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

30th June 2016

Dear Committee Members,

Re: Abortion Law Reform (Women's Right to Choose) Amendment Bill 2016 and Inquiry into laws governing termination of pregnancy in Queensland.

We are writing to seek your endorsement in favour of the repeal of the current laws existing around abortion in Queensland (i.e. codes 224, 225 and 226) and to subsequently decriminalise abortion in Queensland.

Our reasons for seeking the decriminalisation of abortion are as follows:

1. **The law as it is currently is archaic.** While sections 224, 225 and 226 of the Queensland Criminal Code provide for criminal sanctions and jail terms for women 'unlawfully' having abortions and doctors 'unlawfully' providing them, they give no definition of what constitutes a lawful or unlawful abortion. The Criminal Code combined with case law from 1986 is generally accepted to mean abortion is regarded as lawful if performed to save a woman's life or to prevent serious harm to her physical or mental health, but it's open to interpretation and no legal definitions of what constitutes 'serious harm' exist. This means individual doctors and hospitals make their own decisions as to what the law means for their patients and which services they will offer and refer for.
2. **Access to health care improves health outcomes.** Improved access to abortion services will significantly reduce the stress experienced by the thousands of women each year who are unable to afford the abortion costs through a private provider. Women living in rural or remote areas find it difficult to access services and have the added pressure of arranging childcare or time off work to travel for an abortion. Currently, there are 10 private clinics providing abortion services for the entire state. Access to these services is dependent on ability to pay, and living close by or being able to travel to one of these services. It is coincidence if a woman happens to live near to a doctor who can and will provide a medical termination.
3. **The Therapeutic Termination of Pregnancy Guidelines in 2013 are insufficient.** The introduction of the Therapeutic Termination of Pregnancy Guidelines in 2013 offered an opportunity for increased access for Queensland women to abortion through the public health system. However, many hospital administrators remain concerned about the legal implications of providing abortion services despite the guidelines and do not provide abortion services. If providing an abortion is removed from the Criminal Code it is anticipated many more hospitals will comply with the guidelines.
4. **Section 282 Queensland Criminal Code does not provide adequate protection for clinicians/ health services.** The limited provision of abortion in public hospitals shows that clinicians do not believe that they are adequately protected by this provision. The difficulty women experience in even being assessed for eligibility for abortion is further evidence that clinicians do not feel that s282 provides adequate protection against sections 224 or 226 of the Queensland Criminal Code.

5. **Access to safe, legal abortion is a reproductive right for women.** As midwives, obstetricians, and maternity researchers we know that about half of all pregnancies in Australia are unplanned. Unplanned pregnancy is a reality for Australian women – and therefore so is abortion. It is estimated that more than one in four Australian women will have an abortion at some point in their lifetime². No contraception is 100% effective and contraception can fail even when used correctly and consistently. The most common contraceptive in Australia, the oral contraceptive pill, is around 91% effective at typical use, meaning that up to nine women out of every hundred using it will fall pregnant in a year². For some women pregnancies occur through non-consensual sex, i.e. sexual assault, yet even women in this difficult situation are not assessed for eligibility for abortion or provided with abortion services at some Queensland public hospitals. No woman wants to, or makes the decision to, have an abortion lightly. Women should be able to make their own moral judgment about what is best for them at the time, supported by specialist, non-judgmental counselling and support services (e.g. Children by Choice).

Based on the above information we urge you to support the Private Member's Bill to decriminalise abortion in Queensland and remove the threat of prosecution for women and doctors seeking or providing abortion.

Kind regards

Professor Jenny Gamble, Midwife: Head of Midwifery
On behalf of Midwifery@Griffith

Signatories include:

Dr Kathleen Baird, Midwife
Associate Professor Mary Sidebotham, Midwife
Professor Jennifer Fenwick, Midwife
Dr Jocelyn Toohill, Midwife
Janice Bass, Midwife
Marnie Griffiths, Midwife
Kay Jones, Midwife
Dr Kirsten Small, RACOG
Lianne Schwartz, Midwife
Tania Milne, Midwife
Dr Elaine Dietsch, Midwife

References

1. Abortion Law in Australia Parliament of Australia Library, Research Brief 1, 1998-1999. Online at: http://www.apl.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/rp/rp9899/99rp01. Accessed 20th June 2016.
2. Pregnancy Outcome in South Australia Annual Report. Statistics from the SA Health Pregnancy Outcome Unit. Available at: <http://www.sahealth.sa.gov.au/wps/wcm/connect/public+content/sa+health+internet/about+us/health+statistics/pregnancy+outcome+statistics>. Accessed 20th June 2016.