



Speech by
Grace Grace

MEMBER FOR BRISBANE CENTRAL

Hansard Thursday, 3 September 2009

CRIMINAL CODE (MEDICAL TREATMENT) AMENDMENT BILL

Ms GRACE (Brisbane Central—ALP) (11.49 am): I rise to support the Criminal Code (Medical Treatment) Amendment Bill 2009, and I do this for a number of reasons—one being that I firmly believe that Queensland legislation should be relevant to the realities of life and keep pace with up-to-date changes in society. Recently in this House we have modernised and contemporised a number of important acts—namely, the youth justice act just this week and the adoption laws recently, while currently the victims of crime bill is being debated. These are all aimed at reflecting modern changes, thinking and realities. These bills aim to provide greater assistance, surety and practical changes in the laws to not only reflect current community standards but also provide greater assistance to those people affected by the laws. This bill is no different.

It aims to amend and modernise an existing law to reflect modern and changing medical techniques probably not thought possible when the laws were first introduced in this House. Clarifying the law is an important function of this parliament, particularly when not acting places innocent people and professional practitioners at risk of criminal prosecution for actions that were never intended to be illegal or criminal in nature.

This bill is not seeking to alter the current law in relation to the substantive issue of medical terminations which have been clear in Queensland since 1986. But, equally, we cannot stand by and allow existing out-of-date laws to continue for any length of time that have the potential of making, unintentionally, criminals of both health professionals and the public. These people deserve to be protected and we need to provide certainty as far as is possible for both the highly trained health professionals and the public caught up in the current uncertainty that comes from old and/or out-of-date laws.

The law applies to a range of treatments that have historically been done surgically but which modern medicine has now found non-surgical alternatives for. These include cancer treatment, which was once done surgically but is now performed through chemotherapy and radiation. It includes bacterial infection treatments that were once performed through amputation and are now treated with antibiotics. Amazingly, our Criminal Code provides that surgery to benefit a patient cannot be a crime but other medical procedures can be even if they achieve the same result in a safer manner.

Of course the changes are uncontroversial in that they protect doctors who administer chemotherapy, but they are more controversial—and I acknowledge that—for doctors who perform medical terminations, and I understand and respect many of the varying views on the subject. The law remains unchanged by this bill about when a termination is lawful. It must be for the preservation of the mother's life, as that phrase has been defined. It must be performed in good faith. It must be performed with reasonable care and skill and it must be reasonable.

This bill allows a doctor and a patient to decide whether the procedure should be done by surgery or as a medical procedure. There is no good policy reason why a procedure that can be done lawfully through invasive surgery cannot be done lawfully through less invasive means. I believe this is only common sense. We do not want any patient having to face surgery when a safer medical treatment is available, just

because the law does not clearly allow it. That is true whether the procedure is cancer treatment or a medical termination. We cannot afford to bury our heads in the sand on this issue. This bill simply allows that to happen in the safest way possible. Doctors tell us that in many cases the safest procedure is to avoid surgery. Many in the community understand and support this position. That is the principle that lies behind this bill and that is why I support it. I commend the bill to the House.