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Medical Indemnity Amendment Regulations 2003 (No. 2)¹

Statutory Rules 2003 No. ²

264

I, PHILIP MICHAEL JEFFERY, Governor-General of the
Commonwealth of Australia, acting with the advice of the
Federal Executive Council, make the following Regulations
under the *Medical Indemnity Act 2002*.

Dated 21 OCT 2003 2003

P.M. Jeffery

Governor-General

By His Excellency's Command

TONY ABBOTT
Minister for Health and Ageing

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1 Name of Regulations

These Regulations are the *Medical Indemnity Amendment Regulations 2003 (No. /)*.

2

2 Commencement

These Regulations commence, or are taken to have commenced, as follows:

- (a) on 15 August 2003 — regulations 1 to 3 and Schedule 1;
- (b) on gazettal — Schedule 2.

3 Amendment of *Medical Indemnity Regulations 2003*

Schedules 1 and 2 amend the *Medical Indemnity Regulations 2003*.

Schedule 1 Amendment taken to have commenced on 15 August 2003

(regulation 3)

[1] After regulation 6

insert

6A IBNR indemnity contribution exemption (salaried medical practitioners)

- (1) For subsection 52 (4) of the Act, a person is exempt from IBNR indemnity contribution for a contribution year if:
- (a) on 1 May 2002 the person was, and on the imposition day for the contribution year the person is, employed by a Commonwealth, State or Territory agency as a salaried medical practitioner; and
 - (b) the person's medical income (if any) in respect of non-employment related services rendered by, or on behalf of, the person was less than \$5 000 for both:
 - (i) the financial year beginning on 1 July 2001; and
 - (ii) the financial year immediately before the contribution year; and
 - (c) on the imposition day for the contribution year the person is indemnified by a Commonwealth, State or Territory agency in relation to claims for compensation or damages against the person in relation to incidents that occurred in the contribution year in the course of, or in connection with, the practice of a medical profession by the person as a salaried medical practitioner, including professional services rendered by, or on behalf of, the person in respect of which all or a part of the income was paid to the employing agency; and

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- (d) at least 15 days before the payment day for the contribution year, the person gives to the HIC:
- (i) a notice in writing from the agency that employed the person on 1 May 2002 stating that the person was employed by that agency as a salaried medical practitioner on that date; and
 - (ii) a notice in writing from the agency that employed the person on the imposition day for the contribution year stating that the person was employed by that agency as a salaried medical practitioner on that date; and
 - (iii) either:
 - (A) a notice in writing from the agency that indemnified the person on the imposition day for the contribution year stating that the person is indemnified by that agency in relation to claims for compensation or damages against the person in relation to incidents of the kind described in paragraph (c); or
 - (B) a notice in writing from the agency that employed the person on the imposition day for the contribution year stating that the person is indemnified by a Commonwealth, State or Territory agency in relation to claims for compensation or damages against the person in relation to incidents of the kind described in paragraph (c); and
 - (iv) a statement from the person to the effect that the person's medical income (if any) in respect of non-employment related services rendered by, or on behalf of, the person was less than \$5 000 for both:
 - (A) the financial year beginning on 1 July 2001; and
 - (B) the financial year immediately before the contribution year.

(2) In this regulation:

medical income has the meaning given by paragraph 52 (3) (a) of the Act.

non-employment related services, in relation to a person who is employed by a Commonwealth, State or Territory agency as a salaried medical practitioner, means professional services rendered by, or on behalf of, the person in respect of which none of the income is paid to the employing agency.

Note Professional services rendered by, or on behalf of, a person in his or her capacity as a salaried medical practitioner, including services in respect of which all or a part of the income is paid to the employing agency, are not ***non-employment related services*** for the purposes of this regulation.

Schedule 2 Amendments commencing on gazettal

(regulation 3)

[1] After regulation 4

insert in Part 2

4A High cost claim threshold

For paragraph 29 (1) (b) of the Act, the amount of \$500 000 is prescribed.

[2] Regulation 8C

omit

[3] Before regulation 9

insert

8D When IBNR indemnity contribution must be paid

For paragraph (b) of item 1 of the table in section 61 of the Act, 1 June 2004 is specified as the payment day for IBNR indemnity contribution for the contribution year beginning on 1 July 2003.

Notes

1. These Regulations amend Statutory Rules 2003 No. 208, as amended by 2003 No. 250.
2. Notified in the *Commonwealth of Australia Gazette* on / 2003.

22 October