

Private Health Insurance (National Joint Replacement Register Levy) Act 2009

No. 51, 2009

**Compilation No. 1**

**Compilation date:** 26 June 2015

**Includes amendments up to:** Act No. 75, 2015

**Registered:** 2 July 2015

**About this compilation**

**This compilation**

This is a compilation of the *Private Health Insurance (National Joint Replacement Register Levy) Act 2009* that shows the text of the law as amended and in force on 26 June 2015 (the ***compilation date***).

This compilation was prepared on 30 June 2015.

The notes at the end of this compilation (the ***endnotes***) include information about amending laws and the amendment history of provisions of the compiled law.

**Uncommenced amendments**

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on ComLaw (www.comlaw.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on ComLaw for the compiled law.

**Application, saving and transitional provisions for provisions and amendments**

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

**Modifications**

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on ComLaw for the compiled law.

**Self‑repealing provisions**

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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An Act to impose the national joint replacement register levy

1 Short title

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

2 Commencement

(1) Each provision of this Act 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** |
| **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. | 24 June 2009 |
| 2. Sections 3 to 9 | The later of:  (a) 1 July 2009; and  (b) the day on which this Act receives the Royal Assent. | 1 July 2009 |

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

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

3 Crown to be bound

This Act binds the Crown in each of its capacities.

4 Extension of Act to external Territories

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

5 Definitions

(1) In this Act:

***joint replacement prosthesis*** means a prosthesis that:

(a) is listed in the Private Health Insurance (Prostheses) Rules; and

(b) is used in joint replacement.

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

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

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

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

***register*** means the register known as the Australian Orthopaedic Association National Joint Replacement Registry.

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

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

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

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

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

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

6 Imposition of national joint replacement register levy

(1) National joint replacement register levy is imposed on the recording on the register of the provision of a joint replacement prosthesis:

(a) on each day specified in the Private Health Insurance (National Joint Replacement Register Levy) Rules as a national joint replacement register levy day for a financial year; and

(b) on each day (if any) specified in a determination under section 8A as a supplementary national joint replacement register levy day for a financial year.

(2) The Private Health Insurance (National Joint Replacement Register Levy) Rules must not specify more than 4 levy days for a financial year.

(3) The determination under section 8A must not specify more than 2 supplementary levy days for a financial year*.*

7 Rate of national joint replacement register levy

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

| **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, or is calculated using the method 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 specified in, or is calculated using the method specified in, a determination under section 8A; and  (b) applies on that day. |

(2) The Private Health Insurance (National Joint Replacement Register Levy) Rules, and a determination under section 8A, may:

(a) specify different rates of levy, or different methods for calculating the rate of levy, in relation to different classes of joint replacement prostheses; and

(b) specify a rate of levy of zero in relation to one or more classes of joint replacement prostheses; and

(c) specify a rate of levy, or a method for calculating the rate of levy, that takes into account the number of times recordings were made on the register of the provision ofa joint replacement prosthesis during a particular period.

(3) Despite subsection (2), the total amount of levy for a financial year for recordings on the register of the provision of a joint replacement prosthesis must not exceed $5,000.

7A Who must pay the national joint replacement register levy?

National joint replacement register levy imposed in relation to a joint replacement prosthesis is payable by the sponsor of the joint replacement prosthesis.

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

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

(a) required or permitted by this Act to be provided; or

(b) necessary or convenient to be provided in order to carry out or give effect to this Act.

8A Ministerial determination

The Minister may, by legislative instrument, make a determination:

(a) specifying a supplementary national joint replacement register levy day for a financial year (see section 6); and

(b) specifying, or specifying a method for calculating, a rate of national joint replacement register levy (see section 7).

9 Regulations

The Governor‑General may make regulations prescribing matters:

(a) required or permitted by this Act to be prescribed; or

(b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

Endnotes about misdescribed amendments and other matters are included in a compilation only as necessary.

**Abbreviation key—Endnote 2**

The abbreviation key sets out abbreviations that may be used in the endnotes.

**Legislation history and amendment history—Endnotes 3 and 4**

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

**Misdescribed amendments**

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the amendment is set out in the endnotes.

Endnote 2—Abbreviation key

|  |  |
| --- | --- |
| A = Act | orig = original |
| ad = added or inserted | par = paragraph(s)/subparagraph(s) |
| am = amended | /sub‑subparagraph(s) |
| amdt = amendment | pres = present |
| c = clause(s) | prev = previous |
| C[x] = Compilation No. x | (prev…) = previously |
| Ch = Chapter(s) | Pt = Part(s) |
| def = definition(s) | r = regulation(s)/rule(s) |
| Dict = Dictionary | Reg = Regulation/Regulations |
| disallowed = disallowed by Parliament | reloc = relocated |
| Div = Division(s) | renum = renumbered |
| exp = expires/expired or ceases/ceased to have | rep = repealed |
| effect | rs = repealed and substituted |
| F = Federal Register of Legislative Instruments | s = section(s)/subsection(s) |
| gaz = gazette | Sch = Schedule(s) |
| LI = Legislative Instrument | Sdiv = Subdivision(s) |
| LIA = *Legislative Instruments Act 2003* | SLI = Select Legislative Instrument |
| (md) = misdescribed amendment | SR = Statutory Rules |
| mod = modified/modification | Sub‑Ch = Sub‑Chapter(s) |
| No. = Number(s) | SubPt = Subpart(s) |
| o = order(s) | underlining = whole or part not |
| Ord = Ordinance | commenced or to be commenced |

Endnote 3—Legislation history

| Act | Number and year | Assent | Commencement | Application, saving and transitional provisions |
| --- | --- | --- | --- | --- |
| Private Health Insurance (National Joint Replacement Register Levy) Act 2009 | 51, 2009 | 24 June 2009 | s 3–9: 1 July 2009 (s 2(1) item 2) Remainder: 24 June 2009 (s 2(1) item 1) |  |
| Private Health Insurance (National Joint Replacement Register Levy) Amendment Act 2015 | 75, 2015 | 25 June 2015 | 26 June 2015 (s 2(1) item 1) | Sch 1 (item 14) |

Endnote 4—Amendment history

| Provision affected | How affected |
| --- | --- |
| Title | am No 75, 2015 |
| s 5 | am No 75, 2015 |
| s 6 | am No 75, 2015 |
| s 7 | am No 75, 2015 |
| s 7A | ad No 75, 2015 |
| s 8A | ad No 75, 2015 |