

Submission to the health committee re: Health (Abortion Law Reform) Amendment Bill 2016

I am a sexual health physician practising medical abortion. I have previously made a submission to the health committee regarding the Abortion Law Reform (Women's Right to Choose) Amendment Bill 2016.

Whilst I believe that the Health Act in its current form provides sufficient direction as may be needed to doctors practising abortion and sufficient oversight of our practices, I support the Health Amendment Bill (Abortion Law Reform) 2016.

However, I believe that this health act amendment needs to be voted on at the same time as the proposed amendment to the Criminal Code. Without amendments to the Criminal Code the Health (Abortion Law Reform) Amendment Bill 2016 is meaningless. It would be illogical to propose amendments to the Health Act whilst abortion remains a crime within the Code.

The United Nations Human Rights Committee states that “criminalisation of health services that only women require, including abortion, is a form of discrimination against women”(1).

The Special Rapporteur on the right to health has stated that laws which criminalise abortion ‘infringe women’s dignity and autonomy by severely restricting decision-making by women in respect of their sexual and reproductive health’ and calls on states to decriminalise abortion (1).

The WHO recommends provision of safe legal abortion (2).

Decriminalisation of abortion in Queensland is also strongly recommended by the Royal Australian and New Zealand College of Obstetricians and Gynaecologists. They note that criminalising abortion does not prevent abortion but instead drives women to seek illegal services or methods (3). The Australian Medical Association (4) and Queensland Nurses Union (5) similarly support the decriminalisation of abortion in the interests of women’s health.

Given the thorough enquiry and excellent report produced by the committee regarding the Abortion Law Reform (Women's Right to Choose) Amendment Bill 2016, I was both dismayed and surprised by the committee’s final recommendation. However, I believe the Health (Abortion Law Reform) Amendment Bill 2016 addresses the concerns expressed by those who do not work in the area of abortion care.

The Health (Abortion Law Reform) Amendment Bill 2016 recommends that:

1) Only a doctor (or registered nurse administering a drug to perform an abortion under the direction of a doctor) may perform an abortion. Only medical practitioners are permitted to perform abortions. This is already the case, but this amendment addresses the concerns of those who wish for further legislation.

2) A woman does not commit an offence by performing, consenting to, or assisting in an abortion on herself. This removes the possibility of the woman being prosecuted, as occurred in Cairns in 2009.

3) An abortion on a woman who is more than 24 weeks pregnant may only be performed if two doctors concur that continuing the pregnancy would involve greater risk to the woman’s physical or mental health. Abortion after 24 weeks is an extremely rare occurrence and is performed by highly specialised doctors for life-threatening maternal conditions or severe fetal malformations. It is extremely malicious and disingenuous to claim that so-called ‘late-term abortions’ occur simply because a woman has changed her mind. This shows the highest disregard for the truth and for those women and families affected by these conditions. However, this amendment addresses this alleged concern.

4) Conscientious objection. No one is under a duty to perform or assist in performing an abortion unless it is necessary to save the woman's life or prevent serious injury. This addresses the concerns of those who claim they will be forced to perform abortions. Despite that this does not happen in jurisdictions without this legislation.

5) Safe zones of at least 50 metres are to be declared around abortion facilities. Harassment in the form of publishing images of people entering or leaving abortion facilities is prohibited.

I believe that this amendment bill adequately addresses the concerns of those who have objected to removing this essential medical procedure from the criminal code.

I strongly urge the committee to recommend that these two bills i.e. Abortion Law Reform (Women's Right to Choose) Amendment Bill 2016 and the Health (Abortion Law Reform) Amendment Bill 2016 be heard and voted on together.

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- 1) www.ohchr.org/Documents/Issues/Women/WRGS/SexualHealth/INFO_Abortion_WEB.pdf
- 2) www.who.int/mediacentre/factsheets/fs388/en/
- 3) Submission #845 30/6/16 to the Health, Communities, Disabilities Services and Domestic and Family Violence Prevention Committee, Abortion Law Reform (Woman's right to choose) Amendment Bill 2016.
- 4) Submission #852 30/6/16 to the Health, Communities, Disabilities Services and Domestic and Family Violence Prevention Committee, Abortion Law Reform (Woman's right to choose) Amendment Bill 2016.
- 5) Submission #086 to the Health, Communities, Disabilities Services and Domestic and Family Violence Prevention Committee, Abortion Law Reform (Woman's right to choose) Amendment Bill 2016.