



Private Health Insurance (Prostheses Application and Listing Fees) Act 2007

No. 33, 2007

**An Act to impose, as a tax, fees in relation to
applications for listing, and listing, of prostheses,
and for related purposes**

Note: An electronic version of this Act is available in ComLaw (<http://www.comlaw.gov.au/>)

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No. 33, 2007

**An Act to impose, as a tax, fees in relation to
applications for listing, and listing, of prostheses,
and for related purposes**

[Assented to 30 March 2007]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Private Health Insurance (Prostheses
Application and Listing Fees) Act 2007*.

Private Health Insurance (Prostheses Application and Listing Fees) Act 2007 No. 33, 2007

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2 Commencement

This Act commences at the same time as the *Private Health Insurance Act 2007* commences.

3 Imposition of application fees

- (1) The Private Health Insurance (Prostheses Application and Listing Fee) Rules may specify an application fee for applications made under section 72-10 of the *Private Health Insurance Act 2007*.
- (2) The specified application fee is imposed, and is imposed as a tax.

4 Imposition of listing fees

- (1) The Private Health Insurance (Prostheses Application and Listing Fee) Rules may specify an initial listing fee for the purposes of subsection 72-10(5) of the *Private Health Insurance Act 2007*.
- (2) The specified initial listing fee is imposed, and is imposed as a tax.
- (3) The Private Health Insurance (Prostheses Application and Listing Fee) Rules may specify an ongoing listing fee for the purposes of section 72-15 of the *Private Health Insurance Act 2007*.
- (4) The specified ongoing listing fee is imposed, and is imposed as a tax, on each day specified in the Private Health Insurance (Prostheses Application and Listing Fee) Rules as an ongoing listing fee imposition day.
- (5) The Private Health Insurance (Prostheses Application and Listing Fee) Rules must not specify more than 2 ongoing listing fee imposition days in any period of 12 months.

5 Matters relating to fees

- (1) The Private Health Insurance (Prostheses Application and Listing Fee) Rules may specify:
 - (a) different application fees under subsection 3(1); or
 - (b) different initial listing fees under subsection 4(1); or
 - (c) different ongoing listing fees under subsection 4(3);

for different circumstances.

- (2) The maximum amount of an application fee or initial listing fee is:
 - (a) \$2,000, in relation to an application made in the financial year in which this Act commences; and
 - (b) in relation to a later financial year—the amount worked out under section 6.
- (3) The maximum amount of an ongoing listing fee is:
 - (a) \$2,000, in relation to a fee imposed on an ongoing listing fee imposition day in the financial year in which this Act commences; or
 - (b) in relation to a fee imposed on an ongoing listing fee imposition day in a later financial year—the amount worked out under section 6.
- (4) The amount of a fee may be nil.
- (5) Fees do not have to bear any relationship to the cost of the services in relation to which they are payable.

6 Indexation of maximum fees

- (1) For the purposes of paragraphs 5(2)(b) and (3)(b), the maximum amount of a fee is worked out by multiplying the indexation factor for the financial year by the maximum amount of the fee in the previous financial year.
- (2) The *indexation factor for the financial year* is the amount worked out, to 3 decimal places (rounding up if the fourth decimal place is 5 or more), by using this formula:

$$\frac{\text{Sum of index numbers for the quarters in the year ending on 31 March just before the start of the relevant financial year}}{\text{Sum of index numbers for the quarters in the year ending on the previous 31 March}}$$

where:

index number, for a quarter, is the All Groups Consumer Price Index number (being the weighted average of the 8 capital cities)

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published by the Australian Statistician for the quarter and in force at the time the indexation factor for the financial year is worked out under this section.

- (3) If the indexation factor for the financial year worked out under subsection (2) is 1 or less, the maximum amount of:
- (a) an application fee or an initial listing fee in relation to an application made in the financial year; or
 - (b) an ongoing listing fee imposed on an ongoing listing fee imposition day in the financial year;
- is the previous year's maximum.

7 Person liable for fee

- (1) A person who makes an application under section 72-10 of the *Private Health Insurance Act 2007* is liable to pay the application fee for the application, at the time the application is made.
- (2) A person who makes an application under section 72-10 of the *Private Health Insurance Act 2007* is, if the Minister grants the application, liable to pay:
- (a) the initial listing fee for the application, at the time the person is informed of the Minister's decision to grant the application; and
 - (b) the ongoing listing fee, on each subsequent ongoing listing fee imposition day.
- (3) If there is no applicant in relation to a kind of prosthesis because the prosthesis was listed in the Private Health Insurance (Prostheses) Rules in accordance with section 12 of the *Private Health Insurance (Transitional Provisions and Consequential Amendments) Act 2007*, then the person who was, immediately before the commencement of the *Private Health Insurance Act 2007*, the sponsor of that prosthesis for the purposes of the *National Health Act 1953* is liable to pay the ongoing listing fee on each ongoing listing fee imposition day.

8 Private Health Insurance (Prostheses Application and Listing Fee) Rules

The Minister may, by legislative instrument, make Private Health Insurance (Prostheses Application and Listing Fee) Rules, providing for matters:

- (a) required or permitted by this Act to be provided; or
- (b) necessary or convenient to be provided in order to carry out or give effect to this Act.

9 Regulations

The Governor-General may make regulations prescribing matters necessary or convenient to be prescribed for the purposes of carrying out or giving effect to this Act.

*[Minister's second reading speech made in—
House of Representatives on 7 December 2006
Senate on 26 February 2007]*

(188/06)
