

DRAFT



Private Health Insurance (Registration) Rules 2015

I, [insert name of delegate], delegate of APRA make these Rules under subsection 172(1) of the *Private Health Insurance (Prudential Supervision) Act 2015*.

Dated: xx June 2015

[To be signed]

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1. Name of Rules

These Rules are the *Private Health Insurance (Registration) Rules 2015*.

2. Commencement

These Rules commence:

- (a) if the Rules are registered before the day on which 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 day on which the Rules are registered.

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:

APRA
Chief executive officer
Complying health insurance policy
health benefits fund
Health insurance business
private health insurer

In these rules:

Act means the *Private Health Insurance (Prudential Supervision) Act 2015*.

PHI Act means the *Private Health Insurance Act 2007*.

PHIAC means the *Private Health Insurance Administration Council*.

Principal Insureds means the persons described in paragraphs 5 (a), 5 (b) and subparagraph 5 (h) (ii) of these Rules.

Secretary of the Department has the same meaning as in the PHI Act.

4. Criteria for registration

For section 14 of the Act, the criteria for the registration of bodies as private health insurers are, in relation to the health benefits fund, or each of the health benefits funds, proposed to be conducted by the applicant:

- (a) APRA can be satisfied that the applicant will be able to comply with the obligations imposed by or under the Act or the *Financial Sector (Collection of Data) Act 2001* on private health insurers¹;

¹ In assessing this criteria, APRA will consider any information on the application provided in writing by, or on behalf of, the Secretary of the Department, including information as to whether the applicant is likely to be able to comply with the obligations imposed by or under the Act on private health insurers

- (b) APRA can be satisfied that the applicant has notified APRA of the name and contact details of its Chief Executive Officer;
- (c) APRA can be satisfied that the private health insurer satisfies the conditions in subsection 12(1) of the Act;
- (d) APRA can be satisfied that the application meets the requirements of subsection 12(2) of the Act;
- (e) APRA can be satisfied that the rules of the applicant do not permit improper discrimination in relation to the applicant's complying health insurance policies²;
- (f) APRA can be satisfied that the application includes the ratio that the likely amount of management and administrative expenses in respect of the conduct of the fund or funds bears to the likely amount of premiums to each fund; and
- (g) APRA can be satisfied that the application includes the number of persons who will contribute, or are likely to contribute, to any of the funds proposed to be conducted by the applicant and the proposed premiums.

5. Description of groups for existing restricted access insurers

For paragraph 15(4)(e) of the Act:

- (a) persons who were already insured with a *restricted access insurer immediately before 12 October 2007 are taken to belong to a *restricted access group ('a Group') to whom that insurer's *complying health insurance products are, or will be, made available;
- (b) persons who are, or become, officers or employees (including contractors) of a *restricted access insurer listed in the Schedule, and that makes available its *complying health insurance products to a Group, are also taken to belong to that Group, except where the person is or becomes an employee (including a contractor) of Reserve Bank Health Society Limited or where the person becomes an officer or employee (including a contractor) of Teachers Federation Health Fund Ltd;
- (c) the partners and *dependent children of Principal Insureds are also taken to belong to the same Group as those Principal Insureds;
- (d) the former partners and adult children of Principal Insureds are also taken to belong to the same Group as those Principal Insureds;
- (e) the siblings, grandchildren and parents of Principal Insureds are also taken to belong to the same Group as those Principal Insureds, except where the Principal Insured is insured by the following *restricted access insurers:
 - (i) Police Health Limited; or
 - (ii) Reserve Bank Health Society Limited;

² In assessing this criteria, APRA will consult with the Secretary of the Department.

