



PB 117 of 2016

National Health (Eligible midwives) Amendment Determination 2016

National Health Act 1953

I, PENNY SHAKESPEARE, First Assistant Secretary, Pharmaceutical Benefits Division, Department of Health, delegate of the Minister for Health and Aged Care, make this Determination under subsection 84AAE (3) of the *National Health Act 1953*.

Dated 13 December 2016

PENNY SHAKESPEARE
First Assistant Secretary
Pharmaceutical Benefits Division
Department of Health

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Preliminary

1 Name

- (1) This instrument is the *National Health (Eligible midwives) Amendment Determination 2016*.
- (2) This instrument may also be cited as PB 117 of 2016.

2 Commencement

This instrument commences on 1 January 2017.

3 Authority

This instrument is made under subsection 84AAE(3) of the *National Health Act 1953*.

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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

National Health (Eligible midwives) Determination 2010

1 Section 3 (after definition of Act)

Insert:

Board means the Nursing and Midwifery Board of Australia.

endorsed by the Board means endorsed by the Board under section 94 of the National Law to prescribe schedule 2, 3, 4 and 8 medicines and to provide associated services required for midwifery practice in accordance with relevant state and territory regulation.

2 Section 3 definition of *National Law*

Repeal the definition, substitute:

National Law means:

- (a) for a State or Territory other than Western Australia, the Health Practitioner Regulation National Law set out in the Schedule to the *Health Practitioner Regulation National Law Act 2009* (Qld) and adopted (with or without modifications) by legislation of that State or Territory of Australia as a law of that jurisdiction; and
- (b) for Western Australia, the legislation enacted by the *Health Practitioner Regulation National Law (WA) Act 2010* (WA) that corresponds to the *Health Practitioner Regulation National Law Act 2009* (Qld).

3 Section 3 definition of *Nursing and Midwifery Board*

Repeal the definition.

4 Section 4 Eligibility requirements

Repeal the section, substitute:

4 Requirements to be an *eligible midwife* (1 January 2017 to 30 June 2018)

- (1) This section applies until the end of 30 June 2018.
- (2) For the purposes of the meaning of *eligible midwife* in subsection 84AAE (3) of the Act, the person must meet the requirements that are specified in subsection (3) or the requirements that are specified in subsection (4).
- (3) The person must:
 - (a) have current general registration as a midwife in Australia with no restrictions on practice;

- (b) have midwifery experience that constitutes the equivalent of 3 years full-time post initial registration as a midwife;
 - (c) have current competence, as recognised by the Board, to provide pregnancy, labour, birth and post natal care to women and their infants;
 - (d) have successfully completed a professional practice review program approved by the Board for midwives working across the continuum of midwifery care;
 - (e) have undertaken 20 additional hours per year of continuing professional development relating to the continuum of midwifery care;
 - (f) have either successfully completed, or provided a formal undertaking to the Board that they will complete within 18 months of recognition as an eligible midwife:
 - (i) an accredited and approved program of study determined by the Board to develop midwives' knowledge and skills in prescribing, or
 - (ii) a program, recognised by the Board, that is substantially equivalent to such an approved program of study; and
 - (g) not be, or not have been at any time after 1 January 2017, endorsed by the Board.
- (4) The person must be endorsed by the Board.

5 Requirements to be an *eligible midwife* (beginning 1 July 2018)

- (1) This section applies beginning on 1 July 2018.
- (2) For the purposes of the meaning of *eligible midwife* in subsection 84AAE (3) of the Act, the person must meet the requirements that are specified in subsection (3).
- (3) The person must be endorsed by the Board.