



Private Health Insurance (Ombudsman) Rules 2007

I, ANTHONY JOHN ABBOTT, Minister for Health and Ageing, make these Rules under item 11 of the table in section 333-20 of the *Private Health Insurance Act 2007*.

Dated 30 March 2007

TONY ABBOTT

Minister for Health and Ageing

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1. Name of Rules

These Rules are the *Private Health Insurance (Ombudsman) Rules 2007*.

2. Commencement

These Rules commence:

- (a) if the Rules are registered before the Act commences—at the same time as the Act commences; or
 - (b) if the Rules are registered on or after the day on which the Act commences—on the date on which the Rules are registered,
- whichever occurs first.

3. Definitions

Note: Terms used in these Rules have the same meaning as in the Act—see section 13 of the *Legislative Instruments Act 2003*. These terms include:

Private Health Insurance Ombudsman

In these rules:

Act means the *Private Health Insurance Act 2007*.

Ombudsman means the Private Health Insurance Ombudsman.

4. Participation in mediation may be compulsory

- (1) The Ombudsman is to have regard to the following matters when deciding whether or not to give a direction under subsection 247-5 (1) of the Act:
 - (a) if an entity of the kind mentioned in subsection 247-5 (1) has already participated in mediation, whether that mediation was unsuccessful; and
 - (b) if there are avenues for dispute resolution contained in contractual arrangements, whether these avenues have been utilised.
- (2) For the purposes of paragraph (1) (b), contractual avenues for dispute resolution are taken to be utilised when an entity of the kind mentioned in subsection 247-5 (1) has satisfied all relevant contractual obligations relating to dispute resolution.
- (3) This rule does not limit the matters that the Ombudsman may take into account when deciding whether or not to give a direction under subsection 247-5 (1) of the Act.

5. Conduct of compulsory mediation

- (1) The Ombudsman is to have regard to a report of the mediator under subsection 247-15 (4) of the Act before concluding that a matter cannot be settled by mediation.
- (2) In this rule:

mediator means the person appointed by the Ombudsman under section 247-25 of the Act to conduct mediation.

6. Appointment of mediators

- (1) When considering whether to appoint a person under section 247-25 of the Act, the Ombudsman is to have regard to whether the person has:
 - (a) suitable qualifications; and
 - (b) experience in commercial mediation.

- (2) In this rule:

suitable qualifications means experience in a business or profession relevant to the subject of the mediation and includes either:

- (a) alternative dispute resolution accreditation; or
- (b) successful completion of a formal training course in mediation.

Note: Examples of agencies that conduct alternative dispute resolution accreditation and formal training courses include Australian universities, the LEADR National Dispute Centre, the Institute of Arbitrators and Mediators Australia, Relationships Australia, the Australian Commercial Disputes Centre and the Australian Dispute Resolution Association.

7. Appointment of the Ombudsman

For section 253-1 of the Act, the Ombudsman is to be appointed for a term not exceeding three years, but is eligible for reappointment.

Note

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See www.frli.gov.au