

## Abortion in Queensland 2009-2010: A Timeline

- 17 April 2009** **Couple in Cairns appear in court for the first time over charges they procured an abortion.** Police allege that the young woman used the drugs mifolian (a version of RU486) and misoprostol to bring about abortion at about eight weeks of pregnancy, on or soon after Christmas Day 2008. The drug was alleged to have been brought into the country from the Ukraine. Police searched the couple's home in February this year on a 'non-related matter', and are said to have found empty packets of the drug and instructions for its use in Ukrainian. Charges were laid in late March: against the young woman under section 225 of the Criminal Code, for procuring her own miscarriage, which carries a possible 7 year jail term; and her partner under sections 224 and 226, for procuring a miscarriage, charges which carry 14 year and 3 year jail terms respectively.
- 21 April 2009** A pro-choice protest is held outside Queensland Parliament. Attorney-General Cameron Dick says in a statement the **Government has no intention of changing abortion law.**
- 28 May 2009** Independent opinion polling by Auspoll of over 1000 Queensland residents shows that **79% want the law changed so abortion is no longer a crime**, mirroring state and national polling over the last decade which shows around 80% of the population support a woman's right to choose.
- 2 June 2009** **Dr Caroline de Costa and Michael Carrette in Cairns announce they will cease to offer medication abortion.** The doctors pursued further legal advice after the laying of charges against a couple in April, having long been concerned about the legal anomalies relating to medication abortion provision. They stated they made the decision to suspend practice due to concerns arising from the prosecution of the couple in Cairns, as well as the implications of this prosecution for themselves and their patients. The 'complete failure of the Queensland Attorney-General and the Premier and her government to respond adequately to our communications on this matter', was another factor cited by the doctors.
- 7 June 2009** Dr Leslie Cannold of Reproductive Choice Australia **urges other Queensland doctors involved in abortion provision to reconsider their position**, following Dr de Costa's announcement.
- 8 July 2009** **The case in Cairns is scheduled for a committal hearing in September**, where the amount of evidence will be put before a magistrate to determine whether the case should proceed to trial.
- 30 July 2009** Premier Anna Bligh appears on live interactive national television program 'Q&A'. A viewer asks: 'I'd like to ask the Premier how she can sit idly by as a Queensland woman is charged with archaic abortion laws, and also how she resolves this when she is ostensibly a feminist and also a member of Emily's List?' **The Premier claimed that this case is really about the alleged importation of the drugs**; that even the most relaxed legislation in the country in regards to abortion would result in charges being laid in these circumstances; that even very young people can access these services relatively easily in a centre like Cairns; and that the case raises a lot of questions but 'isn't a straightforward issue about abortion'. **She also expressed a concern that there would not be enough support within Parliament to pass a bill liberalising Queensland's abortion laws.**
- 3 August 2009** Obstetricians air **concerns that drugs used in medication abortion overseas are being smuggled into Queensland** due to the growing demand and unavailability of them locally. The Royal Australian College of Obstetrician and Gynaecologists (RANZCOG) again urge the Government to decriminalise abortion, to provide the best and safest outcomes for women and doctors.
- 8 August 2009** **The couple charged over an abortion in Cairns speak out for the first time**, telling the *Weekend Australian* that their house had been hit by a Molotov cocktail and their car had been vandalized in two separate attacks, after the case became public.
- 10 August 2009** **Marie Stopes International announces it has gained TGA approval to offer RU486** throughout its Australian clinics, and says it is confident it will be operating within the law in Queensland despite some doctors ceasing to provide medication abortion in the state due to legal fears. The announcement highlights the lack of clarity in the current law and the need for reform.

