

13 June 2009  
Heidi Wedd

Att.  
Ms Claire Moore  
Chair  
Senate Community Affairs Legislation Committee

By E-mail: [community.affairs.sen@aph.gov.au](mailto:community.affairs.sen@aph.gov.au)

Dear Senator Moore

**Re: Inquiry into Health Legislation Amendment (Midwives and Nurse Practitioners) Bill 2009 and two related Bills**

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.

Medicare funding for midwifery care is long overdue. It is not acceptable however to exclude homebirth from this funding and indemnity arrangement. By doing this Australia is totally out of step with nations such as the United Kingdom, Canada, The Netherlands and New Zealand.

These nations support the rights of women to choose homebirth and fund a registered midwife through their national health scheme. In New Zealand and the U.K women have a legislative right to choose homebirth.

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.

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

Yours sincerely

Heidi Wedd

## Homebirth in Australia: no insurance, no care

### Fact Sheet

#### Major reforms are currently reshaping Australia's maternity services positively

- **The Federal Government's maternity reform package**, implementing recommendations of the Maternity Services Review. This promises to improve women's access to choice in maternity care, especially midwifery care, by reforms to Medicare, insurance for midwives, professional development initiatives, etc..
- **National registration for health practitioners**, due July 2010. This will bring uniformity across Australia, with single national registration for caregivers. Implementation will be via Bills introduced first to Qld Parliament and then to other States and Territories.

#### Midwives in private practice currently have no access to professional indemnity insurance

- Insurers withdrew cover in 2001-2002 during medical indemnity crisis.
- Private practice midwives currently practice uninsured (mainly providing homebirth).
- Lack of P.I. insurance prevents private midwifery practice in hospitals.

#### Federal midwifery reforms provide insurance for eligible midwives, but not for homebirth

- Federal Budget (12 May 2009) funds Medicare and insurance for midwives, along with other recommendations from DoHA Maternity Services Review.
- Bills introduced to Federal Parliament on 24 June enable:
  - Medicare payments starting November 2010 to "eligible midwives" (as defined in Regulations) working in private practice, and
  - subsidised insurance for eligible midwives in private practice starting July 2010, subject to conditions to be defined in Regulations. Commonwealth covers 80% of claims over \$100,000, 100% over \$2million.
- Federal Maternity Services Review (Feb 2009) advised against premature support for homebirth to avoid "*polarising the professions*" (p20) and because insurance "*premium costs would be very high*" (p20).
- Minister Roxon's Parliamentary and media statements on 24 June state that "*the Commonwealth-supported professional indemnity cover will not respond to claims relating to homebirths*". This restriction is not described in Bills, is expected to be set in the Regulations.

#### National registration to require professional indemnity insurance for all practitioners

- The exposure draft of the Health Practitioner Regulation National Law 2009 was released for public comment on 12 June 2009, by the Australian Health Workforce Ministerial Council.
- The draft bill requires that a registered health practitioner "*must not practise the health profession unless professional indemnity insurance arrangements are in force*".
- Non-compliance "*does not constitute an offence but may constitute behaviour for which disciplinary action may be taken*" (clauses 101, 125).

## **Together, these 2 processes will prevent midwifery care for birth at home**

- Midwives wishing to remain in private practice in private practice will need to become accredited as “eligible midwives” by 1 July 2010 to access Government-supported insurance.
- Midwives not accredited as “eligible midwives” must either leave practice, register as “non-practicing”, or work only as an employee.
- From July 2010 birth care at home will be outside terms of insurance for “eligible midwives”, and thus potentially subject to disciplinary action by the midwifery professional regulator.

## **Loss of private midwifery for homebirth is a problem for safety and choice**

- Homebirth is a reasonable option for women - shown by current evidence to be safe for low-risk births, available as a normal funded option in other developed countries, low cost.
- State services cannot be expected to provide broadly accessible homebirth services in the foreseeable future.
- Women will not have the choice to birth at home with a registered caregiver.
- Some women will birth at home with an unregistered carer or no carer. Bad outcomes can be expected.
- Responsibility is not currently being accepted by either level of Government.

## **Two possible solutions**

- Provide professional indemnity insurance for homebirth care, with Commonwealth assistance. This is the only reasonable long-term outcome.
- Arrange temporary exemption under national regulation laws to allow homebirth care by eligible midwives until insurance can be sourced.

## **References:**

### **Maternity Services Review: overview, submissions and report**

- <http://www.health.gov.au/maternityservicesreview>

### **Federal maternity reform program bills from [www.aph.gov.au](http://www.aph.gov.au)**

- Health Legislation Amendment (Midwives and Nurse Practitioners) Bill 2009
- Midwife Professional Indemnity (Commonwealth Contribution) Scheme Bill 2009
- Midwife Professional Indemnity (Commonwealth Contribution) Scheme Bill 2009

### **Minister's media statement on maternity reform program**

- <http://www.health.gov.au/internet/ministers/publishing.nsf/Content/mr-yr09-nr-nr087.htm>

### **National Registration and Accreditation Scheme**

- <http://www.nhwt.gov.au/natreg.asp>

### **Evidence on the safety of homebirth**

- A full list of references is available on request. An extensive list of research papers, oriented to the Australian situation, is documented in the paper below.
- L Newman (2008), 'Why planned attended homebirth should be more widely supported in Australia', Australian & New Zealand Journal of Obstetrics & Gynaecology, 48:450-453.