The Senate

# Finance and Public Administration Legislation Committee

Health Insurance Amendment (Medicare Funding for Certain Types of Abortion) Bill 2013

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# **MEMBERSHIP OF THE COMMITTEE**

# 43<sup>rd</sup> Parliament

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# Participating Members for this inquiry

Senator John Madigan Senator Lee Rhiannon DLP, Victoria AG, New South Wales

# **TABLE OF CONTENTS**

MEMBERSHIP OF THE COMMITTEE	iii
Chapter 1	1
Introduction	1
Conduct of the inquiry	1
Overview and provisions of the Bill	2
Background provided in the Explanatory Memorandum	2
Chapter 2	5
Evidence in support of the Bill	5
Introduction	5
The unacceptability to Australians of the use of Medicare funding for gender selection abortions	5
The prevalence of gender selective abortion	7
The use of Medicare funded gender selection abortions for the purpose of family balancing	10
Support for United Nations Campaigns	14
Concern from medical associations	15
Chapter 3	17
Evidence not supportive of the Bill	17
Introduction	17
The ineffectiveness of the Bill	17
The unacceptability to Australians of the use of Medicare funding for gender selection abortions	20
The prevalence of gender selection by abortion	21
The use of Medicare funded gender selection abortions for the purpose of family balancing	23
Support for United Nations campaigns	24
Concern from medical associations	27
Additional Comments by the Australian Greens	29
Additional Comments by Senator John Madigan	31
APPENDIX 1	
Submissions and Form Letters received by the Committee	

# Chapter 1

## Introduction

1.1 On 21 March 2013, on the recommendation of the Senate Selection of Bills Committee, the Senate referred the Health Insurance Amendment (Medicare Funding for Certain Types of Abortion) Bill 2013 (the Bill) to the Senate Finance and Public Administration Legislation Committee for inquiry and report by 25 June 2013.<sup>1</sup> The reasons for referral were for the committee to consider:

- The unacceptability to Australians of the use of Medicare funding for the purpose of gender selection abortions;
- The prevalence of gender selection with preference for a male child amongst some ethnic groups present in Australia and the recourse to Medicare funded abortions to terminate female children;
- The use of Medicare funded gender selection abortions for the purpose of 'family-balancing';
- Support for campaigns by United Nations agencies to end the discriminatory practice of gender selection through implementing disincentives for gender-selection abortions'; and
- Concern from medical associations in first world countries about the practice of gender-selection abortion, viz. Canada, USA, UK.<sup>2</sup>

# Conduct of the inquiry

1.2 The committee acknowledges that there is a wider debate within the Australian community about abortion. Notwithstanding this debate, the committee has confined its deliberations to the evidence provided about the Bill. In addition, the committee has not made a recommendation in relation to the Bill; the committee has undertaken its inquiry into the Bill in order to provide information for senators on the arguments received about the proposed amendment to Medicare funding.

1.3 The committee invited submissions from interested organisations and individuals, and government bodies. The inquiry was also advertised on the committee's website and in the *Australian* newspaper.

1.4 The committee received 919 submissions and 239 form letters. A list of individuals and organisations which made public submissions to the inquiry is at Appendix 1. Submissions may be accessed through the committee's website at <u>www.aph.gov.au/senate\_fpa</u>. The committee thanks those organisations and the large number of individuals who made submissions.

<sup>1</sup> Journals of the Senate, No. 143, 21 March 2013, pp 3864–3865.

<sup>2</sup> Senate Selection of Bills Committee, Report No. 4 of 2013, Appendix 8, 21 March 2013.

# **Overview and provisions of the Bill**

1.5 The Bill is a private Senator's bill that seeks to remove Medicare funding for abortions procured on the basis of gender.<sup>3</sup>

1.6 Schedule 1 of the Bill proposes to amend the *Health Insurance Act 1973* by inserting proposed new section 17A. Proposed new subsection 17A(1) provides that a Medicare benefit is not payable if:

- a medical practitioner performs a medically induced termination on a pregnant woman, or provides a service that relates to or is connected with performing such a medically induced termination (proposed new paragraph 17A(1)(a)); and
- the termination is carried out solely because of the gender of the foetus (proposed new paragraph 17A(1)(b)).<sup>4</sup>

1.7 The Explanatory Memorandum (EM) suggests that the Bill would have limited financial impacts. The EM also states that the Bill is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011.*<sup>5</sup>

# **Background provided in the Explanatory Memorandum**

1.8 The United Nations (UN) has drawn attention to the practice of gender selective abortion. It is noted in the EM that the 1994 Cairo Population Conference identified that gender selective abortions occur in countries such as China, India, Afghanistan, Pakistan, Taiwan, South Korea, Bangladesh, Azerbaijan, and Armenia. At the Cairo Conference a range of commitments were made to 'take the necessary measures to prevent infanticide, prenatal sex selection, trafficking in girl children'. The EM also notes that the UN Population Fund (UNFPA) has urged governments to fulfil the commitments made.<sup>6</sup>

1.9 In 2011, an interagency statement entitled 'Preventing gender-biased sex selection' was issued by UN agencies and the World Health Organisation (WHO). The statement:

...reaffirms the commitment of United Nations agencies to encourage and support efforts by States, international and national organizations, civil society and communities to uphold the rights of girls and women and to address the multiple manifestations of gender discrimination including the problem of imbalanced sex ratios caused by sex selection. It thus seeks to highlight the public health and human rights dimensions and implications of

2

<sup>3</sup> *Explanatory Memorandum*, p. 1.

<sup>4</sup> *Explanatory Memorandum*, p. 6.

<sup>5</sup> *Explanatory Memorandum*, p. 3.

<sup>6</sup> *Explanatory Memorandum*, p. 1.

the problem and to provide recommendations on how best to take effective action.  $^{7}$ 

1.10 The EM notes that determining the sex of a foetus may be necessary in the pre-natal diagnosing of certain gender specific disorders. If such a disorder is diagnosed, a decision may be taken to terminate the pregnancy rather than continue the pregnancy which may result in a child with a debilitating disorder. The EM goes on to state that:

The policy intent of this Bill is to provide that a termination of a pregnancy on the grounds of a gender specific disorder, and not solely for reasons of sex selection, would not fall within the ambit of this Bill.<sup>8</sup>

<sup>7</sup> The Office of the United Nations High Commissioner for Human Rights (OHCHR); the UNFPA; the United Nations Children's Fund (UNICEF); the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women); and the WHO, *Preventing genderbiased sex selection*, 2011, p. vi.

<sup>8</sup> *Explanatory Memorandum*, p. 1.

# Chapter 2

# **Evidence in support of the Bill**

# Introduction

2.1 This chapter covers evidence supporting the Bill and is structured to address each of the terms of reference. Submitters supported the Bill on the grounds of the lack of support for gender selective abortion, the associated discrimination by gender, the infringement of human rights of unborn children, particularly female children, and problems arising from imbalanced sex ratios caused by gender selective abortion.<sup>1</sup>

2.2 Submitters argued that the occurrence of gender selective abortion in other countries, and in immigrant communities in other western countries, means there is a reasonable likelihood that it also occurs in Australia. Mrs Rita Joseph submitted that the lack of data from the Medicare funding is central to the gender selective abortion debate in Australia. Mrs Joseph explained that this lack of data prevents the determination of the prevalence of gender selective abortion in Australia:

...Medicare funding is provided indiscriminately, without any legal restrictions or requirements for medical establishments to ascertain and record those terminations that are being carried out on the grounds of gender 'preference'. ('Gender preference' of course is a euphemism for lethal discrimination against an unborn child on the grounds that it has been prenatally determined that the child is of the 'wrong gender'.)<sup>2</sup>

# The unacceptability to Australians of the use of Medicare funding for gender selection abortions

2.3 Submitters supporting the Bill argued that studies and surveys conducted in Australia had identified the unacceptability of gender selective abortion.

# Surveys and studies

2.4 The results of one survey cited<sup>3</sup> in submissions suggested that although there was a high percentage of respondents strongly in favour of abortion generally, that group considered that gender selective abortion was morally unacceptable (85 per cent) and should be illegal (82 per cent). The research also showed that of the group that was 'somewhat pro-abortion', the majority were opposed to sex selection abortions being legal, holding the view that the practice is morally unacceptable.<sup>4</sup>

<sup>1</sup> Ms Jane Munro, *Submission 178*, p. 1; Australia Christian Lobby, *Submission 186*, p. 1; Dr Maged Peter Mansour, Mrs Lily Mansour, Mr John Mansour, *Submission 174*, pp 2–3.

<sup>2</sup> Rita Joseph, *Submission 69*, p. 10.

<sup>3</sup> This survey was undertaken for the Southern Cross Bioethics Institute by the Adelaide Sexton Marketing Group.

<sup>4</sup> Australian Family Association, *Submission 195*, p. 2; Salt Shakers, *Submission 161*, p. 3.

2.5 A February 2013 Galaxy poll of 300 Tasmanians cited by submitters showed that 92 per cent of respondents disapproved of gender selective abortion.<sup>5</sup> A further study noted in evidence was the December 2010 study released as part of the Australian Survey of Social Attitudes. This showed that 80 per cent of respondents disapprove of gender selective abortion.<sup>6</sup> Information from other surveys and studies also showed that gender selective abortions are not considered acceptable to Australians:

- a survey by the Sexton Marketing Group in 2007, found that only seven per cent of Australians approved of abortion as a way to choose a child's sex;<sup>7</sup>
- the Australian Federation of Right to Life Association's survey found that 82 per cent of respondents did not support late term (after 20 weeks) abortions for non-medical reasons;<sup>8</sup> and
- an Adelaide Now media survey also found that 82 per cent of Australians felt that parents should not be given the right to choose the gender of their baby.<sup>9</sup>

2.6 Submitters concluded that the above study and survey findings indicate that gender selective abortions are unacceptable to most Australians. Submitters therefore argued that, Medicare funding of gender selective abortions would also be unacceptable to most Australians.<sup>10</sup>

#### Providing a clear signal regarding gender selective abortion

2.7 Submitters supporting the Bill considered that for as long as Medicare funding is available for gender selective abortion, it gives the practice 'legitimacy'.<sup>11</sup> It was argued that gender selective abortion is discriminatory in essence and hence should not be allowed:

Medicare funding of gender-selective abortion is an inappropriate way of spending the money of taxpayers. The Medicare system is set aside specially for health reasons. Funding of sex-selective abortions can reinforce a value judgement based on antiquated prejudices, which devalue

- 7 Real Talk Australia, *Submission 165*, pp 1–2.
- 8 Introfish Inc., *Submission 136*, p. 2.
- 9 Life Network Australia, *Submission 246*, p. 1.
- 10 Australian Family Association, *Submission 195*, p. 2; Salt Shakers *Submission 161*, p. 3.
- 11 Doctors for the Family, *Submission 133*, p. 2.

6

<sup>5</sup> Australian Federation for the Family, *Submission 151*, p. 1; NSW Right to Life, *Submission 185*, p. 1; Reformed Resources, *Submission 173*, p. 2; Australian Christian Lobby, *Submission 186*, p. 1; Catholic Women's League Australia Inc. *Submission 853*, p. 2.

