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Statutory Rules 1989 No. 1

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National Health Regulations² (Amendment)

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Regulation under the *National Health Act 1953*.

Dated 25 October 1989.

BILL HAYDEN
 Governor-General

By His Excellency's Command,

Peter Staples.

Minister of State for Housing and Aged Care for and on behalf of the
 Minister of State for Community Services
 and Health

After regulation 29 of the National Health Regulations the following regulation is inserted:

Prescribed business—definition of “health insurance business” in subsection 67 (4) of the Act

“29AAB. (1) For the purposes of paragraph (e) of the definition of ‘health insurance business’ in subsection 67 (4) of the Act, business of the following kind is prescribed, namely, the business of undertaking liability, by way of insurance, with respect to matters referred to in paragraph (a) or (b) of that definition where the liability is owed in respect of:

- (a) one of the following persons:
 - (i) a person who, at the time of entering into the relevant contract of insurance:
 - (A) is, or expects to be, temporarily present in Australia; and
 - (B) is not an eligible person;
 - (ii) a person, or the dependants of a person, who:
 - (A) is an Australian resident; and
 - (B) in relation to a period of temporary employment outside Australia by that person, enters into a contract of insurance under which the circumstance giving rise to the need for the provision of hospital treatment or an ancillary health benefit to that person, or that

person's dependant. as the case may be, may arise either in Australia or, where that person or dependant is outside Australia for reasons that include the undertaking of that temporary employment, outside Australia; or

- (b) a person in respect of the occurrence, in relation to that person, of one of the following events:
- (i) an event occurring while the person is, without payment, providing services to an educational, religious, charitable or benevolent organisation or while that person is travelling to or from the place where those services are provided;
 - (ii) an event occurring while the person:
 - (A) is engaged in a sporting activity (in the capacity of a participant, adjudicator, judge, referee or umpire or in a similar capacity); or
 - (B) is acting as an official at, or otherwise assisting in the conduct of, a sporting activity; or
 - (C) is acting in his or her capacity as an elected or appointed official of a sporting organisation;or while that person is travelling to or from:
 - (D) that activity; or
 - (E) the place where that person acts in that capacity;
 - (iii) an event occurring while the person is engaged in youth activities organised by a voluntary organisation (for example, the Girl Guides Association of Australia, the Scout Association of Australia, the Y.M.C.A. of Australia, the Y.W.C.A. of Australia or a police citizens youth club) or while that person is travelling to or from such activities;
 - (iv) where the person is a student at an educational institution—an event occurring while that person:
 - (A) is attending that institution in accordance with the requirements of that institution; or
 - (B) is, in the course of such attendance, taking part in an activity organised and supervised by that institution; or
 - (C) is travelling to or from such attendance at that institution;
 - (v) where the person is a secondary school student—an event occurring while that person is undertaking, as part of his or her school curriculum, non-remunerative work in a work environment unconnected with the school in order to gain work experience or while that person is travelling to or from that work.

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“(2) For the purposes of paragraph (e) of the definition of ‘health insurance business’ in subsection 67 (4) of the Act, business of the following kind is prescribed, namely, the business of undertaking liability, by way of insurance, with respect to the provision of a service or services referred to in paragraph (b) of the definition of ‘ancillary health benefit’ in that subsection by way of indemnity for damage to, or loss of, an item referred to in paragraph (b), where the contract of insurance under which that liability is undertaken is not primarily concerned with the business of undertaking liability, by way of insurance:

- (a) with respect to matters referred to in paragraph (a) or (b) of the definition of ‘health insurance business’ in subsection 67 (4) of the Act; or
- (b) with accident and sickness insurance business.

“(3) In subregulation (1), ‘eligible person’ means:

- (a) a person who is an eligible person within the meaning of the *Health Insurance Act 1973*; or
- (b) a person, or a person included in a class of persons, in relation to whom a declaration has been made under subsection 6 (1) of the *Health Insurance Act 1973*; or
- (c) a person who is to be treated as an eligible person under subsection 7 (2) of the *Health Insurance Act 1973*.

“(4) In subregulation (2), ‘accident and sickness insurance business’ has the same meaning as in section 67 of the Act.”

NOTES

1. Notified in the *Commonwealth of Australia Gazette* on L 1989. 31 October/
2. Statutory Rules 1954 No. 35 as amended by 1957 No. 71; 1958 No. 63; 1962 Nos. 55, 70 and 113; 1965 Nos. 17, 94 and 185; 1966 No. 99; 1967 No. 86; 1969 Nos. 91 and 220; 1970 Nos. 70 and 166; 1971 Nos. 28, 76, 103 and 138; 1972 No. 79; 1973 Nos. 17, 75, 111, 221, 225 and 267; 1974 Nos. 52, 104, 105, 113 and 263; 1975 Nos. 14, 49, 66, 100, 124, 165 and 207; 1976 Nos. 113, 217 and 227; 1977 Nos. 11, 34, 51 and 112; 1978 Nos. 66, 178, 208 and 266; 1979 Nos. 59, 107, 208 and 231; 1980 Nos. 84, 292 and 309; 1981 Nos. 43, 97, 115, 232 and 318; 1982 Nos. 38, 82, 84, 250 and 284; 1983 Nos. 45, 247 and 267; 1984 Nos. 66, 161, 200, 308, 322 and 427; 1985 Nos. 86, 136, 186, 187, 206 and 288; 1986 Nos. 47, 53, 208, 330, 353 and 360; 1987 Nos. 50, 76, 100 and 310.