

Select Committee on Birth Trauma – Questions on Notice/Supplementary questions

Committee	Select Committee on Birth Trauma
Hearing date	12/12/2023
Health witnesses	Ms Jill Ludford, Chief Executive, Murrumbidgee Local Health District Professor Lenert Bruce, General Manager Wagga Wagga Base Hospital Ms Carla Bailey, Executive Director Operations, Murrumbidgee Local Health District Ms Sandra Forde, Midwifery Manager, Murrumbidgee Local Health District
Analysis	EMS/lead area to draft

Recommendation

1. Approve the attached response be provided to the committee.

Secretary's signature	Date
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Inquiry timeline

Inquiry announced – self-referred	21/06/2023
Submission sent to committee	23/08/2023
Hearings attended by NSW Health	12/12/2023 07/09/2023 04/09/2023 12/12/2023
Committee report due to be tabled	3/06/2024

Consultation

Name	Position	Phone number
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Contact and approval

Name	Position	Phone number
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Name	Position	Date
Susan Pearce AM	Secretary, NSW Health	12/01/2023
Deb Willcox AM	Deputy Secretary, Health System Strategy and Patient Experience	11/01/2024
Deb Matha	A/Executive Director, Health and Social Policy Branch	21/12/2023
Jill Ludford	Chief Executive, Murrumbidgee Local Health District	19 December 2023

Select Committee on Birth Trauma

Hearing – 12/12/2023

Questions on Notice

QUESTION 1 – Page 44

The Hon. SUSAN CARTER: Thank you all for being here. Professor Bruce, could I ask you a bit of a perhaps technical question, and you may need to take it on notice. I was interested when you were talking about practitioners being open and supporting women who wanted to take alternative pathways and some of the difficulties around that. I think you flagged the fact that there wasn't a college document and there wasn't a policy document the way there may be in other States. I wondered whether this creates any difficulties with respect to the Civil Liability Act in New South Wales and whether we need to be looking at, for example, the definition of professional negligence in section 5O, where there is the need to have some peer recognition of this as a pathway, or even issues around the Rogers v Whitaker duty to warn and whether this creates issues for professionals supporting women wishing to take individual pathways.

LENERT BRUCE: This is probably one that I'd take on notice, to discuss the details.

ANSWER

As parts of this question raises issues that are legal in nature it would be best if the Committee refer the question to the Attorney General's department who are responsible for the Civil Liability Act.

It should be noted however that the [NSW Health Consent to Medical and Healthcare Treatment Manual](#) does provide guidance to all clinicians on obtaining informed consent.

The NSW Health [Connecting, Listening and Responding: A Blueprint for Action – Maternity Care in NSW](#) published in March 2023 outlines NSW Health's commitment to ensure that 'all women in NSW receive respectful, evidence-based and equitable maternity care that improves experiences and health and wellbeing outcomes.'

Goal 6 of the Blueprint affirms that women are offered different care options during pregnancy, are actively involved in decision-making about their care and that their choices are respected. This includes women and health professionals maintaining a supportive care partnership when women decline recommended care.

NSW Health Policy Directive *Maternity - National Midwifery Guidelines for Consultation and Referral* ([PD2020_008](#)) states that all midwives providing midwifery care use the [Australian College of Midwives \(ACM\) National Midwifery Guidelines for Consultation and Referral](#). The document emphasises the importance of respecting the autonomy and rights of individuals to weigh risks and benefits according to their personal needs and values and make independent and informed decisions. These guidelines provide advice for when women choose care against advice or outside the consultation and referral guidelines.

QUESTION 2 – Page 47

The CHAIR: Before I move on to the Hon. Emily Suvaal, I have two quick follow-up questions. Do you know how many individual investigations were happening?

JILL LUDFORD: I will take it on notice, but I know it's approximately 30.

ANSWER

On 23 May 2023, Murrumbidgee Local Health District (the District) was advised that "over thirty women...requested the Maternity Consumer Network to act as their advocates". This was in a joint complaint relating to maternity services at Wagga Wagga Base Hospital. The correspondence received via

Executive and Ministerial Services, Ministry of Health, from the Maternity Consumer Network, did not identify individual cases.

On 15 August 2023 the complaint was received by the District from the Health Care Complaints Commission (HCCC). The District has not been informed of the number of complaints that were received by the Maternity Consumer Network, or the number of individual complaints the HCCC investigated in response to the Maternity Consumer Network complaint.

The District was informed by the HCCC that the investigation was closed on 24 July 2023.

As of 29 June 2023, the District has received 21 individual complaints for investigation. Of these complaints:

- 7 were affiliated with the joint complaint from the Maternity Consumer Network
- 10 were received by the HCCC
- 1 was received via the District's feedback service
- 1 was received via phone to the District's consumer feedback and engagement team
- 2 were received by the Local Member for Wagga Wagga.

QUESTION 3 – Page 47

The CHAIR: You said that some of the support that was provided was a reimbursement of the costs for psychological care or counselling. Was that a full reimbursement or a percentage of the cost?

JILL LUDFORD: I'll take it on notice, Chair. My understanding is it was a full reimbursement, but I will check and make sure that is accurate.

ANSWER

The Murrumbidgee Local Health District has offered support services and will provide reimbursement of expenses as required to individual women who express the need for private psychological care or counselling. The level and extent of reimbursement will be negotiated with women individually.

The District has provided information on how these services may be accessed to individual women who have requested additional support. Support offered includes District-led services such as social work, counselling, and mental health support. Support provided to each woman is individualised and considers their unique needs and wishes.