

# Run off Cover Indemnity Scheme Medical practitioner who has ceased medical practice because of permanent disability

## When to use this form

The statutory declaration attached to this form must be completed by a medical practitioner who has ceased medical practice because of permanent disability. The medical practitioner must have ceased remunerated medical practice because of permanent disability.

For a date of notification **on or after 21 March 2005**, the medical practitioner must have ceased practice in the private and public sectors.

For a date of notification **prior to 21 March 2005**, the medical practitioner need only have ceased practice in the private sector.

The Run off Cover Indemnity Scheme (ROCS) only applies to claims or incidents first notified to the Medical Defence Organisation (MDO) or Medical Indemnity Insurer (MII) **on or after 1 July 2004**.

## For more information

For more information about Medical Indemnity or assistance completing the statutory declaration, contact the MDO or MII.

### Filling in this form

You can fill this form digitally in some browsers, or you can open it in Adobe Acrobat Reader. If you do not have Adobe Acrobat Reader, you can print this form and complete it.

If you have a printed form:

- Use black or blue pen.
- Print in BLOCK LETTERS.
- Sign the statutory declaration before an authorised person (see page 3 for a list of authorised persons).

## Important information for the person making the declaration

Provide all pages of this form to the person witnessing your signature (the prescribed person).

## Important information for the prescribed person

Read the Privacy notice before you complete and sign this form.

### Returning this form

Check that all required questions are answered and the statutory declaration has been signed and dated.

Send the completed statutory declaration to the MDO or MII.

## Privacy notice

The privacy and security of your personal information is important to us, and is protected by law. We need to collect this information so we can process and manage your applications and payments, and provide services to you. We only share your information with other parties where you have agreed, or where the law allows or requires it. For more information, go to

[servicesaustralia.gov.au/privacypolicy](http://servicesaustralia.gov.au/privacypolicy)

## Private medical practice

Private medical practice is defined in Section 4 Definitions of the *Medical Indemnity Act 2002* to mean practice as a medical practitioner, other than:

- practice consisting of treatment of public patients in a public hospital; or
- practice for which:
  - the Commonwealth, a State or a Territory; or
  - a local governing body; or
  - an authority established under a law of the Commonwealth, a State or a Territory;

indemnifies medical practitioners from liability relating to compensation claims (within the meaning of the *Medical Indemnity (Prudential Supervision and Product Standards) Act 2003*); or

- practice conducted wholly outside both Australia and the external Territories; or
- practice of a kind specified in the rules.

## Permanent disability

Permanent disability is defined in Section 34ZB of the *Medical Indemnity Act 2002*. A person is taken, for the purposes of paragraph (2)(d), to have ceased the person's practice as a medical practitioner because of permanent disability if and only if:

- the person has incurred an injury, or suffers from an illness, that is permanent, or is likely to be permanent; and
- as a result of the injury or illness, the person can no longer practise in the area of medicine in which he or she had (at the time of the injury or illness) chosen to practise and been qualified to practise; and
- another person who is a medical practitioner has certified, in the form approved by the Chief Executive Medicare, that the person:
  - has incurred an injury, or suffers from an illness, that is permanent, or is likely to be permanent; and
  - can no longer practise in that area of medicine; and
- the person has permanently ceased all practice as a medical practitioner.

Commonwealth of Australia  
STATUTORY DECLARATION  
*Statutory Declarations Act 1959*

1 *Insert the name, address and occupation of person making the declaration*

I, <sup>1</sup> .....

2 *Set out matter declared to in numbered paragraphs*

make the following declaration under section 9 of the *Statutory Declarations Act 1959*:

2 I hereby certify that:

1 Date of birth (DD MM YYYY)

2 Provider number

3 Registration number

4 I have not engaged in any remunerated private medical practice since:

Date (DD MM YYYY)    and from this date, I have not resumed private medical practice at any time because of permanent disability

or

I have not engaged in any remunerated medical practice including public sector practice since:

Date (DD MM YYYY)    and from this date, I have not resumed medical practice including public sector practice, at any time because of permanent disability.

I have ceased (temporarily or permanently) from 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 from

Date (DD MM YYYY)

5 I was a registered medical practitioner under an Australian state or territory law at the time the incident(s) occurred.

6 I believe that the statements in this declaration are true in every particular, and I understand that a person who intentionally makes a false statement in a statutory declaration is guilty of an offence under section 11 of the *Statutory Declarations Act 1959*, the punishment for which is imprisonment for a term of 4 years.

3 *Signature of person making the declaration*

3 .....

4 *Email address or telephone number of person making the declaration*

4 .....

5 *Place*  
6 *Day*  
7 *Month and year*

Declared at <sup>5</sup> ..... on <sup>6</sup> ..... of <sup>7</sup> .....

