

Legislative Council—No 199

As received from the House of Assembly and read a first time, 16 October 2013

South Australia

**Health Practitioner Regulation National Law
(South Australia) (Restricted Birthing Practices)
Amendment Bill 2013**

A BILL FOR

An Act to amend the *Health Practitioner Regulation National Law (South Australia) Act 2010* and to make a related amendment to the *Health and Community Services Complaints Act 2004*.

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Amendment provisions

Part 2—Amendment of *Health Practitioner Regulation National Law (South Australia) Act 2010*

- 4 Amendment of Schedule 2—*Health Practitioner Regulation National Law*
123A Restricted birthing practices

Schedule 1—Amendment of *Health and Community Services Complaints Act 2004*

- 1 Amendment of section 56A—Codes of conduct
-

The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Health Practitioner Regulation National Law (South Australia) (Restricted Birthing Practices) Amendment Act 2013*.

5 2—Commencement

This Act will come into operation on a day to be fixed by proclamation.

3—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

10 Part 2—Amendment of *Health Practitioner Regulation National Law (South Australia) Act 2010*

4—Amendment of Schedule 2—*Health Practitioner Regulation National Law*

Schedule 2—after section 123 insert:

123A—Restricted birthing practices

- 15 (1) A person must not carry out a restricted birthing practice unless the person—
 - (a) is a medical practitioner; or
 - (b) is a midwife; or
 - 20 (c) is a student who carries out the restricted birthing practice in the course of activities undertaken as part of—

- 5
- (i) an approved program of study for the medical profession or the nursing and midwifery profession; or
 - (ii) clinical training in the medical profession or the nursing and midwifery profession; or
- 10
- (d) is acting under the supervision of a medical practitioner or midwife and is acting in accordance with any standards, codes or guidelines issued by the National Board established for the relevant profession; or
 - (e) without limiting a preceding paragraph—is acting under a form of delegated authority transferred or conferred by a midwife that is recognised by the Nursing and Midwifery Board of Australia and is made in accordance with any standards, codes or guidelines issued by that National Board; or
- 15
- (f) is rendering assistance to a woman who is in labour or giving birth to a child, or who has given birth to a child, where the assistance is provided in an emergency.

Maximum penalty: \$30 000 or imprisonment for 12 months.

- 20
- (2) In this section—

midwife means a person who is registered under this Law in the nursing and midwifery profession and in the register of midwives kept for that profession;

25

restricted birthing practice means an act that involves undertaking the care of a woman by managing the 3 stages (or any part of these stages) of labour or child birth and, for the purposes of this definition, the Minister may from time to time, on the joint advice of the Medical Board of Australia and the Nursing and Midwifery Board of Australia, by notice in the Gazette, specify activities that

30

will be conclusively taken to constitute the management of any part of 1 or more of these stages of labour or child birth.

Schedule 1—Amendment of *Health and Community Services Complaints Act 2004*

1—Amendment of section 56A—Codes of conduct

35 Section 56A(1)—delete subsection (1) and substitute:

- (1) The Governor may, by regulation, prescribe a code of conduct—
- (a) relating to the provision of health services by persons who are not registered service providers; or
 - (b) relating to the provision of health services that fall outside the ambit of operation of a registration authority under a registration law.
- 40