<sup>6</sup> Australian Family Association, *Submission 195*, p. 2; The Life, Marriage and Family Office, Catholic Archdiocese of Melbourne, *Submission 168*, p. 2; Australian Catholic Bishops Conference, *Submission 187*, p. 3; Catholic Women's League Australia Inc. *Submission 853*, p. 2.

the life of female babies based on inheritance and property ownership laws and the ability to work and support the family.<sup>12</sup>

2.8 Submitters contended that it was important for the Bill to be passed, in order to send a clear signal that gender selective abortions were not acceptable and should be discouraged.<sup>13</sup>

2.9 There were mixed views on whether banning Medicare funding would be effective in substantially deterring gender selective abortion.<sup>14</sup> It was argued however that even if the Bill did not have a direct practical effect on the number of gender selective abortions, it was important to provide a clear signal that the practice is unacceptable.<sup>15</sup>

2.10 Submitters argued that the Bill's symbolic importance will shape community attitudes, and serve notice on anyone who seeks to pressure a woman toward a gender selective abortion.<sup>16</sup> It was also noted that the ban set out in the Bill should be part of a broader package of measures to address gender selective abortion.<sup>17</sup>

# The prevalence of gender selective abortion

2.11 This section addresses evidence from submitters supporting the Bill on the second term of reference for the inquiry-the prevalence of gender selection, with preference for a male child, amongst some ethnic groups present in Australia and the recourse to Medicare funded abortions to terminate female children.

#### Prevalence in other countries

2.12 Many submitters drew attention to large numbers of girls and women (up to 200 million) that are 'missing' from the world population due to gender selective abortion.<sup>18</sup> For example, it was noted that in China, the sex ratio is estimated to be 1.06.<sup>19</sup> Although this is within the 'normal' range there are still over 30 million more men than women in China. In India, the sex ratio is 112.<sup>20</sup> Despite being illegal in

<sup>12</sup> Dr Maged Peter Mansour, Mrs Lily Mansour, Mr John Mansour, *Submission 174*, p. 2.

<sup>13</sup> The Office for Justice and Peace, Catholic Archdiocese of Melbourne, *Submission 173*, pp 1, 2; Doctors for the Family, *Submission, 133*, p. 2; Australian Catholic Bishops Conference, *Submission 187*, p. 4.

<sup>14</sup> Knights of the Southern Cross (NSW) Inc, *Submission 194*, p. 1; Australian Catholic Bishops Conference, *Submission 187*, p. 4.

<sup>15</sup> Australian Catholic Bishops Conference, *Submission 187*, p. 4.

<sup>16</sup> Social Issues Executive, Anglican Diocese of Sydney, *Submission 170*, p. 1.

<sup>17</sup> Australian Catholic Bishops Conference, *Submission 187*, p. 3.

<sup>18</sup> National Alliance of Christian Leaders, Submission 14, p. 1; See also Catholic Women's League of Victoria and Wagga Wagga Inc., Submission 134, p. 1; Women's Forum Australia, Submission 169, p. 2; Wilberforce Foundation, Submission 177, p. 1; Dad 4 Kids, Submission 180, p. 1; Ms Melinda Tankard Reist, Submission 181, p. 1.

<sup>19</sup> Australia Christian Lobby, *Submission 186*, p. 2.

<sup>20</sup> Jane Munro, Submission 178, p. 1; Endeavour Forum Inc., Submission 135, p. 3.

both India and China, the sex ratios at birth in these countries suggest the occurrence of gender selection.<sup>21</sup> Other places where gender selection appears to be affecting the sex ration at birth include Vietnam, Pakistan, Taiwan and Southeast Europe.<sup>22</sup>

#### Occurrence in western countries

2.13 Submitters also pointed to evidence for gender selective abortion in western countries.<sup>23</sup> Research in England and Wales shows that among India-born women, the sex ratio at birth for all third children was 114.4 boys per 100 girls for births between 2000 and 2005.<sup>24</sup> A 2008 US National Academy of Science report found that sons outnumbered daughters by 50 per cent for third children if there was no previous son in US-born children of Chinese, Korean and Asian Indian parents.<sup>25</sup> FamilyVoice Australia submitted information from studies of Canadian and United States' birth rates that indicated some evidence of gender selective abortion occurring in some communities including immigrate communities from India, China, Korea and Vietnam.<sup>26</sup>

2.14 The Catholic Women's League Australia Inc. provided information collated by the UK in response to the request from the Council of Europe to collect data on the sex ratios at birth:

While the overall United Kingdom birth ratio is within normal limits, analysis of birth data for the calendar years from 2007 to 2011 has found the gender ratios at birth vary by mothers' country of birth.

For the majority of groups, this variation is the result of small numbers of births and does not persist between years. However, for a very small number of countries of birth there are indications that birth ratios may differ from the UK as a whole and potentially fall outside of the range considered possible without intervention.<sup>27</sup>

## Prevalence in Australia

2.15 Submitters argued that the evidence that gender selective abortion is occurring in immigrant communities in western countries indicates that it is therefore likely to also be occurring in Australia.<sup>28</sup> Cherish Life Queensland went further and argued that the ideas about gender selective abortion may be picked up by the wider community.<sup>29</sup>

- 27 Catholic Women's League Australia Inc., Submission 853, pp 3–4.
- 28 Women's Forum Australia, Submission 169, p. 3.
- 29 Cherish Life Queensland Inc. *Submission 189*, p. 2.

<sup>21</sup> Ms Jane Munro, *Submission 178*, p. 1.

<sup>22</sup> The Life, Marriage and Family Office, Catholic Archdiocese of Melbourne, *Submission 168*, p. 4.

<sup>23</sup> Coalition for the Defence of Human Life, *Submission 75*, p. 4.

<sup>24</sup> Coalition for the Defence of Human Life, *Submission 75*, p. 4.

<sup>25</sup> Salt Shakers, *Submission 161*, p. 4.

<sup>26</sup> Family Voice Australia, *Submission 73*, pp 2–3.

2.16 The Office for Justice and Peace of the Catholic Archdiocese of Melbourne commented that the number of gender selective abortions is not the key issue, rather, any occurrence of gender selective abortion is an attack on human rights:

...it is difficult to determine the extent to which any of the estimated 80,000 abortions which occur annually in Australia are carried out for the purpose of gender selection.

Notwithstanding, it is clear and undisputed that this abhorrent practice is being carried out in Australia and that under the current legislative framework, the procedure is funded by Medicare.

It must be emphasised that all current human rights instruments make no distinction between human rights abuses of the few and human rights abuses of the many. Any denial of human rights is an attack on the Common Good.

The attack on the human rights of unborn females amongst certain ethnic groups within Australia is an attack on the human rights of all Australians.<sup>30</sup>

2.17 Submitters also commented that there is some evidence from doctors that gender selective abortions are occurring, noting a case that has been referred by a Victorian doctor to the Medical Board of Australia. It was submitted that the same doctor had been approached twice for gender selective abortion. In both instances the preference was for a male child.<sup>31</sup>

2.18 It was acknowledged that as Australia does not collect data which identifies and records the reasons for Medicare funded abortions, the actual prevalence of gender selective abortions in Australia cannot be quantified. In addition, there is limited regulatory scrutiny of abortions as statistics are generally not collected or collated by states and territories, although South Australia and Western Australia maintain some data.<sup>32</sup>

2.19 Submitters suggested that relevant data should be collected on the reasons for abortion, so that the frequency of gender selective abortion can be determined.<sup>33</sup> The Catholic Archdiocese of Sydney also argued for the collection of such data and noted that past federal inquiries had recommended that this data be collected.<sup>34</sup>

<sup>30</sup> The Office for Justice and Peace, Catholic Archdiocese of Melbourne, *Submission 173*, p. 3.

<sup>31</sup> Australian Family Association, *Submission 195*, pp 2–3.

<sup>32</sup> Australian Family Association, *Submission 195*, p. 2. See also, Catholic Archdiocese of Sydney, *Submission 155*, p. 2; The Office for Justice and Peace, Catholic Archdiocese of Melbourne, *Submission 173*, p. 3; Social Issues Executive, Anglican Diocese of Sydney, *Submission 170*, p. 1.

<sup>33</sup> Social Issues Executive, Anglican Diocese of Sydney, *Submission 170*, p. 1. See also, The Life, Marriage and Family Office, Catholic Archdiocese of Melbourne, *Submission 168*, p. 2.

<sup>34</sup> Catholic Archdiocese of Sydney, *Submission 155*, p. 2.

#### 2.20 Mrs Joseph submitted that:

Objections to this Bill that rely on the facile claim that that gender prenatal selective terminations do not occur here in Australia have no substance in fact. For many years now those in the abortion industry who are involved in gender selection have successfully stymied the introduction of even the most minimal requirements to enable the gathering of statistics on this appalling practice. Such resistance to transparency on this human rights issue should no longer be acceptable, especially in the light of the promises made by our Australian Government to introduce protective legislation against this inhumane practice.

Australian domestic law provides no human rights protection for children at risk of termination for such discriminatory reasons as the unborn child's gender and this results in the terrible and fundamental injustice of arbitrary deprivation of human life. Such violations should no longer be permitted to remain hidden behind doctor-patient confidentiality.<sup>35</sup>

# The use of Medicare funded gender selection abortions for the purpose of family balancing

2.21 In addressing this term of reference, submitters supporting the Bill strongly disapproved of abortions for family balancing and pointed to restrictions on the use of technology for family balancing and state and territory laws relating to abortion.

#### Abortions for family balancing

2.22 Submitters argued strongly against the use of Medicare funded gender selective abortions to achieve family balancing. For example, Dads 4 Kids submitted that:

Every child, whether male or female, should have the chance to live. Gender Selective Abortion or 'family balancing' is known to take place in Australia, as disclosed informally by doctors, but is a detestable practice. It should not be supported by taxpayer funding. Terminating unborn boys or girls depletes our society of potential fathers and mothers, leaders, doctors, teachers, parliamentarians, trades people and the list goes on. No child should be discriminated against because of its sex and no government should condone or support terminations on the basis of gender.<sup>36</sup>

2.23 The use of Medicare funding for such services was considered by submitters to be improper and abhorrent as it did not constitute a health service and violated the child's human rights.<sup>37</sup> FamilyVoice Australia submitted that:

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<sup>35</sup> Mrs Rita Joseph, *Submission* 69, p. 11.

<sup>36</sup> Dads 4 Kids, *Submission 180*, p. 1. See also, Presbyterian Church of Tasmania, *Submission 10*, p. 1.

FamilyVoice Australia, Submission 73, p. 1. See also, Rabbinical Council of Victoria,
 Submission 116, p. 1; Catholic Women's League of Victoria and Wagga Wagga, Submission 134, p. 1.

Given the availability of ultrasound technology for determining the gender of an unborn child, the ready availability of abortion on demand in several Australian states and the known existence of a social phenomenon of Australian couples desperate to have children only of a certain sex either for 'family balancing' or, in some sense, to 'replace' a deceased child of that sex it would be naïve to assume that sex selection abortions for these reasons were not occurring in Australia.<sup>38</sup>

## Evidence for family balancing by gender selective abortion in Australia

2.24 The evidence for the use of gender selective abortions for family balancing was thought to be largely anecdotal.<sup>39</sup> Submitters asserted that abortions undertaken for gender selection to achieve family balancing are not appropriate and should be banned.<sup>40</sup>

2.25 One case was cited by submitters as purporting to show that gender selective abortion for family balancing may be occurring in Australia. Submitters claimed that twin boys were aborted because the parents already had three sons and wished for a girl.<sup>41</sup> However, no evidence was submitted to the committee that substantiated the claim that the abortion had been undertaken on the basis of gender selection.

