

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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

1. 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
2. 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)

This section applies until the end of 30 June 2018.

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).

The person must:

* + 1. have current general registration as a midwife in Australia with no restrictions on practice;
		2. have midwifery experience that constitutes the equivalent of 3 years full‑time post initial registration as a midwife;
		3. have current competence, as recognised by the Board, to provide pregnancy, labour, birth and post natal care to women and their infants;
		4. have successfully completed a professional practice review program approved by the Board for midwives working across the continuum of midwifery care;
		5. have undertaken 20 additional hours per year of continuing professional development relating to the continuum of midwifery care;
		6. 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:
			1. an accredited and approved program of study determined by the Board to develop midwives’ knowledge and skills in prescribing, or
			2. a program, recognised by the Board, that is substantially equivalent to such an approved program of study; and
		7. not be, or not have been at any time after 1 January 2017, endorsed by the Board.

The person must be endorsed by the Board.

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

This section applies beginning on 1 July 2018.

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).

The person must be endorsed by the Board.