexts, such as hospital purchaser provider agreements.

The National Health Act currently includes a section on doctors' clinical autonomy in hospital purchaser provider agreements – it is not clear why this protection is not also included in the Private Health Insurance Bill.

Accordingly, Labor believes the Bill should be amended to include protection of doctors' clinical autonomy in hospital purchaser provider agreements, as well as other purchaser provider agreements which may arise from the Broader Health Cover provisions in the Bill.

Recommendation:

That the provisions in the legislation regarding doctors' clinical independence be strengthened so that they include hospital purchaser provider agreements and other purchaser provider agreements which may arise from the Broader Health Cover provisions included in the package.

Private health insurance premiums

Section 82BA (2)(c) of the National Health Act 1953 which sets out the objectives of PHIAC, includes 'minimising the level of health insurance premiums' as one of PHIAC's objectives.

This clause has not been included in the Private Health Insurance Bill, thus reducing the number of PHIAC's objectives from four to three.

Labor believes that the specific objective of minimising private health insurance premium levels should be retained in the legislation, either in PHIAC's objectives, or, as an explicit responsibility of the Minister (who has direct responsibility for approving premium increases).

Labor believes this objective should be included in the legislation, in addition to the more general clause in PHIAC's objectives about 'protecting the interests of consumers'.

Recommendation:

Labor Senators recommend that the Private Health Insurance Bill be amended to include 'minimising the level of health insurance premiums' as one of PHIAC's objectives. Alternatively, the Labor Senators recommend that 'minimising the level of health insurance premiums' be included in the Minister's responsibilities as set out in the legislation.

Senator Claire Moore
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