

# NORTHERN TERRITORY OF AUSTRALIA

## HEALTH PRACTITIONER REGULATION (NATIONAL UNIFORM LEGISLATION) AND OTHER LEGISLATION AMENDMENT ACT 2018

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Act No. 28 of 2018

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**Schedule 2      Other laws amended**



# NORTHERN TERRITORY OF AUSTRALIA

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Act No. 28 of 2018

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An Act to amend various laws as a consequence of changes to the Health Practitioner Regulation National Law by the *Health Practitioner Regulation National Law and Other Legislation Amendment Act 2017* (Qld)

[Assented to 30 November 2018]  
[Introduced 24 October 2018]

The Legislative Assembly of the Northern Territory enacts as follows:

## Part 1 Preliminary matters

### 1 Short title

This Act may be cited as the *Health Practitioner Regulation (National Uniform Legislation) and Other Legislation Amendment Act 2018*.

### 2 Commencement

This Act commences on the day after the day on which the Administrator's assent to this Act is declared.

## Part 2 Amendment of Health Practitioner Regulation (National Uniform Legislation) Act

### 3 Act amended

This Part amends the *Health Practitioner Regulation (National Uniform Legislation) Act*.

**4 Section 3 amended (Interpretation)**

Section 3(1)

*insert (in alphabetical order)*

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

**5 Section 5 amended (Meaning of generic terms in Health Practitioner Regulation National Law for purposes of this jurisdiction)**

(1) Section 5(1), definition **Parliament of this jurisdiction**

*omit*

(2) After section 5(1)

*insert*

(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.

**6 Section 6 replaced**

Section 6

*repeal, insert*

**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* does not apply in relation to a proceeding under this section.

(9) Section 140 of the *Northern Territory Civil and Administrative Tribunal Act* 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)*.

### **Part 3 Consequential amendments**

#### **Division 1 Amendment of Education Act**

##### **7 Act amended**

This Division amends the *Education Act*.

##### **8 Section 89 amended (Medical and dental inspections)**

(1) Section 89(1), after "dentist"

*insert*

, midwife

(2) Section 89(2)

*insert (in alphabetical order)*

**midwife** means a person registered under the Health Practitioner Regulation National Law to practise in the midwifery profession (other than as a student).

- (3) Section 89(2), definition **nurse**  
*omit*  
and midwifery profession as a nurse  
*insert*  
profession

## Division 2 Amendment of Medicines, Poisons and Therapeutic Goods Act

### 9 Act amended

This Division amends the *Medicines, Poisons and Therapeutic Goods Act*.

### 10 Section 28A replaced

Section 28A  
*repeal, insert*

### 28A Meaning of **paramedic** and **approved paramedic**

- (1) A **paramedic** is a person registered under the Health Practitioner Regulation National Law to practise in the paramedicine profession (other than as a student).
- (2) An **approved paramedic** is a paramedic declared under section 250(1)(c) to be an approved paramedic.

### 11 Section 254 amended (Approval of Scheduled substance treatment protocol)

- (1) After section 254(1)(f)  
*insert*  
(fa) an ambulance station;  
(fb) an ambulance vehicle or a class of ambulance vehicles;

(2) After section 254(2)

*insert*

(3) In this section:

**ambulance vehicle** means a motor vehicle used solely for giving emergency treatment and pre-hospital patient care to, and the transport of, sick or injured persons by an ambulance service.

(3) Section 254, note

*omit*

*ambulance officer*

*insert*

*paramedic*

## 12 Act further amended

Schedule 1 has effect.

## Division 3 Amendment of Mental Health and Related Services Act

## 13 Act amended

This Division amends the *Mental Health and Related Services Act*.

## 14 Section 4 amended (Definitions)

(1) Section 4, definition **ambulance officer**

*omit*

(2) Section 4

*insert (in alphabetical order)*

**paramedic** means a person registered under the Health Practitioner Regulation National Law to practise in the paramedicine profession (other than as a student).

