



Medical Indemnity (IBNR Indemnity) Contribution Act 2002

Act No. 135 of 2002 as amended

This compilation was prepared on 10 December 2003
taking into account amendments up to Act No. 120 of 2003

The text of any of those amendments not in force
on that date is appended in the Notes section

The operation of amendments that have been incorporated may be
affected by application provisions that are set out in the Notes section

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An Act to impose a tax on certain members and former members of certain medical defence organisations, and for related purposes

1 Short title [see Note 1]

This Act may be cited as the *Medical Indemnity (IBNR Indemnity) Contribution Act 2002*.

2 Commencement

This Act commences, or is taken to have commenced, on 1 January 2003.

3 Definitions

In this Act, unless the contrary intention appears:

annual subscription for a participating member of a participating MDO has the same meaning as in section 54 of the *Medical Indemnity Act 2002*.

base year for a participating member of a participating MDO has the meaning given by section 54 of the *Medical Indemnity Act 2002*.

contribution year has the meaning given by subsections 5(1) and (2).

IBNR indemnity contribution means the contribution that is payable under Division 1 of Part 3 of the *Medical Indemnity Act 2002*.

imposition day has the meaning given by subsection 5(3).

participating MDO has the same meaning as in the *Medical Indemnity Act 2002*.

participating member of a participating MDO has the same meaning as in the *Medical Indemnity Act 2002*.

4 Imposition of IBNR indemnity contribution

On the imposition day for each contribution year for a participating MDO, an IBNR indemnity contribution is imposed as a tax on the participating members of the MDO.

5 Contribution years and imposition days

- (1) Subject to subsection (2), each financial year that starts on or after 1 July 2003 is a *contribution year* for a participating MDO.
- (2) The regulations may declare that a financial year specified in the regulations is the last contribution year for a particular participating MDO. If they do so, no subsequent financial year is a contribution year for that MDO.
- (3) The *imposition day* for a contribution year for a participating MDO is:
 - (a) for the contribution year that starts on 1 July 2003:
 - (i) 1 March 2004; or
 - (ii) such other day as is specified in the regulations as the imposition day for the contribution year; and
 - (b) for a later contribution year:
 - (i) 1 August in the contribution year; or
 - (ii) such other day as is specified in the regulations as the imposition day for the contribution year.

6 Amount of IBNR indemnity contribution

- (1A) The amount of the IBNR indemnity contribution imposed on a participating member of a participating MDO for the contribution year for the MDO that starts on 1 July 2003 is the lesser of:
 - (a) the applicable percentage of the member's annual subscription for the base year; and
 - (b) \$1,000.
- (1B) The amount of the IBNR indemnity contribution imposed on a participating member of a participating MDO for the contribution year for the MDO that starts on 1 July 2004 is the amount worked out by adding:

- (a) half of the applicable percentage of the member's annual subscription for the base year; and
 - (b) the lesser of:
 - (i) \$500; and
 - (ii) half of the applicable percentage of the member's annual subscription for the base year.
- (1) The amount of the IBNR indemnity contribution imposed on a participating member of a participating MDO for a contribution year for the MDO that starts on or after 1 July 2005 is the applicable percentage of the member's annual subscription for the base year.
- (2) The applicable percentage is:
- (a) 50%; or
 - (b) such lower percentage as is specified in the regulations in relation to the MDO for the contribution year.
- (3) Without limiting paragraph (2)(b), regulations made for the purposes of that paragraph may specify different percentages for different contribution years for the MDO.
- (4) The regulations made for the purposes of paragraph (2)(b) may not specify a percentage for a contribution year for an MDO (other than the first contribution year) that is higher than the percentage applicable to the MDO for the first contribution year.

7 Regulations

The Governor-General may make regulations prescribing matters:

- (a) required or permitted by this Act to be prescribed; or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.

Table of Acts**Notes to the *Medical Indemnity (IBNR Indemnity) Contribution Act 2002*****Note 1**

The *Medical Indemnity (IBNR Indemnity) Contribution Act 2002* as shown in this compilation comprises Act No. 135, 2002 amended as indicated in the Tables below.

Table of Acts

Act	Number and year	Date of Assent	Date of commencement	Application, saving or transitional provisions
<i>Medical Indemnity (IBNR Indemnity) Contribution Act 2002</i>	135, 2002	19 Dec 2002	1 Jan 2003	—
<i>Medical Indemnity (IBNR Indemnity) Contribution Amendment Act 2003</i>	120, 2003	5 Dec 2003	1 July 2003	—

Table of Amendments

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted	
Provision affected	How affected
Ss. 5, 6	am. No. 120, 2003