

Question on notice no. 7

Portfolio question number: SQ20-000465

2020-21 Budget estimates

Finance and Public Administration Committee, Cross Portfolio Indigenous matters

Senator Malarndirri McCarthy: asked the Department of Health on 23 October 2020—

- (1. Please provide a list of all exemptions that currently exist under Section 19
- (2) of the Health Insurance Act 1973, including names of organisations granted the exemption, who granted the exemption and dates of exemption.
2. Please provide a list of all organisations denied an exemption under s 19
- (2) since 2015?
3. Please provide details of services that are funded by the State/Territory Governments that do not hold an s 19
- (2) exemption but bill Medicare for services provided anyway. How this is allowed?
4. If young people in detention are able to access services through the NDIS, what is the rationale for allowing this access while at the same time excluding access to Commonwealth funded Medicare for these children?
5. What is the estimated cost of extending the s 19
- (2) exemption to young people in NT youth detention?

Answer —

Please see attached response.

Senate Finance and Public Administration Legislation Committee
ANSWERS TO QUESTIONS ON NOTICE
2020 - 2021 Budget Estimates

Health Portfolio

Department/Agency: Department of Health

Outcome/Program Group: 2 – Health Access and Support Services

Topic: Health Insurance and National Disability Insurance Scheme for people in the Northern Territory

Senator: Malarndirri McCarthy

Question number: SQ20-000465

Type of question: Written

Date set by the committee for the return of answer: 04 December 2020

Number of pages: 9

Question:

- Please provide a list of all exemptions that currently exist under Section 19(2) of the Health Insurance Act 1973, including names of organisations granted the exemption, who granted the exemption and dates of exemption.
- Please provide a list of all organisations denied an exemption under s 19(2) since 2015?
- Please provide details of services that are funded by the State/Territory Governments that do not hold an s 19(2) exemption but bill Medicare for services provided anyway. How this is allowed?
- If young people in detention are able to access services through the NDIS, what is the rationale for allowing this access while at the same time excluding access to Commonwealth funded Medicare for these children?
- What is the estimated cost of extending the s 19(2) exemption to young people in NT youth detention?

Answer:

Current 19(2) exemptions

The following listed organisations were granted a Direction under subsection 19(2) of the *Health Insurance Act 1973* (the Act) by relevant delegate in the Department of Health.

ACT – Direction valid until 30 June 2023

- Winnunga Nimmityjah Aboriginal Health Service

NSW – Directions valid until 30 June 2023

- Aboriginal Medical Service Cooperative Limited
- Albury Wodonga Aboriginal Health Service
- Armajun Aboriginal Health Service Inc

- Awabakal Ltd
- Biripi Aboriginal Corporation Medical Centre
- Bourke Aboriginal Health Service
- Bulgarr Ngaru Medical Aboriginal Corporation
- Bullinah Aboriginal Health Service
- Condobolin Aboriginal Health Service Incorporated
- Coomealla Health Aboriginal Corporation
- Coonamble Aboriginal Health Service Inc
- Cummeragunja Housing & Development Aboriginal Corporation
- Durri Aboriginal Corporation Medical Service
- Galambila Aboriginal Health Service Incorporated
- Griffith Aboriginal Medical Service Incorporated
- Illawarra Aboriginal Medical Service Aboriginal Corporation
- Katungul Aboriginal Corporation Community and Medical Services
- Maari Ma Health Aboriginal Corporation
- Orange Aboriginal Medical Service Inc
- Pius X Aboriginal Corporation
- Riverina Medical & Dental Aboriginal Corporation
- South Coast Medical Service Aboriginal Corporation
- South Coast Women's Health & Welfare Aboriginal Corporation (Waminda)
- Tamworth Aboriginal Health Service
- Tharawal Aboriginal Medical Service Co-operative Ltd
- Tobwabba Aboriginal Medical Service
- Walgett Aboriginal Medical Service Co-operative Ltd
- Walhallow Aboriginal Corporation Inc
- Weigelli Centre Aboriginal Corporation
- Wellington Aboriginal Corporation Health Service
- Werin Aboriginal Corporation
- Yerin Aboriginal Health Services Inc (Eleanor Duncan Aboriginal Health Centre)