(3) Section 4, definition **registered nurse**, paragraph (a)

*omit*

and midwifery profession as a nurse



*insert*

profession

**15 Section 23 amended (Designated mental health practitioners)**

Section 23(3)(a)(vi)

*omit, insert*

(vi) a paramedic; and

**16 Section 24 repealed (Ambulance officers)**

Section 24

*repeal*

**17 Section 31 amended (Detention by ambulance officer)**

(1) Section 31, heading

*omit*

**ambulance officer**

*insert*

**paramedic**

(2) Section 31(1) and (3)

*omit*

An ambulance officer

*insert*

A paramedic

(3) Section 31(1)

*omit*

the ambulance officer

*insert*

the paramedic

- (4) Section 31(2)  
*omit*  
an ambulance officer  
*insert*  
a paramedic

- (5) Section 31(2)(a)  
*omit*  
himself or herself  
*insert*  
the person

**18 Section 34 amended (Recommendation for psychiatric examination)**

- (1) Section 34(3)  
*omit*  
an ambulance officer  
*insert*  
a paramedic

- (2) Section 34(3)(c)(i)  
*omit*  
himself or herself  
*insert*  
the person

- (3) Section 34(8)  
*omit*  
ambulance officer  
*insert*  
paramedic

**19 Section 35 amended (Emergency treatment)**

Section 35(1)(c)

*omit*

ambulance officer

*insert*

paramedic

**Division 4 Amendment of Youth Justice Act**

**20 Act amended**

This Division amends the *Youth Justice Act*.

**21 Section 5 amended (Interpretation)**

(1) Section 5(1), definition **nurse**

*omit*

and midwifery profession as a nurse

*insert*

profession

(2) Section 5(1)

*insert (in alphabetical order)*

**midwife** means a person registered under the Health Practitioner Regulation National Law to practise in the midwifery profession (other than as a student).

**22 Section 154 amended (Use of force)**

Section 154(2)(a) and (b)

*omit*

practitioner or nurse

*insert*

practitioner, nurse or midwife

**23 Section 160 amended (Detainee may be tested for alcohol or illicit drug)**

Section 160(5)

*omit*

practitioner or nurse

*insert*

practitioner, nurse or midwife

**24 Section 175 amended (Taking of medical sample)**

Section 175(1)

*omit*

practitioner or nurse

*insert*

practitioner, nurse or midwife

**Division 5 Other laws amended**

**25 Other laws amended**

Schedule 2 amends the laws mentioned in it.

**Division 6 Repeal of Act**

**26 Repeal of Act**

This Act is repealed on the day after it commences.

## Schedule 1 Medicines, Poisons and Therapeutic Goods Act further amended

section 12

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
section 5, definition <b>approved ambulance officer</b>	whole definition	
section 5		<i>(in alphabetical order)</i> <b>approved paramedic</b> , see section 28A(2). <b>paramedic</b> , see section 28A(1).
section 25(1)	and midwifery profession as a nurse	profession
section 25(5)	nursing and midwifery profession as a midwife	midwifery profession
section 64, heading	<b>ambulance officers</b>	<b>paramedics</b>
section 64(1) and (2)	ambulance officer	paramedic
section 250, heading	<b>ambulance officers</b>	<b>paramedics</b>
section 250(1)(c)	an ambulance officer to be an approved ambulance officer	a paramedic to be an approved paramedic
section 250, note	<i>ambulance officer</i>	<i>paramedic</i>

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**Schedule 2 Other laws amended**

section 25

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
<b><i>Alcohol Harm Reduction Act 2017</i></b>		
section 4, definition <b><i>nurse</i></b>	and midwifery profession as a nurse	profession
<b><i>Alcohol Harm Reduction Regulations</i></b>		
regulation 3(1)(b)	whole paragraph	(b) a person registered under the Health Practitioner Regulation National Law to practise in the paramedicine profession (other than as a student);
<b><i>Criminal Code</i></b>		
section 186A, definition <b><i>authorised professional</i></b> , paragraph (b)	whole paragraph	(b) the nursing profession; or (c) the midwifery profession.
section 208A(6), definition <b><i>midwife</i></b>	nursing and midwifery profession as a midwife	midwifery profession
section 208A(6), definition <b><i>nurse</i></b>	and midwifery profession as a nurse	profession
<b><i>Domestic and Family Violence Act</i></b>		
section 84(7), definition <b><i>health practitioner</i></b> , paragraph (b)	and midwifery profession as a nurse	profession

