

From:
To: [Abortion Bill](#)
Subject: Submission: Health (Abortion Law Reform) Amendment Bill 2016
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Phil Browne

Inquiry Secretary
Health, Communities, Disability Services and Domestic and Family Violence
Prevention Committee
Parliament House
George Street
Brisbane Qld 4000

Please accept this submission supporting the **Health (Abortion Law Reform) Amendment Bill 2016**.

I made a previous submission supporting the Abortion Law Reform (Women's Right to Choose) Amendment Bill 2016, and this submission is based on my previous submission, though it also contains additional information.

I write as both a citizen and a health professional.

In preparing this submission I researched sections 224, 225 and 226 of the Queensland Criminal Code that relate to abortion. I was horrified by what I found. The legislation is so medieval and draconian. It was hard to believe what I was reading. I even had to check the date of the legislation. The Criminal Code Act is dated 1899 - one hundred and seventeen years ago. Society's attitudes have evolved greatly since then, but the law has not kept up. Disturbingly, the legislation reads as though it was written hundreds of years ago. I almost expected the Criminal Code to also say that women contemplating abortion must be burnt at the stake.

Why on earth is a health procedure listed as a criminal offence?

Why on earth can health professionals, other people, and even the woman having an abortion be sentenced to varying terms up to 14 years in jail?

I understand and am alarmed that even in cases of incest, rape, and diagnosed severe foetal abnormality, it is still a criminal offence to seek an abortion.

When I speak to Queenslanders, the majority are shocked to learn that abortion is still illegal - they assume this is not the case. When I discuss the incredibly severe penalties of jail terms that can apply, even to the woman herself, people are profoundly shocked.

If Queenslanders read the legislation, as I have done, I believe the vast majority would be offended that we treat people like this. Like myself, they would be in disbelief that the law is so extreme.

Even the title of the relevant chapter of the Criminal Code is disturbing - "Chapter 22 - Offences Against Morality".

I ask who's morality? I don't believe the majority of Queenslanders support the "morality" in this legislation.

The legislation is almost comical in that convictions can be recorded and jail time served by any person with "*intent to procure the miscarriage of a woman, whether she is or is not with child, ...*"

It's unbelievable that you can go to jail for up to 14 years for intending to procure an abortion on a woman who is not even pregnant!

It is embarrassing to be a Queenslanders with such awful legislation. Surely we are better than this!

I have worked for many years as a Registered Nurse and many of my patients over the decades have accessed abortions, for a range of reasons. Having worked in interstate as well as Queensland hospitals, I'm alarmed by the drastically reduced number of abortions performed in Queensland public hospitals compared to interstate. Surely the number of women seeking abortions must be the same - so why is there this massive reduction in Queensland, and more importantly where are these women accessing their abortions (is it as safe as a hospital)?

I can only assume that Queensland abortion law is largely to blame for the huge reduction in Queensland public hospital abortions compared to interstate.

I took an oath as a health professional to act in the best interest of my patients - and this includes acting as a patient advocate. I took this oath seriously and I can not remain silent when I see this legislation harming patients. To make patients feel pressured to have self-abortions and backyard abortions is shameful. These procedures carry inherent dangers, including death. What sort of society are we if women feel compelled to opt for risky procedures that put their lives at risk?

All women contemplating abortion should be treated with respect and compassion. I have seen some truly tragic circumstances leading up to the difficult decision to abort. Like a great many of my health professional colleagues, I have been comfortable and willing to assist these women and other members of the healthcare team caring for them. As a health professional it is my role to be there for these women in their time of need - it's not up to me to cast judgement on anyone. When surgical abortions were performed in the operating theatre staff were free to leave the theatre if they were not comfortable assisting. Not once did I see a shortage of health professionals happy to assist these women.

I also support the following additional areas which the Health (Abortion Law

- **only a doctor may perform an abortion:** a person who is not a doctor (or a registered nurse administering a drug to perform an abortion under the direction of a doctor) would commit an offence.
- **a woman does not commit an offence** by performing, consenting to or assisting in an abortion on herself by administering a drug prescribed by a doctor.
- **an abortion on a woman who is more than 24 weeks pregnant** may be performed only if two doctors reasonably believe the continuation of the woman's pregnancy would involve greater risk of injury to the physical or mental health of the woman than if the pregnancy were terminated. This will avoid the prolonged approval and ethics processes, which can be harmful to the patients' wellbeing, but which is currently required to substantiate lawfulness.
- **conscientious objection:** no-one is under a duty to perform or assist in performing an abortion; however a doctor has a duty to perform an abortion if it is necessary to save a woman's life or prevent serious physical injury. Also, a registered nurse has a duty to assist in such circumstances.
- **patient protection or 'safe zones':** a protected zone of at least 50 metres must be declared around an abortion facility; certain behaviour, e.g. harassment and intimidation, is prohibited within a protected zone. Publishing images of a person entering, leaving or trying to enter or leave an abortion facility is prohibited.

I support this bill to decriminalise abortion in Queensland.

Sincerely

Phil Browne
Registered Nurse

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"I always wondered why somebody doesn't do something about that. Then I realised I was somebody": Lily Tomlin