2.26 The Rabbinical Council of Victoria took the view that abortion as a method of family balancing is abhorrent and should not be subsidised by the government under any circumstance. The Council submitted that:

Even in such case where there is a clear medical indications for gender selection, such as X-linked recessive disorders, we would submit that offering pre-implantation genetic diagnosis (PGD) would offset the demand for so drastic a step as abortion.<sup>42</sup>

#### **Restrictions on gender selection**

2.27 The Australian Family Association submitted that the twins case cited above highlights the anomaly with the Assisted Reproductive Technology Guidelines of the National Health and Medical Research Council (NHMRC) of Australia. The guidelines restrict the use of gender selection through pre-implantation genetic diagnosis while there is no scrutiny of Medicare funding.<sup>43</sup> The NHMRC guidelines

<sup>38</sup> FamilyVoice Australia, Submission 73, p. 4.

<sup>39</sup> Coalition for the Defence of Human Life, *Submission 75*, p. 5; see also, Salt Shakers, *Submission 161*, p. 5.

<sup>40</sup> FamilyVoice Australia, *Submission 73*, p. 3. See also, Salt Shakers, *Submission 161*, p. 3.

<sup>41</sup> Coalition for the Defence of Human Life, *Submission 75*, p. 5; see also, Endeavour Forum Inc., *Submission 135*, p. 1; Catholic Archdiocese of Sydney, *Submission 155*, p. 3; Salt Shakers, *Submission 161*, p. 5; Real Talk Australia, *Submission 165*, p. 1; Women's Forum Australia, *Submission 169*, p. 3; Australian Family Association, *Submission 195*, p. 3.

<sup>42</sup> Rabbinical Council of Victoria, *Submission 116*, p. 1.

<sup>43</sup> Australian Family Association, *Submission 195*, p. 3.

state that 'sex selection (by whatever means) must not be undertaken except to reduce the risk of transmission of a serious genetic condition'.<sup>44</sup>

2.28 Submitters noted that the NHMRC guidelines also state that:

Sex selection is an ethically controversial issue. The Australian Health Ethics Committee believes that admission to life should not be conditional upon a child being a particular sex.

Therefore...sex selection (by whatever means) must not be undertaken except to reduce the risk of transmission of a serious genetic condition.<sup>45</sup>

2.29 However, while these restrictions are in place for invitro fertisation (IVF), there is no legal scrutiny of taxpayer funding, via Medicare, of gender selective abortion of naturally conceived children.<sup>46</sup>

2.30 In addition, the committee heard of cases where Australians have travelled overseas to access Prenatal Gender Diagnosis (PGD) for gender selection.<sup>47</sup> The Coalition for the Defence of Human Life submitted that:

In order to circumvent this ban couples are travelling to places such as Thailand that provide preimplantation genetic diagnosis (PGD) of gender allowing gender selection of embryos for ART [Assisted Reproductive Technology] procedures. In 2011 some 72 couples travelled to Thailand to have PGD and ART at Thai Superior ART in Bangkok 2012. In 2012 this increased 30% to 106 couples.<sup>48</sup>

#### State and territory abortion laws

2.31 The Commonwealth has responsibility for Medicare funding. The Australian Catholic Bishops Conference noted that 'there is a variety of laws and restrictions on abortion in Australia, depending on state or territory'.<sup>49</sup> Knights of the Southern Cross (NSW) submitted that:

Abortion is the subject of criminal law in all Australian States and Territories, except the ACT. Abortion is legal in the ACT up to full term if it is provided by a medical doctor.

Victoria, South Australia, Western Australia, Tasmania and the Northern Territory have legislation in place that provides a statutory explanation of when an abortion is not unlawful.

<sup>44</sup> FamilyVoice Australia, *Submission 73*, p. 3; see also, Salt Shakers, *Submission 161*, p. 2; ACT Right to Life Association, *Submission 244*, p. 1.

<sup>45</sup> Australian Catholic Bishops Conference, *Submission 187*, p. 2.

<sup>46</sup> Australian Family Association, *Submission 195*, p. 3.

<sup>47</sup> The Life, Marriage and Family Office, Catholic Archdiocese of Melbourne, *Submission 168*, p. 3. See also, FamilyVoice Australia, *Submission 73*, p. 4.

<sup>48</sup> Coalition for the Defence of Human Life, *Submission 75*, p. 5.

<sup>49</sup> Australian Catholic Bishops Conference, *Submission 187*, p. 4; see also, FamilyVoice Australia, *Submission 73*, p. 4; Introfish Inc., *Submission 136*, p. 3.

In NSW and Queensland, lawful abortion is available under common law interpretations of the Crimes Act or Criminal Code. An abortion is legal when the doctor believes a woman's physical and/or mental health is in serious danger.<sup>50</sup>

2.32 The Australian Catholic Bishops Conference questioned the effectiveness of the state and territory laws stating its opinion that there is 'little inclination from the states and territories to enforce what laws there are'.<sup>51</sup> The Catholic Archdiocese of Melbourne submitted that:

In most Australian jurisdictions, access to abortion is now available without the need for supporting medical oversight up until at least 26 weeks of gestation. The position adopted by most State legislatures is that abortion is afforded the status of most other medical procedures. Despite this position, the collection of data on this one particular medical procedure, (including the reason or reasons occasioning the termination) is almost non-existent. As such, it is difficult to determine the extent to which any of the estimated 80,000 abortions which occur annually in Australia are carried out for the purpose of gender selection.<sup>52</sup>

#### Withholding gender information

2.33 One of the suggestions put to the committee was that where gender-linked genetic disorders were not found, information on the gender of a child could be withheld until 20 or 30 weeks gestation when it was less likely that gender selective abortions would occur.<sup>53</sup>

2.34 The Catholic Archdiocese of Sydney noted that the Canadian Medical Association has published evidence that gender selection is taking place in Canada and called for gender information to be withheld until 30 weeks of pregnancy. However, the Catholic Archdiocese of Sydney noted that such a restriction was problematic:

Although we recognise the good intentions behind such a proposal, withholding legitimate information from parents is problematic and such a response does not address the underlying issue. The principal problem is not the sharing of the knowledge of the baby's gender, but the ready acceptability of abortion as a 'response' to that knowledge. Discouragement of abortion, community education and the changing of parents' hearts and minds are the keys to encouraging a more welcoming attitude towards life and baby girls.<sup>54</sup>

<sup>50</sup> Knights of the Southern Cross (NSW) Inc, Submission 194, p. 2.

<sup>51</sup> Australian Catholic Bishops Conference, *Submission 187*, p. 4.

<sup>52</sup> The Office for Justice and Peace, Catholic Archdiocese of Melbourne, *Submission 173*, pp 2–3.

<sup>53</sup> Salt Shakers, Submission 161, pp 1, 7–8. See also, The Life, Marriage and Family Office, Catholic Archdiocese of Melbourne, Submission 168, p. 3; Australian Catholic Bishops Conference, Submission 187, p. 3.

<sup>54</sup> Catholic Archdiocese of Sydney, *Submission 155*, p. 3.

2.35 While the National Association of Specialist Obstetricians and Gynaecologists did not support or oppose the Bill in their submission, they echoed suggestions that it may be worth considering withholding gender information until after 20 weeks if there are no gender linked genetic disorders.<sup>55</sup>

# **Support for United Nations Campaigns**

2.36 This section addresses evidence from submitters supporting the Bill on the fourth term of reference for the inquiry: 'support for campaigns by United Nations agencies to end the discriminatory practice of gender-selection through implementing disincentives for gender selective abortions'.

2.37 The campaigns against gender selective abortion by UN agencies were supported by many submitters.<sup>56</sup> Gender selective abortion was seen as a very significant human rights issue and was described as abhorrent, a crime against humanity, cruel and inhumane, morally unacceptable, and evil.<sup>57</sup>

2.38 Several submitters indicated that by implementing the policy proposed by the Bill, Australia would be supporting the UN campaigns.<sup>58</sup> Introfish Inc, for example, noted that both the WHO and the UNPFA are working toward eliminating gender selective abortion and stated:

Both of these Organisations call for legislation, amongst other measures, to be enacted to eliminate the discriminatory practice. Australia must eliminate deadly discriminatory gender selection abortion by enacting legislation, including the Health Insurance Amendment (Medicare Funding for Certain Types of Abortion) Bill 2013.<sup>59</sup>

2.39 Similarly, The Australian Family Association stated:

The present bill if passed would certainly implement a disincentive for sex selection abortion and would protect girls from the violence of prenatal selection, thus honouring Australia's obligation to do so.<sup>60</sup>

2.40 The Coalition for the Defence of Human Life noted that Australia had shown some support for UN campaigns, by banning gender selection through other

59 Introfish Inc., Submission 136, p. 5.

<sup>55</sup> National Association of Specialist Obstetricians and Gynaecologists, *Submission 1*, p. 1.

<sup>56</sup> See for example, Australian Christian Values Institute, *Submission 151*, p. 1; Catholic Archdiocese of Sydney, *Submission 155*, p. 3;

<sup>57</sup> See, Rabbinical Council of Victoria, *Submission 116*, p. 1; Doctors for the Family, *Submission 133*, p. 1; Endeavour Forum Inc, *Submission 135*, p. 2, Salt Shakers, *Submission 161*, p. 3; The Life, Marriage and Family Office, Catholic Archdiocese of Melbourne, *Submission 168*, p. 4.

<sup>58</sup> Presbyterian Church of Tasmania, *Submission 10*, p. 1. See also, Rita Joseph, *Submission 69*, pp 1–2; Catholic Women's League of Victoria and Wagga Wagga, *Submission 134*, p. 1; The Office for Justice and Peace, Catholic Archdiocese of Melbourne, *Submission 173*, p. 4.

<sup>60</sup> Australian Family Association, *Submission 195*, p. 4.

reproductive technologies such as prenatal genetic diagnosis and assisted reproductive technology.<sup>61</sup>

2.41 Real Talk Australia submitted its view on finding an appropriate balance between the rights of the child and the rights of parents, stating that:

All human beings are the 'subject' of rights not the 'object' of rights. Parents do not have the right to choose what child they get, or terminate pregnancy based on desires for a 'type' of person. If this becomes a widespread practice parents will become more like owners of children not caregivers. On the issue of gender selection, our focus can be shifted ever so slightly from the rights of a child, to upholding the wishes of a parent. In doing that the rights and the welfare of children get relegated to second place.

Society expresses respect for the dignity of each person, by recognising him or her as a person and not as an object.<sup>62</sup>

## **Concern from medical associations**

2.42 The last term of reference for the inquiry sought consideration of the concern from medical associations about gender selective abortion in developed countries such as Canada, the United States and the United Kingdom. Submitters noted that the Society of Obstetricians and Gynaecologists of Canada, the American College of Obstetricians and Gynaecologists, the Chief Medical Officer of the UK, Professor Dame Sally C. Davies, and the British Medical Association generally opposed gender selective abortion except for preventing serious sex-linked genetic diseases.<sup>63</sup>

<sup>61</sup> Coalition for the Defence of Human Life, *Submission 75*, p. 6.

<sup>62</sup> Real Talk Australia, *Submission 165*, p. 2.

<sup>63</sup> Australian Family Association, *Submission 195*, pp 4–6; National Association of Specialist Obstetricians & Gynaecologists, *Submission 1*, p. 1.

# Chapter 3

# **Evidence not supportive of the Bill**

## Introduction

3.1 This chapter canvasses evidence from submitters who did not support the Bill. The committee notes that most submitters who opposed the Bill made it clear that they were also opposed to gender selective abortion.<sup>1</sup>

## The ineffectiveness of the Bill

3.2 Many submitters questioned whether the Bill would be effective in removing Medicare funding for gender selective abortion. It was also argued that there may be undesirable consequences if the Bill were to be passed. Issues that were identified included that:

- the arrangements to implement the Bill would be easily circumvented as Medicare items cover more than one service;
- the approach taken by the Bill has been shown to be ineffective in other countries;
- if heavily enforced, the Bill would risk causing discrimination; and
- the Bill does not address the root causes of gender selective abortion.

