

Re. enquiry into abortion law reform
16/6/16

Dear Sirs,

The short answer as to why sections 224 225 and 226 of the criminal code should be repealed is that the law concerning abortion is archaic and a total mess.

My work as an abortion provider means that I frequently get asked by patients and doctors "Is this legal?" As you know this has no simple answer. For as long as 'procuring an abortion' is an offence in the criminal code, the answer is it is not legal. Those of us intimately involved know it not that simple; there are exceptions and caveats and 'defences in law'. But as long as abortion remains a crime, there is uncertainty and fear.

No-one in Queensland has ever been convicted and imprisoned for 'procuring an abortion'. Six years ago, completely out of the blue, a young woman and her partner in Cairns were charged under sections 224 and 226 but were acquitted. The distress suffered by these young people was enormous and their acquittal was no remedy for the grief and public scrutiny they endured.

I have now 'procured an abortion' contrary to section 225 approximately 8,600 times. Furthermore I have every intention of continuing. In view of the recent Supreme Court decision that a 12 year old girl is unable to consent to abortion, nor are her parents, I have to announce that the next time I have a patient aged 12 (or 13, 14 or 15 for that matter) I shall perform the procedure in line with Queensland Health Guidelines as I have done for years, [REDACTED]

The purpose of a law is to be obeyed and thus determine how citizens should behave, and one would hope any such law would be in line with contemporary views and expectations. It is not the purpose of a law to do nothing but intimidate and bully ignorant and vulnerable citizens.

Unplanned pregnancy is a medical issue. My patients need understanding, sympathy and care. The continuing threat of courts, judges and punishment is a disgraceful situation.

Yours faithfully,

Dr Michael Carrette MB BS FRANZCOG
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