NT – *Directions valid until 30 June 2023*

- Ampilatwatja Health Centre Aboriginal Corporation
- Anvinginyi Health Aboriginal Corporation
- Bagot Community Health Centre
- Central Australian Aboriginal Congress Aboriginal Corporation
- Danila Dilba Health Services
- Katherine West Health Board Aboriginal Corporation
- Laynhapuy Homelands Aboriginal Corporation
- Mala'la Health Service Aboriginal Corporation
- Marthakal Homeland and Resource Centre Association
- Miwatj Health Aboriginal Corporation
- Naanvatjarra Health Services
- Nganampa Health Council Inc
- Pintubi Homelands Health Service
- Sunrise Health Service Aboriginal Corporation
- Urapuntja Health Service Aboriginal Corporation
- Wurli-Wurlinjang Aboriginal Corporation

NT – *Direction valid until 30 June 2021*

- Northern Territory Government for services in select Aboriginal and Torres Strait Islander communities

QLD – *Directions valid until 30 June 2023*

- Aboriginal and Torres Strait Islander Community Health Service Brisbane Ltd
- Aboriginal and Torres Strait Islander Community Health Service Mackay Ltd
- Apunipima Cape York Health Council Limited
- Bidgerdii Aboriginal and Torres Strait Islander Community Health Service
- Carbal Medical Services
- Charleville and Western Areas Aboriginal and Torres Strait Islander Community Health Limited
- Cherbourg Regional Aboriginal and Islander Community Controlled Health Service
- Cunnamulla Aboriginal Corporation for Health
- Galangoor Duwalami Primary Healthcare Services Ltd
- Gindaja Treatment and Healing Indigenous Corporation
- Goolburri Aboriginal Health Advancement Corporation
- Goondir Aboriginal & Torres Strait Islander Corporation for Health Service
- Gurriny Yealamucka Health Services Aboriginal Corporation
- Indigenous Wellbeing Centre Ltd
- Institute for Urban Indigenous Health Ltd
- Kalwun Health Service
- Kambu Aboriginal and Torres Strait Islander Corporation for Health
- Mamu Health Service Limited
- Mookai Rosie-Bi-Bayan (Aboriginal & Torres Strait Islanders Corp)
- Mount Isa Aboriginal Community Controlled Health Services Ltd (Gidgee Healing)
- Mulungu Aboriginal Corporation Primary Health Care Service
- Gladstone Region Aboriginal and Islander Community Controlled Health Service
- North Coast Aboriginal Corporation for Community Health
- NPA Family and Community Services Aboriginal and Torres Strait Islander Corporation
- Townsville Aboriginal and Torres Strait Islander Corporation for Health Services
- Wuchopperen Health Service Ltd
- Yulu-Burri Ba Aboriginal Corporation for Community Health

QLD – *Directions valid until 30 June 2021*

- Queensland State Government for health services in certain Aboriginal and Torres Strait Islander communities
- Royal Flying Doctor Service (Queensland Division) for services in certain Aboriginal and Torres Strait Islander communities in the Cape York region

SA – *Directions valid until 30 June 2023*

- Yadu Health Aboriginal Corporation
- Moorundi Aboriginal Community Controlled Health Service Incorporated
- Nunkuwarrin Yunti Incorporated
- Nunyara Aboriginal Health Service Inc
- Oak Valley (Maralinga) Inc
- Pangula Mannamurna Inc
- Pika Wiya Health Service Aboriginal Incorporated
- Port Lincoln Aboriginal Health Service Inc
- Tullawon Health Service Incorporated
- Umoona Tjutjagku Health Service Aboriginal Corporation

TAS – *Directions valid until 30 June 2023*

- Flinders Island Aboriginal Association Inc
- South East Tasmanian Aboriginal Corporation
- Tasmanian Aboriginal Centre Inc

VIC – *Directions valid until 30 June 2023*

- Ballarat & District Aboriginal Cooperative
- Bendigo and District Aboriginal Cooperative
- Bud ia-Budja Aboriginal Cooperative
- Dandenong and District Aborigines Cooperative Ltd - Bunurong Health Services
- Dhauwurd-Wurrung Elderly & Community Health Service Inc
- First Peoples Health and Wellbeing
- Gippsland & East Gippsland Aboriginal Cooperative Ltd
- Goolum Goolum Aboriginal Cooperative
- Gunditjmara Aboriginal Cooperative
- Kirrae Health Service Incorporated
- Lake Tyers Health and Children's Services Association
- Mallee District Aboriginal Services Limited
- Moogji Aboriginal Council East Gippsland Inc
- Murray Valley Aboriginal Cooperative
- Njernda Aboriginal Corporation
- Ramahyuck District Aboriginal Corporation
- Rumbalara Aboriginal Cooperative Limited
- Victorian Aboriginal Health Service Co-operative
- Wathaurong Aboriginal Cooperative
- Winda Mara Aboriginal Corporation

