

Senate Community Affairs Committee
Submission on:

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

I write this submission as a concerned consumer of midwifery services.

I am a mother of two children, one born through the birthing centre at the Women's and Children's Hospital, and one born in the presence of two midwives from the birthing centre of the Women's and Children's Hospital, but in my lounge room.

Of all the press releases and speeches I have not seen anyone provide a logical reason why it is that if I choose to have another baby, in my lounge room, with an independent midwife I will become a criminal, as will my midwife.

As a lawyer with some knowledge of the law of complicity, my reading of the legislative amendments is that a woman who begs her midwife to stay with her in the progress of her labour will be committing an offence.

And what is the aim? What is the social wrong that necessitates the creation of a new offence? Is it to remedy a situation where babies born at home with an independent midwife do not have access to insurance? Has anyone complained about this situation? How many babies have necessitated this drastic policy change that is likely to effect the well being and safety of so many more?

It is a noble idea that all babies should have access to insurance, regardless of the choices their mothers make about where to birth. But if that is the aim then a much more effective scheme

would be to treat midwives the same as obstetricians and provide an insurance scheme for them.

I have no doubt that women will continue to birth at home, as is their human right, and determined independent midwives will continue to attend them. As a country Australia will be taking a humiliating step backwards if home birthing becomes an illegal event.

I leave this submission with my lawyering musings:

Who will be called by the prosecution to give evidence against the defendant midwife? The birthing mother? Properly advised she is likely to claim the right against self incrimination, given that at present she is also liable to be prosecuted under the draft legislation.

So much for the enforcement of the 'registration with insurance' requirement.