

**From:** [A. J. Macken & Co.](#)  
**To:** [Abortion Bill](#)  
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**Attachments:** [06102016111050.pdf](#)  
[06102016111057.pdf](#)

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To: Inquiry Secretary: [abortion.bill@parliament.qld.gov.au](mailto:abortion.bill@parliament.qld.gov.au)

Dear Secretary,

I respectfully agree with the cogent reasoning of my professional colleague Ms Rachael Wong, who is a barrister from New Zealand, in opposing moves to remove limits on abortion in Queensland and New South Wales.

Ms Wong as a committed feminist and advocate of human rights deserves to be listened to with respect on this important societal and personal issue.

Her views appear in two Opinion pieces (attached) of 14 April and 23 August 2016.

I wish the Committee well.

Yours sincerely,

(Mr) A. J. Macken AM  
Barrister and Solicitor

Religion & Ethics: Content from Across the ABC

## Opinion

# Women Deserve Better than the Proposed Abortion Law Reform

*Rachael Wong ABC Religion and Ethics 23 Aug 2016*

*Rachael Wong is a barrister and the Director of Research, Policy and Advocacy at Women's Forum Australia.*

Concerted efforts are currently underway to remove limits on abortion in both Queensland and New South Wales. Apparently both states' abortion laws are "archaic" and "regressive."

But on the contrary: surely, in the twenty-first century, we can do better for women than more abortion.

In May, Independent MP Rob Pyne introduced the Abortion Law Reform (Women's Right to Choose) Amendment Bill 2016.

The Bill seeks to remove abortion from the Queensland Criminal Code with the intention that abortion be available on demand, for *any* reason, at *any* stage of pregnancy.

In response to justifiable public outcry against this ill-conceived Bill - and in advance of this week's Parliamentary report - Pyne went into damage control and last week introduced a second bill: the Health (Abortion Law Reform) Amendment Bill 2016.

The second Bill limits abortion on demand to before 24 weeks unless two doctors agree that an abortion after 24 weeks would preserve the physical and mental health of the woman, in which case it would, as in the first bill, be available through all nine months of pregnancy. It also includes a tenuous conscientious objection provision, and 50m safe zones around abortion clinics.

The second bill displays the same shallow ideology and lack of consideration for the real needs of women that were the hallmarks of the first bill. And despite the fact that this is an entirely new bill, in an extraordinary attempt to bypass due process, Pyne is claiming that there has already been enough discussion and consultation on his *other* bill and that both bills should now be voted on together. This is both inappropriate and unacceptable.

Earlier this month, Green's MP Mehreen Faruqi introduced the Abortion Law Reform (Miscellaneous Acts Amendment) Bill 2016. Like Pyne's first Bill, Faruqi's Bill seeks to remove abortion from the NSW Crimes Act and includes no gestational limit. Like his second Bill, it includes provisions for (150m) safe zones.

However, in requiring medical practitioners with a conscientious objection to abortion to refer, Faruqi's Bill is unambiguous in its clamp down on freedom of conscience. Practitioners who don't want to perform an abortion themselves for ethical reasons will be forced to refer the patient to another practitioner who will perform the very same procedure against which they are ethically opposed.

Most disturbingly, all three bills have been put forward as promoting women's health and rights. In reality,

they are counter-productive to both.

First, all three bills treat abortion as simply another medical procedure and fail to recognise the physical and psychological harms posed to women who abort. Even women who abort in the first trimester can suffer physical and psychological harm. The introduction of a gestational limit in Pyne's second Bill does nothing to address the potential harm caused to women by abortion *at any stage of pregnancy*.

Second, neither Pyne's nor Faruqi's bills include safeguards to ensure that women are giving fully informed consent. Safeguards such as the provision of counselling independent of abortion providers; information about the risks of abortion, the stages of foetal development and the alternatives to abortion; the opportunity to view ultrasounds; and mandatory waiting periods - these are all critical to ensure that women can make a real "choice" when it comes to abortion.

Third, none of the bills make any attempt to understand and address the societal issues, which might make women view abortion as their only choice. Women who abort often cite reasons such as fear of intimate partner violence, coercion from their partner or others, psychological pressures due to the pregnancy or otherwise, study and career pressures, and/or a lack of financial and emotional support. Abortion under these circumstances is not choice - it's desperation.

Instead of simply providing women with the so-called "choice" of abortion on demand, in an attempt to address the symptoms of their situation, we need to do far more as a society to address the underlying causes and provide them with positive alternatives that are not going to expose them to further harm. This includes progressing real alternatives for women facing unplanned pregnancies (including much needed adoption law reform), and addressing issues of domestic violence, access and affordability of child care, flexible workplace and study arrangements and access to pregnancy and counselling support.

Finally, the bills provide no regulatory framework for the mandatory collection and reporting of data on abortions, including how many abortions are taking place, what reasons are cited, and how many women suffer physical and psychological harm post-abortion. In the absence of such data, there is a woeful lack of evidence to support these proposed changes.

The reality is that women are already able lawfully to access abortion in both Queensland and New South Wales. To say otherwise is simply an excuse to gain wider acceptance of an extreme ideology held by a vocal minority, which sees abortion as a right to be exercised at will. No other medical procedure is afforded such a status.

These bills are a backward, harmful step for women and should consequently be rejected by the Queensland and New South Wales Parliaments. We need to provide our women with more information and more support, not more abortion. Women deserve better.