WA – *Directions valid until 30 June 2023*

- Bega Garbarringu Health Services Incorporated
- Broome Regional Aboriginal Medical Service
- Derbarl Yerrigan Health Service Aboriginal Corporation
- Derby Aboriginal Health Service Council Aboriginal Corporation
- Geraldton Regional Aboriginal Medical Service
- Kimberley Aboriginal Medical Services Council Inc
- Mawarnkarra Health Service Aboriginal Corporation

- Ngangganawili Aboriginal Community Controlled Health and Medical Services
- Ord Valley Aboriginal Health Service Aboriginal Corporation
- Paupiyala Tjarutja Aboriginal Corporation
- Puntukurnu Aboriginal Medical Service Aboriginal Corporation
- South-West Aboriginal Medical Service Aboriginal Corporation
- Wirraka Maya Health Service Aboriginal Corporation
- Yura Yungi Medical Service Aboriginal Corporation

The following organisation holds a current Direction under subsection 19(2) of the Act, which was granted by the relevant delegate in the Department of Health.

- Queensland Department of Health, for Inala Health Centre General Practice in QLD. This Direction is valid until 21 December 2020.

The following organisations hold a Direction under subsection 19(2) of the Act, which was approved by the relevant delegate in the Department of Health. The Direction commenced on 15 August 2017 and will cease on 31 December 2020.

- Sefton Park Community Health Care Service (SA)
- Port Adelaide Community Health Service (SA)
- Youth Health Service (SA)
- Noarlunga Health Service (SA)

COAG Section 19(2) Exemption Initiative

The following list of organisations hold a current Direction under subsection 19(2) of the Act under the COAG Section 19(2) Exemption Initiative. The Directions were granted by the relevant delegate in the Department of Health.

QLD

- Babinda Hospital (granted 10 July 2009)
- Barcaldine Multipurpose Health Service (granted 29 April 2013)
- Biggenden Multi-Purpose Health Service (granted 30 June 2017)
- Blackall Hospital (granted 1 June 2017)
- Blackwater Multipurpose Health Service (granted 3 May 2019)
- Boulia Primary Healthcare Centre (granted 28 October 2014)
- Capella Outpatient Clinic (granted 31 October 2018)
- Cardwell Community Health Centre (granted 25 March 2008)
- Childers Multipurpose Health Service (granted 3 May 2019)
- Chillagoe Primary Health Centre (granted 16 February 2018)
- Chinchilla Health Service (granted 1 October 2010)
- Collinsville Hospital (granted 20 September 2007)
- Dimbulah Primary Health Centre (granted 16 February 2018)
- Dirranbandi Multipurpose Health Service (granted 1 October 2010)
- Eidsvold Health Service (granted 28 January 2009)
- Gayndah Hospital (granted 30 June 2017)
- Gemfields Outpatient Clinic (granted 10 July 2018)
- Gin Gin Hospital (granted 30 June 2017)
- Hughenden Health Centre (granted 28 October 2014)
- Inglewood Multipurpose Health Service (granted 12 October 2015)

