



**LEGISLATIVE ASSEMBLY**  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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STANDING COMMITTEE ON HEALTH AND COMMUNITY WELLBEING  
Mr Johnathan Davis (Chair), Mr James Milligan MLA (Deputy Chair),  
Mr Michael Petterson MLA

## Submission Cover Sheet

Inquiry into Abortion and reproductive choice in the ACT

**Submission Number: 24**

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## Submission to Inquiry into abortion and reproductive choice

- The unregulated nature of abortion in the ACT leaves women vulnerable to harm. A class action taken in Victoria against James Latham Peters in 2014 is a good example of what can potentially happen when such a medical procedure is not regulated properly for political reasons (see, for example, <https://www.theage.com.au/national/victoria/judge-signs-off-on-hepatitis-c-class-action-against--anaesthetist-james-latham-peters-20140605-39k9a.html> ). In spite of occurring some years ago, no investigations have taken place to ensure that this kind of incident has not and cannot happen in the ACT.
- Apart from examples of negligence as in the above case, abortions can leave women infertile or suffering other long-term physical complications, or injure women mentally through post abortion trauma and other long-lasting effects, or lead to indirect long-term effects such as greater risk of breast cancer. In spite of this, the ability to properly quantify this damage and, more importantly, provide proper long-term medical care, is impeded by lack of data about these procedures due to them taking place in a stand-alone clinic. There needs to be a proper inquiry into how the Moore St clinic deals with the long-term complications that may arise from procedures it conducts. Indeed, it is likely that it is not equipped to deal even with the immediate complications of the procedures it conducts; not being based in a hospital, care for these complications is not available on site.
- Over the twentieth century, substantial scientific knowledge was gained into embryonic development, and when pain receptors develop before a child is born. This knowledge was not known in the nineteenth century when methods of surgical abortion were developed. Terminations of live embryos and fetuses are cruel; how much pain unborn children feel when terminated by the Moore St clinic should be investigated by the Committee as part of their deliberations.
- Until these matters are properly investigated, it is recommended that a moratorium be placed on terminations in the ACT for anything other than a risk of death or serious injury to the mother.

### Separately to these matters:

- In recent years, legislators across Australia have been prone to seeking to regulate the activities of Catholics and the Catholic Church while lacking a cultural awareness of the beliefs and motives of this religious minority. Such attempts undermine the Whitlam-Beasley consensus that has underwritten the relationship between Australian Catholics and other Australians since Kim Beasley Senior lanced the wound of sectarianism and removed Labor's opposition to state aid for Catholic schools prior to the 1972 election. Calls to force Catholic hospitals to carry out abortions or refer patients for abortions sadly fall into this category. It is recommended that legislators not attempt to curtail the religious practice of Catholics, at all, and certainly not before educating themselves about what Catholics believe, why they believe these things, and how these beliefs oblige them to act.
- Domestic adoptions in the ACT are at an all-time low, so much so that virtually all ACT adoptions are overseas adoptions rather than local adoptions. In spite of this, there remain plenty of prospective parents willing to apply to adopt. Women who may be considering an abortion or be at risk of being coerced into an abortion may not be aware

of this. They may also be influenced by the stigma attached to adoption since the Stolen Generation and the Forgotten Generations; they may not be aware of the substantial changes that have happened in how adoption is governed, including in the ACT, and including the option of open adoption. It is recommended that the ACT Government ensure women who may seek to use the Moore St facility are made aware of this option. Because of conflict of interest, this is not something that the operators of the Moore St facility can be relied upon to do.

Thank you for taking these matters into consideration.

Kindest regards,  
Dr Brendan Scott



PS While my PhD in Medical Sciences is science-based rather than medically based, I studied embryology and artificial reproductive technologies up to third year as part of my BSc.