

Pro-choice Bill gets minceclashing

Lauren Dor

THE rights of a woman to abort a pregnancy is a hotly contested topic, and on the eve of two Bills before State Parliament, tensions are high.

In an ultimate clash of science, religion and politics, Cairns MP Rob Pyne sits squarely in the centre of the debate. He aims to present the Bills tomorrow, with an intent to legislate abortion by removing it from the criminal code, handing more rights over to women and medical professionals to terminate a pregnancy.

A rally was held on Saturday where pro-choice advocates marched from the Esplanade to the Cairns Courthouse. Among them was Dr Caroline de Costa, who addressed the crowd of more than 100 protesters.

Her voice has long spoken out against the "outdated laws dating back to 1899".

The Cairns professor of obstetrics and gynaecology at James Cook University says she hopes sense will prevail in State Parliament on Wednesday.

"The actual practice of abortion in Queensland, which is still done by doctors technically breaks the law," she says.

"Up to 14 weeks it can be done in a number of licensed day surgeries. After 14 weeks there are only a couple of clinics licensed to do them. Later, after 20 weeks, they are all done in the Royal Brisbane and Women's Hospital and they will be for very serious conditions."

By serious conditions, she means defects, such as a baby with a malformed heart, who won't survive.

So in a state where abortions are being asked regardless of law - which basically

states that abortion is only lawful if performed to prevent serious danger to the woman's physical or mental health - Dr Costa says that if the law is changed, doctors will be able to do their jobs without fear of prosecution.

"When it's no longer a crime a doctor shouldn't be in a quandary about performing it," she says.

"I really commend Rob Pyne for bringing this legislation. He feels very strongly about this issue. He is concerned about women's health." Her chief concern is not middle-class women, who can access and afford private abortions, but women in rural and remote areas where "services are limited and expensive".

Her opinion is backed by Cairns GP Heather McNamee, who specialises in sexual, reproductive and adolescent health.

Dr McNamee says the current law penalises the vulnerable - the young, the socially disadvantaged and the indigenous. "They are the ones who are not accessing terminations," she says.

She says women of all walks of life - basically "anyone with a uterus" - seek out abortions, ranging from school girls to women approaching menopause and the only thing they all have in common is they "are pregnant and didn't intend to be" through either failed contraception or other means.

"The public perception is it's all silly teenagers but it can be anyone - all walks of life and all classes," she says.

She has seen many victims of domestic violence walk through the doors of her clinic, impregnated by their abuser as a means of control.

"We can conceal it as a miscarriage. I've lost count of the women we have had to do that for."



Dr Heather McNamee, MP Rob Pyne, Carla Gordon and Dr Caroline de Costa.

The youngest girl she has assisted was 12.

Dr McNamee says Australia is seriously behind on education about contraception. In May she will speak at a forum in Canberra on the issue.

"There are many reasons why Australian women are not accessing contraception in the way they should," she says.

"The medical system does not support the long-term use of contraception. We are second only to America for the rate of unplanned pregnancies."

"One of my career aims is to reduce abortion and unplanned pregnancies in Australia."

"If you are pregnant and

you don't want to be that's not a good situation for you, your partner and your kids."

"We need a health system that supports that."

Cairns MP Rob Pyne says ultimately, he would like to act to be removed from the criminal code, for the "date to stay out of it" and for a termination to be "determined by a woman and her doctor".

"The criminal code has three references to abortion. One, make it a crime for women to have an abortion, two, making it a crime for a doctor to perform an abortion, and they are really the two key things. So I guess my intent was to have it removed from

the criminal code, that it's a crime for a woman to have an abortion or a doctor to do it."

"We can come forward and update the law in a way that greatly respects the role of women in society and provides greater clarity for medical practitioners."

Mr Pyne says he has been sent plenty of correspondence from the voices of dissent on the proposed law change, such as the Australian Christian Lobby and Church Life.

Church Life Cairns president, Dr Tim Coyle doesn't want the law to change, saying Mr Pyne's proposed bills will create "open doors". He believes the new laws could allow



Dr Heather McNamee, MP Rob Pyne, Carla Gordon and Dr Caroline de Costa.

abortion to go ahead "for any reason and at any stage".

Preserving life is the priority of Church Life, along with the welfare of the mother, whom Dr Coyle says in many cases may be coerced into abortion.

"I've been a doctor for 40-odd years and you see a lot of mothers pushed into aborting. You also see a lot of post-traumatic stress disorder as a result," he says.

"You could say that the mother is going to suffer a lot more mentally (should the abortion go ahead)."

"We don't want to see the Bill go through at all."

Instead, Dr Coyle says Church Life would like to see

pre-abortion counselling with an independent psychologist and a cooling-off period of "at least two to three days for them to think about it" as mandatory before an abortion is carried out.

"At the moment the law is being very liberally interpreted," he says. "There is no respect for human life at all."

Asked about the rights of a pregnant woman to abort as a result of rape or domestic violence and he says the life of the unborn child still needed to be considered.

"There's a human life there and we need to support the mother through that," he said.

"This is a human, it's a baby. From a medical point of view, serious health reasons can be dealt with (such as a malformed baby or a risk to the mother) and these things are already dealt with in the existing law."

Pro-life organiser Carla Gordon, who has been "playing away at this for these decades", is hopeful the Bills are passed.

"The laws were written before pregnancy tests and ultrasounds," she says.

"They were designed to protect women from backyard abortionists."

"Over time that has been distorted."

Ms Gordon says the issue has been distorted by misconceptions, including a campaign about partial birth abortions.

"Safeguards will exist within the legislation," she says.

"We hope to see in the future a reduction (of abortions). I think that every woman knows it's not their first choice, it's not what people would want to front up for."

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For the online responses to this topic, turn to p6

Abortion law

THE LAW: Basically, the current law states abortion at any stage of pregnancy is illegal, unless the pregnancy poses a threat to the woman's physical or mental health. An amendment in 2009 allows abortion for the patient's benefit or to preserve the mother's life.

THE REALITY: Termination of pregnancies up to nine or sometimes 14 weeks' gestation are performed at day surgeries and health clinics. The options become severely limited after 14 weeks, and are usually due to "very serious conditions", according to Dr Caroline de Costa.

THE PROPOSED BILL: In brief, MP Rob Pyne's bills proposes the abortion law to be removed from the criminal code, that a woman or doctor not be held liable for requesting or performing an abortion up to 24 weeks; that only a qualified health practitioner perform an abortion; and finally that an abortion post 24 weeks can go ahead with the approval of two doctors if there's a severe risk to the mother. He also calls to make it illegal for people to protest in close proximity of a service.

NEW SOUTH WALES Abortion is a crime unless a doctor believes it poses a serious danger to a woman's life or her physical or mental health. Economic or social stress can also be taken into account.

VICTORIA Abortion is legal. A woman is able to access abortion up to 24 weeks. After that a medical practitioner can provide an abortion if they agree it is appropriate. Illegal to protest within 150m of a service.

WESTERN AUSTRALIA Abortion is legal. Post 20 weeks options become more limited. There are restrictions for under-16s.

SOUTH AUSTRALIA Abortion is legal if two doctors agree a woman's physical or mental health is at more risk than continuing the pregnancy.

TASMANIA Abortion is legal. Post 16 weeks, two doctors must agree the termination is appropriate. Illegal to protest within 150m of a service.