- Injune Health Service (granted 29 April 2013)
- Isisford Primary Health Centre (granted 30 June 2017)
- Jandowae Health Services (granted 1 June 2017)
- Jundah Primary Healthcare Centre (granted 28 October 2014)
- Longreach Hospital (granted 7 April 2011)
- Miles Health Service (granted 1 May 2008)
- Millmerran Multipurpose Health Service (granted 15 May 2008)
- Millmerran Multipurpose Health Service Outreach Primary Clinic (Cecil Plains) (granted 1 October 2020)
- Mitchell Hospital (granted 1 October 2010)
- Monto Health Service (granted 28 January 2009)
- Mossman Multi-Purpose Health Service (granted 1 April 2018)
- Mundubbera Health Service (granted 28 January 2009)
- Mungindi Multipurpose Health Service (granted 29 April 2013)
- Nanango Health Service (granted 19 October 2020)
- Oakey Health Services – Oakey Hospital (granted 28 February 2010)
- Proserpine Hospital and Community Health Centre (granted 10 July 2018)
- Quilpie Multipurpose Health Service (granted 29 April 2013)
- Richmond Health Centre (granted 26 June 2015)
- Springsure Multipurpose Health Service (granted 13 December 2018)
- Stanthorpe Hospital (granted 28 October 2014)
- Surat Hospital (granted 16 July 2012)
- Tambo Primary Health Care Centre (granted 1 June 2017)
- Tara Hospital (granted 12 October 2015)
- Taroom Hospital (granted 6 February 2015)
- Tully Hospital (granted 25 March 2008)
- Wallumbilla Health Service (granted 29 April 2013)
- Windorah Primary Healthcare Centre (granted 28 October 2014)
- Winton Multipurpose Health Service (granted 28 October 2014)

NT

- Adelaide River Health Centre (granted 13 February 2017)
- Batchelor Health Centre (granted 13 February 2017)
- Gove District Hospital (granted 16 June 2009)
- Jabiru Community Health Centre (granted 15 April 2013)
- Katherine Hospital (granted 9 November 2020)
- Tennant Creek Hospital (granted 16 June 2009)
- Yulara Health Service (granted 8 March 2013)

WA

- Bridgetown Hospital (granted 15 May 2020)
- Carnarvon Hospital (granted 24 February 2010)
- Derby Hospital (granted 21 February 2011)
- Exmouth Health Service (granted 24 February 2010)
- Fitzroy Crossing Health Service (granted 24 February 2010)
- Halls Creek Hospital (granted 16 February 2012)
- Jerramungup Health Centre (granted 15 June 2020)
- Katanning Health Service (granted 15 June 2020)
- Kununurra District Hospital (granted 16 February 2012)
- Laverton District Hospital (granted 24 February 2010)
- Leonora District Hospital (granted 24 February 2010)
- Meekatharra Hospital (granted 24 February 2010)
- Norseman District Hospital (granted 24 February 2010)
- Onslow Hospital (granted 16 February 2012)
- Plantagenet – Cranbrook Health Service (granted 24 February 2010)
- Ravensthorpe Health Service (granted 17 February 2010)
- Shark Bay Nursing Post (granted 24 February 2010)
- Warmun Health Clinic (granted 24 February 2010)
- Warren Health Service (granted 15 May 2020)
- Wyndham District Hospital (granted 24 February 2012)

NSW

- Barham Multi-Purpose Service (granted 21 February 2019)
- Batlow Multi-Purpose Service (granted 26 May 2017)
- Berrigan Health Service (granted 26 June 2015)
- Bingara Multi-Purpose Service (granted 6 April 2018)
- Boorowa Multipurpose Service (granted 16 November 2015)
- Coolamon Multipurpose Health Service (granted 27 August 2014)
- Culcairn Multipurpose Service (granted 27 August 2014)
- Dungog Community Hospital (granted 27 August 2014)
- Finley Health Service (granted 26 June 2015)
- Gloucester Soldiers Memorial Hospital & Gloucester Community Health Centre (granted 6 June 2012)
- Gundagai Health (Multipurpose) Service (granted 27 August 2014)
- Guyra Multipurpose Service (granted 30 April 2012)
- Hay Hospital (granted 31 March 2016)
- Henty Multi-Purpose Service (granted 15 January 2015)
- Hillston Hospital and Health Service (granted 27 August 2014)
- Holbrook Hospital (granted 12 October 2015)
- Jerilderie Hospital and Health Service (granted 27 August 2014)
- Junee Multi-Purpose Service (granted 8 March 2019)
- Kyogle Multi-Purpose Service (granted 6 April 2018)
- Lake Cargelligo Hospital and Health Service (granted 15 January 2015)
- Lockhart Hospital and Health Service (granted 15 January 2015)
- Manilla Multi-Purpose Service (granted 6 April 2018)
- Merriwa Multipurpose Service (granted 17 December 2015)

