

Date: 29th June 2016

RE:

Short Title:

**Abortion Law Reform (Women's Right To Choose Bill) 2016 Policy Objective:
Removal of Abortion from the Queensland 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 would not only help those women, but Queensland doctors. Dr. Carolyn De Costa told the Cairns Post that Queensland doctors continue providing abortions despite risking prosecution under existing 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 legislation. It's way, way out of date and belongs in the 19th century.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 that are currently risking prosecution to assist them. How Policy Objective is achieved:

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 These provisions are archaic, outdated and have no place in a modern, liberal democracy.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 provide that any person who carries out, or assists with, an abortion may be liable to criminal prosecution, including the woman herself. Currently, should charges be brought under sections 224, 225 and 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 *R v 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 to avoid "serious danger" to the mother's life or her physical or mental health.

Omitting sections 224, 225 and 226 will remove the necessity to rely on these two s282 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.

Fundamental Legal Principles

: The Bill is consistent with Fundamental Legal Principles

Alternative ways of achieving policy objective

: There is no alternative way of achieving the policy objectives of this Bill.

Consultation:

This issue has been debated for many years and further consultation will take place while the Bill is in Committee.

Benefits of Bill:

The Bill will repeal outdated laws that can criminalise women and doctors for a basic human right and a medical procedure. Many people do not even know that abortion still sits in the Criminal Code until they need to make a decision about it. There seems to be a real disconnect between what the law is, what people think it says and what people believe it should be. Being one of the only two states where abortion is still part of the criminal code is an embarrassment to Queensland (noting the other state of New South Wales is currently debating this same issue). These archaic laws are dangerous and have no place in modern society where women should always have control over their own bodies.

This Bill will protect vulnerable Queensland women and the doctors that are currently risking prosecution to assist them.

Costs of the Bill:

The Bill is not anticipated to cause any increased costs to the state of Queensland. There may be a saving arising from less unnecessary and costly prosecutions.

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Code amended

This part amends the Criminal Code.

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Omission of s 224 (Attempts to procure abortion) Section 224—
omit

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Omission of s 225 (The like by women with child) Section 225—
omit

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Omission of s 226 (Supplying drugs or instruments to procure abortion) Section 226—
omit

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Preamble: extract of a website to show how freely available and easily accessed these services are under the existing Law and to give a guide as to how many abortions are being performed in Queensland now .



average 5,000/yr. This one website only.

Abortion providers - Cairns

[Cairns Sexual Health Service](#)

Cairns North Community Health Precinct
381 Sheridan St, Cairns QLD 4870

Medication abortion only, to nine weeks gestation.

Telephone: 4226 4769

Medication abortion is available up to nine weeks gestation at the Cairns Sexual Health Clinic. Clients must live within one hour of a hospital. Please call the Sexual Health Service and speak to the Options Nurse (available Monday to Thursday 8:30am-4pm, or Friday from 1pm). You may need to have some tests performed by your doctor first.

[Cairns Doctors](#)

2/192 Mulgrave Road
Cairns QLD 4870
Telephone: 07 4041 7099

Medication abortion only. Open Monday to Friday.

Cairns Doctors is a general practice with a focus on all aspects of sexual and reproductive health. They provide medication abortion up to 9 weeks gestation for \$325 - \$375 (although a Medicare

rebate is available, resulting in an approximate out-of-pocket cost of \$220 - \$270), plus the medication itself.

Cairns Doctors also offers a limited number of medical abortions via Skype for rural and regional women unable to travel to an abortion provider, at an out-of-pocket cost of \$275 - \$325. To be eligible a woman needs to be living in a state where it is legal to have an abortion at home (ie not NT, SA or ACT), be within 1 hour of a hospital and have access to secure email and Skype. Please contact Cairns Doctors for further details.

Call Children by Choice on 1800 177 725 for details of available surgical abortion services in Cairns. Surgical abortion is only available to 14 weeks in Cairns.

Unplanned pregnancy and abortion

It is estimated that half of all pregnancies in Australia are unplanned, and that around one quarter of all pregnancies are terminated [1].

Medicare records for Queensland for the year of 2009 show that around 15,500 procedures took place

My Comments for consideration on the bill as tabled are listed below I ask you keep the document in full when reproducing this document to include the above preamble .