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
<b><i>Evidence Act</i></b>		
section 56F(2), definition <b><i>registered nurse</i></b> , paragraph (a)	and midwifery profession as a nurse	profession
<b><i>Meat Industries Act</i></b>		
section 58(3), definition <b><i>registered nurse</i></b> , paragraph (a)	and midwifery profession as a nurse	profession
<b><i>Medical Services Act</i></b>		
section 5, definition <b><i>private nurse</i></b> , paragraph (a)	and midwifery profession as a nurse	profession
<b><i>Misuse of Drugs Act</i></b>		
section 3(1), definition <b><i>nurse practitioner</i></b> , paragraph (a)	and midwifery profession as a nurse, other than as a student	profession (other than as a student)
<b><i>Motor Accidents (Compensation) Act</i></b>		
section 4, definition <b><i>nurse</i></b>	and midwifery profession as a nurse	profession
<b><i>Police Administration Act</i></b>		
section 132(1)(b)(ii)	and midwifery profession as a nurse	profession
<b><i>Private Hospitals Act</i></b>		
section 4, definition <b><i>registered nurse</i></b> , paragraph (a)	and midwifery profession as a nurse	profession
<b><i>Public and Environmental Health Act</i></b>		
section 8(3), definition, <b><i>health practitioner</i></b> , paragraph (c)	and midwifery profession as a nurse	profession

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
<b><i>Public and Environmental Health Regulations</i></b>		
regulation 57, definition <b><i>midwife</i></b>	all words from "(other" to "nurse"	to practise in the midwifery profession (other than as a student)
<b><i>Rail Safety (National Uniform Legislation) Act</i></b>		
section 5(1), definition <b><i>registered nurse</i></b> , paragraph (a)	and midwifery profession as a nurse	profession
<b><i>Return to Work Act</i></b>		
section 49(1), definitions <b><i>enrolled nurse</i></b> , paragraph (a) and <b><i>registered nurse</i></b> , paragraph (a)	and midwifery profession as a nurse	profession
<b><i>Return to Work Regulations</i></b>		
regulation 12(1)(a)	and midwifery profession as nurses	profession
<b><i>Termination of Pregnancy Law Reform Act</i></b>		
section 4, definition <b><i>health practitioner</i></b> , paragraph (c)	whole paragraph	(c) midwifery; (ca) nursing;
section 4, definition <b><i>midwife</i></b>	nursing and midwifery profession as a midwife	midwifery profession
section 4, definition <b><i>nurse</i></b>	and midwifery profession as a nurse	profession
<b><i>Traffic Act</i></b>		
section 3(1), definition <b><i>registered nurse</i></b> , paragraph (a)	and midwifery profession as a nurse	profession



Provision	Amendment	
	<i>omit</i>	<i>insert</i>
<b><i>Transplantation and Anatomy Act</i></b>		
section 16(a)(iii)	and midwifery profession as a nurse	profession
<b><i>Volatile Substance Abuse Prevention Act</i></b>		
section 4, definitions <b><i>health practitioner</i></b> , paragraph (b)(ii) and <b><i>nurse</i></b>	and midwifery profession as a nurse	profession
<b><i>Youth Justice Regulations</i></b>		
regulation 32(1)(d)	or nurse,	nurse or midwife
regulation 38, definition <b><i>health professional</i></b>	a nurse,	nurse, midwife
regulation 57(2) and (3), after "nurse"		or a midwife
regulation 57(4), definition <b><i>registered nurse</i></b>	whole definition	<b><i>registered nurse</i></b> means a person registered under the Health Practitioner Regulation National Law:  (a) to practise in the nursing profession (other than as a student); and  (b) in the registered nurses division of that profession.