



Tuesday, 14 July 2009

Committee Secretary  
Senate Standing Committee on Community Affairs  
PO Box 6100  
Parliament House  
Canberra ACT 2600  
Australia

Dear Sir/ Madam

### **RE: Proposed Health Practitioner Registration Legislation**

#### **Introduction**

Community Midwifery WA is a community based organisation which in partnership with WA Health delivers the Community Midwifery Program – a homebirth service for low-risk women living in the Perth metropolitan area. Our mission is to ensure all women, and their partners, are well-informed, well-prepared and well-supported for pregnancy, birth and parenthood.

We make this submission in relation to the Health Practitioner Regulation National Law. In particular, our focus of interest is on Sections 69 and 101:

- S 69 Eligibility for general registration  
An individual is eligible for general registration in a health profession  
If: (d) there is, or will be, in force in relation to the individual appropriate professional indemnity insurance arrangements, including a policy held, or arrangements made, by the individual's employer that will cover the individual
  
- S 101 Conditions of registration  
(1) If a National Board decides to register a person in the health profession for which the Board is established, the registration is subject to the following conditions:...  
(ii) that the registered health practitioner must not practise the health profession unless professional indemnity insurance arrangements are in force in relation to the practitioner's practice of the profession

#### **Summary of concerns**

##### **Professional Indemnity Insurance for midwives**

A recent announcement from Federal Health Minister Ms Nicola Roxon categorically stated that "eligible midwives ... will be able to access the new government supported professional indemnity scheme ... the Commonwealth is not proposing to extend the new arrangements for midwives to include homebirths" (Health Legislation Amendment (Midwives and Nurse Practitioners Bill) 2009 Second Reading Speech, Wednesday 24<sup>th</sup> June 2009).

### **Scope of practice of midwifery**

A midwife's scope of practice is not limited to the venue in which she provides service. Thus this legislation will effectively bar midwives from offering skilled midwifery care to women who wish to give birth in the comfort and security of the home environment.

Due to various exclusion criteria, and demand for our service, we are unable to offer care for all women who apply for a place on the Community Midwifery Program. CMWA believes it is unjust for women who wish to birth at home to be denied this service if suitably qualified and currently credentialed midwives are available to offer this service.

### **Registration before Insurance**

It is unjust and unfair that the registration of any health professional should be based on their capacity to access insurance rather than them possessing current and appropriate skills, training and experience in their chosen field. After such considerable investment in time and expense to become qualified, and/or maintain registration only to be denied practice through legislation that makes insurance a bar to practice is wrong. Registration – and then insurance - must be extended to practitioners that can demonstrate their competency to practice.

### **Demonstration of Competency to Practice**

Rather than deny health practitioners access to gainful employment in their field of expertise due to lack of access to insurance, CMWA advises that suitable systems be put in place to document and demonstrate their competency to practice. Prohibition of practice based on limited skills, training or current experience is warranted. Prohibition of practice due to limited access to insurance is not.

### **Choices for consumers**

CMWA's raison d'être is to ensure women are fully informed of their birth choices, and crucially, to have access to them. Although midwives employed on our Community Midwifery Program will not be impacted by the proposed legislation (as they will continue to access indemnity insurance through the state) CMWA's objection lies in the reduced human rights available to pregnant women and midwives who wish to access/provide the option of safe birth in a home environment.

CMWA feels strongly that it is important to speak out in support of our independent midwife colleagues and highlight the inequity of having professional indemnity insurance as a condition of registration, when no such insurance exists.

The onus must be on the government to ensure such insurance can be provided, not to debar independent midwives from practising in the homebirth setting.

Any further information required in relation to this submission can be obtained from:

### **Contact Details**

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