

To whom it may concern

**Re: Senate Inquiry into the administration of health practitioner registration by the Australian Health Practitioner Regulation agency (AHPRA)**

Thankyou for this opportunity to comment on the above stated issue. My name is Melanie Jackson, I work as a PhD candidate at the University of Western Sydney and also a Privately practicing midwife with the Ella May Centre and Midwives @ Sydney and Beyond Private midwifery group practice.

It has come to my attention that some midwives around Australia who provide private midwifery care have had conditions placed on their registration and practice due to vexatious complaints lodged by hospital staff when a labouring woman is transferred into hospital from a home setting.

I understand that most of these restrictions demand that the Midwife only practice midwifery within a hospital setting until the matter is investigated. It seems to me that this approach severely limits the care Private midwives can provide to woman and leaves them without an income- all of these restrictions are put in place before the matter is investigated. It would seem that the midwife is punished and treated as guilty before being proved as such.

My understanding of the investigation process as it stands is that If hospital staff or anyone put in a complaint to the Nursing and Midwifery Board (NMB) about a midwife, The Board (who meet monthly) must decide whether the complaint needs to go to investigation or not. In some cases they'll decide it doesn't need an investigation and the conditions will automatically go onto the midwives registration. If they decide it needs investigating they apply 'interim conditions' on the midwives registration. In the case of homebirth midwives the conditions are "Must work only in a hospital and under supervision". The investigation then goes to the HCCC and the conditions remain on the midwives registration until the investigation is complete.

This process seems somewhat unfair and unfortunately if the midwife is in fact innocent and the victim of an overzealous hospital staff member who may not necessarily have a problem with the midwives practice but rather a philosophical disconnect with the practice of homebirth, then the midwife is being punished for providing homebirth and not being professionally or clinically negligent. It would appear that the process is a matter of

midwives being found guilty until proven innocent. I have heard that Investigations can take a year or more. This is leaving many women without a midwife and leaving midwives without income if her sole practice is to provide midwifery care as a private practitioner.

I understand that AHPRA is continuing to develop pathways for managing complaints against registered members and would like to suggest that midwives and health professionals receive benefit of the doubt about their practice until such time as a legitimate, investigated charge is placed against them. I would like to suggest that the review committee ensure that a midwife would be able to continue practicing and her clients and income stability not be interfered with until such time as it can be proven that she is in breach of her registration requirements and has been proven guilty of complaint placed against her.

All I ask is that the process is fair toward midwives practicing in a private setting and restrictions are not placed on midwives practice until due cause can be found by thorough investigation into the matter.

Once again thank you for this opportunity to contribute to this review and I look forward to your concluding report on the matter

Kind regards

Melanie Jackson  
(Registered Midwife, Naturopath and PhD Candidate)