

From: [REDACTED]  
To: [abortionlawreform](#)  
Subject: Concern about Abortion Bill  
Date: Monday, 27 June 2016 2:35:08 PM

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27 June 2016

From

Mr Stan Iwinski

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To

Research Director, Health, Communities, Disability Services and Domestic and Family  
Violence Prevention Committee

Dear Ladies and Gentlemen,

I write this expressing concern about the abortion bill that is being pushed by Cairns MP  
Mr Rob Pyne.

The concern I have is about the removal of intermediary safeguards and protections that  
currently exist to protect the lives of the unborn.

These protections, as I see it are defined and guided by these sections 224,225 and 226.  
Should this bill pass, and remove those sections; it may just be a matter of "convenience"  
for Doctors and Patients to terminate pregnancies.

This decision by the doctor and patient can be made without any documentation proving  
the validity and truthfulness that this pregnancy is endangering her life and health. The  
following clause leans to the above possibility.

Serious danger to the mother's life or her physical or mental health.  
Should this Bill pass, the decision for the doctor would simply need to be  
that continuing the  
pregnancy poses a bigger risk to the woman than terminating it.

So I thus oppose the bill before parliament which removes all protections and puts in no  
safeguards.

Yours faithfully,

Stan Iwinski

\*\*\* (This bill removes sections 224, 225 and 226 from the Criminal Code. These provisions are archaic, outdated and have no place in a modern, liberal democracy. They state that any person who carries out, or assists with, an abortion may be liable for criminal prosecution, including the woman herself. Importantly, the bill does not repeal section 282 or section 313 of the Criminal Code.

Currently, should charges be brought under sections 224, 225 or 226 any defence must hinge on the interpretation of the 'surgical operations and medical treatment' defence in section 282 of the code. In the 1986 case of the Crown versus Bayliss, which interprets section 282, Justice McGuire found that in exceptional cases an abortion would not be unlawful where it was carried out in good faith

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to avoid serious danger to the mother's life or her physical or mental health. Removing sections 224, 225 and 226 will remove the necessity to rely on these section 282 components (a) establishing an exceptional case; and (b) serious danger to the mother's life or her physical or mental health. Should this bill pass, the decision for the doctor would simply need to be that continuing the pregnancy poses a bigger risk to the woman than terminating it.

The bill does not amend or repeal section 313, Killing an unborn child, which makes it a crime to prevent a child being born alive by any act or omission of such a nature that if the child had been born alive and had then died, the person would have been deemed to have then unlawfully killed the child. This covers assaults on pregnant females with a child and has a maximum penalty of imprisonment for life. This rightly should remain in the Criminal Code.

The current law in Queensland is causing great hardship and personal suffering. Children by Choice Manager Amanda Bradley told the *Brisbane Times*—

"We get reports of self-abortion, some women we speak to say if I can't get an abortion I will do it myself.

Children by Choice received 118 contacts relating to self-abortion or threats of self-abortion in the past year.

This bill will not only help those women but doctors like Dr Caroline de Costa. Dr de Costa told the *Cairns Post* that Queensland doctors continue to provide abortions despite risking prosecution under ambiguous laws. She said—

"It's done knowing that there is case law to protect you, if you are charged—but also knowing that it's unlawful."

...

"This is the only health procedure that is dealt with like this in criminal legalisation ...

"It's way, way out of date and belongs in the 19th century. We're practising medicine in the 21st century."

This bill will protect vulnerable Queensland women and the doctors who are risking prosecution to assist them.

The ridiculous nature of the current situation was on public display in 2009-10 when a Cairns couple were charged under the Queensland legislation. Although they were acquitted after jury trial, they were subjected to 18 months of glaring negative publicity. A Cairns District Court jury took less than an hour to find Tegan Simone Leach, 21, and her partner, Sergie Brennan, not guilty of charges of procuring an abortion and supplying drugs to procure an abortion following a three-day trial. The couple were charged after police found an empty blister packet of the drug RU486 and misoprostol during a search of their home on an unrelated matter in February that year. They admitted in police interviews that Ms Leach took the pills imported by Mr Brennan's family in the Ukraine because they were not ready to have a child. It is my position that when a young woman is not ready to have a child and chooses to terminate a pregnancy that should be a matter for her and her medical practitioner, not a matter for the state.

Removing these sections from the Criminal Code would mean that abortion is no longer a crime in Queensland. Of course, many people are now raising the matter of late-term abortions. I have not drafted any clause or made any suggestion in relation to gestation periods, whether it be 24 weeks, 20 weeks or whatever, because my main concern is that this parliament get together and pass law reform in this area. We need something that a majority of MPs in this place can support. It is my hope that, during the committee process with submissions from medical professionals and with MPs operating in goodwill, we can reach a point at which all or certainly the majority of members in this place can support this so that young women or any women, especially vulnerable women, are not risking criminal prosecutions. Surely a young person should not have to ruin their young lives by proceeding with a pregnancy if they are not ready and their family and their doctor think it inadvisable.

When nearly a third of women will seek an abortion over their lifetime, it is about time our laws reflected modern values that trust and empower women to make decisions about their own bodies. I commend this bill to the House.

### **First Reading**

**Mr PYNE** (Cairns—Ind) (11.37 am): I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.)\*\*\*