

Private Health Insurance Legislation Amendment (Age of Dependants) Act 2021

No. 60, 2021

An Act to amend the *Private Health Insurance Act 2007*, and for other purposes

Contents

1 Short title 1

2 Commencement 2

3 Schedules 2

Schedule 1—Amendments 3

Age Discrimination Act 2004 3

Private Health Insurance Act 2007 3

Private Health Insurance (Prudential Supervision) Act 2015 6



Private Health Insurance Legislation Amendment (Age of Dependants) Act 2021

No. 60, 2021

An Act to amend the *Private Health Insurance Act 2007*, and for other purposes

[*Assented to 29 June 2021*]

The Parliament of Australia enacts:

1 Short title

This Act is the *Private Health Insurance Legislation Amendment (Age of Dependants) Act 2021*.

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 |
| Provisions | Commencement | Date/Details |
| 1. The whole of this Act | 1 April 2021. | 1 April 2021 |

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

(2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

3 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Amendments

Age Discrimination Act 2004

1 Schedule 2 (table item 9A, column headed “Provision(s)”)

Omit “sections 22‑15 and 22‑25”, substitute “sections 22‑5, 22‑15, 22‑25 and 22‑30”.

Private Health Insurance Act 2007

2 Subsection 22‑5(2) (heading)

Omit “*Dependent child‑only*”, substitute “*Dependent person‑only*”.

3 Subsection 22‑5(2)

Omit “\*dependent children”, substitute “\*dependent persons”.

4 Subsection 22‑5(3)

Omit “\*dependent children”, substitute “\*dependent persons”.

5 Paragraph 22‑5(4)(c)

Omit “\*dependent child”, substitute “\*dependent person”.

6 Subsection 22‑15(5) (note 2)

Omit “dependent children”, substitute “dependent persons”.

7 Paragraph 22‑25(1)(b)

Omit “\*dependent child”, substitute “\*dependent person”.

8 Subsection 22‑25(2)

Omit “\*dependent child”, substitute “\*dependent person”.

9 Paragraph 22‑30(1)(b)

Omit “\*dependent child”, substitute “\*dependent person”.

10 Subsection 63‑5(4)

Omit “\*dependent child non‑student”, substitute “\*dependent non‑student or \*dependent person with a disability”.

11 Subsection 63‑5(4)

After “\*dependent children”, insert “or \*dependent students”.

12 Subsection 63‑5(4)

Omit “dependent child non‑student” (last occurring), substitute “dependent non‑student or dependent person with a disability”.

13 Subsection 63‑5(5)

Repeal the subsection.

14 Paragraph 333‑20(1)(a)

Omit “or section”, substitute “, section or Schedule”.

15 Subsection 333‑20(1) (table, heading to column headed “Chapter/Part/section”)

Repeal the heading, substitute:

|  |
| --- |
| Chapter/Part/section/Schedule |

16 Subsection 333‑20(1) (table item 3, column headed “Chapter/Part/section”)

Omit “and section 188‑1”, substitute “, section 188‑1 and Schedule 1”.

17 Clause 1 of Schedule 1 (definition of *adult*)

Repeal the definition, substitute:

***adult***:

(a) when used outside Part 2‑3—means a person who is not a \*dependent person; or

(b) when used in Part 2‑3—means a person who is not:

(i) a \*dependent child; or

(ii) a \*dependent non‑student; or

(iii) a \*dependent student.

18 Clause 1 of Schedule 1 (definition of *dependent child*)

Repeal the definition, substitute:

***dependent child*** means a person who:

(a) is aged under 18; and

(b) does not have a partner.

19 Clause 1 of Schedule 1 (definition of *dependent child non‑student*)

Repeal the definition.

20 Clause 1 of Schedule 1

Insert:

***dependent non‑student*** means a person who:

(a) is aged between 18 and 31 (inclusive); and

(b) is not receiving full‑time education at a school, college or university; and

(c) is a dependent non‑student under the \*rules of the private health insurer that insures the person; and

(d) does not have a partner.

***dependent person*** means:

(a) a \*dependent child; or

(b) a \*dependent non‑student; or

(c) a \*dependent person with a disability; or

(d) a \*dependent student.

***dependent person with a disability*** means a person:

(a) who is aged 18 or over; and

(b) who is:

(i) a person with a disability within the meaning of the expression ***person with a disability*** as defined by the Private Health Insurance (Complying Product) Rules; or

(ii) a person with a disability within the meaning of the expression ***person with a disability*** as defined by the \*rules of the private health insurer that insures the person.

To avoid doubt, a ***dependent person with a disability*** may have a partner.

***dependent student*** means a person who:

(a) is aged between 18 and 31 (inclusive); and

(b) is receiving full‑time education at a school, college or university; and

(c) is a dependent student under the \*rules of the private health insurer that insures the person; and

(d) does not have a partner.

21 Clause 1 of Schedule 1 (definition of *holder*)

Omit “\*dependent child”, substitute “\*dependent person”.

22 Application

The amendment of paragraph 22‑30(1)(b) of the *Private Health Insurance Act 2007* made by this Schedule applies in relation to the following days:

(a) 1 April 2021;

(b) each later day.

Private Health Insurance (Prudential Supervision) Act 2015

23 Subsection 4(1) (definition of *dependent child*)

Repeal the definition.

24 Subsection 4(1)

Insert:

***dependent person*** has the same meaning as in the *Private Health Insurance Act 2007*.

25 Subsection 15(4)

Omit “dependent children”, substitute “dependent persons”.

[*Minister’s second reading speech made in—*

*House of Representatives on 25 February 2021*

*Senate on 18 March 2021*]

(8/21)