



National Health (Eligible Midwives) Determination 2022

I, Travis Haslam, delegate of the Minister for Health and Aged Care, make the following determination.

Dated 27 September 2022

Travis Haslam
Acting First Assistant Secretary
Medical Benefits Division
Health Resourcing Group
Department of Health and Aged Care

Contents

Part 1—Preliminary	1
1 Name.....	1
2 Commencement	1
3 Authority.....	1
4 Definitions	1
5 Schedules	2
Part 2—Requirements	2
6 Requirements to be an <i>eligible midwife</i>	2
Schedule 1—Repeals	3
<i>National Health (Eligible midwives) Determination 2010</i>	3

Part 1—Preliminary

1 Name

This instrument is the *National Health (Eligible Midwives) Determination 2022*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The day after this instrument is registered.	

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

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

4 Definitions

Note: A number of expressions used in this instrument are defined in the Act, including the following:

(a) midwife.

In this instrument:

Act means the *National Health Act 1953*.

eligible midwife has the same meaning as in Part VII of the Act.

Health Practitioner Regulation National Law has the same meaning as in the Regulations.

National Board has the same meaning as in the Regulations.

Regulations means the *National Health Regulation 2016*.

scheduled medicine has the same meaning as in the Health Practitioner Regulation National Law.

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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Part 2—Requirements

6 Requirements to be an *eligible midwife*

For subsection 84AAE(3) of the Act, the following requirement is determined for a person to be an *eligible midwife* for the purposes of Part VII of the Act:

- (a) the registration of the person in the health profession of midwifery must be endorsed by the National Board under section 94 of the Health Practitioner Regulation National Law to administer, obtain, possess, prescribe, sell, supply or use a scheduled medicine or class of scheduled medicines.

Note 1: The reference to National Board in this section is a reference to the Nursing and Midwifery Board of Australia.

Note 2: The registration of a person in the health profession of midwifery may only be endorsed by the National Board under section 94 of the Health Practitioner Regulation National Law if the person:

- (a) holds either of the following qualifications relevant to the endorsement—
 - (i) an approved qualification;
 - (ii) another qualification that, in the National Board’s opinion, is substantially equivalent to, or based on similar competencies to, an approved qualification;and
- (b) complies with any approved registration standard relevant to the endorsement.

Note 3: An endorsement of the registration of a midwife under section 94 of the Health Practitioner Regulation National Law indicates that the midwife is qualified to administer, obtain, possess, prescribe, sell, supply or use the scheduled medicine or class of scheduled medicines specified in the endorsement but does not authorise the midwife to do so. Such authorisation will be provided for by or under another Act of the relevant jurisdiction.

Schedule 1—Repeals

Note: See section 5.

National Health (Eligible midwives) Determination 2010

1 The whole of the instrument

Repeal the instrument.