

Exposure draft of Health Practitioner Regulation National Law 2009  
(Bill B)

Michelle King  
To NRAIP 15/7/09 06:07PM

To Whom It May Concern

I am sending this submission as I am strongly opposed to the introduction of the following sections of the Bill as proposed:

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,

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.

These laws would effectively regulate independent midwifery out of existence, a situation that I believe is a violation of the human rights of birthing women in Australia. Homebirth is a widely accepted and safe practice, with rates of 12% in New Zealand and 30% in Holland. It is practiced in New Zealand, the United Kingdom, Canada, the Netherlands, and in many other countries. Homebirth is the sound evidence-based practice of safe and natural birth. Effectively outlawing the practice of homebirth with an independent midwife is a backwards and shortsighted step.

This Bill requires amendment to exempt independent midwives from insurance requirements. This provides a simple alternative to outlawing the safe professional practice of independent midwifery.

There should also be careful consideration of whether section 148 would apply to individual women birthing at home who may "incite" a midwife to attend them. Passing such a section into law without clearly exempting individual birthing women would be a grave mistake.

Yours sincerely,  
Michelle King  
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