



Mr Elton Humphrey
Committee Secretary
Community Affairs Legislative Committee
PO Box 6100
Parliament House
ACT 2600

Health Legislation Amendment (Midwives and Nurse Practitioner) Bill 2009 and two related Bills

The Australian Nursing and Midwifery Council welcomes the opportunity to contribute to the Senate Community Affairs Legislative Committee regarding the *Health Legislation Amendment (Midwives and Nurse Practitioners) Bill 2009 and two related Bills*.

The ANMC was established in 1992 to facilitate a national approach to nursing and midwifery regulation. It is the peak body that works with state and territory Nursing and Midwifery Regulatory Authorities (NMRAs) in evolving standards for statutory nursing and midwifery regulation. These standards are flexible, effective and responsive to the health care requirements of the Australian population.

The ANMC's prime function is to protect public safety in the provision of healthcare through ensuring the nurses and midwives being regulated are competent to practice. Accordingly, we have limited our comments on the Bills to our remit of protection of the public.

Health Legislation and Amendment (Midwives and Nurse Practitioners) Bill 2009

The ANMC is highly supportive of the Federal Government's initiative to enable access to MBS and PBS for eligible nurse practitioners and midwives in private practice. Such access will enable the full utilisation of the nurse practitioner role for the benefit of the community and ensure women and their families access to a broad range of midwifery services.

Nurse practitioners and midwives are regulated health professionals working within established scopes of practice thereby providing an important safeguard to the public. This is acknowledged in the Bill's removal of the language of 'acting on behalf of a medical practitioner' from the relevant acts. The ANMC confirms its support for these aspects of the proposed Bill.

We note that the meanings of 'eligible nurse practitioner' and 'eligible midwife' are yet to be defined and are subject to consultation with key stakeholders. As the peak regulatory body for nurses and midwives in Australia we would assert the importance of including the ANMC in these consultations in order that the requirements for eligibility are consistent with the regulatory framework to protect the public.

Two Related Bills (Professional Indemnity Insurance for Midwives)

The ANMC is also very pleased that the federal government has undertaken to ensure access to professional indemnity insurance for midwives and nurse practitioners in private practice. However we remain extremely concerned that the intention of the 'Rules' accompanying the

above legislation, relating to professional indemnity, is not to cover private midwives' practice where women elect to labour and birth at home. .

In her 24 June 2009 media release the Minister for Health and Ageing, the Hon Nicola Roxon, MP states that "In line with the Maternity Services Review Report, Medicare benefits and PBS prescribing will not be approved for deliveries outside clinical settings, and the Commonwealth-supported professional indemnity cover will not respond to claims relating to homebirths."

It is clear that, although only a small minority of women choose homebirth, women will continue to make this choice. Application of an insurance requirement that cannot be met by midwives is likely to result in women giving birth without a midwife in attendance. Unregulated birth attendants, without accountability to professional standards of competence, ethics and conduct, and without obligations regarding maintaining emergency skills, are likely to fill the vacuum created by the forced withdrawal of midwives from homebirth. This will make homebirth very dangerous, even for low risk, healthy women for whom homebirth is currently a safe option.

The professional indemnity legislation for midwives cannot be responsible for putting women and babies at risk. It is unacceptable to propose the implementation of a professional indemnity scheme for midwives that has the effect of excluding an important part of the midwifery workforce and that puts women and babies at risk.

The ANMC urges that the 'Rules' accompanying the professional indemnity legislation include access for midwives attending women who labour and give birth at home.

Once again the ANMC welcomes the opportunity to comment on this important legislation and looks forward to being consulted on the definitions of 'eligible nurse practitioner' and 'eligible midwife'.

Yours sincerely



Karen Cook
Chief Executive Officer

20 July 2009