



New South Wales

# Health Insurance Levies Amendment Act 2024 No 74

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# Health Insurance Levies Amendment Act 2024 No 74

Act No 74, 2024

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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. [Assented to 31 October 2024]

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**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.

[Second reading speech made in—  
Legislative Assembly on 15 October 2024  
Legislative Council on 22 October 2024]