



Hon Cameron Dick MP
Member for Greenslopes

In reply please quote: J/10/01879, 529224/1



**Queensland
Government**

**Attorney-General
and Minister for Industrial Relations**

22 APR 2010

Mr Neil Laurie
The Clerk of the Parliament
Queensland Parliamentary Service
Parliament House George Street
BRISBANE QLD 4000

Dear ~~Mr Laurie~~ Neil,

Thank you for your letter dated 24 March 2010 regarding petition No. 1401-10 which requests that the Queensland Government legislate to provide:

1. Adequate support for women and their families, including pregnancy counselling services, so as to reduce demand for abortions.
2. A minimum 7 day 'cooling off' period after any abortion is decided upon.
3. For the application of the current law on abortion and child destruction, especially focusing on late-term abortions after 20 weeks gestation.
4. A declaration that, under Queensland law, Article 3 of the United Nations Declaration of Human Rights covers unborn babies and their rights to life, liberty and security of persons.
5. Appropriate adoption, foster care services and other approaches to the care and support of unwanted babies.

Turning firstly to points 1 and 2, a termination of pregnancy is lawful in Queensland, where it is performed in good faith and with reasonable care and skill, to preserve the mother's life and where the termination is reasonable, having regard to the patient's state at the time and to all the circumstances of the case. Any decision to terminate a pregnancy rests between the woman and her doctor.

It is standard professional practice in public and private facilities to provide counselling to women undergoing termination of pregnancy. This includes information on the legal, financial, psychological, psychosocial and medical implications, as well as discussion and written information about issues related to the termination. Counselling is also available during and after the termination.

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Queensland Health also funds a number of non-government organisations providing services for women's health, including counselling. For example, Children by Choice and the Pregnancy Counselling Link are funded specifically to provide pregnancy-related counselling services. These pregnancy-related counselling services are focussed on assisting women and their families to make informed decisions about the pregnancies.

Counselling services provided and/or funded by Queensland Health are aimed at assisting women and their families to make informed decisions about their pregnancies, without attempting to influence their decision.

In relation to points 3 and 4, which concern the interface between terminations and Queensland's criminal law, the Premier has clearly and publicly stated her view that decisions in regard to terminations are best made by a woman, her partner and her doctor and that these decisions are ultimately private matters.

However, she also appreciates the strong and diverse views that exist in our community in regard to this matter. For this reason, the Premier has stated that the Queensland Government has no plans to change current legislation.

Also, like other criminal offences, decisions concerning the investigation and charging of a person with abortion offences in Queensland is ultimately a matter for the Queensland Police Service. When a complaint is made alleging the commission of a criminal offence, the Queensland Police Service will conduct an investigation. If the investigation uncovers sufficient evidence to support the complaint, identify the person responsible and satisfy the requirements of the offence, police have the power to charge that person.

Finally, the petition calls on the Queensland Government to provide appropriate adoption and foster care services as well as other approaches to the care and support of unwanted babies (point 5).

The *Adoption Act 2009* and the *Child Protection Act 1999* currently provide powers for the chief executive to act in cases where a parent wants to relinquish a baby. The current provisions of both Acts are adequate in these circumstances.

Under the *Adoption Act 2009*, a parent may consent to have their baby adopted. The baby is then under the chief executive's guardianship, either with a foster carer or with prospective adoptive parents under an interim adoption order, until a final adoption order is made.

Under the *Child Protection Act 1999*, the chief executive can intervene if a child is in need of protection, that is if the child is being harmed or is at risk of harm and does not have a parent willing and able to protect them. The Department of Communities may enter a care agreement with the parents or the Court may grant an order for short-term custody or guardianship to the chief executive or for long-term guardianship (until the child is 18 years old) to the chief executive, a suitable member of the child's family or to another

suitable person. While the child (as a baby) is in the guardianship of the chief executive, the child would be placed with a kinship carer as a first option or with a foster carer.

The Department of Communities could also offer assistance to support parents outside the statutory child protection system.

It is not apparent what other amendments could be made to either the *Adoption Act 2009* or the *Child Protection Act 1999* that would bear on a woman's decision whether or not to terminate a pregnancy.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Cameron Dick', followed by a long horizontal line.

Hon Cameron Dick MP
Attorney-General
and Minister for Industrial Relations