

2008-2009

The Parliament of the
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

Presented and read a first time

**Private Health Insurance (National Joint
Replacement Register Levy) Bill 2009**

No. , 2009

(Health and Ageing)

**A Bill for an Act to impose levy on sponsors of joint
replacement prostheses**

Contents

1	Short title	1
2	Commencement	1
3	Crown to be bound	2
4	Extension of Act to external Territories.....	2
5	Definitions	2
6	Imposition of national joint replacement register levy.....	4
7	Rate of national joint replacement register levy	4
8	Private Health Insurance (National Joint Replacement Register Levy) Rules	5
9	Regulations.....	5

1 **A Bill for an Act to impose levy on sponsors of joint**
2 **replacement prostheses**

3 The Parliament of Australia enacts:

4 **1 Short title**

5 This Act may be cited as the *Private Health Insurance (National*
6 *Joint Replacement Register Levy) Act 2009*.

7 **2 Commencement**

8 (1) Each provision of this Act specified in column 1 of the table
9 commences, or is taken to have commenced, in accordance with
10 column 2 of the table. Any other statement in column 2 has effect
11 according to its terms.

Section 3

1

Commencement information

Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
1. Sections 1 and 2 and anything in this Act not elsewhere covered by this table	The day on which this Act receives the Royal Assent.	
2. Sections 3 to 9	The later of: (a) 1 July 2009; and (b) the day on which this Act receives the Royal Assent.	

2 Note: This table relates only to the provisions of this Act as originally
3 passed by both Houses of the Parliament and assented to. It will not be
4 expanded to deal with provisions inserted in this Act after assent.

5 (2) Column 3 of the table contains additional information that is not
6 part of this Act. Information in this column may be added to or
7 edited in any published version of this Act.

3 Crown to be bound

9 This Act binds the Crown in each of its capacities.

4 Extension of Act to external Territories

11 This Act extends to the Territory of Cocos (Keeling) Islands and to
12 the Territory of Christmas Island.

5 Definitions

14 (1) In this Act:

15 *joint replacement prosthesis* means a prosthesis that:

- 16 (a) is listed in the Private Health Insurance (Prostheses) Rules;
17 and
18 (b) is used in joint replacement.

1 ***national joint replacement register levy*** means the national joint
2 replacement register levy imposed under section 6.

3 ***national joint replacement register levy day*** means a national joint
4 replacement register levy day specified in the Private Health
5 Insurance (National Joint Replacement Register Levy) Rules made
6 for the purposes of section 6.

7 ***Private Health Insurance (National Joint Replacement Register
8 Levy) Rules*** means the Private Health Insurance (National Joint
9 Replacement Register Levy) Rules made under section 8.

10 ***Private Health Insurance (Prostheses) Rules*** has the same
11 meaning as in the *Private Health Insurance Act 2007*.

12 ***sponsor*** has the meaning given by subsection (2).

13 ***supplementary national joint replacement register levy day*** means
14 a supplementary national joint replacement register levy day
15 specified in a determination by the Minister under section 6.

16 (2) A person is a ***sponsor*** for joint replacement prostheses if:

17 (a) a joint replacement prosthesis is currently listed in the Private
18 Health Insurance (Prostheses) Rules as a result of an
19 application made by the person under subsection 72-10(2) of
20 the *Private Health Insurance Act 2007*; or

21 (b) if a joint replacement prosthesis is currently listed in the
22 Private Health Insurance (Prostheses) Rules in accordance
23 with section 12 of the *Private Health Insurance (Transitional
24 Provisions and Consequential Amendments) Act 2007*—the
25 person was, immediately before the commencement of the
26 *Private Health Insurance Act 2007*, the sponsor of that
27 prosthesis for the purposes of the *National Health Act 1953*.

28 (3) The Private Health Insurance (National Joint Replacement Register
29 Levy) Rules may provide that one or more kinds of prostheses are
30 taken, or are taken not, to be joint replacement prostheses for the
31 purposes of the definition of ***joint replacement prosthesis*** in
32 subsection (1).

1 **6 Imposition of national joint replacement register levy**

- 2 (1) National joint replacement register levy is imposed on each
3 sponsor for joint replacement prostheses:
4 (a) on each day specified in the Private Health Insurance
5 (National Joint Replacement Register Levy) Rules as a
6 national joint replacement register levy day for a financial
7 year; and
8 (b) on each day (if any) determined by the Minister, by
9 legislative instrument, as a supplementary national joint
10 replacement register levy day for a financial year.
- 11 (2) The Private Health Insurance (National Joint Replacement Register
12 Levy) Rules must not specify more than 4 levy days for a financial
13 year.
- 14 (3) The determination by the Minister must not specify more than 2
15 supplementary levy days for a financial year.

16 **7 Rate of national joint replacement register levy**

- 17 (1) The rate of national joint replacement register levy imposed on a
18 particular day is worked out using the following table:
19

Rate of national joint replacement register levy

Item	The rate of levy imposed on a ...	is the rate that ...
1	national joint replacement register levy day	(a) is specified in the Private Health Insurance (National Joint Replacement Register Levy) Rules; and (b) applies on that day.
2	supplementary national joint replacement register levy day	(a) is determined by the Minister by legislative instrument; and (b) applies on that day.

- 20
- 21 (2) The rate of levy:
22 (a) must be based on the number of joint replacement prostheses
23 sponsored on:
-

- 1 (i) for levy imposed on a national joint replacement register
2 levy day—the day specified in the Private Health
3 Insurance (National Joint Replacement Register Levy)
4 Rules as the census day for the levy day; and
5 (ii) for levy imposed on a supplementary national joint
6 replacement register levy day—the day determined by
7 the Minister, by legislative instrument, as the census day
8 for the levy day; and
9 (b) may differ depending on the kinds of joint replacement
10 prostheses sponsored; and
11 (c) may be zero for one or more kinds of joint replacement
12 prostheses; and
13 (d) for sponsorship of any one joint replacement prosthesis—
14 must not exceed \$5,000 for a financial year.

15 **8 Private Health Insurance (National Joint Replacement Register**
16 **Levy) Rules**

17 The Minister may, by legislative instrument, make Private Health
18 Insurance (National Joint Replacement Register Levy) Rules
19 providing for matters:

- 20 (a) required or permitted by this Act to be provided; or
21 (b) necessary or convenient to be provided in order to carry out
22 or give effect to this Act.

23 **9 Regulations**

24 The Governor-General may make regulations prescribing matters:

- 25 (a) required or permitted by this Act to be prescribed; or
26 (b) necessary or convenient to be prescribed for carrying out or
27 giving effect to this Act.