

Ombudsman Regulations (Amendment) 1998 No. 47

EXPLANATORY STATEMENT

Statutory Rules 1998 No. 47

Issued by the Authority of the Prime Minister

Ombudsman Act 1976

Ombudsman Regulations (Amendment)

Section 5 of the *Ombudsman Act 1976* (the Act) directs the Ombudsman to investigate complaints against prescribed authorities. Section 3 defines "prescribed authority" with reference to subsection 3AB(1) of the Act, which provides that a Commonwealth-controlled company is a prescribed authority unless it is excluded by certain transitional provisions or, under the regulations, is to be taken not to be a prescribed authority.

Under the *Health Insurance Commission (Reform and Separation of Functions) Act 1997* (the Separation Act), Medibank Private is in the process of being separated from the Health Insurance Commission and becoming a distinct entity (the new Medibank Private), operating as a Commonwealth-controlled company. When the process is completed it will be competing directly with private health insurers.

The purpose of the regulations is to remove the new Medibank Private from the Commonwealth Ombudsman's jurisdiction. The new Medibank Private, like other private insurers, then becomes subject only to the jurisdiction of the Private Health Insurance Complaints Commissioner (PHICC), a statutory officer established under the *National Health Act 1953*. Both the Health Insurance Commission and the Ombudsman's office have approved this change. The Separation Act includes a transitional provision preserving any complaints and investigations on foot over the period of the changeover.

Pursuant to section 5 of the Separation Act, the Minister for Health and Family Services declared on 26 February 1998 that the nominated company for Part 2 of the Separation Act would be Medibank Limited ACN 080 890 259. This was gazetted on 4 March 1998. The name Medibank Limited is being used as an interim measure, as the name 'Medibank Private' is presently registered with the Australian Securities Commission and the ultimate intention is to name the new Medibank Private 'Medibank Private Limited'. The name Medibank Private must be deregistered before the name Medibank Private Limited can be registered. Once registered, the Minister will declare that the nominated company to be Medibank Private Limited.

The regulations commence on gazettal.