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14 August 2009	<p><b>Pro Choice Qld is launched.</b> The coalition is made up of groups and individuals who have come together to campaign collectively for abortion decriminalisation in Queensland. Pro Choice Qld members include Children by Choice, Family Planning Queensland, the Public Health Association of Australia's Queensland branch, YWCA Brisbane, Reproductive Choice Australia, the Youth Affairs Network of Queensland, the Australian Manufacturing Workers Union, Marie Stopes International, the Cairns Women's Network, Emily's List, Women's Health Queensland Wide, the National Union of Students, Dr Caroline de Costa and former Queensland MP Bonny Barry.</p>
17 August 2009	<p>Former state MP Bonny Barry announces she has <b>draft legislation already drawn up that would decriminalise abortion in Queensland</b>, increasing the pressure on Premier Anna Bligh to introduce a bill into Parliament. Federal Queensland senator Claire Moore also urges the Premier to support law reform. The Premier reiterates her personal view that abortion should be a private matter for a woman and her doctor, but states she has 'no intention' of bringing a bill before the House because she is 'unconvinced there is sufficient support...to achieve that change'.</p>
21 August 2009	<p>The <b>Royal Brisbane and Women's Hospital ceases to offer medication abortion</b>, forcing women seeking second trimester abortion for medical indications to cross the border to access a procedure. Other state hospitals soon follow suit, making medical abortion largely unavailable across the entire state.</p> <p><b>The Government is forced to examine the state's abortion laws</b> following the doctors' decisions. Deputy Premier Paul Lucas says in a statement that the Government would be consulting with doctors to "urgently to clarify any concerns they might have", adding that "any legislative change would be considered with a view to clarifying the law generally, not to increase or decrease the number of terminations in Queensland."</p>
27 August 2009	<p><b>Hospitals in New South Wales state they do not have the ongoing capacity to admit Queensland women</b> being referred interstate for terminations, and may have to start turning women away.</p>
28 August 2009	<p>Avant, Australia's largest medical insurer, warns Queensland doctors that their <b>indemnity will not cover them for performing terminations</b>, as abortion is still deemed a criminal act.</p> <p>Queensland's <b>last medication abortion service is withdrawn</b>, making it unavailable across the state.</p>
29 August 2009	<p>Shay, a 24 year old Brisbane woman, <b>speaks out about having to travel interstate to terminate her 19-week pregnancy</b>, after being diagnosed with problems that were fatal to her fetus. She will later share publicly that her son, delivered lifeless, had no kidneys, bowel, or bladder, and had an enlarged heart wall. Shay's story increases the pressure on the Government to introduce their proposed reforms as soon as possible.</p>
1 Sept 2009	<p>The <b>State Government introduces a bill of amendments to parliament</b>, aiming at 'clarifying' laws regarding medical abortion. The amendments are criticised by doctors, RANZCOG, Children by Choice, Pro Choice Qld and others as being not enough to provide certainty for doctors and as doing nothing at all for women.</p>
2 Sept 2009	<p>A <b>candlelit vigil for abortion law reform in Queensland begins</b> at 9am outside the Cairns courthouse, where a couple will appear the next day on abortion charges. The vigil is planned to run 24 hours a day until the afternoon of September 4.</p>
3 Sept 2009	<p>The <b>Cairns couple appear in court for a committal hearing</b>. The charges laid against the young man under s224 are dropped, however he still faces the charges under s226. The prosecution argues that the key element of the charges against the couple is the 'intent to procure' a miscarriage. No pleas are entered. The magistrate reserves her decision on whether the couple are to be committed to trial.</p> <p>The <b>Government's amendments to s282 of the Criminal Code are debated in Parliament</b>. The amendments pass with only Independent Gladstone MP Liz Cunningham voting against them.</p>
10 Sept 2009	<p>Doctors from RANZCOG and the Royal Brisbane and Women's Hospital flag the possibility of taking a test case to the Supreme Court to challenge Queensland's abortion laws.</p>

