

Statement/news item

Coroner's Court recommendations

24 March 2016

As a result of a coronial inquest into the death of Ms Caroline Lovell, the State Coroner of Victoria has made a number of recommendations for the Australian Health Practitioner Regulation Agency (AHPRA) and the Nursing and Midwifery Board of Australia (NMBA).

Recommendations include that the:

- Department of Health and Human Services, in conjunction with AHPRA, examines the adequacy of the regulatory system currently in place and develops a specific framework for privately contracted midwives, working in the setting of a home
- NMBA develops specific guidelines to define mandatory clinical competency and clinical experience standards, for privately contracted midwives, working in the setting of a home
- NMBA develops a system of monitoring mandatory clinical competency and clinical experience standards, for privately contracted midwives, working in the setting of a home, and
- Department of Health and Human Services, in conjunction with AHPRA, examines the question of whether there is a need to create a regulatory offence that would prohibit the receipt either directly or indirectly of a financial commission of any type for attending at a place of birth while being an unregistered midwife (or medical practitioner).

Ms Gaye Demanuele, who was a midwife in attendance at the birth where Ms Lovell died, surrendered her registration on 31 May 2012 and has not been registered since that time.

'The avoidable death of a young woman is a tragic outcome and I wish to extend my deepest sympathies to Ms Lovell's family and loved ones, said Dr Lynette Cusack RN, Chair of the NMBA.

'The NMBA supports every woman's right to choose where and how they give birth. Members of the midwifery profession have an obligation to practise safely and to a professional standard that protects the health and safety of the public, whether they are supporting women giving birth in a hospital or in the home', Dr Cusack continued.

AHPRA CEO Mr Martin Fletcher said he would work closely with Dr Cusack to consider the Coroner's recommendations and see if steps need to be taken to strengthen public protection.

'Our number one priority is to protect the public. If there is work that we can do under our current legislation to better protect the public we will do so. If there is work that is outside of our legislation and jurisdiction, we will raise this with the relevant agencies', said Mr Fletcher.

The full findings of the Coroner's Court and its recommendations, which were delivered on 24 March 2016, are on the [Coroner's Court of Victoria website](#)

Continues overleaf...

Background information about the regulation of individual midwives in Australia

The NMBA published the *Safety and quality framework for privately practising midwives attending homebirths* in 2011, which privately practising midwives (PPMs) attending homebirths are required to comply with. The NMBA has revised the framework and developed the *Safety and quality guidelines for privately practising midwives*, which takes effect on 1 January 2017 (the current framework applies until that date). These guidelines strengthen the compliance requirements for PPMs and sets out the audit of practice to ensure compliance will occur. The guidelines were published on 1 February 2016 and are available on the [NMBA website](#).

The NMBA published the *National competency standards for midwives* on 1 July 2010, these standards are the core competency standards by which a midwives' performance is assessed to obtain and retain registration as a midwife in Australia. These are the core competency standards and provide the framework for assessing competence of midwives. They are used by the National Board as part of the annual registration renewal process and to assess midwives:

- educated overseas seeking to work in Australia
- returning to work after breaks in service, or
- involved in professional conduct matters.

The NMBA *Code of professional conduct for midwives* and *Professional boundaries for midwives* provide a framework for accountable and responsible midwifery practice in all contexts.

At the annual renewal of registration midwives are required to make a declaration that they comply with the NMBA mandatory registration standards:

- professional indemnity insurance (PII)
- criminal history
- recency of practice, and
- continuing professional development.

In accordance with the NMBA continuing professional development (CPD) registration standard, midwives must complete a minimum of 20 hours of CPD annually. CPD is an important foundation of lifelong learning and helps midwives maintain their competence.

The NMBA has an ongoing process of auditing compliance with the above registration standards. The NMBA will audit the practice of PPMs against the *Safety and quality guidelines for privately practising midwives*.

The review of the National Registration and Accreditation Scheme, recommendation 12 stated that: The protection of the practice of birthing services to be adopted nationally, consistent with the South Australian amendment. This was not accepted by Health Ministers who stated that: Ministers agree that individual jurisdictions may choose to adopt further regulatory and non-regulatory measures to support safe birthing practice in accordance with local circumstances.

For more information

- Visit the [NMBA](#) or [AHPRA](#) websites
- For registration enquiries: 1300 419 495 (within Australia) +61 3 9275 9009 (overseas callers)
- For media enquiries: (03) 8708 9200