



AUSTRALIAN CAPITAL TERRITORY

Health (Amendment) Act 1994

No. 23 of 1994

An Act to amend the *Health Act 1993*

[Notified in ACT Gazette S87: 20 May 1994]

The Legislative Assembly for the Australian Capital Territory enacts as follows:

Short title

1. This Act may be cited as the *Health (Amendment) Act 1994*.

Commencement

2. This Act commences on the day on which it is notified in the *Gazette*.

Principal Act

3. In this Act, “Principal Act” means the *Health Act 1993*.¹

Medicare principles and commitments

4. Section 5 of the Principal Act is amended by omitting subsection (1) and substituting the following subsection:

“(1) The following guidelines govern the delivery of public hospital services to eligible persons in the Territory:

- (a) eligible persons must be given the choice to receive public hospital services free of charge as public patients;
[See footnote (1)]
- (b) access to public hospital services is to be on the basis of clinical need;
[See footnote (2)]

[See footnote (3)]

- (c) to the maximum practicable extent, the Territory will ensure the provision of public hospital services equitably to all eligible persons, regardless of their geographical location;

[See footnote (4)]

- (d) the Commonwealth and the Territory must make available information on the public hospital services eligible persons can expect to receive as public patients;

[See footnote (5)]

- (e) the Commonwealth and the Territory are committed to making improvements in the efficiency, effectiveness and quality of hospital service delivery.

[See footnote (6)]”.

Insertion

5. After Part VI of the Principal Act the following Part is inserted:

“PART VII—MISCELLANEOUS

Release of confidential information

“21. (1) The person responsible for the day-to-day control of a health facility, or another person authorised in writing by him or her for the purpose, may release confidential information only to the Health Insurance Commission established by the *Health Insurance Commission Act 1973* of the Commonwealth or the Auditor-General—

- (a) if satisfied that the release will assist in the prevention or detection of fraud; and
 (b) if the Minister consents in writing to the release.

“(2) In this section—

‘confidential information’ means information relating to the provision of health services by a health service provider at a health facility.

Regulations

“22. The Executive may make regulations not inconsistent with this Act prescribing matters—

- (a) required or permitted by this Act to be prescribed; or
 (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.”.

NOTE

1. Act No. 13, 1993.

FOOTNOTES

On the day on which the *Health Act 1993* is amended by this Act the following footnotes are added at the end of the Principal Act:

“(1) NOTE: The guidelines focus on the provision of public hospital services to eligible persons, but operate in an environment where eligible persons have the right to choose private health care in public and private hospitals supported by private health insurance.

“(2) NOTE:

- (a) Hospital services include in-patient, out-patient, emergency services (including primary care where appropriate) and day patient services consistent with currently acceptable medical and health service standards.
- (b) At the time of admission to a hospital, or as soon as practicable after that, an eligible person will be required to elect or confirm whether he or she wishes to be treated as a public or private patient.

“(3) NOTE:

- (a) None of the following factors are to be a determinant of an eligible person’s priority for receiving hospital services:
 - (i) whether or not an eligible person has health insurance;
 - (ii) an eligible person’s financial status or place of residence;
 - (iii) whether or not an eligible person intends to elect, or elects, to be treated as a public or private patient.
- (b) This guideline applies equally to waiting times for elective surgery.

“(4) NOTE:

- (a) This guideline does not require a local hospital to be equipped to provide eligible persons with every hospital service they may need.
- (b) In rural and remote areas, the Territory should ensure provision of reasonable public access to a basic range of hospital services which are in accord with clinical practices.

“(5) NOTE:

- (a) The joint Commonwealth/Territory development of a Public Patients’ Hospital Charter for the Territory will be a vehicle for the public dissemination of this information.
- (b) The Charter will set out the public hospital services available to public patients.

“(6) NOTE: This includes a commitment to quality improvement, outcome measurement, management efficiency and effort to integrate the delivery of hospital and other health and community services.”.

[Presentation speech made in Assembly on 21 April 1994]

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