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Committee Secretariat

Regulations Review Committee
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Complaint regarding changes to the Midwifery Scope of Practice under the Standing Orders 327 regulation

Speak Up for Women (SUFW) is an advocacy group focused on the protection of women and girls' rights, language, and spaces. We host a discussion group where 248 women participate, including mothers and midwives.

Summary and grounds for complaint

SUFW would like to make a formal complaint regarding the changes to the [Midwifery Scope of Practice \(SOP\)](#), due to be implemented on October 1st, 2024. We submit our complaint under the Standing Orders 327 regulation¹, on the grounds that the introduced SOP:

- (a) is not in accordance with the general objects and intentions of the enactment under which it is made***
- (b) trespasses unduly on personal rights and liberties***
- (d) unduly makes the rights and liberties of persons dependent upon administrative decisions which are not subject to review on their merits by a judicial or other independent tribunal.***
- (h) was not made in compliance with particular notice and consultation procedures prescribed by applicable enactments***

The following is from a letter sent in February of this year to Hon Dr Shane Reti in his role as Minister of Health, the grounds above are summarised in the text below.

¹ <https://www.parliament.nz/media/7418/standing-orders-2020.pdf>

The changes introduced by the Midwifery Council (MC) include the introduction of the word whānau into the scope of practice; which results in a change on the focus of the SOP from “*working in partnership with the woman*”² to “*meeting the needs of the whānau*”³. These are remarkable changes to the SOP.

SUFW strongly oppose these fundamental changes to the SOP because they are in direct conflict to the pregnant woman’s rights under the New Zealand Code of Health and Disability Services Consumers’ Rights. The changes create conflicting priorities for midwives, decentering women from their practice, and resulting in worse health outcomes for pregnant and birthing women and their babies.

Our concerns

1. Conflicting priorities: the New Zealand Code of Health and Disability Services Consumers’ Rights (*The Code*)⁴.

The Code contains ten rights that are available to each person *as an individual* to ensure the protection of their privacy and autonomy to make decisions related to their health care.

The Code gives a woman, and only her, the right to make decisions concerning her pregnancy and birth. The changes to the SOP are effectively removing the rights of an individual woman to make decisions about her pregnancy, birthing experience, and breastfeeding, to prioritise the preferences of her family or whānau.

There are numerous situations where it is vital that the midwife’s working relationship and focus is with the mother, the woman giving birth:

- **Confidentiality:** how much information can/should the midwife share with the whānau? According to *The Code*, nothing can be shared without the express permission of the individual.
- **Hostile environment:** without the support of a midwife how can a woman stand up to her whānau to achieve the kind of birthing experience that she wishes and/or needs?
- **Cultural differences:** a woman may have vastly different ideas regarding her birthing experience and pregnancy than her whānau - whose views will be prioritised and supported? Who defines who is part of the whānau when the woman is not Māori?
- **Domestic violence:** how can a midwife screen for safety issues when she may not even be able to visit with her client alone?

² [Midwifery \(Scope of Practice and Qualifications\) Notice 2010](#)

³ [Midwifery Scope of Practice and Qualifications Notice 2024](#)

⁴ [Code of Health and Disability Services Consumer's Rights](#)

2. Lack of support for the proposed changes.

During the consultation phase, the Midwifery Council (MC) received four hundred submissions.

The MC reported⁵ that **90% of these submissions were negative** (this includes 10% negative submissions from midwives); 5.2% were positive but raised concerns about the changes, and only 3.7% of the submissions were positive.

The Midwifery Council's report identified common themes in the submissions that have not been addressed and cannot be ignored:

- The changes lacked clarity and failed to clearly describe the procedures, actions and processes that are permitted to be undertaken in terms of the midwifery profession.
- Why was the word whānau introduced in the SOP?
- Confusion regarding the use of te reo and the lack of reasoning behind the usage of two languages.
- Lack of description regarding education and outcomes.

3. Implications of using the word whānau in the Scope of Practice

While we understand that introducing the word whānau to the SOP is presented as a move towards a more inclusive approach to midwifery, this change in the language and scope of practice devalues the importance of protecting the mother-child dyad. **Pregnant and birthing women and their babies are particularly vulnerable and require adequate protection.**

The change of language in the SOP fails to acknowledge that “*women have unique experiences, needs and rights in relation to pregnancy, birth, and breastfeeding that are not shared with others*” (Gribble Karleen D., 2022)⁶. This is particularly important in situations of family and sexual violence and when the health of the mother and/or baby are at risk.

Introducing the word whānau to the SOP creates a barrier for the midwife to adequately support and advocate for the wellbeing of a woman, and to support her in making autonomous decisions during her pregnancy, birth and breastfeeding periods.

Our request

We ask the Regulations Review Committee to request the Midwifery Council to design a new SOP based on ensuring the pregnant woman's rights under the New Zealand Code of Health and Disability Services Consumers' Rights are protected. Until a new SOP is developed, we ask

⁵ [Te Tatau o te Whare Kahu Midwifery Council – Scope of Practice Feedback – March 2023](#)

⁶ Gribble KD, Bewley S, Bartick MC, Mathisen R, Walker S, Gamble J, Bergman NJ, Gupta A, Hocking JJ and Dahlen HG (2022) [Effective Communication About Pregnancy, Birth, Lactation, Breastfeeding and Newborn Care: The Importance of Sexed Language](#). *Front. Glob. Womens Health* 3:818856. doi: 10.3389/fgwh.2022.818856

the Regulations Review Committee to ensure that the existing SOP⁷ remains in force, with its focus on working in partnership with women, until a new scope of practice can be completed.

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⁷ [Midwifery \(Scope of Practice and Qualifications\) Notice 2010](#)