

Briefing Paper
Australian Health Workforce Ministerial Council

Teleconference 26 September 2011

Agenda Item No.: 5

**Professional Indemnity Insurance Exemption for Independent Privately Practising
Midwives**

Outcome sought

That the Australian Health Workforce Ministerial Council makes the amendment regulation to the *Health Practitioner National Law Regulation* (the National Regulations) to extend the professional indemnity insurance (PII) exemption for Privately Practising Midwives (PPMs) for a further twelve months until 30 June 2013.

Sponsoring Jurisdiction: Queensland.

Overall Strategy

SUPPORT states and territories amending the National Law in accordance with the Health Ministers' decision on 4 and 5 August 2011, noting there is no required action of the Commonwealth except agreement to the form of the draft Regulation and the Explanatory Memorandum.

The Commonwealth will continue to work with all states and territories as they establish appropriate service arrangements to ensure further extensions are not required.

Key Risks

The extension has the support of all jurisdictions.

However, the issue of homebirth remains contentious. Some medical professional stakeholders (obstetricians and general practitioners) may be concerned that the PII exemption has been extended.

Speaking Points

- **At the 4 and 5 August AHMC Meeting, Ministers agreed to a twelve month extension of the professional indemnity exemption until 30 June 2013.**
- **The next step is for Ministers to agree to make this amending regulation which will commence on the day on which it is published by the Victorian Government Printer.**
- **This will provide certainty to women who want a homebirth service provided by a privately practising midwife up until June 2013.**
- **This is a short term arrangement and over the next twelve months jurisdictions must continue to work on enhancing appropriate access to birthing choices for women.**
- **Issuing a communiqué that includes a statement about the amendment to the National Regulations will let the public know that our decision has now taken effect.**

Background

At the AHMC Meeting on 4 and 5 August 2011, Ministers agreed to extend the exemption under the National Law for PPMs attending homebirths to hold professional indemnity insurance for a further twelve month period.

The Agenda paper recommends the Australian Health Workforce Ministerial Council (AHWMC) makes the amending regulation under section 245 of the National Law.

After Ministerial Council approval of the regulation, it will be forwarded to the Victorian Government Printer for publication before being tabled in the parliaments of each of the jurisdictions (with slight variance to process in Western Australia).

The Agenda Paper will provide details of any regulatory changes in the state and territory jurisdictions and an extract from the National Practitioner Regulation National Law about the processes for making and publishing of the regulation. There are no anticipated issues in this regard.

The further twelve month extension of the exemption was agreed to allow further options to be explored and a proposal to be provided to a future AHMC Meeting.

[REDACTED]

As the lead jurisdiction preparing the draft regulation, Queensland will notify the Australian Health Practitioner Regulation Agency when the amendment becomes law.

Since July 2010, Medical Insurance Group Australia has offered a Commonwealth-supported policy to 'eligible' PPMs. To date, less than 30 policies have been issued. This policy provides cover for ante-natal and post-natal care for PPMs provided certain conditions are met. The contract is for an initial period of three years and is due to end on 30 June 2013 with options for extensions of up to two years.

There are no financial implications for the Commonwealth.

Division: Health Workforce Division
Contact Officer: Ros Bauer
Phone No.: 02 6289 8404
Cleared by (FAS): Maria Jolly
Date: 22 September 2011