

Senator Claire Moore  
Chair, Senate Community Affairs Legislation Committee  
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Monday, 20th July 2009

Dear Senator Moore

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

I write as the Director of the Queensland Centre for Mothers and Babies (QCMB) to contribute to the Senate Inquiry into Health Legislation Amendment (Midwives and Nurse Practitioners) Bill 2009, Midwife Professional Indemnity (Commonwealth Contribution) Scheme Bill 2009, and Midwife Professional Indemnity (Run-Off Cover Support Payment) Bill 2009.

The QCMB is an independent centre based at the University of Queensland, Brisbane, and funded by Queensland Health to facilitate maternity care reform in Queensland.

We applaud this proposed legislation inasmuch as it provides Medicare funding, access to the Pharmaceutical Benefits Scheme, and subsidised professional indemnity insurance for independent midwifery services. However, we are profoundly concerned about the legislative exclusion of midwifery care for women who choose out-of-hospital births.

As you know, the proposed bills intersect with the Health Practitioner Regulation National Law 2009 (requiring all health professionals to hold indemnity insurance from July 2010 to qualify for registration and lawful practice) and the continuing unavailability of professional indemnity insurance for private practice midwives, effectively disallowing the attendance of trained professional midwives at out-of-hospital births. We ask that you are guided by the scientific evidence and consider the consequences for the health of mothers, babies and the broader Australian community, when you evaluate the proposed legislative changes.

The inability of midwives to attend out-of-hospital births will remove women's choice in childbirth and is not based on scientific evidence of benefit or risk reduction. Passing the proposed legislation without concomitant provision of professional indemnity insurance for midwives attending out-of-hospital births will, without question, increase the risk of poor health outcomes for mothers and babies in Australia.

***Prohibiting Midwife-Attended Out-of-Hospital Birth is Not Supported by Scientific Evidence***

The best quality international evidence suggests that out-of-hospital birth, when attended by a trained, professional midwife who is well supported by her colleagues and by the hospital system, does not increase risk of perinatal mortality or morbidity among low risk women and their babies<sup>1</sup>. Indeed, the World Health Organisation's universal guidelines for routine care of women during uncomplicated labour and childbirth, based on a critical review of the evidence, advocate for midwife-assisted out-of-hospital birth as a safe and

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<sup>1</sup> de Jonge, A., van der Goes, B., Ravelli, A., Amelink-Verberg, M., Mol, B., Nijhuis, J., et al. (2009). Perinatal mortality and morbidity in a nationwide cohort of 529688 low-risk planned home and hospital births, *BJOG*

healthy choice<sup>2</sup>. Furthermore, the most recent Cochrane review, the highest level of evidence guiding decision-making in health, found no evidence that hospital birth is safer than birth at home<sup>3</sup>. The change to planned hospital birth for low-risk pregnant women in many countries during the previous century was not supported by good evidence. Likewise, the proposed legislation appears to be based on misinformation about the relative safety of in-hospital and out-of-hospital birth, and is reflective of the perspectives and interests of a few groups and organisations with a vested financial interest in hospital birthing.

***Prohibiting Midwife-Attended Out-of-Hospital Birth will Increase Poor Health Outcomes***

The experience of other communities that have prohibited midwife-attended birth outside hospital provides insight into the likely sequelae of such legislation in Australia. Realistically, legislation that prohibits the attendance of midwives at non-hospital births will not eliminate these non-hospital births. Women and families committed to their choice will continue to birth outside of hospital, either without a trained midwife, or with a former midwife with lapsed registration who no longer has access to the ongoing professional development and support network required for safe and effective practice. Such trends in birthing will, without question, increase the risk of poor health outcomes, including preventable death, among Australian women and their babies.

***Prohibiting Midwife-Attended Out-of-Hospital Birth Undermines Women's Autonomy in Birth***

In addition to threatening the safety of women and babies in Australia, passing the proposed legislation without providing professional indemnity insurance for midwives attending out-of-hospital births will undermine women's autonomy during birth. The combined legislative changes will deny women the right to a safe birth in the place of their choice. Restricting women's access to choice in birth is both regressive and inconsistent with the direction taken in access to reproductive choices across the contemporary world – England, Scotland, Wales, Canada, the Netherlands and New Zealand all support the rights of women to choose out-of-hospital birth and fund out-of-hospital birth care by registered midwives through their national health schemes.

For the reasons outlined above, we implore you that the proposed bills be amended such that midwives caring for women who choose out-of-hospital birth in Australia are not excluded from subsidised professional indemnity insurance. It is essential to the health and wellbeing of mothers, babies and the broader Australian community that our legislation supports a system of maternity care that is evidence-based and provides optimal safe choices for all.

Yours sincerely



Professor Christina Lee  
For the Queensland Centre for Mothers and Babies

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<sup>2</sup> World Health Organization Department of Reproductive Health and Research (1999). Care in normal birth: a practical guide. Geneva, World Health Organization

<sup>3</sup> Olsen O, Jewell D. (1998) Home versus hospital birth. Cochrane Database of Systematic Reviews, Issue 3. Art. No.: CD000352.