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Katy Gallagher
ACT Minister for Health
Chair Australian Health Workforce Ministerial Council
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17th July 2009

Dear Ms Gallagher

**RE: Feedback from the Home Midwifery Association for the Exposure Draft
of the Health Practitioner Regulation National Law 2009**

In addition to our comments being heard, recorded and tabled during the Stakeholder Forum in Queensland on Friday 10th July, we would like to reiterate the two key concerns we have with the draft legislation in regards to: a) its impact on women who choose to birth at home with a registered midwife in private practice; and b) the impact on a small, volunteer organisations such as the Home Midwifery Association (HMA).

The Home Midwifery Association (Queensland) Inc. (HMA) is a group of mothers, midwives and their families working towards real choice in childbirth. We view birthing as a family experience rather than a medical event and celebrate our babies' births rather than deliveries. We run Brisbane, Ipswich, Gold Coast and Sunshine Coast based homebirth [support groups](#) for pregnant women and families, particularly those considering or planning a birth at home. We publish a magazine, "[Down To Birth](#)", filled with wonderful [birth stories](#), informative articles and beautiful photographs. We also maintain a website which lists homebirth midwives, birth attendants and doulas in Queensland and Northern New South Wales. These activities are carried out by pregnant women, parenting mothers with young children, and midwives, on a voluntary basis. We do not receive funding and carry out our activities through community fundraising and the contributions of members. Our membership varies between 150 and 200 members, with many women (up to 30 at some support groups) accessing our support groups on a fortnightly basis.

In principle we support the legislation in its attempt to regulate health care and health care professionals. However, this legislation which aims 'to provide for the protection of the public' (Part 1, Section 4, Paragraph 1(a)) and 'to facilitate access to services provided by health practitioners in accordance with the public interest', (Part 1 Section 4 Paragraph 1 (e)) will do the opposite for health care consumers who choose to birth at home. Our concerns are briefly outlined below.

1) Clause 101 - Conditions of Registration

As I am sure you are aware from presenting this draft around the country and from submissions to the draft prior to this, midwives in private practice have been unable to obtain professional indemnity insurance since 2001-2002. Recently the Federal Government announced in its Budget that midwives in private practice would have access to Medicare, the Pharmaceutical Benefits Scheme and support for professional indemnity insurance for antenatal and postnatal care in the community, and labour/birth care in a hospital setting only. With insurance being a requirement of registration and registration being a requirement for midwives to be able to practice midwifery, women who choose to birth at home will be unable to receive care and support from a professional, experienced, registered midwife. Contrary to the objectives of the legislation to provide protection to consumers and better access to health care, in this instance, women will not be protected and access to health care will be denied.

2) Clause 148 – Directing or inciting unprofessional conduct or professional misconduct

As a community, not-for-profit organisation, run by stay-at-home mothers with babies at the breast, on the hip or running around the back yard, it is of HUGE concern that this clause to practice could mean our humble organisation with a turnover of less than \$20000 a year could be fined up to \$60000 for doing what we have always done. That is, provide information and support to women and midwives who have had, want to have or are interested in homebirth, including access to the contact details of practitioners who support and attend homebirths.

Being unpaid volunteers, we do not have the resources to employ clever lawyers and policy advisers to go through the legislation with a fine-toothed comb and come up with alternative solutions. What we do have, is an understanding that this legislation could spell the end of women having the ability to choose to birth at home with a private midwife, and a valid concern that our organisation which has been providing support to women and their families for over 25 years could be fined out of existence. We ask that the Ministerial Council consider these issues carefully and find solutions so that a portion of the population are not forced to have their babies at home without any support or care from a registered and regulated midwife.

Thank you for your consideration. We look forward to hearing about positive changes to this legislation so that it can fulfil its objectives.

Sincerely

Kirsten Adams
Convenor of the Home Midwifery Association