

NORTHERN TERRITORY OF AUSTRALIA

HEALTH PRACTITIONER REGULATION (NATIONAL UNIFORM LEGISLATION) ACT

As in force at 16 April 2014

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 16 April 2014

HEALTH PRACTITIONER REGULATION (NATIONAL UNIFORM LEGISLATION) ACT

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*.

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.

(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*.

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 Court of Summary Jurisdiction established by section 41A of the *Justices Act*.

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

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

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*.

magistrate, in relation to the Territory, means the Chief Magistrate, a Deputy Magistrate, a Stipendiary Magistrate, a Special Magistrate or a Relieving Magistrate appointed under the *Magistrates Act*.

Parliament of this jurisdiction means the Legislative Assembly of the Territory.

this jurisdiction means the Territory.

- (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)**

- (1) The Health Professional Review Tribunal (the **Tribunal**) established by section 63(1) of the *Health Practitioners Act* is declared to be a responsible tribunal for the *Health Practitioner Regulation National Law (NT)*.

- (2) A person who appeals against an appellable decision under section 199 of the *Health Practitioner Regulation National Law (NT)* must start the appeal by giving:
- (a) a notice of appeal to the President of the Tribunal in a form approved by the President; and
 - (b) a copy of the notice to:
 - (i) the other parties to the proceedings to which the appeal relates; and
 - (ii) anyone else entitled to be given notice of the appellable decision under the *Health Practitioner Regulation National Law (NT)*.
- (3) The period for starting the appeal is:
- (a) the period of 28 days after the later of the following:
 - (i) the appellable decision is made;
 - (ii) the reasons for the appellable decision are given to the person; or
 - (b) a longer period allowed by the President of the Tribunal.
- (4) In this section:

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

President of the Tribunal means the President of the Tribunal mentioned in section 63(3) of the *Health Practitioners Act*.

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

Part 3 Miscellaneous matters

8 Regulations

The Administrator may make regulations under this Act.

ENDNOTES

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KEY

Key to abbreviations

amd = amended
app = appendix
bl = by-law
ch = Chapter
cl = clause
div = Division
exp = expires/expired
f = forms
Gaz = *Gazette*
hdg = heading
ins = inserted
lt = long title
nc = not commenced

od = order
om = omitted
pt = Part
r = regulation/rule
rem = remainder
renum = renumbered
rep = repealed
s = section
sch = Schedule
sdiv = Subdivision
SL = Subordinate Legislation
sub = substituted

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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) Amendment Act 2014 (Act No. 10, 2014)

Assent date	16 April 2014
Commenced	16 April 2014

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LIST OF AMENDMENTS

s 4A	ins No. 10, 2014, s 3
s 6	amd No. 17, 2012, s 51
pt 4 hdg	exp No. 2, 2010, s 12
ss 9 – 12	exp No. 2, 2010, s 12