

Private Health Insurance (National Joint Replacement Register Levy) Amendment (Consequential Amendments) Act 2023

No. 6, 2023

An Act to amend the *Private Health Insurance (National Joint Replacement Register Levy) Act 2009*, and for related purposes

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An Act to amend the *Private Health Insurance (National Joint Replacement Register Levy) Act 2009*, and for related purposes

[*Assented to 16 March 2023*]

The Parliament of Australia enacts:

1 Short title

 This Act is the *Private Health Insurance (National Joint Replacement Register Levy) Amendment (Consequential Amendments) Act 2023*.

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.

| Commencement information |
| --- |
| Column 1 | Column 2 | Column 3 |
| Provisions | Commencement | Date/Details |
| 1. The whole of this Act | The later of:(a) the start of the day after this Act receives the Royal Assent; and(b) immediately after the commencement of Schedule 1 to the *Private Health Insurance Legislation Amendment (Medical Device and Human Tissue Product List and Cost Recovery) Act 2023*.However, the provisions do not commence at all if the event mentioned in paragraph (b) does not occur. | 1 July 2023(paragraph (b) applies) |

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

 (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

3 Schedules

 Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.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 (National Joint Replacement Register Levy) Act 2009

1 Subsection 5(1) (definition of *joint replacement prosthesis*)

Repeal the definition.

2 Subsection 5(1)

Insert:

***joint replacement device*** means a medical device (within the meaning of the *Private Health Insurance Act 2007*) that:

 (a) is listed in the Private Health Insurance (Medical Devices and Human Tissue Products) Rules; and

 (b) is used in joint replacement.

***Private Health Insurance (Medical Devices and Human Tissue Products) Rules*** has the same meaning as in the *Private Health Insurance Act 2007*.

3 Subsection 5(1) (definition of *Private Health Insurance (Prostheses) Rules*)

Repeal the definition.

4 Subsection 5(1) (definition of *supplementary national joint replacement register levy day*)

Omit “section 6”, substitute “section 8A”.

5 Subsection 5(2)

Omit “joint replacement prosthesis if”, substitute “joint replacement device if”.

6 Paragraphs 5(2)(a) and (b)

Omit “prosthesis is currently listed in the Private Health Insurance (Prostheses) Rules”, substitute “device is currently listed in the Private Health Insurance (Medical Devices and Human Tissue Products) Rules”.

7 Paragraph 5(2)(b)

Omit “that prosthesis”, substitute “that device”.

8 Subsection 5(3)

Omit “prostheses are taken, or are taken not, to be joint replacement prostheses for the purposes of the definition of ***joint replacement prosthesis***”, substitute “medical devices (within the meaning of the *Private Health Insurance Act 2007*) are taken, or are taken not, to be joint replacement devices for the purposes of the definition of ***joint replacement device***”.

9 Subsection 6(1)

Omit “prosthesis”, substitute “device”.

10 Paragraphs 7(2)(a) and (b)

Omit “prostheses”, substitute “devices”.

11 Paragraph 7(2)(c)

Omit “prosthesis”, substitute “device”.

12 Subsection 7(3)

Omit “prosthesis”, substitute “device”.

13 Section 7A

Omit “prosthesis” (wherever occurring), substitute “device”.

[*Minister’s second reading speech made in—*

*House of Representatives on 1 December 2022*

*Senate on 8 February 2023*]

(138/22)