## Medicare items cover multiple services

3.3 Submitters argued that a restriction on Medicare funding of gender selective abortion would not be effective as the Medicare item numbers for abortion do not distinguish between the reasons for that procedure being undertaken.<sup>2</sup> There are many reasons why these item numbers are used including fetal death, miscarriage and unintended pregnancy endings.<sup>3</sup> In addition, it was noted that the Bill does not provide for a mechanism to separate gender selective abortion from other types of abortion. The Women's Abortion Action Campaign commented:

[The Medicare] rebate is payable for a group of services, including induced termination of pregnancy. There is no mechanism within the Medicare system to determine the reasons for induced terminations of pregnancy. Therefore, any 'estimate' of the prevalence of gender selective abortions (or other reasons for termination of pregnancy) can only be based on anecdotal data.

Children by Choice, Submission 160, p. 2; Women's Health Victoria, Submission 2, p. 1; Women's Centre for Health Matters, Submission 157, p. 2; Professor Diane Bell, Submission 175, p. 1; Australian Women Against Violence Alliance, Submission 191, p. 1; Women's Legal; Services NSW, Submission 192, p. 1.

<sup>2</sup> Women's Centre for Health Matters, *Submission 157*, p. 3.

<sup>3</sup> Women's Centre for Health Matters, *Submission 157*, p. 3; Children by Choice, *Submission 160*, p. 3.

Neither the proposed Bill nor the Explanatory Memorandum make clear the mechanism by which sex selective abortions would be separated from other types of termination of pregnancy, or indeed other medical procedures covered by Medicare Benefits Schedule items 16525 and 35643.<sup>4</sup>

3.4 Women's Health Victoria indicated that there would be substantial practical difficulties in implementing the Bill, submitting that:

Restrictions of this nature would be untenable because of the practical difficulties they impose on both health professionals and women. For example:

- How would health professionals ascertain whether the abortion being sought was based on the sex of the foetus?
- How would this be done without discriminating against and stigmatising certain groups of women, thereby jeopardising the health services that they receive?<sup>5</sup>

#### Ineffectiveness of similar restrictions in other countries

3.5 The type of approach set out in the Bill to address gender selective abortion has been tried in other countries but submitters commented that it has not been effective.<sup>6</sup> Women's Health Victoria, for example, pointed to a study of practices in China and India and found that restrictions were not successful as:

...enforcement is extremely difficult, affordable ultrasound services are widely available and fetal sex information can be relayed to potential parents without even saying a word. Moreover, an ultrasound may be performed in one location and an abortion obtained in another, where a woman can provide alternative reasons for the procedure.<sup>7</sup>

3.6 The Young Women's Christian Association (YWCA) Australia also noted that the UN agencies and WHO interagency statement indicated that such restrictions had been ineffective:

Governments in affected countries have undertaken a number of measures in an attempt to halt increasing sex-ratio imbalances. Some have passed laws to restrict the use of technology for sex-selection purposes and in some cases for sex-selective abortion. These laws have largely had little effect in

<sup>4</sup> Women's Abortion Action Campaign, *Submission 182*, pp 1–2.

<sup>5</sup> Women's Health Victoria, *Submission 2*, p. 3; see also Public Health Association of Australia, *Submission 72*, pp 7–8;

<sup>6</sup> Women's Health Victoria, *Submission 2*, p. 1; Women's Health West, *Submission 71*, p. 2; Public Health Association of Australia, *Submission 72*, p. 4; Women's Centre for Health Matters, *Submission 157*, p. 5; Professor Diane Bell, *Submission 175*, p. 3; Australian Women Against Violence Alliance, *Submission 191*, p. 4.

<sup>7</sup> Women's Health Victoria, *Submission 2*, p. 3; see also Women's Health West, *Submission 71*, p. 2; Australian Women Against Violence Alliance, *Submission 191*, p. 3.

isolation from broader measures to address underlying social and gender inequalities.  $\!\!\!^8$ 

3.7 Liberty Victoria stated that legislation to restrict abortions based on sex selection had been unsuccessful in the United States and Canada. In the United Kingdom some members of parliament had suggested that legislation was needed to monitor abortions by gender to protect girls. Liberty Victoria went on to note that the Health Minister, Lord Howe, in rejecting government monitoring of abortions stated that 'introducing testing to determine the sex of the foetus would require new laboratory tests, which would have a cost implication and require consent' and would cause women distress 'during what is already a difficult time'.<sup>9</sup>

#### Failure to address root causes

3.8 A further reason that restrictions on gender selective abortions were not viewed as being effective in other countries is because they do not address the reasons why they are being sought, such as poverty, social attitudes, entrenched gender inequality and discrimination.<sup>10</sup> Professor Diane Bell pointed to the UN interagency which states:

The rise in sex ratio imbalances and normalization of the use of sex selection is caused by deeply embedded discrimination against women within institutions such as marriage systems, family formation and property inheritance laws...

Although the relatively recent availability of technologies that can be used for sex selection has compounded the problem, it has not caused it.<sup>11</sup>

#### Undesirable consequences of the Bill

3.9 Submitters argued that there is potential for discrimination, stereotyping and stigmatisation of certain groups of women if the Bill is passed.<sup>12</sup> YWCA Australia suggested that the Bill may encourage discrimination against women from some South Asian, East Asian and Central Asian communities when they are seeking access to reproductive health services.<sup>13</sup>

3.10 In addition, Children by Choice submitted that the aims of the Bill:

...would contravene Australia's domestic and international obligations to uphold women's human rights.

<sup>8</sup> YWCA Australia, *Submission 167*, pp 1–2; see also Women's Health Victoria, *Submission 2*, p. 4; Women's Health West, *Submission 71*, p. 2.

<sup>9</sup> Liberty Victoria, Submission 164, pp 5–6.

<sup>10</sup> Women's Health Victoria, Submission 2, p. 3; Women's Health West, Submission 71, pp 3–4; Liberty Victoria, Submission 164, pp 3–4; Australian Women Against Violence Alliance, Submission 191, p. 4.

<sup>11</sup> Professor Diane Bell, *Submission 175*, p. 5.

<sup>12</sup> Women's Health Victoria, *Submission 2*, pp 1, 3; Women's Health West, *Submission 71*, pp 2, 4; Public Health Association of Australia, *Submission 72*, p. 4.

<sup>13</sup> YWCA Australia, Submission 167, p. 2.

Such scrutiny by government and health authorities of women's decision making as may be required by the Bill would constitute unnecessary intrusion and surveillance into a woman's personal life and health care decision-making. Surveys of Australian community attitudes have shown that a large majority support legal abortion and believe that it should be private matter between a woman and her doctor.<sup>14</sup>

3.11 Professor Bell argued that, if the Bill was passed, it may limit the information sought and provided in the doctor/patient relationship and therefore may be a restriction of women's rights. Such a restriction would not align with the empowerment envisioned by the interagency statement and the Convention on the Elimination of All Forms of Discrimination Against Women.<sup>15</sup> Women's Legal Services NSW had similar concerns, submitting that:

The Bill purports to limit gender selective discrimination and enhance human rights. However, the Bill fails to identify and address the potential for erosion of human rights, for example, the risk of such legislation obstructing access to safe, affordable, legal reproductive health options, including abortion.<sup>16</sup>

3.12 Submitters also noted that restrictions on Medicare funding for gender selective abortion would potentially compromise access to abortion more generally, thereby limiting a vital health service for women in Australia and an important reproductive health right.<sup>17</sup>

# The unacceptability to Australians of the use of Medicare funding for gender selection abortions

3.13 As noted earlier, most submitters who opposed the Bill, made it very clear that they were also opposed to gender selective abortion.<sup>18</sup> However, submitters noted that there was no comprehensive or reliable evidence to suggest that gender selective abortion was unacceptable to Australians. Thus, submitters stated that they were unable to accept the proposition concerning the unacceptability to Australians of the use of Medicare funding for gender selective abortions at face value.<sup>19</sup> For example, the National Foundation for Australia Women (NFAW) stated that:

<sup>14</sup> Children by Choice, *Submission 160*, p. 3.

<sup>15</sup> Professor Diane Bell, *Submission 175*, p. 7.

<sup>16</sup> Women's Legal Services NSW, *Submission 192*, pp 1–2.

<sup>17</sup> Woman's Health Victoria, *Submission 2*, p. 1; see also Women's Health West, *Submission 71*, p. 2.

<sup>18</sup> Children by Choice, Submission 160, p. 2; Women's Health Victoria, Submission 2, p. 1; Women's Centre for Health Matters, Submission 157, p. 2; Professor Diane Bell, Submission 175, p. 1; Australian Women Against Violence Alliance, Submission 191, p. 1; Women's Legal; Services NSW, Submission 192, p. 1.

<sup>19</sup> Women's Health Victoria, Submission 2, p. 2; Women's Health West, Submission 71, p. 2; Public Health Association of Australia, Submission 72, p. 5; Women's Centre for Health Matters, Submission 157, p. 3.

NFAW is unable to accept at face value or agree entirely with the proposition inherent in the first Term of Reference, while deploring terminations of pregnancies solely for cultural reasons.<sup>20</sup>

3.14 Several submitters provided information from the Australian Survey of Social Attitudes which provides evidence on attitudes of Australians towards abortion generally. Women's Health Victoria stated:

According to the Australian Survey of Social Attitudes in 2003, 81% of Australians agree that women should have the right to choose an abortion. This was independent of their gender or religious affiliation. Only 9% of the 5000 adults questioned disagreed with a woman's right to choose, and the remaining 10% were undecided.<sup>21</sup>

#### The prevalence of gender selection by abortion

3.15 It was acknowledged that gender selective abortion is prevalent in other countries.<sup>22</sup> The NFAW commented it 'is aware of the existence in some countries of such practices, and finds such practices abhorrent'.<sup>23</sup>

3.16 However, it was argued that there is no evidence that gender selective abortion is being undertaken in Australia or that the use of Medicare funding for gender selection abortion was prevalent.<sup>24</sup> Liberty Victoria stated:

We believe that changing access to Medicare for abortions in Australia because of cultural biases and practices occurring in other countries is inexcusably bad public policy.<sup>25</sup>

3.17 Reproductive Choice stated that evidence that gender selective abortion 'cannot be disguised' and pointed to the skewed gender ratios in China and India.<sup>26</sup> However, it was submitted that there is no such evidence of a skewed gender ratio in

<sup>20</sup> National Foundation for Australia Women, Submission 74, p. 2.

Women's Health Victoria, Submission 2, p. 2; see also Women's Health West, Submission 71, p. 3; Public Health Association of Australia, Submission 72, p. 5; Women's Centre for Health Matters, Submission 157, p. 3.

<sup>22</sup> Liberty Victoria, Submission 164, p. 2; National Foundation for Australian Women, Supplementary Submission 74, p. 2; Family Planning NSW, Submission 171, p. 4; Professor Diane Bell, Submission 175, p. 3; Australian Women Against Violence Alliance, Submission 191, p. 2.

<sup>23</sup> National Foundation for Australian Women, Supplementary Submission 74, p. 2.

<sup>24</sup> Women's Centre for Health Matters, Submission 157, p. 2; Children by Choice, Submission 160, p. 2; Liberty Victoria, Submission 164, p. 2; YWCA Australia, Submission 167, p. 1; Family Planning NSW, Submission 171, p. 4; Professor Diane Bell, Submission 175, p. 1; Health Consumers Alliance of SA Inc, Submission 176, p. 1; Women's Abortion Action Campaign, Submission 182, p. 1; Women's Legal Service Australia, Submission 190, p. 1; Australian Women Against Violence Alliance, Submission 191, p. 2; Women's Legal Service NSW, Submission 192, p. 1.

