



Medical and Midwife Indemnity Legislation Amendment (Eligible Run-off Claims) Rules 2020

I, Greg Hunt, Minister for Health, make the following rules.

Dated 27 March 2020

Greg Hunt
Minister for Health

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1 Name

This instrument is the *Medical and Midwife Indemnity Legislation Amendment (Eligible Run-off Claims) Rules 2020*.

2 Commencement

- (1) Each provision of this instrument 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. Sections 1 to 4 and anything in this instrument not elsewhere covered by this table	The day after this instrument is registered.	2 April 2020
2. Schedule 1, Part 1	The day after this instrument is registered.	2 April 2020
3. Schedule 1, Part 2	Immediately after the commencement of the <i>Medical Indemnity Rules 2020</i> .	1 July 2020

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under the following:

- (a) the *Medical Indemnity Act 2002*;
- (b) the *Midwife Professional Indemnity (Commonwealth Contribution) Scheme Act 2010*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Part 1—Amendments commencing day after registration

Midwife Professional Indemnity (Commonwealth Contribution) Scheme Rules 2010

1 Rule 3

Insert:

COVID-19 human biosecurity emergency period has the meaning given by subrule 10(4).

2 Part 2 (heading)

Omit “and specified rates”, substitute “, specified rates etc.”.

3 At the end of Part 2

Add:

10 Eligible run-off claims—COVID-19 human biosecurity emergency period

- (1) For the purposes of paragraph 31(2)(f) of the Act, the class of persons to each of whom subrule (2) of this rule applies is specified as persons to whom subsection 31(2) of the Act applies.
- (2) Subject to subrule (3) of this rule, this rule applies to a person if subsection 31(2) of the Act would apply to the person (disregarding this rule) were it not for practice as an eligible midwife that the person begins to engage in:
 - (a) on or after the commencement of this rule; and
 - (b) during a COVID-19 human biosecurity emergency period.
- (3) If, 1 month after the end of the COVID-19 human biosecurity emergency period, the person is still engaged in practice as an eligible midwife, subrule (2) of this rule ceases to apply to the person at the end of that month.
- (4) A *COVID-19 human biosecurity emergency period* is a human biosecurity emergency period (within the meaning of the *Biosecurity Act 2015*) in relation to which the declaration listed human disease (within the meaning of that Act) is human coronavirus with pandemic potential.

Part 2—Amendments commencing 1 July 2020

Medical Indemnity Rules 2020

4 At the end of the instrument

Add:

Part 5—Application, transitional and saving provisions

Division 1—COVID-19 human biosecurity emergency period

23 Eligible run-off claims—COVID-19 human biosecurity emergency period

- (1) For the purposes of paragraph 34ZB(2)(f) of the Act, subsection 34ZB(2) of the Act applies to the persons covered by subsection (2) of this section.
- (2) Subject to subsection (3) of this section, this subsection covers a person if subsection 34ZB(2) of the Act would apply to the person (disregarding this section) were it not for practice as a medical practitioner that the person begins to engage in:
 - (a) on or after the commencement of the *Medical Indemnity Amendment (Eligible Run-off Claims) Regulations 2020*; and
 - (b) during a COVID-19 human biosecurity emergency period.
- (3) If, 1 month after the end of the COVID-19 human biosecurity emergency period, the person is still engaged in practice as a medical practitioner, subsection (2) of this section ceases to cover the person at the end of that month.
- (4) A ***COVID-19 human biosecurity emergency period*** is a human biosecurity emergency period (within the meaning of the *Biosecurity Act 2015*) in relation to which the declaration listed human disease (within the meaning of that Act) is human coronavirus with pandemic potential.

Midwife Professional Indemnity (Commonwealth Contribution) Scheme Rules 2020

5 Before section 1

Insert:

Part 1—Preliminary

Division 1—Preliminary

6 Before section 5

Insert:

Division 2—Definitions

7 Before section 8

Insert:

Part 2—Midwife Professional Indemnity Commonwealth Contributions

8 After section 10

Insert:

Part 3—Application, transitional and saving provisions

Division 1—COVID-19 human biosecurity emergency period

11 Eligible run-off claims—COVID-19 human biosecurity emergency period

- (1) For the purposes of paragraph 31(2)(f) of the Act, subsection 31(2) of the Act applies to the persons covered by subsection (2) of this section.
- (2) Subject to subsection (3) of this section, this subsection covers a person if subsection 31(2) of the Act would apply to the person (disregarding this section) were it not for practice as an eligible midwife that the person begins to engage in:
 - (a) on or after the commencement of Part 1 of Schedule 1 to the *Medical and Midwife Indemnity Legislation Amendment (Eligible Run-off Claims) Rules 2020*; and
 - (b) during a COVID-19 human biosecurity emergency period.
- (3) If, 1 month after the end of the COVID-19 human biosecurity emergency period, the person is still engaged in practice as an eligible midwife, subsection (2) of this section ceases to cover the person at the end of that month.
- (4) A **COVID-19 human biosecurity emergency period** is a human biosecurity emergency period (within the meaning of the *Biosecurity Act 2015*) in relation to which the declaration listed human disease (within the meaning of that Act) is human coronavirus with pandemic potential.