

1. The schedule to the *Health Practitioner Regulation National Law Act 2009* (Qld) sets out the Health Practitioner Regulation National Law. For the current version of the National Law, use the following link:

<https://www.legislation.qld.gov.au/view/html/inforce/current/act-2009-045>

2. Regulations may be made under section 245 of the National Law and are to be published by the Victorian Government Printer. For the Regulations as made, use the below link – Victorian Law Today – Statutory Rules

<http://www.legislation.vic.gov.au/>

## NORTHERN TERRITORY OF AUSTRALIA

### HEALTH PRACTITIONER REGULATION (NATIONAL UNIFORM LEGISLATION) ACT 2010

As in force at 1 December 2018

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# NORTHERN TERRITORY OF AUSTRALIA

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As in force at 1 December 2018

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## HEALTH PRACTITIONER REGULATION (NATIONAL UNIFORM LEGISLATION) ACT 2010

**An Act to apply as a law of the Territory a national law relating to health  
practitioner regulation, and for related purposes**

### **Part 1                    Preliminary matters**

#### **1                    Short title**

This Act may be cited as the *Health Practitioner Regulation (National Uniform Legislation) Act 2010*.

#### **2                    Commencement**

This Act commences on 1 July 2010.

#### **3                    Interpretation**

(1) In this Act:

***Health Practitioner Regulation National Law (NT)*** means the provisions applying in this jurisdiction because of section 4.

***Tribunal*** means the Civil and Administrative Tribunal.

(2) Terms used in this Act and also in the Health Practitioner Regulation National Law set out in the Schedule to *the Health Practitioner Regulation National Law Act 2009* (Qld) have the same meanings in this Act as they have in that Law.

## **Part 2                    Adoption of Health Practitioner Regulation National Law**

### **4                    Adoption of Health Practitioner Regulation National Law**

The Health Practitioner Regulation National Law, as in force from time to time, set out in the Schedule to the *Health Practitioner Regulation National Law Act 2009* (Qld):

- (a) applies as a law of this jurisdiction; and
- (b) as so applying may be referred to as the *Health Practitioner Regulation National Law (NT)*; and
- (c) so applies as if it were a part of this Act.

#### **4A                    Private midwifery**

- (1) Despite section 284 of the *Health Practitioner Regulation National Law (NT)*, a midwife in the Territory does not, during the transition period, contravene section 129(1) of that Law merely because the midwife practises private midwifery if:
  - (a) the practise occurs in the Territory; and
  - (b) the practise would not contravene section 129 of that Law if it occurred in a participating jurisdiction mentioned in section 284(1)(a) of that Law.
- (2) Section 284 of the *Health Practitioner Regulation National Law (NT)* (other than section 284(1)(a)) applies in relation to the practise under subsection (1).
- (3) A midwife who intends to practise, or practises, private midwifery must notify the Chief Health Officer, in writing and in accordance with any requirement prescribed by a law of the Territory:
  - (a) before practising private midwifery for the first time, of the midwife's intention to do so; and
  - (b) on or before 31 May in every year, if the midwife intends to continue practising private midwifery at any time during the subsequent financial year.
- (4) A midwife must give the Chief Health Officer a written report in relation to a private midwifery case, prepared in accordance with any requirement prescribed by a law of the Territory and in any event not later than 60 days after the end of the case.

(5) In this section:

**Chief Health Officer**, see section 4 of the *Public and Environmental Health Act 2011*.

**midwife**, see section 284(5) of the *Health Practitioner Regulation National Law (NT)*.

**private midwifery**, see section 284(5) of the *Health Practitioner Regulation National Law (NT)*.

**transition period**, see section 284(5) of the *Health Practitioner Regulation National Law (NT)*.

## 5 **Meaning of generic terms in Health Practitioner Regulation National Law for purposes of this jurisdiction**

(1) In the *Health Practitioner Regulation National Law (NT)*:

**court of summary jurisdiction**, in relation to the Territory, means the Local Court of the Northern Territory under the *Local Court Act 2015*.

**criminal history law**, in relation to the Territory, means:

- (a) the *Criminal Records (Spent Convictions) Act 1992*; or
- (b) the *Anti-Discrimination Act 1992*.

**health complaints entity**, in relation to the Territory, means the Health and Community Services Complaints Commission established by the *Health and Community Services Complaints Act 1998*.

**magistrate**, in relation to the Territory, means a Local Court Judge.

**this jurisdiction** means the Territory.

(1A) In the *Health Practitioner Regulation National Law (NT)*, a reference to any of the following is a reference to the Legislative Assembly:

- (a) the Legislature of this jurisdiction;
- (b) the Parliament of this jurisdiction;
- (c) a House of the Parliament or each House of the Parliament of this jurisdiction.

- (2) A reference in the *Health Practitioner Regulation National Law (NT)* to the State includes a reference to the Territory.

*Example for section 5(2)*

*See sections 23(3) and 31(3) of the Health Practitioner Regulation National Law (NT).*

## **6 Responsible tribunal for Health Practitioner Regulation National Law (NT)**

The Tribunal is declared to be a responsible tribunal for the *Health Practitioner Regulation National Law (NT)*.

