

## **Comments on draft legislation for the National Registration and Accreditation Scheme (Bill B)**

Robyn McLean  
To NRAIP 17/7/09 09:51AM

I write to express my concern about the above bill. I 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 is funded through their national health scheme.

I 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.

I am gravely concerned about the vulnerable position the Government is putting Australia's health care industry in. Private practice midwives and their potential clients will suffer from this flaw in the exposure draft. If Bill B is passed, it is impossible to predict the future of other private health care sectors.

I 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, I 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. I understand Dr Morauta has expressed that it is not the intention of the exposure draft to penalise individuals/consumers, and this sub-section will therefore be removed.

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

It is possible that the result of such changes will have the opposite effect that the government seems to be seeking, with 'off-the-radar' homebirths occurring, often without appropriate support, thus increasing the dangers of home birth, similar to the back-street abortions of the past.

My personal experience with private/homebirth midwives (3) have been excellent. I have received continuity of care, which other patients expect when they go to see a health professional - how else can they be effective? It is outrageous that women are bounced from one midwife to another in the hospital system. My midwives have known all my relevant history and observed my pregnancy throughout before labour begins, and so have had a measure of what to expect. They have all been consummately professional, always able to answer my questions, always deeply concerned for the welfare of myself and my child, and were always available when I really needed them.

This is far superior to any care I received in the maternity/post natal ward when I went into labour eight weeks early with my second child, thus thwarting my hopes for another homebirth. I felt I was treated like a 'piece of meat' rather than an anxious mother in a frightening situation who required understanding, care and respect as a human being. The support of my private midwife at this time was more valuable than I can express.

A responsible homebirth midwife will transfer a woman to hospital if labour becomes complicated. Many women, denied this care, will proceed with a homebirth anyway, potentially endangering their own lives, and those of their babies. Others will be forced into an already overburdened hospital system, where they are treated as if they were sick, rather than going through one of the most wonderful experiences of their lives. The lack of respect shown to birthing women, even in hospitals designed to deal with birth, such as the Women's and Children's Hospital in Adelaide, is appalling and galling. It is completely unacceptable to deny women and families choice in this deeply personal event.

Further to this, homebirth is shown statistically to be very safe, provided a competent midwife is in attendance. The attack on this practice is a retrograde step. **It is an attack on a woman's right to choose**, and yet another backward step for Australia's health system in general.

Yours sincerely

Robyn McLean  
Northern Territory