

Senator Moore  
Chair  
Senate Standing Committee on Community Affairs Legislation

July 13<sup>th</sup> 2009

Dear Senator,

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

I have been a practising midwife in the public health system for over 25 years and during this time I have also attended homebirths as a private midwife. Homebirth has been the cradle of learning for me and has facilitated my professional development through continuity of care, woman centred care, autonomous practice and the development of advanced midwifery skills. In addition, I was the project coordinator on the St George Hospital Homebirth Program and I gave birth to my own son at home. Throughout my midwifery career and in association with the Australian College of Midwives I have been a passionate proponent for safe homebirth in this country. The laws currently before the senate will undo all the hard work done so far. These laws will restrict my practice of attending homebirths as an experienced homebirth midwife, encourage other homebirth midwives to practise illegally and more importantly these laws will leave women wanting to give birth at home unattended. This is of great concern to me.

I am 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 attendance at a homebirth illegal. 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 and is in direct contrast to international trends in maternity care. Furthermore it is inconsistent with the Government's stated policy of providing pregnant women with greater choice and less interventionist maternity care.

With unacceptably 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 very 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 at home. This is a backward step 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. In this day and age where we are encouraging more health care in the home (eg., hospital in the home services and palliative care for death at home) it is essential that we include homebirth.

Yours sincerely

Shea Caplice