

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

Rachel Harvey  
To NRAIP 17/7/09 10:52AM

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.

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.

On a personal note, my partner and I spent much time researching the policies, statistics and continuity of care around birthing options in Australia, before we came

to the decision to have a home birth with an independent midwife. Although it cost us more than any other option in terms of spending our own dollars, it was certainly the best investment we ever made.

Independent midwives deserve respect from the rest of the medical and health care community and should be better integrated, not alienated and turned into criminals.

Marginalising and 'drowning' this (predominantly female, and women focussed) professional practice in legislation has some unfortunate historical parallels....has the pyre been constructed yet?

The right to choose where and how to birth is really a basic human right. To tell women and families that birthing at home will be a criminal activity in the near future is totally unacceptable and will certainly push home births underground and increase unattended or 'freebirthing' which could lead to unnecessary risk taking.

At the very least we should leave this option available coupled with improved access and respect for independent midwives, even if it is not financially supported.

Yours sincerely

Rachel Harvey