

Passed by both Houses



New South Wales

Health Insurance Levies Amendment Bill 2024

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I certify that this public bill, which originated in the Legislative Assembly, has finally passed the Legislative Council and the Legislative Assembly of New South Wales.

*Clerk of the Legislative Assembly.
Legislative Assembly,
Sydney,*

, 2024



New South Wales

Health Insurance Levies Amendment Bill 2024

Act No _____, 2024

An Act to amend the *Health Insurance Levies Act 1982* to enable a base rate to be declared by the regulations; and for other purposes.

I have examined this bill and find it to correspond in all respects with the bill as finally passed by both Houses.

Assistant Speaker of the Legislative Assembly.

The Legislature of New South Wales enacts—

1 Name of Act

This Act is the *Health Insurance Levies Amendment Act 2024*.

2 Commencement

This Act commences on a day or days to be appointed by proclamation.

Schedule 1 Amendment of Health Insurance Levies Act 1982 No 159

[1] Section 4 Definitions

Insert in alphabetical order in section 4(1)—

base rate means—

- (a) the base rate declared by the regulations under Schedule 3, clause 9, or
- (b) if no base rate is declared—\$3.27.

proclaimed month means the first month to commence on or after the commencement of the *Health Insurance Levies Amendment Act 2024*.

[2] Section 4(1), definition of “prescribed rate”, paragraph (e)

Omit “and for any month thereafter”.

Insert instead “and for each month after July 1997 and before the proclaimed month”.

[3] Section 4(1), definition of “prescribed rate”, paragraph (f)

Omit “Schedule 2.” from paragraph (e). Insert instead—

Schedule 2, and

- (f) for the proclaimed month and for each month after the proclaimed month—the base rate, as adjusted from time to time in accordance with Schedule 2.

[4] Section 20

Insert after section 19—

20 Data on contributions towards cost of stays in public hospitals

- (1) The Chief Commissioner must publish on a government website a report for each year that sets out the following information for the year—
 - (a) the total number of days that persons who are contributors to health benefit funds stay in single rooms at public hospitals in their capacity as contributors,
 - (b) the total cost of the stays,
 - (c) the percentage of the cost of the stays that is paid for by the health benefit funds to which the persons are contributors,
 - (d) other information prescribed by the regulations.
- (2) The Secretary of the Ministry of Health must give information to the Chief Commissioner for the purposes of publishing a report under this section.
- (3) The Chief Commissioner may direct the following persons to give information to the Chief Commissioner for the purposes of publishing a report under this section—
 - (a) a person who carries on the business in New South Wales of providing health benefits to contributors,
 - (b) a person prescribed by the regulations.
- (4) The direction may specify—
 - (a) the information that must be given, and
 - (b) the time, form and way in which the information must be given.

- (5) A person given a direction must comply with the direction.
Maximum penalty for subsection (5)—10,000 penalty units.

[5] Schedule 3 Transitional provisions

Insert after Part 7—

Part 8 Provision consequent on enactment of Health Insurance Levies Amendment Act 2024

9 Regulations may declare base rate

- (1) The regulations may declare a base rate for this Act.
- (2) A base rate declared by a regulation has no effect in relation to a month that commences before the commencement of the regulation.
- (3) A regulation declaring a base rate is an excluded instrument for the purposes of the *Subordinate Legislation Act 1989* if the only other provisions contained in the regulation are provisions dealing with its citation and commencement.
- (4) In this clause—
operative date, in a year, has the same meaning as in Schedule 2, clause 1(4).

10 Review of levy in NSW Health Annual Report

- (1) The annual reporting information for the Ministry of Health must include the following information about the impacts of the levy—
- (a) the change in the number of people in New South Wales with hospital cover through private health insurance,
- (b) the change in waiting lists and waiting times for elective surgery,
- (c) other relevant information on the impact of the levy on the health care system.
- (2) The information must also be published on the NSW Health website.
- (3) This clause does not apply until the commencement of the *Health Insurance Levies Amendment Act 2024*, Schedule 1.