



Private Health Insurance (Complaints Levy) Rules 2023

I, MARK BUTLER, Minister for Health and Aged Care, make the following Rules under section 8 of the *Private Health Insurance (Complaints Levy) Act 1995*.

Dated 4 September 2023

Mark Butler
Minister for Health and Aged Care

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1 Name

This instrument is the *Private Health Insurance (Complaints Levy) Rules 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	The day after this instrument is registered.	

Note: This table relates only to the provisions of this instrument as originally made.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 section 8 of the *Private Health Insurance (Complaints Levy) Act 1995*.

4 Definitions

(1) In this instrument:

Act means the *Private Health Insurance (Complaints Levy) Act 1995*.

census day means the day specified in rule 6.

complaints levy day means the day or days specified in rule 7.

joint policy means a policy under which two or more persons are insured.

policy means a complying health insurance policy as defined in section 63-10 of the *Private Health Insurance Act 2007*.

single policy means a policy under which only one person is insured.

total number of single policies means the number of single policies on issue from all private health insurers on the census day.

total number of joint policies means the number of joint policies on issue from all private health insurers on the census day.

Note: The number of single policies and joint policies on issue from private health insurers used is taken from data held by the Australian Prudential Regulation Authority.

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- (2) Other expressions used in this instrument have the same meanings in this instrument as in the *Private Health Insurance Act 2007*.

5 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.

6 Census day

For the purposes of subparagraph 6(2)(a)(i) of the Act, the census day is the 30 June last occurring before the day on which the levy is payable.

Note 1: The rate of levy is based on the number of complying health insurance policies on issue from a private health insurer on the census day.

Note 2: The Private Health Insurance (Levy Administration) Rules 2015 specify the payment day.

7 Complaints levy day

For the purposes of paragraph 5(1)(a) of the Act, the complaints levy day is 1 October each year.

Note: The complaints levy day is the day the complaints levy is imposed on the conduct of health insurance business by private health insurers. The complaints levy day is an imposition day for section 307-1 of the Private Health Insurance Act 2007.

8 Rate of levy for a single policy

- (1) For the purposes of item 1 of the table in subsection 6(1) of the Act, the rate of complaints levy for each single policy on issue from a private health insurer on the census day is the rate calculated using the formula:

$$\frac{\$ 2,964,000.00}{\text{total number of single policies} + (2 \times \text{total number of joint policies})}$$

- (2) If the rate of levy calculated under subrule (1) for a single policy on issue from an insurer is more than \$0.50, the rate for a single policy is \$0.50.

9 Rate of levy for a joint policy

- (1) For the purposes of item 1 of the table in subsection 6(1) of the Act, the rate of complaints levy for each joint policy on issue from a private health insurer on the census day is the rate calculated using the formula:

$$2 \times \frac{\$ 2,964,000.00}{\text{total number of single policies} + (2 \times \text{total number of joint policies})}$$

- (2) If the rate of levy calculated under subrule (1) for a joint policy on issue from an insurer is more than \$1.00, the rate for the policy is \$1.00.

Schedule 1—Repeals

Private Health Insurance (Complaints Levy) Rules 2022

1 The whole of the instrument

Repeal the instrument.