

# One step forward, two back, in fight for reproductive rights

Leslie Cannold

August 11, 2009

## **RU486 is available, but in Queensland a teenager is charged over an abortion.**

THIS week's announcement by Marie Stopes International that clients of its clinics in Victoria, NSW, Queensland, the ACT and Western Australia can now terminate pregnancies at less than nine weeks using RU486 is one more step in Australian women's struggle for full equality and reproductive rights.

RU486 has had a chequered history in this country. For many years it was effectively banned as a result of a deal brokered by both major parties to secure former senator Brian Harradine's vote to sell Telstra. Only in 2006, as a result of the efforts of a cross-party group of female senators was the law changed, allowing RU486 to be regulated like all other drugs.

A pharmaceutical company will soon apply for and be granted a general licence to import and market the drug. Medicos will finally be able to dispense the drug like all others, by prescription and on the basis of patient need. But just as one door opens, several others threaten to slam shut.

The most worrying development is in Queensland, where a teenage girl is being prosecuted for having an abortion. Yes, you heard right. Next month Tegan Leach, 19, will return to court with her boyfriend to defend charges that he gave her RU486, and she used it, to abort an unwanted pregnancy.

The couple seem certain to be found guilty. Abortion is in the criminal code in Queensland, and the facts of the case suggest the young woman and her boyfriend did the "crime". That is, having discovered they were pregnant, and judging themselves too young to be parents, they obtained RU486 with the intention of causing her to miscarry.

You might think that in the face of this impending travesty pro-choice Premier Anna Bligh would be looking for ways to help. First and foremost, you might think that Bligh would be preparing a bill to present to Parliament to reform an antiquated law that makes one of the safest and most common medical procedures a felony.

You would be wrong. Instead, in a staggering display of ignorance and obfuscation, Bligh has done her damndest to convince Queenslanders that Leach's situation is anomalous. Something to do with the fact that the drug she took, RU486, was not prescribed by a doctor or isn't approved for general use. In reply to the truth - that what has happened to the teenager could happen to any Queensland man, woman or medico involved with abortion as long as the procedure remains a crime - she has bumbled about the need for a private member's bill to come before parliament for the issue to be decided.

Bligh, and the Government she leads, could move to change the law tomorrow and should, given that removing abortion from the Crimes Act is Labor Party policy and Bligh made numerous backroom promises before the most recent election that she would reform the law if she won. Queensland Labor: compromised one day, craven the next. One wonders exactly what has to happen to women in Queensland before their politicians act to represent them.

Luckily for women in Victoria, political integrity and guts are more plentiful at Spring Street. We are going to need them. After successful reform of Victoria's abortion law last year - reform that means no Victorian teenager will ever have to endure what Tegan Leach is going through - pro-life forces are up in arms.

At a recent conference in Melbourne, on the subject of conscience no less, pro-life doctors lambasted Victoria's Abortion Law Reform Act for requiring them to perform an abortion in an emergency. Instead they seem to feel they have a right to let their female patients die. They plan to take a test case to court.

Their chances of winning are nearly zero. Even the most restrictive definition of a medical professional's duty of care requires assistance to be rendered in an emergency.

But truckloads of taxpayer resources will be consumed in defending the case through the assertion, I would assume, that

in a liberal, plural democracy, women have rights, too. Namely, a right to equality before the law and to be treated as more than human incubators whose lives are worth little, or nothing at all.

*Dr Leslie Cannold is a medical ethicist and the president of Reproductive Choice Australia and ProChoice Victoria, which played a key role in lifting the ban on RU486 and changing Victoria's abortion laws.*

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