

21st July 2009-07-20

Ms Julie Swain

Ms Claire Moore
Chair
Senate Community Affairs Legislation Committee

By E-mail: community.affairs.sen@aph.gov.au

Dear Senator Moore

**Re: Inquiry into Health Legislation Amendment (Midwives and Nurse Practitioners) Bill 2009
Midwife professional indemnity (Commonwealth contribution) Scheme Bill 2009
Midwife professional indemnity (Run-off cover support payment) Bill 2009**

As an experienced midwife I can fully appreciate the need for women to be enabled to make informed decisions with choices available to support those decisions. Homebirth with professional support is an option of care women have the right to choose.

I write to express my concern about the above bills. I understand that these bills will enable Medicare funding, access to the Pharmaceutical Benefits Scheme and professional indemnity premium support for midwives providing care for women to give birth in hospital. I welcome the move to enhance the profile and role of midwives within the Australian maternity care setting, although have concerns about what impact the above bills will have on midwives working in private practice and providing a home birth service.

It appears that if these bills are passed, homebirth will be excluded from the funding arrangements and will in effect make a midwife attended home birth illegal (when combined with the new National registration laws which discount midwives without indemnity insurance from gaining registration).

The intersection of this legislation with the national registration and accreditation of health professionals will prevent homebirth midwives from registering. I believe this to be an unintended consequence and ask that you take steps to include homebirth within the Health Legislation Amendment (Midwives and Nurse Practitioners) and related Bills.

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.

If these bills pass I fear that women will continue to exercise their right to birth in which ever location they choose, but without legal access to a midwife will choose to birth alone, without a trained attendant. This will make homebirth unsafe and very difficult to monitor.

Nations such as the United Kingdom, Canada, The Netherlands and New Zealand legislate to politically, financially and systematically support the rights of their women to choose their place of birth. By outlawing this choice in Australia we will be going backward compared to other nations. In regards to homebirth, we need to follow the steps of the nations who have stood up for women's rights and supported their choice to give birth at home.

I support a system where all consumers are treated equally, with the same access to funding and the same insurance protection regardless of their care choices.

I sincerely hope that the above stated bills are not passed in their current state in parliament as the result to the practice of home birth would be catastrophic and unredeemable, as we have seen in America since homebirth was an outlawed practice there. The American health care system runs as a for-profit system and does not appreciate the welfare-state system that Australia so graciously provides to its citizens. The Australian health care system is marked around the world as one which is caring and all inclusive, let's keep it that way.

Yours sincerely

Julie Swain
Clinical Midwifery Consultant
BDH