

Midwife Professional Indemnity (Commonwealth Contribution) Scheme Rules 2020

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

Dated 6 April 2020

Greg Hunt

Minister for Health

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Midwife Professional Indemnity (Commonwealth Contribution) Scheme Rules 2010 4

1 Name

This instrument is the *Midwife Professional Indemnity (Commonwealth Contribution) Scheme 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. The whole of this instrument | 1 July 2020. | 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Note: This table relates only to the provisions of this instrument as originally made.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 *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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

5 Definitions

Note: A number of expressions used in this instrument are defined in the Act, including the following:

(a) eligible midwife;

(b) insurer;

(c) midwife professional indemnity cover.

In this instrument:

***Act*** means the *Midwife Professional Indemnity (Commonwealth Contribution) Scheme Act 2010*.

***general interest charge rate*** has the same meaning as in section 8AAD of the *Taxation Administration Act 1953*.

Note: The general interest charge rate is a daily rate.

6 Eligible insurer

For the purposes of the definition of ***eligible insurer*** in subsection 5(1) of the Act, this section specifies the class of insurers each of which has an arrangement with the Commonwealth relating to:

(a) the provision, by contracts of insurance with the insurer, of midwife professional indemnity cover; and

(b) the provision by the insurer of cover in the nature of midwife professional indemnity run‑off cover (within the ordinary meaning of that term).

7 Requirement for eligible midwife

(1) For the purposes of paragraph (b) of the definition of ***eligible midwife*** in subsection 5(1) of the Act, this section specifies a requirement to be met by a person who is licensed, registered or authorised to practice midwifery by or under a law of the Commonwealth, a State or a Territory.

(2) The person must have the person’s licence, registration or authorisation to practise midwifery endorsed by the Nursing and Midwifery Board of Australia with a statement to the effect that the person is qualified:

(a) to prescribe medicines included in Schedules 2, 3, 4 and 8 to the current Poisons Standard (within the meaning of the *Therapeutic Goods Act 1989*); and

(b) to provide associated services required for midwifery practice in accordance with relevant State and Territory legislation.

8 Claims against eligible midwives

(1) This section is for the purposes of each of the following paragraphs of the Act:

(a) paragraph 11(3)(g) of the Act;

(b) paragraph (c) of the definition of ***private practice as a midwife*** in subsection 31(5) of the Act.

Note: Each of those paragraphs refers to practice of a kind in relation to which eligible midwives are ordinarily, or could reasonably be expected in the ordinary course of business to be, engaged as employees (and therefore indemnified from liability by their employer).

(2) The class of practice described in subsection (3) of this section is taken not to be practice of a kind referred to in that paragraph of the Act.

(3) The class is practice by eligible midwives who practise effectively as self‑employed midwives but operate their practice through a corporation (within the meaning of the *Corporations Act 2001*) all of whose shareholders and directors are practising midwives.

9 Late payment penalty rate

For each of the following subsections of the Act, the general interest charge rate for the first day in the period described in paragraph (c) of the subsection is specified for the purposes of paragraph (a) of the subsection:

(a) subsection 28(2);

(b) subsection 40(2);

(c) subsection 76(2).

Note: The general interest charge rate is a daily rate that, under the relevant subsection of the Act, applies for each day in the period.

10 Applicable interest rates for financial years for working out total run‑off cover credit

For the purposes of subsection 44(4) of the Act, the rate of interest, for a financial year, is the general interest charge rate for the last day before the start of the financial year multiplied by the number of days in the calendar year in which that day occurs.

Schedule 1—Repeals

Midwife Professional Indemnity (Commonwealth Contribution) Scheme Rules 2010

1 The whole of the instrument

Repeal the instrument.