

14th April 2011

The Secretary
Senate Finance and Public Administration Committee
PO Box 6100
Parliament House
Canberra ACT 2600
Australia

Dear Secretary,

**Inquiry into the administration of health practitioner registration by the
Australian Health Practitioner Regulation Agency (AHPRA)**

Please find my submission to the above inquiry.

Yours sincerely,

**Inquiry into the administration of health practitioner registration by the
Australian Health Practitioner Regulation Agency (AHPRA)**

Terms of Reference: (h) AHPRA's complaints handling processes

I am a registered midwife and attend homebirths in the community on the Far North Coast NSW. I am also a midwife representative on various committees, including the [REDACTED] Committee, [REDACTED] Committee and [REDACTED] Committee. I am a member of [REDACTED] Association, Australian Society of [REDACTED], [REDACTED] Coalition, [REDACTED] Group (subset of ACM) and [REDACTED] Group.

I have attended homebirths for over 28 years and have been an active promoter and supporter of homebirth as an informed and safe choice for women in childbirth.

Over the past 3 - 4 years, many homebirth midwives around Australia have been targeted with unnecessary and often malicious complaints against them upon transfer to hospital care. These complaints are mostly without any morbidity or mortality occurring, but simply due to a clash of philosophies around homebirth and women's right to autonomous health care.

From July 2010 with the nationalisation of registration through AHPRA, a new complaints handling process was established. This new process has recently caused some midwives to have conditions placed on their registration without formal review of the complaints before them. The conditions include "attending births in hospitals only", which removes the midwife immediately from attending homebirths and leaves her caseload of women without a care provider. These women have engaged the midwife in a continuity of care model and most would rather birth unassisted than be forced to birth in a hospital. That is the basis of care and trust that has been established between the woman, her family and her chosen midwife.

Attaching such conditions to a midwife's registration without formal review of her practice must be an illegal and unethical process from any health care body. Notifiable conduct with the provision to place immediate conditions on practitioners is described as follows:

Notifiable Conduct - in relation to a registered health practitioner, means the practitioner has

- (a) practised the practitioner's profession while intoxicated by alcohol or drugs; or
- (b) engaged in sexual misconduct in connection with the practice of the practitioner's profession; or
- (c) placed the public at risk of substantial harm in the practitioner's practice of the profession because the practitioner has an impairment; or
- (d) placed the public at risk of harm because the practitioner has practised the profession in a way that constitutes a significant departure from accepted professional standards.

<http://www.ahpra.gov.au/Ancillary/Glossary.aspx#N>

This notifiable conduct is clearly stated and understood by all health practitioners and exists in all legal, professional and ethical codes of practice.

My understanding of the recent action placing conditions on registration of some midwives is that there was no 'placing at risk of harm', nor 'significant departure from accepted professional standards'. The complaints were not made by the women receiving care but by the receiving hospital staff who may have significantly different and antagonistic birth philosophies. This difference in philosophy does not render the homebirth philosophy nor care provision incorrect, nor is the care a departure from internationally accepted professional standards.

These cases must be reviewed immediately and the conditions removed from the midwives registration until appropriate reviews are undertaken.

This action by AHPRA is in itself a significant departure from 'acceptable professional standards'. The complaints and review process must be transparent and appropriate and not based on individual bias towards a minority group.

I question the legal, moral and ethical right for AHPRA to determine any practitioner's professional practice without appropriate review procedures.

Registered Midwife