<sup>25</sup> Liberty Victoria, Submission 164, p. 4.

<sup>26</sup> Reproductive Choice, *Submission 3*, p. 2.

Australia. Several submitters point out that Australia's sex ratio at birth is 105.7 male births per 100 female births and therefore within the normal range of 102 and 106.<sup>27</sup> Family Planning NSW also argued that the sex ratio in Australia has remained stable and provided data on the sex ratio for each state and territory for children aged zero to six which showed that all states were in the range 1.04 to 1.08.<sup>28</sup>

3.18 The Australian Women Against Violence Alliance concluded that, in its view, 'Australia continues to exhibit one of the healthiest sex ratios in the world and lowest maternal mortality rates, both strong indicators of gender health and well-being'.<sup>29</sup>

3.19 Submitters provided further evidence which indicated that gender selective abortion is not occurring in Australia. Family Planning NSW, for example, stated that:

Last financial year we had around 28,000 client visits and in the 85 years we have been operating we have no evidence to suggest that pregnancy terminations occur solely on the basis of gender selection.<sup>30</sup>

3.20 Several submitters also pointed to a 2008 Melbourne study of 578 patients having pre-natal diagnosis, which found that none of the patients had a pregnancy termination for gender selection.<sup>31</sup>

3.21 In addition, submitters noted that in Australia most abortions occur before the gender is known at around 18–19 weeks gestation.<sup>32</sup> Children by Choice submitted information from the Australian Health and Welfare Institute indicating that almost 95 per cent of pregnancy terminations occur in early pregnancy, that is, before 14 weeks gestation, 4.7 per cent between 13 and 20 weeks, and 0.7 per cent after 20 weeks.<sup>33</sup>

3.22 Submitters also commented on the argument that, because gender selective abortion is occurring in some countries overseas, communities from those countries are seeking gender selective abortions in Australia.<sup>34</sup> Submitters argued that there are no studies or evidence-base to show that this occurs. The Australian Women Against Violence Alliance pointed a study undertaken in Australia in 2000 which 'provided evidence to show that immigrants adapt to the fertility patterns and behaviours of the Australian population'. A similar study in Canada found that the fertility of immigrant

33 Children by Choice, *Submission 160*, p. 3.

<sup>27</sup> Women's Centre for Health Matters, *Submission 157*, p. 3; Women's Health Victoria, *Submission 2*, p. 2.

<sup>28</sup> Family Planning NSW, *Submission 171*, p. 4.

<sup>29</sup> Australian Women Against Violence Alliance, *Submission 191*, p. 2.

<sup>30</sup> Family Planning NSW, *Submission 171*, p. 4.

<sup>31</sup> National Foundation for Australia Women, *Submission 74*, p. 2; Children by Choice, *Submission 160*, p. 2; Reproductive Choice Australia, *Submission 3*, p. 1.

<sup>32</sup> National Foundation for Australian Women, *Submission 74*, p. 4; Children by Choice, *Submission 160*, p. 3.

<sup>34</sup> National Foundation for Australian Women, *Submission* 74, p. 2; Women's Abortion Action Campaign, *Submission* 182, p. 3.

women tended to increasingly resemble and converge with that of Canadian-born women, the longer they resided in Canada.<sup>35</sup>

3.23 The NFAW stated that from its analysis of population statistics by ancestry and religious affiliation it can be concluded that 'there is no widespread practice of abortions leading to skewing of the sex ratio'.<sup>36</sup> In addition, Liberty Victoria noted:

Even amongst migrant groups where the country of origin has a sonpreference and sex-selection problem, the same social pressures do not exist in Australia. Indeed, all academic research as well as UN and [nongovernment organisations] research indicates that it is confined to only a few regions of the world, namely East and South Asia, Korea, China and parts of India.<sup>37</sup>

3.24 It was also noted that Australia has a very different society and approach to gender equality than some other countries. Children by Choice drew attention to existing initiatives in Australia aimed at gender discrimination and submitted that:

...in Australia today, women and girls have more social, cultural and economic equality with their male counterparts compared to many other nations. While gender discrimination still exists in our society and must be addressed, there is robust government legislation, regulations and many other programs and education campaigns that aim to advance, monitor and promote the status of women and girls living in our community. Some examples of these include anti-discrimination legislation, a national Sex Discrimination Commissioner, initiatives to promote girls' education and participation in non-traditional areas, and campaigns to educate and discourage practices such as Female Genital Mutilation.<sup>38</sup>

3.25 The Women's Legal Services NSW also argued that should the Bill be passed, 'there could be disproportionate scrutiny of women and girls from particular ethnic, race, cultural and religious backgrounds when they access sexual and reproductive health services'.<sup>39</sup>

# The use of Medicare funded gender selection abortions for the purpose of family balancing

3.26 Submitters noted that there are legal barriers to the use of gender selection technologies, anonymous egg donation, with or without payment, and commercial surrogacy and that gender selection technology is only allowed for reducing the risk of transmission of sex-linked disorders.<sup>40</sup> For example, in Victoria the *Assisted* 

<sup>35</sup> Australian Women Against Violence Alliance, Submission 191, pp 2–3.

<sup>36</sup> National Foundation for Australian Women, Supplementary Submission 74, p. 2.

<sup>37</sup> Liberty Victoria, *Submission 164*, p. 2.

<sup>38</sup> Children by Choice, *Submission 160*, p. 4.

<sup>39</sup> Women's Legal Services NSW, Submission 192, p. 3.

<sup>40</sup> National Foundation for Australian Women, *Submission 74*, p. 1; see also Women's Health Victoria, *Submission 2*, p. 3; Women's Health West, *Submission 71*, p. 4; Public Health Association of Australia, *Submission 72*, p. 6.

*Reproduction Treatment Act 2008* bans gender selection except to avoid the transmission of a genetic abnormality or a genetic disease to the child or it is approved by the Patient Review Panel.<sup>41</sup>

3.27 Submitters also noted that gender selective abortion for non-medical purposes is constrained by the National Health and Medical Research Council's Ethical Guidelines on the use of Assisted Reproductive Technology in Clinical Practice.<sup>42</sup> The Victorian Council for Civil Liberties quoted the guidelines as follows:

Sex selection is an ethically controversial issue. The Australian Health Ethics Committee believes that admission to life should not be conditional upon a child being a particular sex. Therefore, pending further community discussion, sex selection (by whatever means) must not be undertaken except to reduce the risk of transmission of a serious genetic condition.<sup>43</sup>

3.28 The NFAW argued that 'it is unlikely that an Australian medical practitioner (eligible to raise a charge on the Medical Benefits Schedule) would act in breach of this prohibition'.<sup>44</sup>

3.29 Where abortions are undertaken, the reasons for doing so are varied and complex but gender selection is not a reason given.<sup>45</sup> Submitters cited a study by the University of Melbourne's Key Centre for Women's Health in Society which reported that the reasons for an abortion usually relate to the woman herself, the potential child, existing children, the woman's partner and other significant relationships, and what it means to a woman to be a good mother.<sup>46</sup> Other issues relating to violence, completed family size, educational aspiration, age and medical issues were also identified.<sup>47</sup>

## Support for United Nations campaigns

3.30 Submitters opposing the Bill were critical of the term of reference relating to UN campaigns as they did not consider that the UN agencies and WHO supported the approach envisaged in the Bill. The Bill's statement on human rights was also criticised as not accurately representing relevant human rights documents.

3.31 Liberty Victoria submitted that:

<sup>41</sup> Liberty Victoria, *Submission 164*, pp 4–5.

<sup>42</sup> Women's Health Victoria, *Submission 2*, p. 3; Woman's Health West, *Submission 71*, p. 7; National Foundation for Australian Women, *Submission 74*, p. 3.

<sup>43</sup> Victorian Council for Civil Liberties, *Submission 164*, p. 5.

<sup>44</sup> National Foundation for Australian Women, *Submission 74*, p. 3.

<sup>45</sup> Women's Health Victoria, *Submission 2*, pp 3–4; Women's Health West, *Submission 71*, p. 4; Public Health Association of Australia, *Submission 72*, p. 5; National Foundation for Australian Women, *Submission 74*, p. 2; Women's Abortion Action Campaign, *Submission 182*, p. 4; Australian Women Against Violence Alliance, *Submission 191*, p. 3.

<sup>46</sup> Women's Health Victoria, *Submission 2*, pp 3–4; Women's Health West, *Submission 71*, p. 4; Children by Choice, *Submission 160*, p. 3; Women's Centre for Health Matters, *Submission 157*, p. 4.

<sup>47</sup> Children by Choice, *Submission 160*, p. 5.

The phrasing of this 'Term' misleadingly implies that UN agencies are advocating limiting abortion as a means of solving the problem of sexselection. This is untrue. Indeed, although states have an obligation to address the issue of gender biased sex selection, the UN interagency statement makes clear, that it must be addressed:

without exposing women to the risk of death or serious injury by denying them access to needed services such as safe abortion ... Such an outcome would represent a further violation of their rights to life and health as guaranteed in international human rights treaties, and committed to in international development.<sup>48</sup>

3.32 Submitters supported campaigns by UN agencies to implement disincentives for gender selection by abortion. However, they argued that the WHO was not advocating the type of restrictions proposed in the Bill, as such measures have not been found to be effective.<sup>49</sup> The Public Health Association of Australia submitted that it:

...is strongly supportive of the role of the United Nations and its agencies in promoting changes in social values, and of the role of the Australian Overseas Aid Agency in promoting and financing sexual and reproductive health programs in developing nations. Access to safe abortion services is a necessary part of any comprehensive system of reproductive health services. To deny these services is to breach a woman's right to health.<sup>50</sup>

#### The Bill's statement on human rights

3.33 Concerns were raised about the human rights statement in the Bill and whether it adequately addressed the human rights of both mother and child. The Women's Abortion Action Campaign stated that the reports cited in the Bill's human rights statement:

...have been used in a way which does not acknowledge their full context, and obscures the fact that the United Nations' World Health Organisation recognises access to safe abortion as an important marker for women's health and publishes a technical and policy guide for (national) health systems to assist in this.<sup>51</sup>

3.34 Submitters also stated that a number of UN human rights instruments were omitted from the Bill's statement including the Beijing Declaration, which stemmed from the Fourth UN Conference on Women.<sup>52</sup> The declaration unequivocally affirms that 'the right of all women to control all aspects of their health, including their own

<sup>48</sup> Liberty Victoria, *Submission 164*, p. 3.

<sup>49</sup> Women's Health Victoria, *Submission 2*, p. 4; Women's Health West *Submission 71*, pp 4–5; YWCA Australia, *Submission 164*, p. 2.

<sup>50</sup> Public Health Association of Australia, Submission 72, p. 7.

<sup>51</sup> Women's Abortion Action Campaign, Submission 182, p. 2.

