



10/11/2023

Questions on Notice

1. Informed Consent Training

We have provided feedback from _____ who have done our Better Births with Consent training and made a public commitment to uphold the Respectful Maternity Care Charter after organizing this consent training for _____ Hospital.

2. Obstetric violence criminal law



MATERNITY CONSUMER NETWORK

W: [HTTPS://WWW.MATERNITYCONSUMERNETWORK.ORG.AU](https://www.maternityconsumernetwork.org.au)

Obstetric Violence law was first introduced in Venezuela in 2007 with the introduction of the law of 'Right of Women to Live a Life Free of Violence.' Other South American countries that followed suit include Argentina (2009), Brazil (2017) and some states in Mexico. Brazilian Law also includes family members and birth companions as possible perpetrators of abuse against women during birth.

The effectiveness of the law in changing culture and the practices of medical professionals is outside the scope of our organization. Our position has always been regardless of legal affects, women should still have the opportunity to seek personal justice through the criminal and civil courts for being assaulted during childbirth via medical procedures just as any other person can and perpetrators of abuse should be held accountable if found guilty and should not be exempt due to a medical title.

For further comment, we understand health care providers at the inquiry were voicing concerns that such legislation would decimate their workforce. The information we wish to convey is we disagree this would occur. Women have always been free to report providers to police and we still assist them on this matter. The issue is there isn't specific legislation in the NSW Crimes Act ,so police often have to use sexual violence legislation to charge under if things proceed that far.

While certainly some forms of obstetric violence are a form of sexual violence, the settings and reasons it occurs are still different from sexual violence. Not all obstetric violence is sexual violence for example such as slipping section 8 drugs into a woman's IV lines to take for a cesarean she hasn't consented to.

We will add, providers won't be charged by police left or right. Our court system has a very high standard of evidence required, plus trial by jury. Only the most severe cases would be considered to proceed with court if standards of evidence are met.

Considering Obstetrician Graeme Reeves, the 'Bega Butcher' got away with hundreds of alleged complaints of sexual violence towards women, 15 women and 7 babies died suspiciously under his care and the fact he only served a year in prison for mutilating a woman's genitals is proof enough even with obstetric violence legislation, the chances of mass conviction from obstetric violence will be very low indeed.

['Butcher of Bega' Graeme Reeves released from jail \(smh.com.au\)](http://www.smh.com.au)



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Just some references for your perusal.

1. Venezuelan Legislation on Obstetric Violence (in Spanish) : [Ley N° 38.668 del 23 de abril de 2007 - Ley Orgánica sobre el derecho de las mujeres a una vida libre de violencia \(acnur.org\)](#) (

2. Argentina Obstetric Violence Law and Commentary:

Ley de Protección Integral para Prevenir, Sancionar y Erradicar la Violencia contra las Mujeres en los ámbitos en que se desarrollen sus relaciones interpersonales (Ley 26.485, Argentina 2009). Available from: [http://servicios.infoleg.gob.ar/infolegInternet/anexos/150000-154999/152155/norma.htmLey 26485/2009](http://servicios.infoleg.gob.ar/infolegInternet/anexos/150000-154999/152155/norma.htmLey%2026485/2009) | Argentina.gob.ar

[Obstetric Violence Observatory: Contributions of Argentina to the International Debate - PubMed \(nih.gov\)](#)

3. Brazilian Obstetric Violence Law Commentary
[Obstetric-Violence-in-Brazil.pdf \(eajournals.org\)](#)

Emilia Bhat



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MCN President

Maternity Consumer Network



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RE: Better Births with Consent feedback

Fri, Oct 27, 2023 at 6:49 PM

To: Marcy Green

Hi

Thanks for the opportunity to provide some feedback.

The training offers an opportunity to hear from consumers, as well as a Human Rights lawyer. It is extremely important for staff to hear the voices of consumers and understand their perspectives. Having this training along side a lawyer assists staff in understanding their roles and responsibilities in relation to the provision of healthcare, and very clearly describes who is the decision maker. We have found that while this training can sometimes be confronting to some staff, it provides an avenue for discussion and reflection on how care is provided. We have not just done one training session, this is a continued commitment from the service that Respectful Maternity Care is discussed in depth at numerous staff forums throughout the year. We have been extremely lucky to have Maternity Consumer Network partner with us to provide annual education for the last three years. This relationship has been invaluable.

Kind regards



From: Maternity Consumer Network Management Committee
Sent: Friday, 20 October 2023 7:34 PM
To: Marcy Green
Cc:
Subject: Better Births with Consent feedback

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Hi Emilia,

The NSW Birth Trauma Inquiry had asked for further feedback from our Better Births with Consent Training. I have attached our original submission that was required as a part of our grant funding, but hopefully some insight into how it has improved the consent process and support of women's autonomy at Hospital can provide too.

Kind regards,

Alecia

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The image contains a graphic on the left with two pregnant women and a quote: "Better outcomes for mothers and babies means better outcomes for the whole community...". To the right is the Maternity Consumer Network logo, which includes a circular icon with a woman and a baby, and the text "MATERNITY CONSUMER NETWORK". Below the logo is the tagline: "Australia's leading maternity consumer organisation with over 1200 member and member organisations". Further down are contact details: a phone icon for "Alecia (Founder)", an envelope icon for "Emilia (President)", and a globe icon for the website "www.maternityconsumernetwork.org.au".

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