### **6A Application to end, shorten or amend prohibition order**

- (1) A person who is subject to a prohibition order made by the Tribunal may apply to the Tribunal for one or more orders under subsection (3)(b).
- (2) An application under subsection (1) may not be made:
- (a) earlier than 5 years after the date of the prohibition order; or
  - (b) while the terms of an order under subsection (4) provide that an application under this section may not be made in relation to a prohibition order.
- (3) The Tribunal may decide to do any of the following:
- (a) dismiss the application;
  - (b) make any of the following orders:
    - (i) an order ending the prohibition order;
    - (ii) an order shortening the period of the prohibition order;
    - (iii) an order amending the prohibition order.
- (4) In addition, the Tribunal may order that the applicant must not make a further application under this section until after a specified time.
- (5) In making a decision under subsection (3) or (4), the Tribunal must consider the following:
- (a) the time elapsed since the prohibition order was made;
  - (b) any material change in the circumstances of the applicant since the prohibition order was made;

- (c) any complaint made or notified to a National Board under Part 8 of the *Health Practitioner Regulation National Law (NT)* about the applicant, whether the complaint was made or notified before or after the prohibition order was made;
  - (d) any other matter the Tribunal considers appropriate.
- (6) A National Board that was a party to the proceedings which led to the making of the prohibition order is a party to the proceedings arising from an application under this section.
  - (7) An application under this section is not an application to review the decision of the Tribunal to make the prohibition order, or any findings made in connection with the making of that decision.
  - (8) Section 131 of the *Northern Territory Civil and Administrative Tribunal Act 2014* does not apply in relation to a proceeding under this section.
  - (9) Section 140 of the *Northern Territory Civil and Administrative Tribunal Act 2014* does not apply in relation to a decision of the Tribunal under this section.
  - (10) In this section:

**prohibition order**, see section 5 of the *Health Practitioner Regulation National Law (NT)*.

## **6B Appellable decision under Health Practitioner Regulation National Law (NT)**

- (1) A person who appeals against an appellable decision under section 199 of the *Health Practitioner Regulation National Law (NT)* must commence the appeal by making an application to the Tribunal.
- (2) In this section:

**appellable decision** means an appellable decision as defined in section 199(1) of the *Health Practitioner Regulation National Law (NT)*.

## **7 Exclusion of legislation of this jurisdiction**

The following Acts of this jurisdiction do not apply to the *Health Practitioner Regulation National Law (NT)* or to the instruments made under that Law:

- (a) section 9 and Parts 3 to 8 of the *Information Act 2002*;

- (b) the *Interpretation Act 1978*;
- (c) the *Ombudsman Act 2009*;
- (d) the *Public Sector Employment and Management Act 1993*.

## **Part 3            Miscellaneous matters**

### **8            Regulations**

The Administrator may make regulations under this Act.



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**ENDNOTES**
**1 KEY**

Key to abbreviations

<b>amd</b> = amended	<b>od</b> = order
<b>app</b> = appendix	<b>om</b> = omitted
<b>bl</b> = by-law	<b>pt</b> = Part
<b>ch</b> = Chapter	<b>r</b> = regulation/rule
<b>cl</b> = clause	<b>rem</b> = remainder
<b>div</b> = Division	<b>renum</b> = renumbered
<b>exp</b> = expires/expired	<b>rep</b> = repealed
<b>f</b> = forms	<b>s</b> = section
<b>Gaz</b> = <i>Gazette</i>	<b>sch</b> = Schedule
<b>hdg</b> = heading	<b>sdiv</b> = Subdivision
<b>ins</b> = inserted	<b>SL</b> = Subordinate Legislation
<b>lt</b> = long title	<b>sub</b> = substituted
<b>nc</b> = not commenced	

**2 LIST OF LEGISLATION*****Health Practitioner Regulation (National Uniform Legislation) Act 2010 (Act No. 2, 2010)***

Assent date	17 March 2010
Commenced	1 July 2010 (s 2)

***Health Practitioner (National Uniform Legislation) Implementation Act 2012 (Act No. 17, 2012)***

Assent date	22 May 2012
Commenced	1 July 2012 (s 2)

***Health Practitioner Regulation (National Uniform Legislation) Act 2014 (Act No. 10, 2014)***

Assent date	16 April 2014
Commenced	16 April 2014

***Northern Territory Civil and Administrative Tribunal (Conferral of Jurisdiction Amendments) (No. 2) Act 2014 (Act No. 35, 2014)***

Assent date	13 November 2014
Commenced	pts 4, 9, 10 and 19: 1 June 2015 ( <i>Gaz</i> S53, 29 May 2015, p 2); rem: 1 January 2015 ( <i>Gaz</i> G51, 24 December 2014, p 7)

***Local Court (Related Amendments) Act 2016 (Act No. 8, 2016)***

Assent date	6 April 2016
Commenced	1 May 2016 (s 2, s 2 <i>Local Court (Repeals and Related Amendments) Act 2016</i> (Act No. 9, 2016) and <i>Gaz</i> S34, 29 April 2016)

***Health Practitioner Regulation (National Uniform Legislation) and Other Legislation Amendment Act 2018 (Act No. 28, 2018)***

Assent date	30 November 2018
Commenced	1 December 2018 (s 2)

**3 GENERAL AMENDMENTS**

General amendments of a formal nature (which are not referred to in the table of amendments to this reprint) are made by the *Interpretation Legislation Amendment Act 2018* (Act No. 22, 2018) to: ss 1, 4A, 5, 6A and 7.

**4 LIST OF AMENDMENTS**

s 3	amd No. 28, 2018, s 4
s 4A	ins No. 10, 2014, s 3
s 5	amd No. 8, 2016, s 45; No. 28, 2018, s 5
s 6	amd No. 17, 2012, s 51; No. 35, 2014, s 47 sub No. 28, 2018, s 6
ss 6A – 6B	ins No. 28, 2018, s 6
pt 4 hdg	exp No. 2, 2010, s 12
ss 9 – 12	exp No. 2, 2010, s 12