

ABORTION LAW REFORM (WOMEN'S RIGHT TO CHOOSE) AMENDMENT BILL 2016

SUBMISSION – TANYA BROOKS-COOPER

Please consider this my submission in favour of removing terminations from the Criminal Code in Queensland.

I'd like to move my way through the proposal and make some comments on the last few years of public debate around this very personal issue.

Firstly, as a women, I feel it really is my right to choose what happens with my body. Making terminations illegal puts up a barrier to accessing services that are vital to this very essence of making my own choices about my body, and my life. <https://www.amnesty.org/en/get-involved/my-body-my-rights/>

Abortions, in practice, are a medical procedure, and I think it's time Queensland moved to make this the case. This debate doesn't need to take place in courtrooms. <http://www.childrenbychoice.org.au/info-a-resources/facts-and-figures/australian-abortion-law-and-practice>

It's also my understanding that in our region we already have both the option of a medical termination and a surgical options, depending on gestation. I'm also aware it gets more expensive, and more risky, as the weeks get further along. Having read the process to terminate a second trimester pregnancy, I really cannot believe the campaign being run to suggest this might be something someone would choose to have. It's no walk in the park. <http://www.childrenbychoice.org.au/if-youre-pregnant/im-considering-an-abortion/clinics-queensland>

'It is estimated that almost half of all pregnancies in Australia are unplanned.

Unplanned pregnancies occur for a wide variety of individual, social and political reasons. Some of these include:

- *misinformation such as 'you can't get pregnant the first time you have sex' or 'you can't get pregnant during your period';*
- *embarrassment of buying contraception;*
- *self esteem issues;*
- *having sex while using drugs or alcohol (reduced judgement and capacity to make safe decisions);*
- *parents not talking to their children about contraception;*
- *lack of communication or support within the relationship;*
- *sexual or intimate partner violence;*

- *lack of government funding to increase education and access to contraception; and*
- *lack of access to contraception due to insufficient sexual and reproductive health education, high cost, unsupportive doctors, religious beliefs and limited and inaccurate explanations around contraception.*

It is also important to remember that no contraception method is 100% effective. While some methods may technically be 98-99% effective, the effectiveness of any method is reduced when allowing for human error. Even when used correctly and consistently, contraceptive methods can fail: the World Health Organisation estimates that even if every couple used contraception perfectly every single time they had sex, there would still be six million unplanned pregnancies each year worldwide [1]. Abstinence is usually not a realistic contraception option for most people across their entire reproductive lifespan.

To ensure that women cope effectively with an unplanned pregnancy, it is important that women have access to correct information and non-directive support about their three options - parenting, abortion and adoption.'

<http://www.childrenbychoice.org.au/info-a-resources/facts-and-figures/unplanned-pregnancy-profiles-of-abortion-adoption-and-parenting>

And there also seems to be no evidence that making these procedures legal might lead to a boom in abortion clinics – rather continuing to leave them in the criminal code will lead to people making their own choices on how to miscarry/terminate on their own. Dangerous grounds for our women. Sedgh G, Henshaw S, Singh S, Åhman E, Shah IH. *Induced abortion: rates and trends worldwide*. Lancet 2007; 370: 1338–45.

Having an abortion **should not** be something that moves with women through their lives. For example, on seeking admission to becoming a practicing lawyer in Queensland (or anywhere in Australia) it would be necessary for a women to disclose this medical procedure, as technically a law has been broken, and it is something that could be used against her to influence an outcome of a legal process.

http://www.qls.com.au/For_the_profession/Your_legal_career/Studying_law/Admission

Data also shows that women deal with the emotional effects of having an abortion very differently. In my experience, and in discussions socially, it's not something that drags you down along the rest of your life. I'm not saying it's not something women think about or have mixed feelings about, I just don't think those emotional after effects are as huge as the events that resulted in needing the termination, **nor the heavy load of carrying a baby to term, giving birth or even, as many people suggest, moving through a whole pregnancy to then adopt the baby out.** I don't have time to research this, but I'm fairly sure that trauma would be a heavier load to carry into the future. And much harder to get your head around.

