

Australian Greens Additional Comments

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1.1 The Greens note the purpose of the Bill is to remedy a particular injustice – the high financial burden placed on dentists and other practitioners who took part in the Chronic Disease Dental Scheme, were found to be non-compliant with all the requirements of the scheme, and have been ordered to make full repayment of all benefits thereby received. After considering the evidence presented to the committee the Greens remain of the opinion that this injustice is real and should be remedied as soon as possible.

Causes of non-compliance

1.2 After examining the evidence and speaking to practitioners who took part in the CDDS, the Greens are satisfied that the majority of practitioners provided services in good faith to patients eligible for service, and that most cases of non-compliance do not represent fraudulent intent on behalf of dental practitioners.

1.3 The Greens note the high rate of non-compliance with the requirements of the scheme is indicative of fundamental problems with the design of the scheme and engagement with the profession, rather than negligence by individual practitioners.

Education process

1.4 The committee heard differing views on whether sufficient information was provided to dentists and dental prosthetists to properly educate them on the details of compliance requirements. Based on submissions received and the testimony given to the committee, the Greens remain convinced that education measures were not sufficient and that the planning undertaken in the design of the scheme did not take into account the challenge inherent in bringing dental care into Medicare. Many or most dental practitioners had no previous interaction with Medicare and so the burden was on government to make training especially clear and explicit, including the penalties that could result from non-compliance whether accidental or otherwise.

1.5 The Greens also note that because of the Government's stated intention to close the CDDS, there appears to have been little effort to further develop comprehensive materials nor to sufficiently educate the Medicare service staff who dealt with inquires from dental practitioners.

Remedies

1.6 The Greens note that there has been significant confusion about the remedies available to the Department in cases where non-compliance was detected. According to the of the evidence Department, it appears that it is incorrect to state that compliance officers had the discretion to recommend further education when non-compliance with Section 10 requirements was identified, and that the Department had

no choice under the Act other than to seek repayment of benefits except where pursuing the debt would be uneconomical.

1.7 If this is the case, the Greens maintain that there is a need for other remedies in the cases where full repayment would lead to an unjust outcome. This bill represents one potential remedy.

1.8 The Greens note that closure of the CDDS remains stated government policy. In the event that the CDDS is closed as part of wider reforms, the Greens feel that this provides an opportunity to redress this issue with the profession. The Greens encourage the Government to take this opportunity.

1.9 The Greens note that in the current climate in which dental care is undergoing significant reforms it is crucial that good relations are maintained with the profession and that both sides must act in good faith.

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Senator for Victoria