- (f) the partners and *dependent children of persons who are the adult children of Principal Insureds are also taken to belong to the same Group as those Principal Insureds, except where the Principal Insured is insured by Reserve Bank Health Society Limited;
- (g) the partners and *dependent children of persons who are the siblings of Principal Insureds are also taken to belong to the same Group as those Principal Insureds, except where the Principal Insured is insured by the following *restricted access insurers:
 - (i) Police Health Limited; or
 - (ii) Reserve Bank Health Society Limited;
- (h) the Group to whom a *restricted access insurer specified in Column 1 of the Schedule does or will make its *complying health insurance products available comprises:
 - (i) the persons described in paragraphs 5(a), (b), (c), (d), (e), (f) and (g); and
 - (ii) the classes of people specified in the classes of people specified in Column 2 of the Schedule for that insurer.

Notes:

- (i) the purpose of paragraph 5 (a) is to ensure that *restricted access insurers are able to continue to provide cover to all existing insured persons; and
- (ii) the purpose of paragraph 5 (h) is to ensure that, on and from the commencement of these Rules, *restricted access insurers are able to continue to make *complying health insurance products available to limited classes of persons who might not otherwise form part of a *restricted access group for the purposes of subsection 15(4) of the Act.

6. Limits on insurance provided by restricted access insurers

For the avoidance of doubt, this rule confirms that:

- (a) a *restricted access insurer's constitution may only specify one *restricted access group to whom the insurer's complying health insurance products are, or will be, available;
- (b) a *restricted access insurer may not add new persons to this *restricted access group in addition to the persons included in that group by the operation of the Act and these Rules; and
- (c) paragraphs 5 (c), (f) and (g) of these Rules modify the operation of subsection 15(4) of the Act in relation to the partners and dependent children of people who belong to a *restricted access group.

7. Transition arrangements

Any approval, determination or other exercise of discretion by PHIAC under *Private Health Insurance (Registration) Rules 2009* (No. 2) as they existed prior to 1 July 2015 will continue to have effect following 1 July 2015 as though exercised pursuant to a corresponding power under these Rules.

Schedule – restricted access groups for certain insurers

Column 1 - Restricted access insurer	Column 2 - Persons deemed to be included in the insurer's restricted access group
1. ACA Health Benefits Fund	<p>1.1. A person who is, or was, an employee of:</p> <ul style="list-style-type: none"> (a) an incorporated entity that is affiliated with the Seventh-day Adventist Church in Australia; (b) Avondale College Foundation; (c) Karalundi Aboriginal Education Centre; (d) Mirriwinni Gardens Aboriginal Centre; or (e) Sydney Adventist Hospital Foundation. <p>1.2. A person who is, or was, a literature evangelist, while distributing for Home Education Service.</p>
2. CBHS Health Fund Limited	<p>2.1. A person who is, or was, an employee of the Commonwealth Bank Group.</p> <p>2.2. A person who is, or was:</p> <ul style="list-style-type: none"> (a) an employee of a contractor to any of the Commonwealth Bank Group and who is, or was, involved in supplying goods or services to the Commonwealth Bank Group; or (b) an employee of a franchisee of a subsidiary company within the Commonwealth Bank Group. <p>2.3. For the purposes of items 2.1 and 2.2, ‘Commonwealth Bank Group’ means:</p> <ul style="list-style-type: none"> (a) the Commonwealth Bank of Australia;

	<p>(b) subsidiaries (within the meaning of the <i>Corporations Act 2001</i> (Cth)) of the Commonwealth Bank of Australia; and</p> <p>(c) Gateway Credit Union.</p>
<p>3. Defence Health Limited</p>	<p>3.1. A person who is, or was</p> <p>(a) a member of an arm of the Defence Force as referred to in the <i>Defence Act 1903</i> (Cth); or</p> <p>(b) an employee of the Department of Defence or an entity which has a reporting obligation to, or is within the portfolio responsibility of, the Minister for Defence or a Minister Assisting such Minister or a Parliamentary Secretary to either Minister (such Department and entities collectively called “the Bodies”); or</p> <p>(c) an employee of:</p> <p>(i) a contractor to any of the Bodies; or</p> <p>(ii) a prescribed agency (as referred to in the <i>Financial Management and Accountability Act 1997</i> (Cth)) or a Commonwealth authority or Commonwealth company (as referred to in the <i>Commonwealth Authorities and Companies Act 1997</i> (Cth)) or other entity, which agency, authority, company or entity supplies goods or services to any of the Bodies; and</p> <p>who is, or was, involved in supplying goods or services to any of the Bodies.</p>
<p>5. Navy Health Limited</p>	<p>5.1. A person who is, or was, employed full time:</p> <p>(a) in the RAN, ARA or RAAF; or</p> <p>(b) as a civilian employee/civilian contractor with the</p>