1) The Bill will repeal outdated laws that can criminalise women and doctors

Can something be criminal that is advertised so openly? No one has ever been convicted using the existing law in Queensland or in any state , as far as I am aware.. If it can be performed over 15,500 times just in Queensland in one year and for that to be lawful and legal it would mean that in every case the mothers wellbeing or life must be in serious risk , which can't possibly be the case. So this statement that Children by Choice received 118 contacts relating to self-abortion or threats of self-abortion in the past year doesn't really hold any relevant basis for a reason to change the law as it stands, if those people were serious about having their pregnancy terminated early , the above freely advertised and easily accessed services could of been engaged , may I say , terminating a pregnancy wanted or unwanted by Skype is a step beyond what I ever thought would happen, where we as a society , to make life so cheap we can terminate life remotely to save costs but still collect a fee , if not from the mother , then from Medicare is a very dangerous precinct to set.

2) This Bill will protect vulnerable Queensland women and the doctors that are currently risking prosecution to assist them. How Policy Objective is achieved:

This Bill removes sections 224, 225 and 226 from the Criminal Code.

If no one has ever been prosecuted , and these services are so freely accessed , then I say the only fear these doctors have is that they may loss a client and the money for offering such services . It is obvious from the information I have attached at the top on this submission(in the preamble) that the fear of prosecution is laughable . The law could still stand unchanged and unchallenged and doctors and these services would still be available as if this bill was never tabled.

3) 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.

I totally disagree with this statement, the only reason these provisions were introduced was so that a person had to think very hard before having an abortion and give rise that a doctor must take every step to protect the mother and the unborn child .I don't think they were intended to decimate against the Doctor or the mother but to make them accountable for his advise and if they were to perform the termination , then make them fully aware of what this action did, that is it kills and unborn child for no reason other than stigma of the pregnancy or , it is just simply unwanted unless the life and wellbeing of the mother was genuinely at risk , which is extremely rare in this age of modern medicine. . The provisions were put in place to protect a unborn life from the emotional human factors that sometimes override correct and humane thinking when paced in a situation of duress , most often brought about by the person themself , not the doctor , he is seen as the remedy , not the unborn child, it is seen as the problem.

If we are serious about life and the value of life then these provisions show at one time in our history we considered the unborn life important enough to at least put this level of protection into the law . What has changed, what makes it archaic or no place in our modern liberal democratic society?.

Lastly , I say , where is the voice of the unborn child if our law is not the only voice it can have?. It seems all to often that the Children by choice advocates simple trumpet the " I have a right to say what happens to my body".. Well you do..act responsibly and don't fall pregnant if you don't want a child.

After all once we are 16-18 we do know what you need to do to fall pregnant, steer clear of it, take the abundant easily accessed precautions, there is no excuse anymore , everybody can access contraception if need be or simply abstain . Due to the lack of discipline by two parties , suddenly it is the unborn child that must be terminated , killed and nobody has a right to say that is wrong?

Yes a person makes a mistake 15,500 in Queensland alone, but child didn't make a mistake, it just wanted to be born and loved by its Mother and Father.

Which leads me to my final objection, it is bad enough that pregnancies are terminated up to 20 weeks , there is some evidence that it is still humane to a small degree to allow it to this point of time in the pregnancy , but the latest trends to allow to forty (40) weeks or full term is alarming and proof that some sort of Bill to criminalise abortion especially after 20 weeks must be kept in our law to protect the value of a life , both born and unborn in our criminal law , otherwise if we don't then how do we in fact ever say killing is breaking the Law? The only thing an unborn baby at late stage pregnancy hasn't done is breathe air . It has a fully developed brain, body and can respond to stimulus, so it can think to protect itself from harm, a natural human instinct.

My suggestion is that the law remain unchanged as to lessen the law will dilute it further than it has gone already , we as a society that respects life can't lessen the importance and vale of any life , no matter what the consequences or factors that made a person seek an abortion, rather we should ensure services are there to support them to have the child (, if the mother's life is genuinely not at risk and ensure that support is ongoing till the mother and child are coping well. No person or doctor will ever have anything to fear if they follow the law as it stands , it is only if you operate outside the law is when you have anything to fear. We are all horrified when any life is taken by another person in an unjust and horrific way, why is the same horror not extended to the unborn child. This double standard is perhaps biggest mystery I have encountered in my 53 years of life , which I am eternally grateful for that my parents allowed me to live and experience and have a child of my own.

Regards

Signed