

Exposure draft  
[nraip@dhs.vic.gov.au](mailto:nraip@dhs.vic.gov.au)  
14 July 2009

**Submission:**  
**Australian Health Ministers' Advisory Council**  
**National Registration and Accreditation Implementation Project**  
**Exposure Draft – Health Practitioner Regulation National Law 2009**

**Re Independent (Homebirth) Midwifery**

I wish to draw attention to sections 101\* (& 148\*) which serve to make homebirth with an Independent (currently registered) Midwife illegal from 1<sup>st</sup> July 2010.

I encourage you to take the approach of *Primum non nocere*, or "First, do no harm."

Unfortunatley HARM is already being done by this draft!

Babies that are being gestated right now, are being forced to deal with the stress their mothers & families are facing at the prospect of having their birthing rights stripped from them.

I also wish to point out an apparent anomaly in the inclusion of Independent Homebirth Midwifery with the other professions that this Exposure Draft applies to: namely Chiropractic, Dental, Medicine, Nursing, Optometry, Osteopathy, Pharmacy, Physiotherapy, Podiatry & Psychology.

All of these other professions revolve around providing a service to fix something that is wrong with the mind/body system. Birth is a natural biological function, it does not need to be "fixed", just because it exists.

I propose that because of this fundamental difference between Independent Homebirth Midwifery & all of the other professions included, that Independent Homebirth Midwifery be exempted from the impractical requirement of professional indemnity insurance.

I raise this on behalf of our unborn children, so that they may receive the continuity of care that our Independent Homebirth Midwife can provide, not just with one pregnancy, but across a whole family of them.

Grant Horsfall  
South Australia  
14<sup>th</sup> July 2009

---

\* Referenced sections shown below:

**101 Conditions of registration**

(1) If a National Board decides to register a person in the health profession for which the Board is established, the registration is subject to the following conditions:

(a) for a registered health practitioner other than a health practitioner who holds non-practising registration:

(i) that the registered health practitioner must complete the continuing professional development program required by the National Board, and

(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,

(b) for a registered health practitioner who holds non-practising registration,

**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.

(2) Subsection (1) does not apply to a person who is the owner or operator of:

(a) a public health facility, or

(b) another health facility that is licensed under a law of the Commonwealth or a participating jurisdiction.

---