- Murrumburrah-Harden Hospital and Health Service (granted 15 January 2015)
- Narranderra Health Service (granted 15 January 2015)
- Nimbin Multi-Purpose Centre (granted 6 April 2018)
- Nyngan Hospital and Community Health Service (granted 31 March 2016)
- Quirindi Health Service (granted 23 December 2020)
- Scott Memorial Hospital Scone and Scone Community Health Centre (granted 10 December 2014)
- Temora Health Services (granted 31 March 2016)
- Tocomwal Health Service (granted 12 October 2015)
- Tottenham Multi-Purpose Service (granted 15 May 2020)
- Trangie Multi-Purpose Service (granted 15 May 2020)
- Trundle Multi-Purpose Service (granted 15 May 2020)
- Tullamore Multi-Purpose Service (granted 15 May 2020)
- Tumbarumba Multi-Purpose Service (granted 31 March 2016)
- Urana Multipurpose Service (granted 31 March 2016)
- Urbenville Multi-Purpose Service (granted 6 April 2018)
- Warialda Multipurpose Service (granted 13 March 2012)
- Wee Waa Community Hospital and Wee Waa Community Health Centre (granted 30 April 2012)
- Wentworth (granted 3 September 2018)
- West Wyalong Hospital (granted 26 June 2015)
- Wilson Memorial Community Hospital Murrurundi and Murrurundi Community Health Centre (granted 27 August 2014)

Other Directions

The following Directions under subsection 19(2) of the Act have been approved by the relevant delegate in the Department of Health.

- For professional service rendered to a person on Norfolk Island – this Direction was granted on 1 July 2016 and is ongoing.
- For a health care home service provided under Medicare Benefits Schedule (MBS) item 6087. This Direction was granted on 29 September 2017.
- For a professional pathology service provided under MBS item 69480 or 69501. This Direction commenced on 1 October 2020 and will cease on 31 March 2021.
- For the Murrumbidgee Innovative Employment Model Trial. The Direction commenced on 19 October 2020 and will cease on 31 December 2024.

Organisations not granted a 19(2) exemption

The following organisations have requested a Direction under subsection 19(2) of the Act between 1 January 2015 and 9 November 2020 and were not granted a Direction:

Request Received	Organisation	Notes
6 April 2016	Central Queensland Regional Aboriginal and Islander Community Controlled Health Organisation	
24 March 2017	Gumbi Gumbi Aboriginal and Torres Strait Islander Corporation	
6 July 2017	Galangoor Duwalami Primary Health Care	This service subsequently became eligible and was granted a 19(2) Direction on 11 October 2018.
24 July 2018	First People's Health and Wellbeing (previously trading as Access Services for Koories)	This service subsequently became eligible and was granted a 19(2) Direction on 11 October 2018.

Application of subsection 19(2) and access to Medicare

Subsection 19(2) of the *Health Insurance Act 1973* precludes the payment of Medicare benefits for medical services that are provided 'by, or on behalf of, or under an arrangement with' a government authority. The effect of subsection 19(2) is that a service is not funded twice from public resources. In this case, in respect of the healthcare of detainees, this means that state and territory governments cannot transfer costs associated with detention programs to the Commonwealth.

State and territory governments are best placed to manage the health needs of their detainees as incarcerated people are unable to access health care in the community. States and territories may deliver in-prison health services through the employment of appropriately trained medical or allied-health officers or the payment of healthcare professionals from the public or private sector. Where hospital care is required, states or territories decide where this treatment is to be provided and if custodial authorities should be charged.

The *2020-25 Addendum to the National Health Reform Agreement* (the 2020-25 NHRA) contains provisions for public hospital services to be both funded through the 2020-25 NHRA and the Act. These specified exceptions include:

- MBS payments covered by a s19(2) exemption determination made by the Commonwealth Health Minister, or a delegate of the Minister; and
- MBS payments relating to services provided to eligible admitted private patients in public hospitals.

The Commonwealth has an established public hospital compliance function dedicated to identifying and addressing non-compliant public hospital Medicare claiming. Work is currently underway examining matched public hospital and MBS data for the 2017-18 and 2018-19 financial years.

Under the privacy and secrecy provisions of the section 130 of the Act, the Department is not able to share details of current compliance investigations, nor the organisations or individuals involved, where requirements of Medicare billing under the Act may not have been met.

The Department of Health has transferred the question in relation to whether young people in detention can access services through the National Disability Insurance Agency (NDIS) to the NDIS to answer as the responsible agency.

Estimated cost of youth detainees in the Northern Territory

The Department is not able to predict the costs as each Direction is specific to the nature of circumstances. Costs would depend on what is included in the Direction.