

The Secretary,

Senate Community Affairs Committee

Dear Madam/Sir,

I am writing to you in response to your call for submissions regarding the National Registration and Accreditation Scheme. I write with two hats on, the first as a mother who has chosen home birth with a registered midwife for one of her children, and as a student nurse/midwife who is expecting to work to her full scope upon graduation both in the hospital system and the community as a private midwife.

As I understand the proposed legislation for the NRAS, it will be a requirement that a health practitioner have professional indemnity insurance before registration will be attained. As I am sure you are well aware, midwives have not been able to access professional indemnity since 2001, due to the small pool of midwives not being financially viable in regards to collecting premiums and any possible claims from clients. (To date I know of no claims against midwives, lack of insurance doesn't stop a midwife being sued) The government stepped in to assist obstetricians with the costs (obstetricians practice with higher risk profiles due to the nature of their scope of practice) yet midwives were left uninsured. Midwives still have their registration though, which has ensured there is a workforce of suitably trained and accredited midwives to service the needs of hospitals, obstetricians and women.

As a woman who chose to birth her last child at home under the eye of a fully registered and trained midwife, I was aware of the lack of professional indemnity. At least I had a registered professional by my side, she would still be able to be censured and even deregistered by the body who affords her registration, if found to be negligent. Her lack of professional indemnity would not have stopped legal recourse if she had indeed been negligent in any way. If NRAS goes ahead, with the PI (which is currently unavailable) being a prerequisite to registration, women who chose home birth will not have access to legally registered midwives if they wish to access the care of a private midwife. It will render the act of the midwife attending a home birth as an unregistered and unsanctioned attendance, leaving her open to prosecution. It will leave the woman and her family with no recourse at all, due to the midwife attending as an unregistered birth practitioner- effectively denying any regulation that offers at least a semblance of protection from untrained and negligent practitioners.

As a student who has aspirations to work with women and families in the community as a fully registered, collaborative (when required) private midwifery practitioner, I am shocked and dismayed that a decision by the government to bring in a national registration scheme that effectively shuts out a small but valuable arm of pregnancy and birth care to the community. I am disheartened that it may dictate my choice of career path. I don't understand how PI can be subsidized for high risk practitioners like obstetricians, yet not extended to midwives, who do not apply the same interventions (episiotomy, chemical induction, forceps, caesarean section) to their clients. I realise that the Maternity Services Review has recommended the investigation of PI availability to midwives who work in collaborative teams, yet no definition of collaborative teams has been provided, no timeline has been given nor has any commitment been made by the Minister for Health for this issue to be resolved. I want to assist women in hospital and the home, yet I don't want to risk jail to do so. How does the proposed NRAS help protect and regulate midwives, if an aspect of their capabilities is deemed as illegal?

Professional Indemnity insurance should not be a factor in deciding a midwife's suitability for registration and accreditation. Their education, both initial tertiary/hospital based and their proven

ongoing professional development as set out by the Australian College of Midwives, should be the deciding factors in their suitability to register. I realise that the commonwealth isn't subject to the Trade Practices Act but as a good corporate citizen, it should be seen not to operate at odds with that legislation.

Sincerely-

Mrs Isis Caple