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- 15 Sept 2009** **Public services remain suspended**, with media reports that women less than 18 weeks pregnant are being referred to private termination clinics in Queensland, while those over 18 weeks are referred interstate to Darwin and Melbourne - reportedly at the expense of Queensland Health.
- The Courier Mail publishes the results of a Galaxy poll that finds **two thirds of Queensland support the decriminalisation of abortion**.
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- 21 Sept 2009** Early medical abortion practice resumes in some parts of Queensland, however access is very patchy. Despite claims to the contrary by Queensland Health, **doctors providing 2nd trimester abortion in the public hospital system continue to refuse to offer the service**, based on concerns that the Government's 'clarification' of s282 is not enough to protect them or their patients.
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- 5 October 2009** Researcher Katharine Betts from Swinburne University releases her latest research into Australian attitudes towards abortion. The data, drawn from 20 years of national surveys, shows that 'over half the electorate support unfettered freedom of choice and that 89 per cent would allow abortion in some circumstances'. Betts also finds that **Queensland is more supportive of legal abortion than the national average**.
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- 26 October 2009** Media outlets report that Queensland Health is considering introducing a consent form for women accessing abortion in the state's public hospitals. The form would include a phrase **advising women to seek their own legal advice on whether they risk prosecution by having the procedure**.
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- 6 Nov 2009** **A Cairns woman is sent to Darwin for an abortion following the diagnosis of a fetal anomaly so severe the pregnancy had no chance of surviving**. Doctors at Cairns Hospital refused to perform the procedure given their uncertainty over the legal status of these abortions, with Queensland Health paying for the woman's travel and procedure in the Northern Territory. The media reports this is not an isolated case, and women are still being referred interstate on a semi-regular basis due to Queensland doctors withdrawing their services.
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- 24 Nov 2009** Legal advice received by doctors continues to state that **reforms to s282 of the Criminal Code are insufficient to protect doctors from the risk of prosecution**, and as such they should not return to practice.
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- 28 Dec 2009** The Premier once again rejects calls to introduce an abortion law reform bill, following **the tabling of pro choice petitions calling for decriminalisation in parliament**. The two petitions held around 2,500 signatures. Attorney-General Cameron Dick claimed in a statement that the s282 reforms had 'clarified' the legality of providing abortion for doctors, and that the Government had no plans to undertake a wider review.
- Medication abortion is available in some areas throughout the state, but **many public hospitals who, prior to June 2009, were providing abortion services under limited circumstances, have not returned to doing so** since the s282 reforms were passed in September. Doctors in the public system say the coverage of the issue and the reforms themselves have heightened hospitals' concerns, not alleviated them.
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- 17 Feb 2010** Crikey publishes an article by Caroline de Costa, recounting the story of **a young woman diagnosed with a fetal anomaly having to travel to access an abortion**.
- Public access to abortion even in exacerbating circumstances is still extremely limited**. Doctors within the public health system, who provide a limited number of terminations for women with maternal health problems or who receive a diagnosis of severe fetal anomaly, tell us that since the reforms these terminations are even more stringently monitored. Before, doctors were trusted to make a professional judgement on their patients' circumstances on a case by case basis, to determine if an abortion was performed. Now, women in these circumstances are routinely subjected to full psychiatric evaluations – sometimes by two different psychiatrists – which determine their access to a termination.
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- 4 July 2010** A study published in the Medical Journal of Australia states that **almost 90% of the population support legal abortion in the first trimester**. Another article in the same issue of MJA details the findings of a survey of obstetricians and gynaecologists: the vast majority support the public provision of abortion services.

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**7 July 2010** The Premier, Attorney-General, and Health Minister **reject calls by Children by Choice and the Queensland Council for Civil Liberties to refer the issue of abortion law to the state's Law Reform Commission** for independent review.

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**9 July 2010** Caroline de Costa's new book '*Never, Ever, Again*' is launched in Cairns. The book details the history of abortion law and practice in Queensland, and includes inquest records of women who died from illegal and unsafe abortion prior to 1970. Professor de Costa states that her research for the book, lasting five years, **did not uncover a single other case of a woman being prosecuted for having an abortion.**

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**20 July 2010** A District Court judge in Cairns announces the **trial of a young couple charged with procuring an abortion will begin on 12 October 2010.**

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Further updates will be added to this resource as events unfold.

This resource was developed by Children by Choice and was last updated in July 2010.

For more information, please visit the Pro Choice Queensland website at [www.prochoiceqld.org.au](http://www.prochoiceqld.org.au) or email Children by Choice at [info@childrenbychoice.org.au](mailto:info@childrenbychoice.org.au)



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