

2019-2020-2021

The Parliament of the
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

Presented and read a first time

**Private Health Insurance Legislation
Amendment (Age of Dependents) Bill
2021**

No. , 2021

(Health and Aged Care)

**A Bill for an Act to amend the *Private Health
Insurance Act 2007*, and for other purposes**

Contents

1	Short title.....	1
2	Commencement.....	1
3	Schedules.....	2
Schedule 1—Amendments		3
	<i>Age Discrimination Act 2004</i>	3
	<i>Private Health Insurance Act 2007</i>	3
	<i>Private Health Insurance (Prudential Supervision) Act 2015</i>	6

A Bill for an Act to amend the *Private Health Insurance Act 2007*, and for other purposes

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Note: This table relates only to the provisions of this Act as originally enacted.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Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.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”.