

EXPLANATORY STATEMENT

Issued by the Authority of the Minister for Health

Private Health Insurance (National Joint Replacement Register Levy) Act 2009
Private Health Insurance Act 2007

Private Health Insurance Legislation Amendment (National Joint Replacement Register Levy – Consequential Amendments) Rule 2015

Section 8 of the *Private Health Insurance (National Joint Replacement Register Levy) Act 2009* (the NJRR Act) provides that the Minister may make Private Health Insurance (National Joint Replacement Register Levy) Rules providing for matters required or permitted by the Act to be provided, or necessary or convenient to be provided, in order to carry out or give effect to the Act.

Section 333-20 of the *Private Health Insurance Act 2007* provides that the Minister may make Private Health Insurance (Levy Administration) Rules, providing for matters required or permitted by Part 6-6 of the Act, or necessary or convenient in order to carry out or give effect to Part 6-6 of the Act

As a consequence of the making of the *Private Health Insurance (National Joint Replacement Register Levy) Rule 2015* (the NJRR Levy Rule 2015), the *Private Health Insurance Legislation Amendment (National Joint Replacement Register Levy – Consequential Amendments) Rule 2015* (the Rule):

- (a) repeals the *Private Health Insurance (National Joint Replacement Register Levy) Rules 2011* (the NJRR Levy Rule 2011); and
- (b) amends a note to the *Private Health Insurance (Levy Administration) Rules 2015*.

The NJRR Levy Rule 2011 previously specified the days on which National Joint Replacement Register Levy was imposed and the rate at which that levy is to be imposed. The NJRR Levy supports the operation of the National Joint Replacement Register.

The NJRR Levy Rule 2015 will give effect to amendments made to the NJRR Act by the *Private Health Insurance (National Joint Replacement Register Levy) Amendment Act 2015* to enable a more flexible method for setting NJRR Levy. This new method enables the rate of levy to take into account the number of times the provision of a type of joint replacement prosthesis is recorded on the Register. Item 1 of Schedule 2 to the Rule repeals the NJRR Levy Rule 2011.

Item 1 of Schedule 1 to the Rule amends the note to rule 9 of the *Private Health Insurance (Levy Administration) Rules 2015*. That note previously indicated to readers that the NJRR Levy imposition days were 30 April and 31 October each financial year. Under the NJRR Levy Rule 2015, NJRR Levy will be imposed once a financial year, on 31 October. The reference to 30 April has therefore been omitted.

The Rule commences at the same time as the NJRR Levy Rule 2015 commences. The NJRR Levy Rule 2015 will commence on the day after it is registered on the Federal Register of Legislative Instruments.

Neither of the Acts prescribe any conditions that must be met before the power to make Private Health Insurance (National Joint Replacement Register Levy) Rules or Private Health Insurance (Levy Administration) Rules may be exercised.

Consultation

Due to the minor and consequential nature of the changes made by the Rule, no consultation was undertaken.

Statement of Compatibility with Human Rights

Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011

Private Health Insurance Legislation Amendment (National Joint Replacement Register Levy – Consequential Amendments) Rule 2015

This Legislative Instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Overview of the Legislative Instrument

The purpose of the *Private Health Insurance Legislation Amendment (National Joint Replacement Register Levy – Consequential Amendments) Rule 2015* (the Rule) is to make consequential amendments as a result of the *Private Health Insurance (National Joint Replacement Register Levy) Rule 2015* (the NJRR Levy Rule 2015). The NJRR Levy Rule 2015 replaces the *Private Health Insurance (National Joint Replacement Register Levy) Rules 2011* (the NJRR Levy Rule 2011).

The Rule repeals the NJRR Levy Rule 2011 and also amends a note to the *Private Health Insurance (Levy Administration) Rules 2015* to reflect that under the NJRR Levy Rule 2015 there will only be one levy imposition day each financial year (31 October) and 30 April will cease to be a levy imposition day.

Human rights implications

This Legislative Instrument does not engage any of the applicable rights or freedoms. The amendment to the note to the *Private Health Insurance (Levy Administration) Rules 2015* does not, of itself, affect a change to the law and is consequential on the changes to the NJRR Levy regime made by the NJRR Levy Rule 2015. The repeal of the NJRR Levy Rule 2011 is also consequential on the commencement of the NJRR Levy Rule 2015.

Conclusion

This Legislative Instrument is compatible with human rights as it does not raise any human rights issues.

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