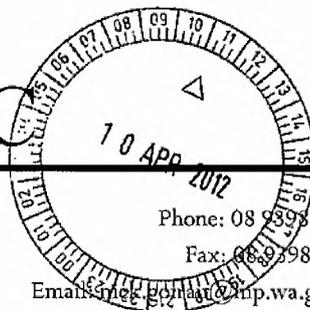




Hon Nick Goiran MLC

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4 April 2012

Hon Brian Ellis MLC
Chair
Standing Committee on Public Affairs and the Environment
Parliament House
PERTH WA 6000

Dear Brian

PETITION NO. 153 – AGAINST LEGALISED ABORTION

I appreciate the invitation from your committee to provide a written submission regarding the issues raised in this petition.

The matters raised in the petition have not, to my knowledge, been the subject of a complaint to the Ombudsman.

ABORTION STATISTICS

The petition cites statistics for abortions in Western Australia up to 2009. On 24 May 2011 the Minister for Health provided an answer to my question on notice no 3805 informing the House that in 2010 there was a total of 8414 abortions performed in Western Australia. This represents 21.12% or more than one in five pregnancies being ended by abortion.

There were 1416 abortions performed on women or girls aged under 20 compared to 1449 live births to women and girls aged 15-19 as reported by the Australian Bureau of Statistics for 2010.

In 2010 there were 45 abortions performed at 20 weeks gestation or more.

The most recent Health Department publication on abortion notifications in Western Australia reported that Western Australia had the second highest abortion proportion in Australia (after New South Wales) and a higher abortion proportion than many other developed countries such as Germany, Canada, England and Wales, the Netherlands and Scotland. (See: *Report of Induced Abortion in Western Australia 1999-2009*, p. 20, http://www.health.wa.gov.au/publications/documents/Abortion_Report_06-09.pdf)

Whatever attitude one takes to abortion these figures are surely a matter of concern and justify the petitioners' prayer for an inquiry into the "social and ethical impact that has resulted from the legalisation of abortion in 1998".

INFORMED CONSENT

The 1998 abortion law was last reviewed in 2002 in accordance with a statutory requirement. (See: Report to the Minister For Health on the Review of provisions of the *Health Act 1911* and the *Criminal Code* relating to abortion as introduced by the *Acts Amendment (Abortion) Act 1998* <http://www.health.wa.gov.au/publications/documents/ABORTIONREVIEWmaster180602.pdf>)

It is therefore **now 10 years since these provisions were last reviewed.**

One recommendation of the review was for *"The Department of Health to produce evidence-based guidelines concerning medical risks of abortion and an information booklet, and to review these and other relevant publications annually to ensure they are consistent with available clinical evidence and prevailing clinical opinion."* However, the most recent edition of this booklet is dated 2007. (See: *Termination of pregnancy: Information and legal obligations for medical practitioners* http://www.health.wa.gov.au/publications/documents/Termination_of_Pregnancy_Info_for_Medical_Practitioners_Dec_07.pdf) There has been significant new research on the risks of abortion since 2007 but the Health Department has not updated the booklet. It is a matter of serious concern that women are not being provided with the latest information on the risks of abortion as this is a key component of the 1998 provisions for **legalised abortion on the basis of informed consent.**

An inquiry could usefully consider this matter.

TEENAGE PREGNANCIES

The 2002 Review also noted *"There was strong support in the submissions for more to be done to address the number of unplanned and teenage pregnancies, although there were widely divergent views about the appropriate preventive strategies that should be adopted to achieve a reduction in the numbers."*

The fact that nearly 50% of teenage pregnancies ended in abortion in 2010 suggests that present strategies are unsuccessful.

An inquiry could shed some useful light on this important social issue.

CHILDREN WITH DISABILITIES

The petitioners commend to the attention of the House the fact that *"many abortions are carried out for suspected or identified disabilities."* The Health Department reports that *"In 2009, there were 2.7 per cent of all abortions carried out for suspected or identified congenital malformations. From 2006 to 2009, out of these 808 cases having congenital malformation, 16.5 per cent (133 cases) were due to suspected or identified Neural Tube Defects, such as anencephaly and spina bifida. Studies have found that up to 70-100 per cent of Neural Tube Defects are preventable. Hence, these figures highlight the importance of primary prevention with the vitamin, folate before and in early pregnancy."*

Since 1998 there has been remarkable progress in treating disabilities such as Down's Syndrome and neural tube defects, including developments in prenatal surgery. It appears from the statistics for

abortions on the grounds of congenital malformation that abortions may be taking place for conditions for which treatment is available.

In 2008 Australia ratified the *Convention on the Rights of Persons with Disabilities*.

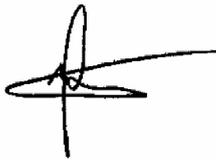
Article 10 of the Convention recognises the right to life. "*States Parties reaffirm that every human being has the inherent right to life and shall take all necessary measures to ensure its effective enjoyment by persons with disabilities on an equal basis with others.*" Aborting children solely on the basis of their disabilities would seem to be incompatible with this Article.

The abortion of children with disabilities is a matter which should be the subject of an inquiry as prayed for by the petitioners.

CONCLUSION

I urge the Committee to recommend an inquiry into the "*social and ethical impact that has resulted from the legalisation of abortion in 1998*".

Yours sincerely



Hon Nick Goiran MLC
Member for the South Metropolitan Region