

## EXPLANATORY STATEMENT

Issued by the Authority of the Minister for Health

*Private Health Insurance Act 2007*

*Private Health Insurance (Accreditation) Amendment Rules 2019*

### Authority

Section 333-20 of the *Private Health Insurance Act 2007* (the Act) provides that the Minister may make Private Health Insurance (Accreditation) Rules providing for matters required or permitted by Section 81-1 of the Act, or necessary or convenient to be provided in order to carry out or give effect to Section 81-1 of the Act.

### Purpose

The purpose of the *Private Health Insurance (Accreditation) Amendment Rules 2019* (the Amendment Rules) is to amend the *Private Health Insurance (Accreditation) Rules 2011* (the Principal Rules) to repeal subrule 7(3) which no longer has effect, and to update the reference to the Health Insurance Regulations as a consequence of the repeal of the *Health Insurance Regulations 1975* and commencement of *Health Insurance Regulations 2018* from 1 October 2018.

The Amendment Rules amend the Principal Rules by repealing subrule 7(3) which ceased to have effect on 1 January 2013.

The Amendment Rules also amend the Principal Rules by updating the reference to the Health Insurance Regulations in subrule 9(1) to section 12 of the *Health Insurance Regulations 2018*. This is a consequential amendment to preserve existing arrangements.

Details of the Amendment Rules are set out in the **Attachment**.

### Background

Section 81-1 of the Act provides that an insurance policy meets the quality assurance requirements in Division 81 of the Act if the policy prohibits the payment of private health insurance benefits for a treatment that does not meet the standards in the Private Health Insurance (Accreditation) Rules. An insurance policy must meet the quality assurance requirements in Division 81 where it is offered by a private health insurer as a complying health insurance policy in accordance with section 63-10 of the Act.

### Consultation

No consultation was undertaken because the changes are administrative in nature and preserve existing arrangements.

The Amendment Rules commence on the day after the instrument is registered.

The Amendment Rules are a legislative instrument for the purposes of the *Legislation Act 2003*.

**DETAILS OF THE *PRIVATE HEALTH INSURANCE (ACCREDITATION)*  
*AMENDMENT RULES 2019***

**Section 1 Name of Rules**

Section 1 provides that the title of the instrument is the *Private Health Insurance (Accreditation) Amendment Rules 2019* (the Amendment Rules).

**Section 2 Commencement**

Section 2 provides that the Amendment Rules commence on the day after registration.

**Section 3 Authority**

Section 3 provides that the Amendment Rules are made under item 5 of the table in section 333-20 of the *Private Health Insurance Act 2007*.

**Section 4 Schedules**

Section 4 provides that each instrument specified in the Schedule of the Amendment Rules is amended or repealed as set out in the applicable items in the Schedule, and any other item in a Schedule to this instrument has effect according to its terms.

**Schedule 1 – Amendments**

Item 1 of Schedule 1 amends the *Private Health Insurance (Accreditation) Rules 2011* by repealing subrule 7(3) which ceased to have effect on 1 January 2013.

Item 2 of Schedule 1 amends the *Private Health Insurance (Accreditation) Rules 2011* by updating the reference to the Health Insurance Regulations to section 12 of the *Health Insurance Regulations 2018*.

## **Statement of Compatibility with Human Rights**

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

### **Private Health Insurance (Accreditation) Amendment Rules 2019**

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 *Private Health Insurance (Accreditation) Amendment Rules 2019* amends Part 2, of the *Private Health Insurance (Accreditation) Rules 2011* (the Principal Rules) to repeal subrule 7(3) which no longer has effect, and to update the reference to the Health Insurance Regulations as a consequence of the repeal of the *Health Insurance Regulations 1975* and commencement of *Health Insurance Regulations 2018*, which came into effect 1 October 2018.

The Amendment Rules amend the Principal Rules by repealing subrule 7(3) which ceased to have effect on 1 January 2013.

The Amendment Rules amend the Principal Rules by updating the reference to the Health Insurance Regulations to section 12 of the *Health Insurance Regulations 2018*. This is a consequential amendment to preserve existing arrangements.

### **Human rights implications**

This Legislative Instrument does not raise any of the applicable rights or freedoms, as the amendment it makes to the Principal Rules are administrative in nature and preserve existing arrangements.

### **Conclusion**

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

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