



Homebirth Network of SA Inc

PO Box 223 BLACKWOOD SA 5051

coordinate@homebirthsa.org.au

www.homebirthsa.org.au

16th July 2009

To the National Registration and Accreditation Implementation Project Team

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

We write to express our concern about the above bill. We 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.

We 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.

We are 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.

We 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, we 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. At the stakeholder forum 29/06/2009 Dr Morauta expressed that it is not the intention of the exposure draft to penalise individuals / consumers, and this sub-section will therefore be removed.

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



Homebirth Network of SA Inc

PO Box 223 BLACKWOOD SA 5051

coordinate@homebirthsa.org.au

www.homebirthsa.org.au

We also highlight Section's 85 and 86 where an individual may apply for registration to enable them to practice a health profession in an area of need or in the public interest, providing service at a level that meets the needs of the people living in the area, or in the public interest.

We understand that the intention of these Sections are to allow a health practitioner to hold themselves out in the community as, for example an Obstetrician, when their qualifications are only at the level of General Practitioner.

We do not support this arrangement and call for it to be removed. It is deceptive and a risk to public safety for an individual to hold themselves out in the public at a higher level professional than their actual qualifications. We appreciate there are circumstances of special need and agree that after suitable assessment and approval it may be reasonable for a practitioner with particular experience and skills to practice at a higher level than their qualifications, but the public should never be placed in the position where they are led to believe the practitioner holds certain training and qualifications when the practitioner does not.

We also highlight Section 145(1)(c) where a person must not advertise a regulated health service in a way that uses testimonials or purported testimonials about the service. Maximum penalty for a body corporate \$10,000.

The Homebirth Network of SA Inc is a not for profit organisation. We produce a quarterly Magazine and within the Magazine we publish the birth stories of women that plan home births.

We seek clarification as to whether the sharing of birth stories will be viewed as testimonials about home birth services. If so, we request that the intention and wording of Section 145(1)(c) of the legislation be amended. The intent of sharing birth stories is not to promote a particular service, it is to provide the community with encouragement and support through the sharing of experiences on a mother to mother basis.

We also seek clarification as to whether the committee members of a not for profit organisation could be personally penalised through the body corporate penalties under Section 145(1)(c) and Section 148(1).

Thank you for your time and consideration.

Tanya Bingham
On behalf of the Homebirth Network of SA Committee