



# **Private Health Insurance Complaints Levy Amendment Act 2007**

**No. 35, 2007**

***An Act to amend the *Private Health Insurance  
Complaints Levy Act 1995*, and for related purposes***

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



---

## Contents

1	Short title .....	1
2	Commencement .....	2
3	Schedule(s) .....	2
<b>Schedule 1—Amendments</b>		3
	<i>Private Health Insurance Complaints Levy Act 1995</i>	3





# Private Health Insurance Complaints Levy Amendment Act 2007

No. 35, 2007

---

---

## **An Act to amend the *Private Health Insurance Complaints Levy Act 1995*, 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 Complaints  
Levy Amendment Act 2007*.

---

## 2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

<b>Commencement information</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision(s)</b>	<b>Commencement</b>	<b>Date/Details</b>
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day on which this Act receives the Royal Assent.	30 March 2007
2. Schedule 1	1 April 2007.	1 April 2007

Note: This table relates only to the provisions of this Act as originally passed by both Houses of the Parliament and assented to. It will not be expanded to deal with provisions inserted in this Act after assent.

- (2) Column 3 of the table contains additional information that is not part of this Act. Information in this column may be added to or edited in any published version of this Act.

## 3 Schedule(s)

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

---

## Schedule 1—Amendments

### *Private Health Insurance Complaints Levy Act 1995*

#### 1 Title

Omit “**businesses conducted by registered organizations**”, substitute “**business conducted by private health insurers**”.

#### 2 Section 1

Omit “*Complaints Levy*”, substitute “(*Complaints Levy*)”.

Note: This item amends the short title of the Act. If another amendment of the Act is described by reference to the Act’s previous short title, that other amendment has effect after the commencement of this item as an amendment of the Act under its amended short title (see section 10 of the *Acts Interpretation Act 1901*).

#### 3 Subsection 3(1) (definition of *health insurance business*)

Omit “section 67 of the *National Health Act 1953*”, substitute “the *Private Health Insurance Act 2007*”.

#### 4 Subsection 3(1)

Insert:

*complaints levy day* means the day specified as the complaints levy day in Private Health Insurance (Complaints Levy) Rules made for the purposes of subsection 5(2).

#### 5 Subsection 3(1)

Insert:

*supplementary complaints levy day* means a supplementary complaints levy day specified in a determination by the Minister under section 5.

#### 6 Subsection 3(2)

Repeal the subsection, substitute:

(2) Other expressions used in this Act have the same meanings in this Act as in the *Private Health Insurance Act 2007*.

#### 7 Section 5

---

Repeal the section, substitute:

## 5 Imposition of levy

- (1) Levy is imposed on the conduct of health insurance business by private health insurers:
  - (a) on each day specified in the Private Health Insurance (Complaints Levy) Rules as a complaints levy day for a financial year; and
  - (b) on each day (if any) determined by the Minister, by legislative instrument, as a supplementary complaints levy day for a financial year.
- (2) The Private Health Insurance (Complaints Levy) Rules must not specify more than 4 complaints levy days for a financial year.
- (3) The determination by the Minister must not specify more than 2 supplementary complaints levy days for a financial year.

## 8 Section 6

Repeal the section, substitute:

## 6 Rate of levy

- (1) The rate of complaints levy imposed on a particular day is worked out using the following table:

---

Rate of complaints levy		
Item	The rate of levy imposed on a ...	is the rate that ...
1	complaints levy day	(a) is specified in the Private Health Insurance (Complaints Levy) Rules; and (b) applies on that day.
2	supplementary complaints levy day	(a) is determined by the Minister by legislative instrument; and (b) applies on that day.

---

- (2) The rate of levy:
  - (a) must be based on the number of complying health insurance policies on issue on:



- (i) for levy imposed on a complaints levy day—the day specified in the Private Health Insurance (Complaints Levy) Rules as the census day for the levy day; and
- (ii) for levy imposed on a supplementary complaints levy day—the day determined by the Minister, by legislative instrument, as the census day for the levy day; and
- (b) may be different for complying health insurance policies under which different numbers of people are insured; and
- (c) may be set at zero; and
- (d) must not exceed:
  - (i) in respect of complying health insurance policies under which only one person is insured—50 cents a quarter; and
  - (ii) otherwise—\$1 a quarter.

### **9 Section 7**

Omit “the registered organization conducting the”, substitute “each private health insurer conducting”.

### **10 Section 8**

Repeal the section, substitute:

### **8 Private Health Insurance (Complaints Levy) Rules**

The Minister may, by legislative instrument, make Private Health Insurance (Complaints Levy) 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.

---

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

(185/06)

---

6      *Private Health Insurance Complaints Levy Amendment Act 2007*      No. 35, 2007