

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

Tuesday 14th July 2009

To whom it May Concern,

I am writing today to voice my concerns over the introduction of the following legislation:

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.

This legislation would put both independent midwives and birthing women of Australia at risk. If this legislation were to pass, birthing women of Australia would be denied their simple human right to birth their babies how, where and with whom they choose. Women would either be forced into an over-medicalised hospital birthing system, where intervention is prevalent (with such intervention often leading to subsequent problems, including problems actually during the birth and after such as Post Natal Depression and Post Traumatic Stress Disorder), or they would be forced to birth alone at home, which is not ideal if the people involved are not well researched and/or educated on the processes of birth.

This legislation would basically bar homebirth midwives from registration. Professional indemnity insurance is not available to them, thus they would either have to stop working, or they would risk the fines laid out in the draft above. Independent midwives have been practicing safely without indemnity insurance for 8 years now, after losing it due to an obstetric birth injury case. The people who choose homebirth are generally not litigious and are very well informed and take responsibility for their own choices.

New Zealand has a home birth rate of 12%. In Holland it is 30%. The UK, New Zealand, Holland, The Netherlands, Canada and many other countries all have excellent support for their homebirth midwives with excellent outcomes. Why not look more into their models of care rather than criminalising it? Australia would be the only country in the world to outlaw homebirth midwifery. Australia should be following these countries and helping to increase home birth rates, not eradicate it altogether.

I suggest that an amendment be made to the legislation to include an exemption for Independent Midwives to require indemnity insurance, especially considering the fact that they have already been practicing without it for eight years with no ill effect.

Australian women are intelligent enough to make their own decisions about their bodies, please keep the pathway clear for us to do so. I really fear for my own daughters, and what other basic choices may be taken away from them in the future, if right now we are having to fight for our rights to birth where, how and with whom we wish....what struggles lay ahead for them??

Sincerely

Katrina Kittler

(who has not homebirthed....YET.....but wishes more than anything that I HAD JUST STAYED HOME)