	<p>Department of Defence, Naval Shore Establishment, other Defence establishment, or Australian Public Service employees assigned to, or directly engaged in providing services to, the Department of Defence or the Australian Defence Forces.</p> <p>5.2. A person who is, or was, an active member of the RANR, ARAR or RAAFR.</p> <p>5.3 A person who is, or was, a member of the Cadets (RAN, ARA and RAAF).</p> <p>5.4 For the purposes of items 5.1, 5.2 and 5.3:</p> <p>‘ARA’ means Australian Regular Army;</p> <p>‘ARAR’ means Reserve Forces of the Australian Regular Army;</p> <p>‘RAAF’ means Royal Australian Air Force;</p> <p>‘RAAFR’ means Reserve Forces of the RAAF;</p> <p>‘RAN’ means Royal Australian Navy;</p> <p>‘RANR’ means Reserve Forces of the RAN.</p>
<p>6. Phoenix Health Fund Limited</p>	<p>6.1. A person who is, or was, engaged as an employee or contractor in the steelmaking industry.</p>
<p>7. Police Health Limited</p>	<p>7.1. A person who is, or was, an employee of South Australia Police (‘SAPOL’).</p> <p>7.2. A person who is employed, or was employed on or after 1 January 2001 but is no longer so employed, by a State, Territory or Federal police department or service other than SAPOL.</p> <p>7.3. A person who is employed, or was employed on or</p>

	<p>after 1 January 2001 but is no longer so employed, by a State, Territory or Federal police association.</p>
<p>8. Queensland Teachers' Union Health Fund Limited</p>	<p>8.1. Any person who is, or was, a member of an employee organisation (a Union):</p> <p>(a) registered or recognised under the <i>Fair Work (Registered Organisations) Act 2009</i> (Cth), including under Schedules 1 or 2 of that Act; or</p> <p>(b) registered as an organisation, being an association of employees under Chapter 12 of the <i>Industrial Relations Act 1999</i> (Qld); or (c) registered in another state or territory under similar legislation.</p> <p>8.2. A person (other than a teacher) who is, or was at the time, a member of any union and who is, or was, employed by:</p> <p>(a) a school or any other educational institution; or</p> <p>(b) a university or any other tertiary or further education or training institution;</p> <p>that is, or was at the time, registered or otherwise licensed or approved under any Commonwealth or State legislation.</p> <p>8.3. A person who is, or was, an employee of Queensland Teachers' Union of Employees or Queensland Independent Education Union of Employees and who is, or was at the time, a member of any union.</p> <p>8.4. Any person who would qualify under items 8.2 or 8.3, where no union coverage exists, or existed at the time, for that person.</p>

<p>9. Railway and Transport Health Fund Ltd</p>	<p>9.1. A person who is, or was, an employee of:</p> <p>(a) Government or privately operated land, sea or air transport companies or associated Government entities charged with administering the industry;</p> <p>(b) Government or privately operated energy generation and delivery entities; or</p> <p>(c) a contract company, where those employees or former employees were employed to provide services under a contract to an organisation described in paragraphs 9.1 (a), 9.1 (b), or item 9.2 (or successors of those organisations).</p> <p>9.2. A person who is, or was, a member of the Railways Credit Union Limited (or a successor to that organisation).</p>
<p>10. Reserve Bank Health Society Ltd</p>	<p>10.1 A person who is, or was, an employee of the Reserve Bank of Australia or Note Printing Australia Limited.</p>
<p>11. Teachers Federation Health Fund Ltd</p>	<p>11.1. A person who is, or was, a financial member of the following:</p> <p>(a) NSW Teachers Federation;</p> <p>(b) Australian Education Union or members of unions affiliated to that union;</p> <p>(c) Independent Education Union of Australia or a union affiliated to that union;</p> <p>(d) Institute of Senior Education Administrators NSW;</p> <p>(e) National Tertiary Education Union; or</p> <p>(f) State School Teachers Union (SSTUWA).</p> <p>11.2. A person who is, or was, employed as school</p>