***Rachael Wong is a barrister and the Director of Research, Policy and Advocacy at Women's Forum Australia. For further information on this issue, see Women's Forum Australia's submission to the Queensland Parliamentary Committee.***



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## Opinion

# Hillary Clinton is Right: You Can be a Feminist and 'Pro-Life'

*Rachael Wong ABC Religion and Ethics 14 Apr 2016*

*Rachael Wong is a barrister from New Zealand. She is currently working with the Law Reform Commission in Samoa to bring about legislative reform to improve the lives of Samoan women and girls.*

Last week, *Daily Life* published an article by Ruby Hamad entitled, "Hillary Clinton is wrong: You cannot be a feminist and 'pro-life'."

I beg to differ.

I originally sent this piece to *Daily Life* in the hope of engaging with Hamad on this important women's issue, but the response I received was: "unfortunately it's not quite right for us." This lack of openness to dialogue is disappointing from a news publication.

The presumptive Democratic presidential nominee and I may not see eye to eye on many things, but we do agree on this: you *can* be a feminist and pro-life. How do I know this? Because I am both.

I am passionate about women's rights and achieving equality for women in all areas of life. But I am also passionate about human rights, starting with the inherent dignity and right to life of all human beings, no matter their age, capabilities, sex, race and so on. I could not be pro-women and pro-women's rights if I were not first pro-human and pro-human rights.

Hamad's reasons for why one cannot be a feminist and pro-life essentially boil down to four myths.

### **Myth #1: The pro-life movement aims to control the lives and bodies of women.**

Hamad maintains that feminism is about women's liberation and thus entails the freedom of women to control their own bodies. She asserts that this includes the freedom to decide when and if she should reproduce and the choice to have an abortion if she does not so wish. According to Hamad, one cannot therefore be a feminist without supporting the right of women to make their own choice as to whether or not to have an abortion.

Our culture's obsession with autonomy often means that choice is heralded as one of the greatest goods or even a right, often with little regard for what is being chosen. However, choice is not a good in itself. It is essential to consider *what* is being chosen.

Even if one agrees that liberation is the characterising feature of feminism - though I believe it is much more than this - abortion involves a woman deciding to do something not just with "her own body" but with another small body, a new human being, her unborn child. This is a biological reality, not a moral opinion. In 50% of



cases this "choice" involves ending the life of another female and depriving her of every future choice (more than 50% if one considers the prevalence of sex-selective abortion).

The choice to have an abortion also puts women at risk of both physical and psychological harm (this is the focus of the recent documentary *Hush*). Risks of physical harm include increased risk of breast cancer, future preterm births and miscarriages, and other physical complications such as infection, haemorrhaging and cervical and uterine damage. Risks of psychological harm include depression, anxiety, suicidal behaviours and substance use disorders, with women who have abortions being 30% more likely to suffer from mental health problems than other women. Such harms are often not disclosed to women - a practice that is patently anti-feminist.

It is due to these harms of abortion that I am pro-life - *not* because I want to control women's lives and bodies - and why I cannot, as a feminist, support abortion as a "choice."

**Myth #2: The pro-life movement wants to ban abortion, which would endanger women by driving abortion underground and causing them to risk their lives to get one.**

While the first part of this statement is true, the second part is not. The claim that prohibiting abortion would lead to women dying in illegal, backstreet abortions is emotionally powerful, but is not supported by the facts.

As Dr David van Gend notes, "making abortion legal or illegal has never, historically, made the slightest detectable difference to the safety of women" and this is because "medicine alone, not the law, has achieved all the magnificent gains in maternal safety." Van Gend explains that this is demonstrated by "the death rate for illegal abortion [plummeting] from about 100 deaths every year in the 1930s (before antibiotics) to just one death in the whole of Australia in 1969 (the last year of the old 'backyard' regime) - before there was a single 'legal' clinic anywhere in the country." The decline in mortality was "thanks to medical advances alone, with the legal status of abortion unchanged and irrelevant."

Any future prohibition of abortion would come about through the democratic process and would not necessarily criminalise women. The aim of the pro-life movement - and of pro-life feminists in particular - is not to make life more difficult for women but to encourage a public culture which enables women troubled by a pregnancy to find support and life-affirming solutions.

**Myth #3: The pro-life movement is rooted in a worldview founded on an explicit acceptance of rigid gender roles, in which a woman's primary purpose is motherhood and homemaking.**

The suggestion that being pro-life entails the "acceptance of rigid gender roles" in which "a woman's primary purpose is motherhood and homemaking" is a gross generalisation and one with which I, as a pro-life feminist, take issue for two reasons.

Firstly, if this were the case, it would mean that I, as a single woman without children or a home to manage, would be resigned to the belief that I am miserably failing at life. I do not believe this. Not even close.

Secondly, implicit in this suggestion is the idea that motherhood and homemaking are somehow inferior to other pursuits - like, say, a professional career. Such insinuations belittle the lives and work (and motherhood is *work*) of millions of women, as well as the efforts of many feminists to ensure that women are free to choose - without judgement - either a professional career, or the career of being a mother, or both.

**Myth #4: The pro-life movement sees pregnant women as always secondary to the embryos and fetuses they carry.**

Those who are pro-life do not see women as secondary to the unborn children they carry, but rather see both as human beings who are equal in dignity and rights, with the most fundamental right being the right to life.

Abortion is a fraught issue, but it is false to claim that one cannot be both a feminist and pro-life. Rather, the harms posed by abortion to women and unborn baby girls mean that it is entirely compatible to be both.

*Rachael Wong is a barrister from New Zealand who has recently completed a Master of Bioethics and Health Law from the University of Otago. She is currently working with the Law Reform Commission in Samoa to bring about legislative reform to improve the lives of Samoan women and girls, particularly in the areas of domestic violence and women's participation in public and political life. She has previously worked with organisations that seek to eliminate sexual exploitation of women and children and has provided pro bono legal assistance to women facing crisis pregnancies.*



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