

Nikolas Lam

Senator Moore
Chair
Senate Standing Committee on Community Affairs Legislation

Monday 20th July 2009

By email: community.affairs.sen@aph.gov.au

Dear Senator,

Senate Standing Committee on Community Affairs Inquiry into Health Legislation Amendment (Midwives and Nurse Practitioners) Bill 2009 and two related bills

In recent years, I have become the proud uncle of two vibrant girls born at the home of my sister's family. Being close to this family, I have observed that homebirthing can be a highly beneficial early component in providing a relaxed, loving environment which is attentive to the needs of young children. Having spent many joyous hours with these happy kids (now two and half years old and six months old), I am convinced of that the continuous stability that has surrounded them since birth has been crucial to their healthy development. I can also attest that in each case, the decision for homebirthing was made following diligent assessment of the best available evidence by the parents (both of whom have professional backgrounds in science).

I am therefore concerned at the *Health Legislation Amendment (Midwives and Nurse Practitioners) Bill 2009*, the *Midwives Professional Indemnity (Commonwealth Contribution) Scheme Bill 2009* and the *Midwives Professional Indemnity (Runoff Cover Support Payment) Bill 2009*, which are currently the subject of an Inquiry by the Committee on Community Affairs.

The bills expand the role of midwives in the provision of maternity services, but exclude midwives who attend births at home. By excluding these midwives, the Government is effectively making attended homebirth illegal. This is because, under the proposed National Registration and Accreditation Scheme, due to be implemented in July 2010, any midwife who cannot obtain insurance cannot be registered. Laws in many states make it a criminal act for an unregistered midwife to attend a birth, and the National Registration and Accreditation Scheme also imposes a fine for doing so.

If enacted, rules made under the bills before the Parliament will make it illegal for a qualified midwife to attend a homebirth in Australia. Such a move is dangerous for mothers and babies, bucks international trends in maternity care, and is inconsistent with the Government's stated policy of providing pregnant women with greater choice and less interventionist maternity care.

With extremely high intervention rates in hospital, many women are afraid to birth in hospitals and believe their only chance at natural childbirth is at home. If it becomes illegal for registered, highly skilled midwives to care for these women, many will feel they have no option other than to birth unattended. This legislation unintentionally promotes this practice, which is directly contrary to the World Health Organization's objective of having a skilled attendant at every birth. I am extremely concerned that the legislation will result in unnecessary deaths of babies and mothers, and may also result in midwives being fined and jailed if they assist labouring women. This is an absurd situation in a modern democracy.

In the UK, New Zealand, Canada and The Netherlands, homebirth is publicly funded and supported. I am not aware of another country in the world where a midwife can be jailed for attending a homebirth.

Australian women must all be entitled to the same Medicare support wherever they give birth, and midwives must all be entitled to obtain professional indemnity insurance wherever they work.

Yours sincerely

Nikolas Lam