

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

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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Note: This table relates only to the provisions of this instrument as originally made.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.

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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

Repeal 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)

Repeal 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 |
| ‑ 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.