

# **DOCTORS IN CONSCIENCE AGAINST ABORTION BILL**

[www.doctorsconscience.org](http://www.doctorsconscience.org)

**Tuesday 7 October 2008**

## **DOCTORS GROUP CALLS ON PRIME MINISTER RUDD TO INTERVENE ON ABORTION BILL**

**QC confirms abortion Bill breaches International Covenant of Civil and Political Rights**

Leading Melbourne Queens Counsel and former Federal Court judge, Neil Young QC, has confirmed that the Abortion Law Reform Bill breaches human rights.

Mr Young, together with Melbourne human rights barrister Peter Willis, has found that the Bill is in conflict both with Victoria's Charter of Rights and Responsibilities and the International Covenant of Civil and Political Rights.

The ICCPR is an international treaty to which Australia is a signatory. If the Victorian government proceeds with the Abortion Law Reform Bill and it becomes law, this will put the Federal Government in breach of its treaty obligation to ensure Australia's domestic law is consistent with the covenant.

Spokesperson for Doctors in Conscience on Abortion, Dr Mary Lewis, Chair of the Victorian Branch of the Christian Medical and Dental Fellowship of Australia has called on the Prime Minister, Mr Rudd, to intervene before the Bill becomes law, in order to uphold Australia's human rights record and avoid Australia being taken to the United Nations Human Rights Committee for breach of human rights.

"The Bill is unprecedented in the western world, in imposing laws that would force doctors to act in violation of their conscientious beliefs by actively assisting patients to obtain an abortion.

"Mr Young has rightly concluded that this is inconsistent both with Victoria's Charter and with the ICCPR.

"The Australian government has an obligation to ensure Australia's laws are consistent with the charter, and we call upon Mr Rudd to intervene with Victorian Premier John Brumby and insist that Victoria not proceed with this legislation.

"Mr Rudd needs to make clear to Mr Brumby that if the Victorian government persists with the legislation and it becomes law, the Federal government will intervene to override it, using the Commonwealth's treaty powers," Dr Lewis said.

Mr Young is unequivocal in his finding about the clause in the Bill that imposes an obligation to refer on doctors and other health professionals:

Mr Young and Mr Willis also find that clause 8 fails to protect many health professionals, including

- pharmacists or nurse employed by a hospital or another practitioner and who may be involved indirectly in an abortion in supplying or administering drugs (para 44)
- health practitioners who participate in clinical tasks connected with facilitating an abortion, eg nurses, pharmacists, radiographers and anaesthetists (para 45)
- health practitioners who assist with, rather than actually performing, the abortion (para 45).

Mr Young points out that clause 8 is unusual in not stating or defining a right of conscientious objection (para 46) and “falls short of well-recognised interstate and international models” (para 47). He goes on to say:

Mr Young is also critical of clause 7 of the Bill, which provides for doctors to give directions to pharmacists or nurses to dispense or administer abortion drugs. Mr Young concluded that clause 7 does not impose a statutory obligation on a pharmacist or nurse to obey a doctor's direction, but observed (para 41) that:

Given this scathing assessment of the Bill by one of Melbourne's leading legal authorities, the State Government should give up on defying its own Charter and ignoring its international human rights obligations.

"Doctors, nurses, pharmacists and other health workers in Victoria's hospitals and medical practices should not be put in the position of either having to break the law or to leave the health sector to avoid violating their conscientious beliefs.

"The State Government needs to abandon its attempt to override freedom of conscience. It should amend the legislation to provide genuine freedom of conscience for all health workers.

"If it fails to do so, we call on Members of the Legislative Council of all political parties to use their own freedom of conscience to protect the freedom of conscience of ordinary Victorian citizens," Dr Lewis said.

**Approved by Dr Mary Lewis on behalf of the Doctors in Conscience on Abortion Group.**

**For more information call Peter Mahon @ Royce. 03 96392300 or 0418 351 754**