



2004B00393



Medical Indemnity Amendment Regulations 2004 (No. 3)¹

Statutory Rules 2004 No. ²

334

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 1 DEC 2004 2004

PM 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 2004 (No. 3)*.

2 Commencement

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

- (a) on 1 July 2004 — regulations 1 to 3 and Schedule 1;
- (b) on 31 August 2004 — Schedule 2;
- (c) on the date of their notification in the *Gazette* — Schedule 3.

3 Amendment of *Medical Indemnity Regulations 2003*

- (1) Schedule 1 amends the *Medical Indemnity Regulations 2003*, as amended by the *Medical Indemnity Amendment Regulations 2004 (No. 2)*.
- (2) Schedules 2 and 3 amend the *Medical Indemnity Regulations 2003*.

Schedule 1 Amendment taken to have commenced on 1 July 2004

(regulation 3)

[1] Subparagraph 12 (1) (b) (iii)

substitute

- (iii) the person has permanently ceased medical practice in Australia;
- (iv) the person no longer resides in Australia.

Schedule 2 Amendments taken to have commenced on 31 August 2004

(regulation 3)

[1] Subregulation 26 (1)

omit

subregulation (2),

insert

subregulations (2) and (3),

[2] After subregulation 26 (2)

insert

- (3) For paragraph (b) of item 1 of the table in section 61 of the Act, the payment day, for UMP support payment for the contribution year that started on 1 July 2003, is 28 February 2005 for the class of participating members of United Medical Protection Limited each of whom, on 31 May 2004, had not received an invoice, or had received an invoice for an incorrect amount, from the HIC for UMP support payment for that contribution year.

Schedule 3 Amendments commencing on gazettal

(regulation 3)

[1] Paragraph 12 (1) (a)

substitute

- (a) the class of persons each of whom is a medical practitioner:
- (i) who:
 - (A) is aged 65 years or over and has retired permanently from providing medical services for payment in the course of private medical practice; or
 - (B) has not provided medical services for payment in the course of private medical practice at any time during the preceding period of 3 years; or
 - (C) has ceased (temporarily or permanently) providing medical services for payment in the course of private medical practice because of maternity; or
 - (D) has ceased providing medical services for payment in the course of private medical practice because of a permanent disability; and
 - (ii) who is providing medical services free of charge in the course of private medical practice;

[2] Paragraph 20 (1) (d)

after

payment day

insert

for that person

[3] After subregulation 20 (1)

insert

- (1A) A person who does not satisfy the conditions in subregulation (1) for a contribution year, only because the person has not given the notice required by paragraph (1) (d) to the HIC before the payment day for that person for the contribution year, is taken to have satisfied that condition for the contribution year if the person gives the notice to the HIC before the end of the period of 6 months starting on that payment day.

Note A person to whom this subregulation applies for a contribution year is entitled to a refund of any UMP support payment paid by the person for that contribution year — see section 67 of the Act.

[4] Paragraph 21 (1) (d)

after

payment day

insert

for that person

[5] After subregulation 21 (1)

insert

- (1A) A person who does not satisfy the conditions in subregulation (1) for a contribution year, only because the person has not given the documents required by paragraph (1) (d) to the HIC before the payment day for that person for the contribution year, is taken to have satisfied that condition for the contribution year if the person gives the documents to the HIC before the end of the period of 6 months starting on that payment day.

Note A person to whom this subregulation applies for a contribution year is entitled to a refund of any UMP support payment paid by the person for that contribution year — see section 67 of the Act.

[6] Subregulation 22 (1)*omit*

is exempt from UMP support payment generally

insert

is exempt from UMP support payment for a contribution year (the *first contribution year*) and for each later contribution year

[7] Paragraph 22 (2) (c)*omit*

before the payment day for the contribution year starting on 1 July 2003,

insert

before the payment day for that person for the first contribution year,

[8] Subregulation 22 (2), note*omit***[9] Paragraph 22 (3) (b)***omit*

before the payment day for the contribution year starting on 1 July 2003,

insert

before the payment day for that person for the first contribution year,

[10] Subregulation 22 (3), note*omit*

[11] After subregulation 22 (3)

insert

- (3A) A person who does not satisfy the conditions in subregulation (2) or (3), only because the person has not given the statements required by paragraph (2) (c) or paragraph (3) (b), as the case requires, to the HIC before the payment day for that person for the first contribution year, is taken to have satisfied that condition if the person gives the statements to the HIC before the end of the period of 6 months starting on that payment day.

Note A person to whom this subregulation applies is entitled to a refund of any UMP support payment paid by the person for the first contribution year or any later contribution year — see section 67 of the Act.

[12] Subregulation 23 (1)

omit

is exempt from UMP support payment generally

insert

is exempt from UMP support payment for a contribution year (the *first contribution year*) and for each later contribution year

[13] Paragraph 23 (1) (b)

omit

before the payment day for the contribution year starting on 1 July 2003,

insert

before the payment day for that person for the first contribution year,

[14] After subregulation 23 (1)

insert

- (1A) A person who does not satisfy the conditions in subregulation (1), only because the person has not given the statements required by paragraph (1) (b) to the HIC before the payment day for that person for the first contribution year, is taken to have satisfied that condition if the person gives the statements to the HIC before the end of the period of 6 months starting on that payment day.

Note A person to whom this subregulation applies is entitled to a refund of any UMP support payment paid by the person for the first contribution year or any later contribution year — see section 67 of the Act.

[15] Regulation 24

omit

For subsection 52 (4) of the Act,

insert

- (1) For subsection 52 (4) of the Act,

[16] Paragraph 24 (b)

after

payment day

insert

for that person

[17] Regulation 24

insert

- (2) A person who does not satisfy the conditions in subregulation (1) for a contribution year, only because the person has not given the document required by paragraph (1) (b) to the HIC before the payment day for that person for the contribution year, is taken to have satisfied that condition for the contribution year if the person gives the document to the HIC before the end of the period of 6 months starting on that payment day.

Note A person to whom this subregulation applies for a contribution year is entitled to a refund of any UMP support payment paid by the person for that contribution year — see section 67 of the Act.

Notes

1. These Regulations amend Statutory Rules 2003 No. 208, as amended by 2003 Nos. 250 and 264; 2004 Nos. 8 and 202.
2. Notified in the *Commonwealth of Australia Gazette* on / 2004.

2 December