

TRIPPLICATE C  
**Administering Department:**  
Please include this copy with documents sent to  
Federal Executive Council Secretariat in connection  
with the making of this legislation.  
**ExCo Secretariat:**  
Please complete this copy by inserting signatures, date  
making and instrument no. and send to:  
Legislative Services and Publication Unit  
Office of Legislative Drafting  
Attorney-General's Department



# Medical Indemnity Amendment Regulations 2003 (No. 1 )<sup>1</sup>

Statutory Rules 2003 No. 1<sup>2</sup>

250

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 9 OCT 2003 2003

P. M. Jeffery  
Governor-General

By His Excellency's Command

TONY ABBOTT  
Minister for Health and Ageing

**1 Name of Regulations**

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

**2 Commencement**

These Regulations are taken to have commenced on 15 August 2003.

**3 Amendment of *Medical Indemnity Regulations 2003***

Schedule 1 amends the *Medical Indemnity Regulations 2003*.

**Schedule 1 Amendment**

(regulation 3)

**[1] Regulation 8**

*substitute*

**8 IBNR indemnity contribution exemption (persons who are 65 or more)**

For subsection 52 (4) of the Act, a person is exempt from IBNR indemnity contribution for a contribution year if:

- (a) the person turned 65 before the beginning of the contribution year or will turn 65 in that year; and
- (b) at least 15 days before the payment day for the contribution year, the person gives to the HIC:
  - (i) a statutory declaration stating the date the person turned, or will turn, 65; or
  - (ii) a certified copy of the person's birth certificate.

### 8A **IBNR indemnity contribution exemption (persons with a disability)**

For subsection 52 (4) of the Act, a person is exempt from IBNR indemnity contribution for a contribution year if:

- (a) the person has at the beginning of the contribution year, or develops during that year, a physical, intellectual, psychiatric or sensory impairment; and
- (b) the person's impairment is of 20 points or more under the Impairment Tables in Schedule 1B to the *Social Security Act 1991*; and
- (c) the HIC is satisfied that the person has a continuing inability to work in a medical profession because of the person's impairment.

*Note for paragraph (c)* **Medical profession** includes a health care related vocation. **Health care related vocation** means a health care related vocation that a person must be registered under a State or Territory law to practise. See subsection 4 (1) of the Act.

### 8B **IBNR indemnity contribution exemption (persons who die on or after imposition day)**

For subsection 52 (4) of the Act, a person is exempt from IBNR indemnity contribution for a contribution year if:

- (a) the person dies on or after the imposition day in the contribution year; and
- (b) as soon as practicable after the person's death, the person's legal personal representative gives to the HIC:
  - (i) a statutory declaration, signed by the person's legal personal representative, stating that the person has died and giving the date of the person's death; or
  - (ii) a certified copy of the person's death certificate.

### 8C **When IBNR indemnity contribution must be paid**

For paragraph (b) of item 1 of the table in section 61 of the Act, 1 February 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.
2. Notified in the *Commonwealth of Australia Gazette* on *1* 2003. *10 October*