<http://www.childrenbychoice.org.au/info-a-resources/facts-and-figures/safety-of-abortion>

Things for the Committee to note –

- there is no link to infertility from having an abortion
- there are no links to breast cancer
- there are no links to long term mental health issues from having an abortion

<http://www.childrenbychoice.org.au/info-a-resources/facts-and-figures/safety-of-abortion>

We also need to consider the women in our state who live in regional Queensland, where access to services is limited, and with the Queensland Health having to manage their practice around the current legal situation, still requires women to leave their homes to come to larger towns to access a termination. This is totally unacceptable as the only option.

I think it's also interesting to note, that under the Victim Assist Queensland assistance program, women can access an abortion to deal with an unwanted pregnancy as a result of a rape. So, on one hand, we have legislation that restricts the practice, and on the other hand, legislation that allows for it to happen to support a recover from a traumatic event. Victim Assist Queensland is by far the most amazing service available to Queenslanders, and many thanks to them all for their tireless work for victims of crime in our state.

http://www.justice.qld.gov.au/__data/assets/pdf_file/0008/18926/Victim_Assist_Queensland_brochure.pdf

I think it would also be fair to comment that the Committee is probably lacking in comment in favour of this amendment is purely around the perception abortions can be performed in Queensland. Certainly, as a long time Cairns resident, in my teenage years I knew many girls who had abortions in Townsville as there was no service available in Cairns. This added cost, time, and incredible logistics, to what was almost a hidden, shameful need to sort out a complicated issue.

Queensland is now in a position to meet up with the rest of the world and let medical teams guide the medical procedure terminations actually are.

I support the Australian Medical Association's (AMA) (2014) position that women should have access to:

- legal and safe abortion;
- reliable, safe and affordable contraception;
- information and services to support adoption or maintaining a pregnancy; and
- appropriate sexual and reproductive health and information.

This has also been back by the Queensland Nurses Union.(Submission 86)

I'd like to add this webpage provides information on the current state of play in Australia

Queensland & New South Wales: Abortion a crime for women and doctors. Legal when doctor believes a woman's physical and/or mental health is in serious danger. In NSW social, economic and medical factors maybe taken into account.

Australian Capital Territory: Legal, must be provided by medical doctor.

Victoria: Legal to 24 weeks. Legal post-24 weeks with two doctors' approval.

South Australia: Legal if two doctors agree that a woman's physical and/or mental health endangered by pregnancy, or for serious foetal abnormality. Unlawful abortion a crime.

Tasmania: Legal to 16 weeks on request, and after that point with the approval of two doctors.

Western Australia: Legal up to 20 weeks, some restrictions particularly for under 16s. Very restricted after 20 weeks.

Northern Territory: Legal to 14 weeks if 2 doctors agree that woman's physical and/or mental health endangered by pregnancy, or for serious foetal abnormality. Up to 23 weeks in an emergency.

<http://www.childrenbychoice.org.au/info-a-resources/facts-and-figures/australian-abortion-law-and-practice>.

New South Wales Update -

Dr Mehreen Faruqi has released an exposure draft of the Abortion Law Reform (Miscellaneous Acts Amendment) Bill 2016 for NSW.

The bill will:

- Repeal sections 82-84 of the Crimes Act, relating to abortion offences.
- Provide for a 150m safe access zone around abortion clinics and service providers to ensure a patient's right to medical privacy.
- Require doctors to disclose conscientious objection at the start of the consultation and refer patients to another doctor who does not have such an objection or to the local Women's Health NSW centre.

These additions of safe zones around clinics, and equitable access to information is something Queensland should consider.

In closing, I'd like to encourage the people in the Committee to oversee this issue with fairness and impartiality. Put religion aside, data shows that 'a survey conducted by Auspoll in 2009 of over 1000 Queenslanders found that almost 4 out of 5 voters wanted the law changed so abortion is no longer a crime' *Queensland voters' attitudes towards abortion Report prepared by Auspoll, May 2009. Polling commissioned by Children by Choice.*

There is room for us to remove this from the Criminal Code, and create an accessible Queensland. Please do that.

Tanya
