



Medical Indemnity Amendment Regulations 2005 (No. 1)¹

Select Legislative Instrument 2005 No. 112

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 7 June 2005

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 2005 (No. 1)*.

2 Commencement

These Regulations are taken to have commenced as follows:

- (a) on 1 July 2004 — Schedule 1;
- (b) on 21 March 2005 — Schedule 2.

3 Amendment of *Medical Indemnity Regulations 2003*

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

Schedule 1 Amendments taken to have commenced on 1 July 2004

(regulation 3)

[1] Subparagraph 12 (1) (a) (i)

substitute

(i) who:

- (A) is aged 65 years or over and who, apart from the provision of medical services free of charge in the course of private medical practice, has retired permanently from practice as a medical practitioner; or
- (B) is aged 65 years or over and has retired permanently from providing medical services for payment in the course of private medical practice; or

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- (C) has not engaged in practice as a medical practitioner, apart from the provision of medical services free of charge in the course of private medical practice, at any time during the preceding period of 3 years; or
 - (D) 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
 - (E) has ceased (temporarily or permanently) providing medical services for payment in the course of private medical practice because of maternity; or
 - (F) has ceased providing medical services for payment in the course of private medical practice because of a permanent disability; and

[2] Paragraph 12 (1) (b)

substitute

- (b) the class of persons each of whom meets the following requirements:
 - (i) the person was the holder of either:
 - (A) a Subclass 422 (Medical Practitioner) visa under the *Migration Regulations 1994*; or
 - (B) a Subclass 457 (Business (Long Stay)) visa under the *Migration Regulations 1994*;
 - (ii) under that visa, the person was permitted to engage in medical practice in Australia;
 - (iii) the person engaged in medical practice in Australia;
 - (iv) the person has permanently ceased medical practice in Australia;
 - (v) the person no longer resides in Australia;

- (c) the class of persons each of whom is a medical practitioner who:
 - (i) was engaged in medical practice, other than:
 - (A) in private medical practice; or
 - (B) in a practice conducted wholly outside Australia and the external Territories; and
 - (ii) is aged 65 years or over; and
 - (iii) has retired permanently from that medical practice;
- (d) the class of persons each of whom is a medical practitioner who:
 - (i) was engaged in medical practice, other than:
 - (A) in private medical practice; or
 - (B) in a practice conducted wholly outside Australia and the external Territories; and
 - (ii) has not engaged in that medical practice at any time during the preceding period of 3 years.

Example A former public sector medical practitioner could be a person within the class provided by paragraph (c) or (d).

Schedule 2 Amendment taken to have commenced on 21 March 2005

(regulation 3)

[1] Sub-subparagraphs 12 (1) (a) (i) (E) and (F)

substitute

- (E) has ceased (temporarily or permanently) the person's practice as a medical practitioner, apart from the provision of medical services free of charge in the course of private medical practice, because of maternity (within the meaning of subsection 34ZB (4A) of the Act); or
- (F) has ceased (temporarily or permanently) the person's practice as a medical practitioner, apart from the provision of medical services free of charge in the course of private medical practice, because of permanent disability (within the meaning of subsection 34ZB (4B) of the Act); and

Note

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See www.frli.gov.au.