	<p>administration staff in NSW, and who is, or was at the time, covered by the Public Service Association of NSW (PSA).</p> <p>11.3. A person who is, or was employed as support staff by the NSW Department of Education and Training, the Institute of Teachers, or the Board of Studies, and who is, or was at the time, a member of their appropriate union, where one exists or existed.</p> <p>11.4. A person who is, or was, a permanent employee of the following:</p> <ul style="list-style-type: none">(a) NSW Teachers Federation;(b) NSW Teachers Credit Union; or(c) the Teachers Club Limited, <p>who is, or was at the time, a member of their appropriate union, where one exists or existed.</p> <p>11.5. A person who is, or was, a student undergoing training who is, or was at the time, an associate member of a union listed above in items 11.1 or 11.4.</p> <p>11.6. A person who:</p> <ul style="list-style-type: none">(a) is, or was, employed as support staff in a NSW public school or college; and(b) is, or was at the time, employed by the NSW Department of Education and Training or in the TAFE Commission Division; and(c) is, or was at the time, a member of the appropriate union, where one exists or existed. <p>11.7. A person who is, or becomes, an officer or employee</p>
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	<p>of, or a contractor to, Teachers Federation Health Fund Ltd and who is, at the time at which they seek to become insured by Teachers Federation Health Fund Ltd, a financial member of a union (if any) of which they are eligible to be a member.</p>
<p>12 Transport Health Pty Ltd</p>	<p>12.1 A person who is, or was, employed, or engaged as a contractor, in the transport industry.</p> <p>12.2 A person who is, or was, an employee, contractor or officer of Transport Friendly Society Limited or a subsidiary.</p> <p>12.3 For the purposes of item 12.2, ‘subsidiary’ has the same meaning as in the <i>Corporations Act 2001</i> (Cth).</p>
<p>13. The Doctors’ Health Fund Limited</p>	<p>13.1 A person who is, or was, a medical practitioner as defined in section 3 (1) of the <i>Health Insurance Act 1973 (Commonwealth)</i> (‘Medical Practitioner’).</p> <p>13.2. A person who is, or was at any time:</p> <p>(a) in one of the following categories of ‘health practitioner’, as listed in the <i>Health Practitioner Regulation National Law Act 2009 (Qld)</i> (whether or not registered or practising in Queensland or any other Australian State or Territory):</p> <p>(i) medical;</p> <p>(ii) medical radiation;</p> <p>(iii) optometry;</p> <p>(iv) dental;</p> <p>(v) occupational therapy;</p>

	<p>(vi) physiotherapy; and</p> <p>(vii) psychology,</p> <p>(‘Health Practitioner’)</p> <p>(b) an employee of the Medical Practitioner or a Health Practitioner or an officer or employee of an incorporated practice of a Medical Practitioner or a Health Practitioner;</p> <p>(c) a person studying to become a Health Practitioner as listed above in item 13.2(a) at an Australian university medical school or other educational institution;</p> <p>(d) an overseas trained doctor enrolled through the Australian Medical Council (the ‘AMC’) to sit for the examinations of that Council or of one of the specialist colleges affiliated with the AMC;</p> <p>(e) an officer or employee of the federal, or a state, Australian Medical Association;</p> <p>(f) an officer or employee of an associated or subsidiary organisation of the federal, or a state, Australian Medical Association;</p> <p>(g) an officer or employee of any federal or state association of registered medical practitioners or health practitioners; or</p> <p>(h) an officer or employee (including contractors) of Avant Insurance Limited (ABN 82 003 707 471) or Avant Law Pty Limited (ACN 136 429 153).</p>
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