Observed by me,

8 *Signature of person observing the declaration being made*

8 .....

9 *Full name, qualification and address of person observing the declaration being made*

9 .....

10 *Email address and/or telephone number of person observing the declaration being made*

10 .....

**Note 1** Chapter 2 of the *Criminal Code* applies to all offences against the *Statutory Declarations Act 1959* — see section 5A of the *Statutory Declarations Act 1959*.

**A statutory declaration under section 9 of the  
Statutory Declarations Act 1959 may be made before –**

- (1) a person who is currently licensed or registered under a law to practice in one of the following occupations:
  - Architect
  - Chiropractor
  - Dentist
  - Financial adviser
  - Financial Planner
  - Legal practitioner
  - Medical practitioner
  - Midwife
  - Migration agent registered under Division 3 of Part 3 of the *Migration Act 1958*
  - Nurse
  - Occupational therapist
  - Optometrist
  - Patent attorney
  - Pharmacist
  - Physiotherapist
  - Psychologist
  - Trade marks attorney
  - Veterinary surgeon
- (2) a person who is enrolled on the roll of the Supreme Court of a state or territory, or the High Court of Australia, as a legal practitioner (however described); or
- (3) a person who is in the following list:
  - Accountant who is:
    - (a) a fellow of the National Tax Accountants' Association; or
    - (b) a member of any of the following:
      - i. Chartered Accountants Australia and New Zealand;
      - ii. the Association of Taxation and Management Accountants;
      - iii. CPA Australia;
      - iv. the Institute of Public Accountants
  - Agent of the Australian Postal Corporation who is in charge of an office supplying postal services to the public
  - APS employee engaged on an ongoing basis with 5 or more years of continuous service who is not specified in another item in this list
  - Australian Consular Officer or Australian Diplomatic Officer (within the meaning of the *Consular Fees Act 1955*)
  - Bailiff
  - Bank officer with 5 or more continuous years of service
  - Building society officer with 5 or more years of continuous service
  - Chief executive officer of a Commonwealth court
  - Clerk of a court
  - Commissioner for Affidavits
  - Commissioner for Declarations
  - Credit union officer with 5 or more years of continuous service
  - Employee of a Commonwealth authority engaged on a permanent basis with 5 or more years of continuous service who is not specified in another item in this list
  - Employee of the Australian Trade and Investment Commission who is:
    - (a) in a country or place outside Australia; and
    - (b) authorised under paragraph 3(d) of the *Consular Fees Act 1955*; and
    - (c) exercising the employee's function at that place
  - Employee of the Commonwealth who is:
    - (a) at a place outside Australia; and
    - (b) authorised under paragraph 3(c) of the *Consular Fees Act 1955*; and
    - (c) exercising the employee's function at that place
  - Engineer who is:
    - (a) a member of Engineers Australia, other than at the grade of student; or
    - (b) a Registered Professional Engineer of Professionals Australia; or
    - (c) registered as an engineer under a law of the Commonwealth, a state or territory; or
    - (d) registered on the National Engineering Register by Engineers Australia
  - Finance company officer with 5 or more years of continuous service
  - Holder of a statutory office not specified in another item in this list
  - Judge
  - Justice of the Peace
  - Magistrate
  - Marriage celebrant registered under Subdivision C of Division 1 of Part IV of the *Marriage Act 1961*
  - Master of a court
  - Member of the Australian Defence Force who is:
    - (a) an officer
    - (b) a non-commissioned officer within the meaning of the *Defence Force Discipline Act 1982* with 5 or more years of continuous service
    - (c) a warrant officer within the meaning of that Act
  - Member of the Australasian Institute of Mining and Metallurgy
  - Member of the Governance Institute of Australia Ltd
  - Member of:
    - (a) the Parliament of the Commonwealth
    - (b) the Parliament of a state
    - (c) a territory legislature
    - (d) a local government authority
  - Minister of religion registered under Subdivision A of Division 1 of Part IV of the *Marriage Act 1961*
  - Notary public, including a notary public (however described) exercising functions at a place outside
    - (a) the Commonwealth
    - (b) the external territories of the Commonwealth
  - Permanent employee of the Australian Postal Corporation with 5 or more years of continuous service who is employed in an office providing postal services to the public
  - Permanent employee of
    - (a) a state or territory or a state or territory authority
    - (b) a local government authoritywith 5 or more years of continuous service, other than such an employee who is specified in another item of this list
  - Person before whom a statutory declaration may be made under the law of the State or Territory in which the declaration is made
  - Police officer
  - Registrar, or Deputy Registrar, of a court
  - Senior executive employee of a Commonwealth authority
  - Senior executive employee of a State or Territory
  - SES employee of the Commonwealth
  - Sheriff
  - Sheriff's officer
  - Teacher employed on a permanent full-time or part-time basis at a school or tertiary education institution