<sup>52</sup> Women's Centre for Health Matters, *Submission 157*, p. 6; see also Women's Health Victoria, *Submission 2*, p. 5; Women's Health West, *Submission 71*, p. 5.

fertility, is basic to their empowerment'. In addition it was noted that the UN Factsheet on the Right to Health asserts that:

States should enable women to have control over and decide freely and responsibly on matters related to their sexuality, including their sexual and reproductive health, free from coercion, lack of information, discrimination and violence.<sup>53</sup>

3.35 It was also noted that Australia has an obligation to implement the principles of the Convention on the Elimination of All Forms of Discrimination Against Women, which includes access to health services, including those related to family planning. In addition, sexual and reproductive health rights and freedoms are enshrined in the International Covenant on Economic, Social and Cultural Rights.<sup>54</sup>

3.36 Professor Bell concluded that the amendment contained in the Bill is a restriction of women's rights and not the empowerment envisaged by the interagency statement or the Convention on the Elimination of All Forms of Discrimination Against Women.<sup>55</sup>

3.37 The Parliamentary Joint Committee on Human Rights (Joint Committee) has examined the Bill. The Joint Committee noted that restrictions on Medicare benefits proposed in the Bill potentially restrict rights to health and rights to social security. Those rights are provided for under articles twelve and nine of the International Covenant on Economic, Social and Cultural Rights. In its concluding remarks, the Joint Committee indicated that:

Before forming a conclusion on the human rights compatibility of the bill, the committee intends to write to Senator Madigan to seek further information about the prevalence of gender selective abortions in Australia and whether the limitations on the right to health and the right to social security seek to address a legitimate objective (being one that addresses an area of public or social concern that is pressing and substantial enough to warrant limitations on these rights).<sup>56</sup>

3.38 At the time of tabling of this report, no response had been published by the Joint Committee.

<sup>53</sup> Woman's Health Victoria, Submission 2, p. 5.

<sup>54</sup> Women's Legal Services NSW, Submission 192, p. 3.

<sup>55</sup> Professor Diane Bell, *Submission 175*, pp 6–7; see also Health Consumers Association of SA, *Submission 176*, p. 1; Women's Legal Services NSW, *Submission 192*, p. 1.

<sup>56</sup> Parliamentary Joint Committee on Human Rights, Examination of legislation in accordance with the Human Rights (Parliamentary Scrutiny) Act 2011, Bills introduced 18–21 March 2013, Legislative Instruments registered with the Federal Register of Legislative Instruments 16 February – 19 April 2013, Sixth Report of 2013, 15 May 2013, p. 39.

#### Alternatives to the Bill

3.39 Reproductive Choice Australia submitted that 'if Parliament is inclined to utilise resources to better understand and positively respond to issues surrounding pregnancy terminations to best support the rights of Australian women', the following approaches could be considered:

- a national curriculum for comprehensive, evidence-based sexual and reproductive health in Australia schools;
- the inclusion of referral obligations for conscientious objection into the registration of health professionals and subsequent enforcement mechanisms;
- a requirement that university undergraduate medical training includes pregnancy termination related procedures;
- provision of the full range of reproductive health services, including abortion and emergency contraception for assault victims, in all federally funded hospitals regardless of faith-based affiliations; and
- lowered cost of contraception for low-income women via the Pharmaceutical Benefits Scheme.<sup>57</sup>

## **Concern from medical associations**

3.40 Submitters opposing the Bill indicated that in their view, abortion was regarded as an important health service for women by medical associations including The Royal Australian College of Obstetricians and Gynaecologists; The Royal College of Obstetricians and Gynaecologists; and The American College of Obstetricis and Gynaecologists.<sup>58</sup>

3.41 Several submissions supported statements by medical associations that they support gender selective abortions for gender-linked genetic diseases, but not for personal or cultural reasons.<sup>59</sup> The Australia Medical Association (AMA) did not support the Bill, submitting that in its view the Medicare benefits arrangements should not be used to address social issues. The AMA went on to note that the interagency statement offers a range of recommendations for addressing the issues and does not recommend denying financial assistance for legal medical procedures.<sup>60</sup>

#### Senator Helen Polley Chair

<sup>57</sup> Reproductive Choice Australia, *Submission 3*, p. 3.

<sup>58</sup> Women's Health Victoria, *Submission 2*, p. 4; Women's Health West, *Submission 71*, p. 5; Public Health Association of Australia, *Submission 72*, p. 8.

<sup>59</sup> Public Health Association of Australia, Submission 72, p. 8; Women's Health West, Submission 71, p. 5; Women's Health Victoria, Submission 2, p. 4; National Federation for Australian Women, Submission 74, p. 5; Women's Centre for Health Matters, Submission 157, pp 5–6.

<sup>60</sup> Australian Medical Association, *Submission 130*, p. 1.

# **Additional Comments by the Australian Greens**

### Overview

1.1 The Australian Greens do not support sex selective abortion as it is indicative of entrenched gender inequality. However, we assert that restricting health services for women and restricting women's reproductive rights through this bill is not an appropriate or useful way to address that inequality. A woman's right to be treated equally and with dignity and respect must not be infringed by placing restrictions on abortion services.

#### Comments

1.2 The Australian Greens are extremely disappointed that the majority of the Committee did not put forward any recommendations on this bill. Analysing submissions and putting forward recommendations is a key purpose of the Senate Committee process.

1.3 Submissions from Reproductive Choice Australia and other organisations repeatedly emphasised that there is no evidence that this practice occurs in Australia or that Medicare is being used to fund such procedures. This is supported by looking at Australia's population figures.

1.4 Senator Madigan himself admits he has no evidence to suggest that sex selective abortions are systematically occurring in Australia. In countries where this does occur, such as China and India, there is clear gender-skewing in population numbers.

1.5 International human rights agreements support a women's right to control their own fertility. The Beijing Declaration affirms that 'the right of all women to control all aspects of their health, including their own fertility, is basic to their empowerment.' Further, the Convention on the Elimination of All Forms of Discrimination Against Women - Article 12 requires that measures be taken to ensure 'on a basis of equality of men and women, access to health care services, including those related to family planning.' Women's Health Victoria state in their submission that 'Restrictions on abortions restrict this access' and that restrictions on abortion jeopardise a women's right to choose if, when and how many children she will have.

1.6 Submissions which indicate they do not support the passage of the bill include: Women's Health Victoria, Public Health Association Australia, Australian Medical Association, Women's Centre for Health Matters, NSW Council for Civil Liberties, Children by Choice, Liberty Victoria, Women's Abortion Action Campaign, Women's Legal Services NSW, Women's Legal Services Australia, and Reproductive Choice Australia.

1.7 In the 2008 paper, "From Sorting Sperm to Sorting Society" Edgar Dahl noted that a follow-up study of 578 patients having prenatal diagnosis at one Melbourne clinic found that 'none of the women had a termination for foetal sex' and that in countries where social, religious or economic conditions do not support a preference

for male or female children, including USA, Britain and Australian, there is no evidence that such a preference exists.

1.8 There is also the practical question of how such a law would ever be enforced without risking the broader reproductive rights of Australian women.

1.9 Without any evidence for the practice, this bill is a waste of government time and is a red herring to allow Senator Madigan to promote his anti-abortion agenda. Senator Madigan and Democratic Labor Party are opposed to safe and legal abortion. This bill addresses a non-existent problem.

1.10 The large number of submissions from individuals in support of this bill, may do significant damage in raising fear and stigmatising women having an abortion without a basis in fact.

1.11 The Reproductive Choice Australia submission notes: 'The tactic of chipping away at women's reproductive rights by those who oppose safe abortion for any woman for any reason – under the guise of a feminist concern about the survival of female foetuses – is an anti-choice approach borrowed from the United States. In America, the accumulation of small "victories" from such unconscionable tactics has placed the reproductive autonomy of women in many US states under sustained and serious threat'.

1.12 The Australian Greens do not support sex selective abortion, as it is representative of entrenched gender inequality but there is no evidence that this practice is occurring in Australia.

## Recommendation

**1.13** That the Health Insurance Amendment (Medicare Funding for Certain Types of Abortion) Bill 2013 not be passed.

Senator Lee Rhiannon Australian Greens spokesperson for Women Senator for New South Wales Senator Richard Di Natale Senator for Victoria

# **Additional Comments by Senator John Madigan**

1.1 In response to the Report from the Committee on Finance and Public Administration Legislation Committee on the Health Insurance Amendment (Medicare Funding for Certain Types of Abortion) Bill 2013, I wish to comment on a number of issues.

These include:

- The lack of consultation through the common practice of public hearings;
- The absence of any recommendations based on common ground evident in submissions both for and against the Bill in the areas of data collection and opposition to gender-selection procedures; and
- Selective interpretation of UN Convention commitments.

#### Absence of broad consultation through Public Hearings

1.2 Public hearings are a normal feature of Senate Committee inquiries yet, despite the broad community interest as evidenced in the receipt of 919 submissions and 239 form letters, the Finance and Public Administration Legislation Committee did not allow for public hearings. The absence of such hearings are a departure from regular process and the selective application could be interpreted as a bias against particular issues and a departure from democratic procedure especially when significant amounts of time are given to public hearings for issues which attract far less community comment.

Public hearings would have allowed for clarification of a number of issues raised by the submissions received.

1.3 **Public hearings would have obtained more information and clarification from key organisations.** Submissions were received by two peak medical specialist bodies: The Royal Australian and New Zealand College of Obstetricians and Gynaecologists (RANZCOG), and the National Association Specialist Obstetricians and Gynaecologists.<sup>1</sup> The RANZCOG, in a brief one-page submission, stated: 'The College does not support termination of pregnancy for the reason of family balancing or gender preference'. They indicated: 'The college would be pleased to participate further in this inquiry as deemed appropriate by the Committee.'<sup>2</sup> Clearly, they would have contributed further insights had the possibility of a public hearing been available. Similarly, would have been possible to ask the National Association of Obstetricians and Gynaecologists as to the reasons for their recommendation for withholding information relating to the gender of the fetus until 20 weeks.<sup>3</sup> As this was the first submission received, it appears the Association was clear on their policy but the

<sup>1</sup> National Association of Specialist Obstetricians and Gynaecologists, *Submission 1*; see also, The Royal Australian and New Zealand College of Obstetricians and Gynaecologists, *Submission 137*.

<sup>2</sup> The Royal Australian and New Zealand College of Obstetricians and Gynaecologists, *Submission 137*.

<sup>3</sup> National Association of Specialist Obstetricians and Gynaecologists, *Submission 1*.

submission was brief and the Committee may have gained some understanding of that policy if an opportunity for public hearings had been made available.

1.4 **Public hearings would have provided the opportunity for** *in camera* **evidence** for participants who felt vulnerable in giving their identity as in the following example: Media reports of evidence of sonographer's experience in revealing the gender of the fetus emerged during the period of enquiry.<sup>4</sup> 'I gave her a death sentence,' she told the journalist. The sonographer in question was not prepared to reveal her identity for fear of jeopardizing her employment, but claimed that revealing the gender of the fetus was becoming a source of unease amongst her colleagues.

1.5 Public hearings would have demonstrated fairness in the Committee's dealings with this contentious issue.

### **Common Ground: opposition to Gender-selection abortion**

1.6 According to the Committee's Report, many submissions both for and against the Bill (2.3-10; 3.13) were clearly opposed to gender selection abortions and in a number of submissions studies and surveys were quoted which demonstrated the unacceptability of gender-selection abortion to Australians.<sup>5</sup> One submission which argued against the Bill used the term 'abhorrent' to describe gender-selection abortion.<sup>6</sup> Other submissions opposed to the Bill also opposed gender-selection abortion in principle.<sup>7</sup> If gender-selection abortions are 'abhorrent' and objectionable, then surely it warrants some sanctions.

#### **Common Ground: data collection**

1.7 The Committee's Report notes in both Chapter 2 and Chapter 3 that there is insufficient data collection in the Medicare process to accurately determine the number of abortions executed for gender selection. (2.2; 3.3) It is not disputed that this is the case. Abortion is legal in some Australian jurisdictions regardless of the reasons for abortion. There is a practice in the provision of abortion of: 'Don't ask; don't tell'. If women are not asked for the reasons they seek abortion then there is no reason to tell.

