

Senator Moore  
Chair  
Senate Standing Committee on Community Affairs Legislation

15 July 2009

By email: [community.affairs.sen@aph.gov.au](mailto: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**

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. I wish to comment on the Government's intention to change the legality of homebirth from 1 July 2010 which is the expected outcomes of the new legislation.

I have three children, two of whom were born at home. If I were to have another baby, I would plan a homebirth for that child too. Birthing my babies at home have been the most wonderful experiences of my life. I want my own daughters to be able to have the choice to birth at home and experience the amazing power of their own births in an environment of their own choosing. However, from 1 July 2010 this will not be a safe option for me, or any other Australian woman, as the changes to legislation will make it illegal an Independent Midwife to attend any homebirth. The changes in legislation mean that if I choose to birth at home I will have to do so without a qualified midwife in attendance (known as freebirth) or if I wish to have a qualified practitioner present I will have to go to hospital. However, unless medically indicated I do not believe that birth belongs in a hospital setting and I also do not believe – based on the experience of my first child's birth – that a hospital birth scenario allows for the same quality of care that a homebirth midwife can provide. My own desires aside, I believe that Australia should be keeping up with other civilised countries and be encouraging homebirth as a safe and appropriate birthing choice, not forcing it underground thereby making it unsafe.

Women who chose homebirth may be a minority, but it doesn't mean that the choice to birth at home should be taken away from Australian women. The changes in legislation will take away the choice to birth at home and our right to have the best care available to us for our antenatal and labour care. It is inconsistent with the Government's stated policy of providing pregnant women with greater choice and less interventionist maternity care. This is completely wrong and is seemingly based on no logic as all research supports the view that homebirth is at least as safe as hospital birth and additionally has better outcomes. It seems that the decision to outlaw homebirth is based purely on political pandering and scare tactics based on emotion rather than fact. 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 should all be entitled to the same Medicare support wherever they give birth, and midwives should all be entitled to obtain professional indemnity

insurance wherever they work. It is the government's responsibility to find a way for Independent Midwives to continue to be able to provide homebirth care after the new regulation system starts on 1 July 2010. This could take the form of an exemption for Independent Midwives to require indemnity insurance (given they've already been practicing without it for eight years), or for the government to subsidise insurance for Independent Midwives as they do for other groups of care providers.

Yours sincerely,

Jacqueline Bysouth