

s22

From: s22
Sent: Monday, 4 June 2018 11:15 AM
To: s22
Subject: General information re Qld elective termination

Follow Up Flag: Follow up
Flag Status: Flagged

Good morning s22

I am responding to your enquiry made on 30 May 2018 regarding information about the Queensland government's current position on the provision of elective terminations in Qld public hospitals.

I have forwarded your enquiry to Queensland Health but have also been provided with the following information from Department of Child Safety, Youth and Women today.

Please note that this information is general in nature and does not specifically relate to public hospitals:

- In Queensland, an unlawful abortion, as defined by the *Criminal Code Act 1889* (Qld) (the Criminal Code), is a crime.
- On 13 June 2017, the Attorney-General and Minister for Justice made a referral to the Queensland Law Reform Commission (QLRC) for review and investigation into the issue of Queensland's laws relating to the termination of pregnancy (the review).
- The QLRC has been asked to recommend how Queensland should amend its laws relating to the termination of pregnancy to:
 1. Remove terminations of pregnancy that are performed by a duly registered medical practitioner(s) from the Criminal Code sections 224, 225 and 226, and
 2. Provide clarity in the law in relation to terminations of pregnancy in Queensland.
- The QLRC is due to provide a report on the outcomes of the review to the Attorney-General and Minister for Justice by 30 June 2018. Further information about the QLRC review can be found here: <https://www qlrc.qld.gov.au/current-reviews>.
- The Department of Justice and Attorney-General is leading a Government election commitment to 'actively pursue the decriminalisation of termination of pregnancy in Queensland and will amend the law so that all legal distinctions between termination of pregnancy and other medical procedures are abolished by repealing sections 224, 225 and 226 of the Criminal Code'.

I will forward any further information upon receipt should Qld Health return further information to me.

Kind regards

s22

Office of the Director-General
 Department of Child Safety, Youth and Women

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s22

From: s22
Sent: Wednesday, 13 June 2018 10:11 AM
To: s22
Subject: Qld response to PM&C query re elective termination

Good morning s22

On 30 May 2018 you made an enquiry seeking information about the Queensland government's current position on the provision of elective terminations in Qld public hospitals. Please find responses provided by Department of Child Safety, Youth and Women and Department of Health.

The following information provided by Department of Child Safety, Youth and Women is general in nature and does not specifically relate to public hospitals:

- In Queensland, an unlawful abortion, as defined by the *Criminal Code Act 1889* (Qld) (the Criminal Code), is a crime.
- On 13 June 2017, the Attorney-General and Minister for Justice made a referral to the Queensland Law Reform Commission (QLRC) for review and investigation into the issue of Queensland's laws relating to the termination of pregnancy (the review).
- The QLRC has been asked to recommend how Queensland should amend its laws relating to the termination of pregnancy to:
 1. Remove terminations of pregnancy that are performed by a duly registered medical practitioner(s) from the Criminal Code sections 224, 225 and 226, and
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- The Department of Justice and Attorney-General is leading a Government election commitment to 'actively pursue the decriminalisation of termination of pregnancy in Queensland and will amend the law so that all legal distinctions between termination of pregnancy and other medical procedures are abolished by repealing sections 224, 225 and 226 of the Criminal Code'.

However information below has been provided by Department of Health and does provide more specific information relevant to Qld public hospital policy.

1. Qld current policy and legislative position on the provision of elective terminations in Qld public hospitals

In Queensland, it is unlawful to administer a drug or to perform a surgical or other medical procedure intending to terminate a pregnancy unless authorised, excused, or justified by law. Medical or surgical termination of pregnancy is lawful in Queensland if the practitioner acts in good faith and with reasonable care and skill, and the surgical operation or medical treatment is necessary to preserve the woman from a serious danger to her life or physical or mental health.

Hospital and Health Services in Queensland provide a range of women's health services that offer women access to contraception and reproductive healthcare, including therapeutic (either through a medical or surgical termination) termination of pregnancy. These services aim to optimise pregnancy planning and maternal health outcomes, and are delivered within the parameters of the Queensland legislative framework.

Queensland's Therapeutic termination of pregnancy Clinical Guideline and Guideline supplement (the Guideline) provide clinical guidance to all health professionals in Queensland public and private maternity and neonatal services who may be involved in the provision of therapeutic terminations of pregnancy. The Guideline provides evidence-

based guidance on decision-making, assessment, medical termination, surgical termination and post-termination care.

2. If there is nothing specific in legislation (or policy) then are there other barriers preventing women from elective terminations in public hospitals

The Guideline requires that termination of pregnancy must only be undertaken in facilities with appropriate service level capabilities.

3. Is there any differing access if a women lives in urban or remote/rural settings in Qld.

The Guideline is applicable to all Hospitals and Health Services across Queensland and requires that where termination of pregnancy is considered but the service is not locally available, support women to access the service as would occur for any specialist procedure as per local Hospital and Health Service policy for consultation and referral.

Thank you for your enquiry. I trust this information will be of assistance.

Kind regards

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Department of Child Safety, Youth and Women

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