

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

abortionlawreform@parliament.qld.gov.au

Abortion Law Reform (Women's Right To Choose) Amendment Bill 2016

Dr Caroline Harvey MBBS (1st class hon), MPM MPH FRACGP DRANZCOG

June 30 2016

Dear Committee,

I support the removal of abortion from Queensland's 1899 Criminal Code.

To this issue I bring my perspective as a medical practitioner of 30 years experience, currently working in aboriginal health but have through my career worked in Qld Health community womens health in Far North Qld, General practice, family planning services as well as 12 years as Medical Director of Family Planning Qld. I also write as a 56 year old woman, a mother, now beyond my reproductive years but as other women knows the complexities of controlling 4 decades of fertility.

I am a member of:

- Public Health Association of Australia (PHAA)
- Australian Medical Association (AMA)
- Royal Australian College of General practitioners (RACGP)
- Royal Australasian College of Obstetricians and Gynaecologists (RANZCOG)
- Sexual Health Society of Queensland (SHSQ)
- Management Committee Children By Choice (CByC)
- Metro South Primary Health Network Clinical Advisory committee

To that end, I would like to say that this submission is not lengthy. As a medical practitioner and public health expert I particularly support and endorse 2 other submissions that you are receiving – from PHAA and from CByC. Within these documents there is reams of well referenced evidence provided for your consideration and I do not have current capacity to, nor do I see the point in, repeating this. I am equally confident that RANZCOG and individual gynaecologists will provide you with the facts to dispel the myths which are flying around about late term abortions.

Laws criminalising abortion are outdated and have no place in modern Australia. I do not want to ever again see women in Queensland face the threat of possible prosecution for choosing to terminate a pregnancy as in Cairns in 2009, nor do I want the doctors who help them to be fearful of breaking the law. I do not again want to read about a 12 year old girl and her family waiting a month to get permission from the supreme court to have a termination despite her medical team having assessed this as entirely appropriate. Queensland and New South Wales are the only states where it's possible for women to be charged for an abortion. It's time to move this issue out of the Criminal Code and make it well and truly a health decision between a woman and her doctor, the way it is in many other Australian jurisdictions. These laws were enacted at a time when medical procedures could be unsafe, when concepts around sterility of instruments were primitive, when anaesthetics were unsafe. They may have been appropriate in 1899 when an abortion may cost a woman her life but in this century it is well evidenced that carrying a pregnancy to term carries higher morbidity and mortality than a safe legal abortion. It is safer to have an abortion than to have a baby.

Laws criminalising abortion create problems in accessing services which have a far greater impact on women already experiencing disadvantage. Women in rural and remote areas, and women experiencing violence, are particularly disadvantaged when it comes to abortion access. This applies in urban Brisbane for marginalised women and families including my indigenous patients who simply can't afford the cost of private clinics or for a medical reason need the care of a hospital setting for a termination.

Unplanned pregnancy and abortion are a reality of women's lives. It's estimated that half all pregnancies in Australia are unplanned, and that over one in four Australian women will have an abortion at some point in their life. Women like me, women like you or your daughters or mothers or friends. No contraceptive is 100% effective, and rates of violence and sexual coercion are high. No woman 'wants' to have an abortion, but safe and legal services need to be available when they deem it best. During my career I have seen many many women and sometimes their partners who state these sort of words: "*I didn't think I believed in abortion but I find that I have to have one. Can you help me?*" If they have enough money, and they live in SE Qld- I can help. In other circumstances- things can get difficult.

I am concerned at reports of women attempting to induce their own abortion at home because they can't access a safe procedure, and of women being turned away from public hospitals when requesting abortion for a pregnancy resulting from rape. I am concerned at a case where a woman was wheeled out of a Queensland hospital, like a criminal, to access a private clinic to have a termination in order to commence treatment for cancer. This is absurd and demonstrates terrible clinical care, a dereliction of duty of care.

It equally disturbs me that all pregnant women in Queensland are routinely offered screening for foetal abnormalities, at 2 points in their pregnancy but are then left in legal limbo or put through extensive psychiatric assessment to prove that having a baby with severe abnormality would impact on their mental health.

The majority of the population supports a woman's right to choose, according to reliable opinion polling. I believe that those opposed to abortion make up a tiny proportion of the population and their vocal opposition to change should not be taken to be representative of broader community sentiment.

Women in other states and territories of Australia have the legal right to choose abortion when they need to. When they need to for whatever reason. These reasons may include complex medical conditions, complex social circumstances or the devastating decision to terminate a wanted pregnancy where a foetal abnormality or may simply be that a young woman does not feel able to parent. I want women in Queensland to have the same right and I want the medical profession to be able to look after their patients in all these circumstances without fear of an outdated law.

Thank you for the opportunity to make a submission to this inquiry.

Yours sincerely,

Dr Caroline Harvey

References:

'Australian abortion law and practice' fact sheet, by Children by Choice. Accessed June 2016. Available on their website at www.childrenbychoice.org.au.

'Abortion' fact sheet, published by the Victorian State Government through the Better Health Channel website. Available online at <https://www.betterhealth.vic.gov.au/.../servicesands.../abortion>.

C Rissel, J Richters, AE Grulich, RO de Visser, & A Smith, 'Sex in Australia: attitudes towards sex in a representative sample of adults', Australian and New Zealand Journal of Public Health, vol. 27, no. 2, April 2003, pp.118–123.

K Betts "Attitudes to Abortion: Queensland and Australia in the 21st Century" People and Place vol 17, 2009. Available online at <http://researchbank.swinburne.edu.au/.../Repository/swin:14400>.

K Marsh 'A matter for women and their doctors? If only' The Drum, 26 June 2013. Online at <http://www.abc.net.au/n.../2013-05-13/marsh---abortion/4682464>.

Right of everyone to the enjoyment of the highest attainable standard of physical and mental health. Available in full on the United Nations website at http://www.un.org/ga/search/view_doc.asp?symbol=A%2F66%2