

Exposure Draft

Hayley Harris
To NRAIP 16/7/09 09:49PM

Re: Comments on draft legislation for the National Registration and Accreditation Scheme (Bill B)

I write to express my concern about the above bill. I understand this bill requires health professionals included in the Scheme provide evidence of appropriate professional indemnity insurance upon applying for or renewing registration.

As you would be aware, private practice midwives (also known as independent midwives) are the only health professionals in the Scheme that do not have access to indemnity, due to a multimillion dollar lawsuit involving obstetrics that left private practice midwives uninsured in the process. The Government subsidised private obstetric indemnity to the tune of millions, but left private midwifery on their own. The intersection of Bill B with the Health Legislation Amendment (Midwives and Nurse Practitioners) Bill 2009 and two related bills will prevent private practice homebirth midwives from registering. This is not acceptable.

Australia would be totally out of step with nations such as the United Kingdom, Canada, New Zealand and The Netherlands where the rights of the women to choose homebirth are supported and a registered midwife funded through their national health scheme.

My daughter was born at home late last year after several years of trying. My involvement with hospitals from a consumer point of view ended when a consultant told me, after a distressing, failed invasive test from which I was not yet dressed, that I would be lucky to conceive naturally and that I would need both an egg donor and IVF. I was alone, upset and vulnerable. We subsequently conceived unaided, the experience led us to an Independent midwife and I truly believe that not even the best possible hospital homebirth program could compare to the exceptional care my family received from this incredible professional. To have experienced this type of care and then have to birth in a hospital where I may or may not be accepted into the Birth Centre and will not be able to choose my care provider is utterly incomprehensible to me.

I ask that the Government seriously re-consider handing 10 of Australia's health professions over to third party business on the assumption that there will always be a company to insure the professions. I am gravely concerned about the vulnerable position the Government is putting Australia's health care industry in. Private practice midwives are the 'here and now' symptom of a flaw in the exposure draft. If Bill B is passed, it is impossible to predict the future of other private health care sectors. I call for all clauses in the exposure draft linking registration to indemnity to be removed.

If the Government must continue along the line of registration dependence on indemnity, I call for Bill B to be amended to include a transitional law that allows midwives in private practice (independent midwives) to register without indemnity until insurance is secured. It is not acceptable for an entire profession to be wiped out on the back of a lawsuit relating to another profession.

We also highlight Section 148(1) – Maximum penalty (a) of the exposure draft, where an individual can be penalised \$30,000 for directing or inciting a registered practitioner to do anything that amounts to unprofessional conduct or professional misconduct. I understand Dr Morauta has expressed that it is not the intention of the exposure draft to penalise individuals / consumers, and this sub-section will therefore be removed.

I support the removal of Section 148(1) – Maximum penalty (a) of the exposure draft.

Yours sincerely
Hayley Harris