

Act 1994 No. 2

**HEALTH ADMINISTRATION (MEDICARE) AMENDMENT  
BILL 1993\***

NEW SOUTH WALES



**EXPLANATORY NOTE**

**(This Explanatory Note relates to this Bill as introduced into Parliament)**

The object of this Bill is to amend the Health Administration Act 1982 to adopt the Medicare Principles and Commitments set out in section 26 of the Health Insurance Act 1973 of the Commonwealth.

Section 26 of the Commonwealth Act requires that a State must adopt (or make reasonable efforts to adopt) the Principles and Commitments. This is a condition of the grant of financial assistance by the Commonwealth to a State in respect of the provision by the State of public hospital services. Section 26 (8) of the Commonwealth Act provides as follows:

(8) In this section, "**adopt**" means to enact legislation that establishes the Principles and Commitments as guidelines that will govern the delivery of public hospital services to eligible persons in a State, but neither the obligation to enact that legislation, nor the State legislation so enacted, operates to create in any person legal rights not in existence before the enactment of the State legislation, unless the State legislation expressly provides otherwise.

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**Clause 1** specifies the short title of the proposed Act.

**Clause 2** provides that the proposed Act commences on the date of assent.

**Clause 3** amends the Health Administration Act 1982:

- to adopt the Medicare Principles and Commitments, as contemplated by the Commonwealth Act
- to set out the Principles and Commitments in the same form as they appear in the Commonwealth Act, together with explanatory notes

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\*Amended in committee—see table at end of volume.

*Health Administration (Medicare) Amendment 1993 [Act 1994 No. 2]*

- to provide that the new provisions do not create new legal rights, as contemplated by the Commonwealth Act.

Provision is made for the new provisions to cease to have effect on a day to be proclaimed. Such action will be necessary in the event of the termination of the Medicare Agreement between the Commonwealth and the State.

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