



Private Health Insurance Legislation Amendment Rules (No. 4) 2023

I, Andrew Rintoul, delegate of the Minister for Health and Aged Care, make the following Rules.

Dated 29 June 2023

Andrew Rintoul
A/g Assistant Secretary
Private Health Strategy Branch
Benefits Integrity Division
Health Resourcing Group
Department of Health and Aged Care

Contents

1 Name.....	1
2 Commencement.....	1
3 Authority.....	1
4 Schedules.....	1
Schedule 1—Amendments—Minimum accommodation benefits	2
<i>Private Health Insurance (Benefit Requirements) Rules 2011</i>	2
Schedule 2—Amendments—Nursing-home type patient contribution	6
<i>Private Health Insurance (Complying Product) Rules 2015</i>	6
Schedule 3—Amendments—Second-tier application fee	7
<i>Private Health Insurance (Health Insurance Business) Rules 2018</i>	7

1 Name

This instrument is the *Private Health Insurance Legislation Amendment Rules (No. 4) 2023*.

2 Commencement

- (1) Each provision of this instrument 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 instrument	1 July 2023	1 July 2023

Note: This table relates only to the provisions of this instrument as originally made.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

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

3 Authority

This instrument is made under subsection 333-20(1) of the *Private Health Insurance Act 2007*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments—Minimum accommodation benefits

Private Health Insurance (Benefit Requirements) Rules 2011

1 Clause 2 of Schedule 1 (Table 1)

Repeal the table (including the heading), substitute:

Table 1—Overnight accommodation for private patients at private hospitals in all States/Territories	
Column 1	Column 2
Class of patient	Minimum benefit payable per night
Advanced surgical patient	
- first 14 days	\$509
- over 14 days	\$354
Surgical patient or obstetric patient	
- first 14 days	\$472
- over 14 days	\$354
Psychiatric patient	
- first 42 days	\$472
- 43 – 65 days	\$410
- over 65 days	\$354
Rehabilitation patient	
- first 49 days	\$472
- 50 - 65 days	\$410
- over 65 days	\$354
Other patients	
- first 14 days	\$410
- over 14 days	\$354

2 Clause 2 of Schedule 1 (Table 2)

Repeat the table (including the heading), substitute:

Table 2-Victoria-overnight shared ward accommodation for private patients at public hospitals	
Column 1	Column 2
Class of patient	Minimum benefit payable per night
Advanced surgical patient	
- first 14 days	\$509
- over 14 days	\$354
Surgical patient or obstetric patient	
- first 14 days	\$472
- over 14 days	\$354
Psychiatric patient	
- first 42 days	\$472
- 43 – 65 days	\$410
- over 65 days	\$354
Rehabilitation patient	
- first 49 days	\$472
- 50 - 65 days	\$410
- over 65 days	\$354
Other patients	
- first 14 days	\$410
- over 14 days	\$354

3 Clause 2 of Schedule 1 (Table 3)

Repeat the table (including the heading), substitute:

Table 3-Tasmania-overnight shared ward accommodation for private patients at public hospitals	
Column 1	Column 2
Class of patient	Minimum benefit payable per night
Advanced surgical patient	
- first 14 days	\$509
- over 14 days	\$354
Surgical patient or obstetric patient	
- first 14 days	\$472
- over 14 days	\$354
Psychiatric patient	
- first 42 days	\$472
- 43 – 65 days	\$410
- over 65 days	\$354
Rehabilitation patient	
- first 49 days	\$472
- 50 - 65 days	\$410

Table 3-Tasmania-overnight shared ward accommodation for private patients at public hospitals

Column 1	Column 2
Class of patient	Minimum benefit payable per night
- over 65 days	\$354
Other patients	
- first 14 days	\$410
- over 14 days	\$354

4 Subclause 4(3) of Schedule 1

Omit “\$901.70”, substitute “\$934.15”.

5 Subclause 6(3) of Schedule 1

Omit “\$268.50 to \$901.70”, substitute “\$278.15 to \$934.15”.

6 Clause 2 of Schedule 2 (Table 1)

Repeal the table (including the heading), substitute:

Table 1-Overnight shared ward accommodation for private patients at public hospitals in the Australian Capital Territory, New South Wales, Northern Territory, Queensland, South Australia and Western Australia

Column 1	Column 2
State/Territory	Minimum benefit payable per night
Australian Capital Territory	\$421
New South Wales	\$421
Northern Territory	\$421
Queensland	\$431
South Australia	\$421
Western Australia	\$421

7 Clause 2 of Schedule 3 (Table 1)

Repeal the table (including the heading), substitute:

Table 1-Same day accommodation for private patients at public hospitals in all States/Territories

Column 1	Column 2	Column 3	Column 4	Column 5
Public hospitals	Band 1	Band 2	Band 3	Band 4
New South Wales	\$305	\$340	\$375	\$421
Australian Capital Territory	\$305	\$340	\$375	\$421
Northern Territory	\$305	\$350	\$403	\$421
Queensland	\$311	\$352	\$385	\$431
South Australia	\$305	\$350	\$384	\$421
Tasmania	\$296	\$353	\$407	\$472
Victoria	\$300	\$354	\$411	\$472
Western Australia	\$347	\$347	\$347	\$347

8 Clause 2 of Schedule 3 (Table 2)

Repeal the table (including the heading), substitute:

Table 2- Same day accommodation for private patients at private hospitals in all States/Territories

Column 1	Column 2	Column 3	Column 4	Column 5
Private hospitals	Band 1	Band 2	Band 3	Band 4
All States and Territories	\$264	\$332	\$441	\$472

9 Clause 6 of Schedule 4 (Table 1, table item dealing with Australian Capital Territory, column headed “Minimum benefit per night”)

Omit “\$137.30”, substitute “\$142.45”.

10 Clause 6 of Schedule 4 (Table 1, table item dealing with South Australia, column headed “Minimum benefit per night”)

Omit “\$132.00”, substitute “\$141.00”.

Schedule 2—Amendments—Nursing-home type patient contribution

Private Health Insurance (Complying Product) Rules 2015

1 Subrule 8A(3) (paragraph (a) of the definition of patient contribution)

Repeal the paragraph, substitute:

- (a) in relation to a nursing-home type patient at a public hospital, the following amount for the State or Territory in which the hospital is located:
 - (i) Australian Capital Territory - \$70.55;
 - (ii) New South Wales - \$70.55;
 - (iii) Northern Territory - \$70.55;
 - (iv) Queensland - \$70.55;
 - (v) South Australia - \$70.55;
 - (vi) Tasmania - \$70.54;
 - (vii) Victoria - \$70.55; and
 - (viii) Western Australia - \$70.55.

Schedule 3—Amendments—Second-tier application fee

Private Health Insurance (Health Insurance Business) Rules 2018

1 Rule 7B

Repeal the subrule (not including the heading), substitute:

For the purposes of paragraph 121-8(2)(b) of the Act, the application fee is \$945 for each hospital that the application seeks to have included in the second-tier eligible hospitals class.