1.8 Family Planning NSW outlines the 'glaring inadequacies' in the data available on pregnancy terminations and details some of these gaps as follows:

• There is no mandatory reporting of pregnancy terminations in some states and territories;

<sup>4 &</sup>lt;u>http://www.heraldsun.com.au/news/opinion/gender-bias-cannot-start-in-the-womb/story-e6frfhqf-1226635210990</u>

<sup>5</sup> Australian Federation for the Family, *Submission 151*, p. 1; see also, Reformed Resources, *Submission 173*, p. 2; Australian Christian Lobby, *Submission 186*, p. 1; Catholic Women's League Australia Inc. *Submission 853*, p. 2.

<sup>6</sup> National Foundation for Australian Women, *Supplementary Submission 74*, p. 2.

<sup>7</sup> Women's Health Victoria, *Submission 2*, p. 1; see also, Public Health Association of Australia, *Submission 72*, p. 4.

- Only South Australia, Northern Territory and Western Australia have routine notifications and published reports;
- Australian Institute of Health and Welfare (AIHW) pregnancy termination estimates date back to 2003 and 2004;
- Changes have been made to abortion legislation in some states, yet there is no way of measuring the impact of those changes. The recent TGA listing of Mifepristone is an example;
- There is no single Medicare item number for abortion related services;
- Medicare items apply to procedures which are not specifically pregnancy terminations, but include procedures such as those undertaken as a result of miscarriage or foetal death. It is therefore impossible to gain a precise figure for the number of abortions performed; and
- This data does not report on important associated variables describing the geographic, social and economic situation of the women who present for a pregnancy termination.<sup>8</sup>

This submission urges the Committee 'to address the gaps that exist in data and research around pregnancy terminations to support future evidence based legislation and policy.'

The glaring inadequacies of data collection in terms of pregnancy terminations requires redress. The absence of such significant data must have consequences for the quality of health services offered to women.

#### **Commitment to United Nation Conventions**

1.9 Australia is a signatory to the International Conference on Population and Development, Cairo 1994 (ICPD) which means Australia agreed to take all necessary action to achieve its objectives. These include action 4.23:

Governments are urged to take the necessary measures to prevent infanticide, prenatal sex selection, trafficking in girl children and use of girls in prostitution and pornography.<sup>9</sup>

The Committee Report identifies many submissions that referred to Australia's international obligations (2.36-2.41 and 3.30-3.32). Yet many of these submissions failed to take the obligation to prevent sex selection seriously. Mrs. Rita Joseph's submission almost exclusively addressed Australia's obligation as a signatory to UN Conventions.<sup>10</sup> Her submission is quoted twice by the Committee Report but only in relation to the collection of data (2.2) and again in reference to 'prevalence in Australia' (2.20) but never in relation to Australia's international obligation that is her substantive concern.

<sup>8</sup> Family Planning NSW, *Submission 171*, p. 5.

<sup>9 &</sup>lt;u>http://web.unfpa.org/icpd/icpd-programme.cfm#ch4b</u> retrieved 22 June 2013

<sup>10</sup> Rita Joseph, *Submission* 69.

Australia unequivocally voted in favour of action to eradicate pre-natal sex selection at both Cairo (1994) and Beijing (1996).<sup>11</sup>

#### **An Interesting Parallel**

1.10 Many of the arguments against the Bill suggested that the Bill was ill conceived because:

- it is difficult to determine that gender selection abortion takes place (evidence of one concrete case was provided to the Committee);
- that there was no evidence that certain cultural groupings where such a practice is common were engaging in the gender-selection abortion in Australia (evidence of one case provided); and
- that a restriction on gender selection abortion might restrict women's access to abortion (the Bill is clear that it is only aimed at Medicare funded gender selection abortions).

An interesting parallel may be drawn between gender selection abortion and Female Genital Mutilation (FGM) where similarities and differences may be noted in legislative and educational approaches:

- it is difficult to determine the prevalence of FGM;<sup>12</sup>
- prosecutions are rare;<sup>13</sup> and
- it is practiced among certain cultural groups.

1.11 In the case of FGM a number of educative and legal initiatives have been put into place through the Government's National Compact on Female Genital Mutilation. There is no ambiguity in the Compact regarding FGM. It states clearly that FGM is unacceptable. The Compact also declares Australia's commitment to stand by its obligations to the UN, which include taking action to end the practice of FGM for women and girls living in Australia, settling in Australia and throughout the world, who are or may be in the future affected by FGM.<sup>14</sup>

The commitment is to:

- take action to end the practice of FGM for women and girls;
- living in Australia;
- settling in Australia; and

<sup>11</sup> Beijing Platform for Action Chapter VI L. The Girl Child, <u>http://web.unfpa.org/icpd/icpd-programme.cfm#ch4b</u> retrieved 22 June 2013

<sup>12 &</sup>lt;u>http://www.health.gov.au/internet/ministers/publishing.nsf/Content/mr-yr13-tp-tp027.htm</u> retrieved 22 June 2013

 <sup>13</sup> http://www.helenkroger.com.au/Parliament/SenateSpeeches/tabid/92/articleType/ArticleView/articleId/

 18/Female-Genital-Mutilation.aspx
 retrieved 22 June 2013

<sup>14 &</sup>lt;u>http://www.health.gov.au/internet/ministers/publishing.nsf/Content/mr-yr13-tp-tp027.htm</u> retrieved 22 June 2013

• throughout the world who are or may be in the future affected by FGM.<sup>15</sup>

The National Compact on FGM is unswerving in its commitment: 'We will not excuse or ignore the practice of FGM.'<sup>16</sup> It aims to educate migrants and refugees where such practices are culturally acceptable that such a practice is not acceptable in Australia. FGM is illegal in all states and territories, despite the fact that it is difficult to detect.

1.12 In their 11 December 2012 press release entitled 'Gillard Government to act on Female Genital Mutilation in Australia'<sup>17</sup> Prime Minister Gillard and Health Minister Plibersek referred to the practice of FGM as 'barbaric' and 'horrific'. The joint statement continues: 'We do not know how widespread this practice is in Australia but we know there have been instances, and anecdotal evidence suggests these are not isolated.'<sup>18</sup>

1.13 The Prime Minister and Health Minister state that although there was only limited apparently anecdotal evidence that this practice has been occurring in Australia, 'One such procedure in this country is one too many'.<sup>19</sup>

1.14 The joint statement announced that the government would, on the strength of worldwide condemnation of this practice and 'anecdotal evidence' that it was occurring in Australia, immediately implement the following measures:

- Provide \$500,000 in grants to fund organisations to run education and awareness activities and support change within communities, as we know public education and awareness is key to change.
- New research and data collection on female genital mutilation will be undertaken as a priority. This will help us build the evidence needed to support women and girls affected by female genital mutilation.
- Minister Plibersek will hold a national summit on this subject early next year, bringing together community, health, legal and policing experts to discuss how we can increase awareness and support and reduce incidence in Australia.
- The Attorney-General will review the current legal framework in Australia, and provide advice on whether any changes are required to ensure full protection against female genital mutilation, at home or abroad.<sup>20</sup>

1.15 It is evident that both FGM and gender selection abortions are abhorrent practices; that both are condemned by the UN and other international bodies; that Australia has made a commitment to oppose both practices.

<sup>15</sup> ibid.

<sup>16</sup> ibid.

<sup>17 &</sup>lt;u>http://www.pm.gov.au/press-office/gillard-government-act-female-genital-mutilation-australia retrieved</u> 24 June 2013

<sup>18</sup> ibid.

<sup>19</sup> ibid.

<sup>20</sup> ibid.

1.16 Furthermore, it is evident that both FGM and gender selection abortions are practiced among certain cultural groups and that there is anecdotal and other evidence of both being practiced in Australia.

1.17 Yet, despite the direct similarities between the two practices one is utterly condemned and the other conveniently ignored.

1.18 I note that the committee has chosen not to make a recommendation on this Bill. Despite this I feel there are a couple of recommendations I would like to make.

#### **Recommendation 1**

**1.19** That this Bill be passed without amendment or delay.

### **Recommendation 2**

**1.20** That in passing this Bill the Senate would call for the Prime Minister and Health Minister to throw their support behind a program of measures to oppose Gender Selection Abortion that would mirror the program they have implemented to oppose Female Genital Mutilation.

Senator John Madigan Senator for Victoria

## **APPENDIX 1**

### Submissions and Form Letters received by the Committee

- 1 National Association of Specialist Obstetricians and Gynaecologists
- 2 Women's Health Victoria
- 3 Reproductive Choice Australia
- 4 Name Withheld
- 5 Name Withheld
- 6 Mrs Mary Rofe
- 7 Mr Andrew Jackson
- 8 Mrs Sabina Prinzen-Wood
- 9 Mrs Roslyn Heywood
- 10 Presbyterian Church of Tasmania
- 11 Dr Timothy Coyle
- 12 Name Withheld
- 13 Name Withheld
- 14 National Alliance of Christian Leaders
- 15 Name Withheld
- 16 Mr and Mrs Victor and Crystal Soo
- 17 Name Withheld
- 18 Mrs Joan Apthorp
- 19 Ms Clara Curtis
- 20 Mr Gavan Duffy
- 21 Mrs Erica Grace
- 22 Mrs Ruth Allison
- 23 Name Withheld
- 24 Mr Bruce Nickel
- 25 Ms Adriana Vanderven
- 26 Mr Ian Kilminster
- 27 Mrs Judith Lumsdaine
- 28 Ms Angela Phillips
- 29 Mr Christopher Stokes
- 30 Dr Michael Pearcy
- 31 Mrs Bernadette Duffy
- 32 Mr Steven Patrick
- 33 Mrs Suellen Milham
- 34 Mr Phillip Heyne
- 35 Mr Michael McAuliff
- 36 Mr Stephen Stavrinou
- 37 Mrs Lynette Miller
- 38 Mr Timothy Bartlett
- 39 Mrs Samantha Bryan
- 40 Mr Hudson Watts

38	
41	Name Withheld
42	Name Withheld
43	Name Withheld
44	Name Withheld
45	Name Withheld
46	Name Withheld
47	Name Withheld
48	Name Withheld
49	Mr Gerard Madden
50	Ms Jasmine Yow
51	Ms Jennifer Madden
52	Mr Lance and Ms Fiona Drum
53	Mr Michael and Ms Leanne Casanova
54	Mr John Kennedy
55	Mr Robert Hayward
56	Ms Kayla Roatch
57	Mr Dave McCarthy
58	Mr Callan Leach
59	Ms Hazel Cooper
60	Mr John Calleja
61	Mr and Mrs Terry and Cheryl Young
62	Mr and Mrs Peter and Diane Newland
63	Ms Beth Burns
64	Ms Marion Isham
65	Confidential
66	Name Withheld
67	Confidential
68	Confidential
69	Ms Rita Joseph
70	Name Withheld
71	Women's Health West
72	Public Health Association of Australia
73	FamilyVoice Australia
74	National Foundation for Australian Women
75	Coalition for the Defence of Human Life
76	Confidential
77	Confidential
78	Confidential
79	Confidential
80	Name Withheld
81	Name Withheld
82	Name Withheld
83	Name Withheld
84	Name Withheld
85	Name Withheld

