



7 December 2018

Att: Ms Sophie Dunstone
Select Committee on Stillbirth Research and Education
Department of the Senate
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Parliament House
Canberra ACT 2600

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Sophie.dunstone@aph.gov.au

Dear Ms Dunstone,

I write to follow up our telephone conversation of this morning, in relation to the final report of the Select Committee on Stillbirth Research and Education.

As you will know, Maurice Blackburn made a written submission to the inquiry (sub. 69), and Mrs Dimitra Dubrow presented to the Committee at its Public Hearing in Melbourne on 9 August 2018.

We are concerned that some of Maurice Blackburn's testimony may have been inadvertently misrepresented in the Committee's final report, tabled 4 December 2018.

We are aware of the difficulties in seeking adjustment to the final report of a Select Committee, as that Committee no longer exists now that its work is complete. We are also aware, however, that such reports are read and cited regularly as authoritative commentary on important issues, such as the vital need for research and education in relation to stillbirths.

To this end, we are keen to ensure that the perspectives of Maurice Blackburn, and Mrs Dubrow, are articulated clearly and accurately for those that access the document into the future.

The paragraph in question is 4.116, found on page 59 of the report. I detail the concerns below:

- i. The paragraph cites Maurice Blackburn as saying that "autopsy reports often contain statements that are unhelpful and arbitrary". This is not our view. On page 6 of our submission, we note that "...the 'must have shown signs of life' threshold is arbitrary and unhelpful". So the words 'arbitrary and unhelpful' have been wrongly attributed in the Committee's report to autopsy reports, rather than for the threshold at which a coronial inquest would be conducted.

- ii. The paragraph goes on to say: “She argued that a similar reform in Australia would ensure a greater degree of independence, accountability and transparency in the process of determining why unexpected stillbirths occur”. It does not specify, however, what the ‘similar reform’ refers to. The statement refers to the reform process currently in place in the UK, but that is not made explicit in paragraph 4.116. We believe it would add considerable clarity to that section if it specified that ‘similar reform to that being considered in the UK’ would be useful in Australia.

Below, I have included an alternative wording for paragraph 4.116, which would more accurately reflect our submissions and our beliefs:

4.116 Mrs Dimitra Dubrow, Principal and Head of Medical Negligence, Maurice Blackburn Lawyers, noted that coronial findings often drive reforms in policies, procedures and standards, including increased awareness and management of risks, the need for ongoing training and a review of hospital procedures. She also noted that the threshold for coronial investigations occurring only when a baby is born alive and not where a baby does not show ‘signs of life’ at birth is unhelpful and arbitrary, and that a coronial investigation might yield significant new information about the circumstances of stillbirth. She argued that a similar reform to that being considered in the UK of extending the Coroners’ role to include the investigation of stillbirth in Australia would ensure a greater degree of independence, accountability and transparency in the process of determining why unexpected stillbirths occur. She noted that a coronial investigation would be used to determine the cause of stillbirth, rather than being a ‘fault-finding exercise’.

We hope that the above concerns in no way detract from the tremendous work done by the Committee and the secretariat. We acknowledge the enormous amount of work that has gone into the report, at a busy time of year.

We sincerely hope that all of the recommendations are adopted quickly, and that it leads to real and lasting change for those impacted by the tragedy of stillbirth.

Should you have any questions about the above, please do not hesitate to make contact.

Yours faithfully,

Peter Newling
National Manager, Public Policy
Maurice Blackburn