

**Submission re: Exposure draft of Health Practitioner Regulation National Law 2009 (Bill B)**

Claire Aslangul  
To NRAIP 17/7/09 07:20AM

I am strongly opposed to two parts of this proposed legislation:

101 (1a) (ii) *that the registered health practitioner must not practise the health profession unless professional indemnity insurance arrangements are in force in relation to the practitioner's practice of the profession*

AND

Subdivision 6 General

148 Directing or inciting unprofessional conduct or professional misconduct

(1) *A person must not direct or incite a registered health practitioner to do anything, in the course of the practitioner's practice of the health profession, that amounts to unprofessional conduct or professional misconduct.*

Maximum penalty:

- (a) in the case of an individual—\$30,000, or
- (b) in the case of a body corporate—\$60,000.

Should this legislation go ahead, unchanged, it will effectively make it illegal for midwives in independent practice to attend homebirths. I can only assume this is an intended outcome of the legislation, as independent midwives have been practising without professional indemnity insurance for over eight years now.

I am angered by the restriction of trade upon this group of professional women, however I am outraged that the effect on women's bodily autonomy has not been even been acknowledged. Women should and will choose whomever they wish to attend their births. Legislating to control such a normal body function is not only absurd, but is a serious infringement on women's human rights.

Restricting midwifery services to those in approved hospitals, birth centres and 'hospital-in-the-home' type homebirth programs will have an even harsher impact on women living in rural and regional areas, women living with (dis)abilities and others who do not meet the narrow eligibility criteria required by such services. At present independent midwives are providing an option to these women who 'fall between the gaps'; the proposed legislation will exacerbate the disadvantage already experienced by such marginalised women.

I propose that the draft legislation be amended to allow an exemption for midwives to practice without professional indemnity insurance, as they have done for the last eight years. Clients of private midwifery in this time have comfortably made the decision to employ someone without insurance to support them at birth as they realise that, although birth is not without some level of risk, the safest place to birth their babies is in their own home where they have autonomy over their bodies. Women deserve the right to choose and midwives deserve the right to practice as they have done in the past.

Please do not let this gross injustice of human right happen in Australia.

Sincerely,  
Claire Aslangul