- 86 Name Withheld
- 87 Name Withheld
- 88 Name Withheld
- 89 Name Withheld
- 90 Name Withheld
- 91 Name Withheld
- 92 Name Withheld
- 93 Name Withheld
- 94 Mr Kelvin Goodhew
- 95 Mrs Cherith Nelson-Milnes
- 96 Mr Peter Dolan
- 97 Mr Peter Opie
- 98 Mrs Glennis Mullavey
- 99 Mrs Caitlin Taylor
- 100 Mr Matthew Owen
- 101 Mr Gregory Fraser
- 102 Ms Alice Palmer
- 103 Mr Alan Lewis
- 104 Mr Andrew van Burgel
- 105 Ms Gail Harrison
- 106 Dr David Hopkins
- 107 Mrs Jacqui Paulson
- 108 Mr John O'Regan
- 109 Mrs Helen McKenna
- 110 Mrs Anita Toner
- 111 Name Withheld
- 112 Name Withheld
- 113 Confidential
- 114 Confidential
- 115 Name Withheld
- 116 Rabbinical Council of Victoria
- 117 Name Withheld
- 118 Mr Dirk Jackson
- 119 Pastor Barrie Ryan
- 120 Ms Helen Gordon
- 121 Mr Edward and Ms Kathleen Pitt
- 122 Mr Matthew Williams
- 123 Mrs Makala Williams
- 124 Mr Rod Manning
- 125 Mr Jeremy and Ms Rachel Hopwood
- 126 Mr Giulio di Somma
- 127 Mrs Suzanne Strates
- 128 Mr Fred Bramich
- 129 Dr and Mrs Christopher and Katharina Hopwood
- 130 Australian Medical Association

40	
131	Dr Louis Rutman, Dr Kathy Lewis, Dr Greg Levin and Dr Susie Allanson
132	Natural Surrender Unity-Advocacy-Action (NSUAA)
133	Doctors for the Family
134	Catholic Women's League of Victoria and Wagga Wagga Inc
135	Endeavour Forum Inc
136	Introfish Inc
137	The Royal Australian and New Zealand College of Obstetricians and
107	Gynaecologists
138	Social Questions Committee on behalf of the Catholic Women's
	League of Victoria and Wagga Wagga Inc
139	Dr Jereth Kok
140	Clinical Associate Professor John York
141	Mr Michael Sichel
142	Pastor Melanie Lynam
143	Dr Nick and Dr Natalie Blismas
144	Helen Green
145	Dr Mansel Rogerson
146	Rev Warwick Davidson
147	Dr Natalie Bennett
148	Dr Susan Reibel Moore
149	Dr John Moody
150	Dr Marie Tarabay
151	Australian Christian Values Institute
152	Australian Federation for the Family
153	Mrs Nicole Fisher
154	Human Rights for the Unborn, Tasmania
155	Catholic Archdiocese of Sydney
156	Institute for Judaism and Civilization Inc
157	Women's Centre for Health Matters
158	Hellenic Orthodox Community of Parramatta and Districts
159	New South Wales Council for Civil Liberties
160	Children by Choice
161	Salt Shakers
162	Catholic Women's League State of Queensland Inc
163	Name Withheld
164	Liberty Victoria
165	Real Talk Australia
166	Evangelicals for Life
167	YWCA Australia
168	Catholic Archdiocese of Melbourne (The Life, Marriage and Family Office)
169	Women's Forum Australia
170	Social Issues Executive, Anglican Diocese of Sydney
171	Family Planning New South Wales
172	Reformed Resources
173	Catholic Archdiocese of Melbourne (The Office for Justice and Peace)

- 174 Dr Maged Peter Mansour, Mrs Lily Mansour and Mr John Mansour
- 175 Professor Diane Bell
- 176 Health Consumers Alliance of South Australia Inc
- 177 Wilberforce Foundation
- 178 Ms Jane Munro
- 179 Family Council of Queensland, Inc
- 180 Dads 4 Kids
- 181 Ms Melinda Tankard Reist
- 182 Women's Abortion Action Campaign
- 183 Ms Josie Nancarrow
- 184 Rev. Fr Jean Mawal
- 185 Right to Life (NSW)
- 186 Australian Christian Lobby
- 187 Australian Catholic Bishops Conference
- 188 Right to Life Australia Inc
- 189 Cherish Life Queensland Inc
- 190 Women's Legal Service Australia
- 191 Australian Women Against Violence Alliance
- 192 Women's Legal Services NSW
- 193 Catholic Women's League Australia (NSW) Inc, Diocese of Parramatta
- 194 Knights of the Southern Cross (NSW) Inc
- 195 Australian Family Association
- 196 Mr and Mrs Lawrence and Gill Rutherfurd
- 197 Mr David Forster
- 198 Mr Joel van der Horst
- 199 Mrs Anne O'Dwyer
- 200 Mr Keith Tiller
- 201 Mr Alan Alford
- 202 Mr Hendrik and Ms Belinda Terpstra
- 203 Mr Charles Morton
- 204 Mrs Linasari Lean
- 205 Mr John Wright
- 206 Ms Lesley Parker
- 207 Mr Jeff Ball
- 208 Ms Elizabeth McNaughton
- 209 Mr John Shaw
- 210 Ms Sheila Shannon
- 211 Ms Elizabeth Oaten
- 212 Mr Craig and Ms Jade Marshall
- 213 Ms Anne Love
- 214 Ms Kathryn Edwards
- 215 Ms Hannah Tuton
- 216 Mrs Robin Madill
- 217 Ms Rosa Pasquale
- 218 Mrs Lynelle Robb

42	
219	Mrs Lyn Saunders
220	Ms Rebekah Chandler
221	Mr Frank Reale
222	Mrs Lisa Wieske
223	Ms Ruth Rismanto
224	Mr Brian Hogan
225	Mrs Marian Watson
226	Mr Nathan Murphy
227	Mrs Trish Inderbitzin
228	Ms Dorothy Bradley
229	Mr Dan King
230	Mr Paul Worthington
231	Ms Carlene Strauss
232	Ms Lorna Robinson
233	Leigh Austin
234	Joan Lewis
235	Dr James Athanasou
236	Ms Merlene O'Malley
237	Name Withheld
238	Name Withheld
239	Ms Karen Webb
240	Ms Stephanie Mitchell
241	Mrs Carol Phillips
242	Mr Steve McNeilly
243	Mr Michael Treacy
244	Right to Life Association (ACT)
245	Name Withheld
246	Life Network Australia
247	Mr Andrew Calder
248	Name Withheld
249	Ms Alexandra Harrison
250	Mrs Sharan Hall
251	Name Withheld
252	Mr Dennis Morrissey
253	Ms Amanda Williamson
254	Mr David Rowsome
255	Name Withheld
256	Ms Nicole King
257	Ms Sophia Cassimatis
258	Confidential
259	Mr Michael Charles
260	Mr Peter MacGinley
261	Mr Matthew Prince
262	Ms Jacqui Halpin
263	Ms Ann Walker

- 264 Nives Zerafa
- 265 Name Withheld
- 266 Ms Jennifer Wake
- 267 Esther Dourado
- 268 Mr Matthew Grinter
- 269 Mrs Heather Robinson
- 270 Mr Steve Cruickshank
- 271 Ms Narelle Christie
- 272 Mr Peter Watson
- 273 Maudy Tiemens
- 274 Ms Margaret and Mr Dunstan Hartley
- 275 Mrs Rowan Shann
- 276 Olwyn Shay
- 277 Mrs Helen Drew
- 278 Mrs Loraine Twentyman
- 279 Mr Henk Knol
- 280 Mr Nick Crowther
- 281 Mr Melvin Swee Kee Ang
- 282 Ms Susan McGuire
- 283 Mrs Victoria Smith
- 284 Ms Amanda Leaw
- 285 Ms Fiona Witcomb
- 286 Ms Kristy Johnston
- 287 Mr Paul Barnes
- 288 Ms Carolyn Heyward
- 289 Ms Anna Cook
- 290 Ms Kim Furst
- 291 Mr Joseph Curtis
- 292 Name Withheld
- 293 Name Withheld
- 294 Mr Daniel Secomb
- 295 Mr David and Ms Taryn Price
- 296 Mr Leighton and Ms Diana Thew
- 297 Warnar Spyker
- 298 Ms Tina Vartis
- 299 Name Withheld
- 300 Name Withheld
- 301 Mr Bradley Taylor
- 302 Name Withheld
- 303 Mr Keith Harcus
- 304 Yvonne and Geraldine Murray
- 305 Mrs Catharine Seymour
- 306 Mr Stephen Hatton
- 307 Name Withheld
- 308 Mr John Hibble

44	
309	Mrs Ruth Whale
310	Name Withheld
311	Ms Emma Thompson
312	Mrs Pauline Hatch
313	Name Withheld
314	Mrs Mary and Mr Fred Mauloni
315	Name Withheld
316	Name Withheld
317	Name Withheld
318	Mr Peter Kotsiris
319	Mrs Sarah Backholer
320	Name Withheld
321	Name Withheld
322	Confidential
323	Mr Marcus Anderson
324	Rev Ian Clarkson
325	Name Withheld
326	Mrs Susanna Dunne
327	Mrs Tricia Harding
328	Name Withheld
329	Mrs Kylie Anderson
330	Name Withheld
331	Mr Lyndon Vincent
332	Karin Åkerrén
333	Fr George Liangas
334	Name Withheld
335	Ms Elinora Fragoso
336	Name Withheld
337	Name Withheld
338	Mr James Drougas
339	Name Withheld
340	Dr Noel Weeks
341	Name Withheld
342	Mr Paul McCormack
343	Name Withheld
344	Name Withheld
345	Ms Abigail Valenzuela
346	Ms Carol Jack
347	Ms Ruth Ferguson
348	Ms Carol O'Leary
349	Mr Jason Pelling
350	Mr Dennis Hewitt
351	Mr Earle Mason
352	Ms Helen Curtis
353	Kay Newnham

- 354 Ms Michelle Mazzantini
- 355 Ms Dorothy Long
- 356 Mr Ross McPhee
- 357 Mrs Leigh Marvin
- 358 Mr Jim Hanrahan
- 359 Ms Gail Vine
- 360 Mr Peter Evans
- 361 Mr Nickolai Porublev
- 362 Mr Levi and Ms Katie Marsh
- 363 Mr Peter and Ms Margaret Barritt
- 364 Ms Carol Powell
- 365 Ms Pia Horan
- 366 Ms Christine Spicer
- 367 Miss Marie Bottiell
- 368 Ms Joan McArthur
- 369 Ms Audrey Chan
- 370 Mrs Sheila Harrison
- 371 Leigh Greatorex
- 372 Ms Ronda Roy
- 373 Mr Klaus Clapinski
- 374 Mr Robin Johnson
- 375 Liang Seow
- 376 Ms Mary Paine
- 377 Mr Euan McDonald
- 378 Cecily Wilson
- 379 Mrs Pamela Stead
- 380 Leslie Clarke
- 381 Ms Fiona Reeves
- 382 Ms Pamela van Oploo
- 383 Ms Andrea Lane
- 384 Ms Penelope Renner
- 385 Sr Margaret Duncan
- 386 Ms Rita Short
- 387 Ms Jacqueline Ramsey
- 388 L.M. Morrison
- 389 Ms Kathryn Sheridan
- 390 Confidential
- 391 Mrs Margaret Bonsor
- 392 Name Withheld
- 393 Ms Margaret Martin
- 394 Mr Haydn McCormick
- 395 Mr Michael and Ms Diane Zerafa
- 396 Name Withheld
- 397 Ms Linda Gelding
- 398 Ms Sue Miller

46	
399	Name Withheld
400	Name Withheld
401	Name Withheld
402	Ms Sally Keller
403	Name Withheld
404	Name Withheld
405	Name Withheld
406	Dr George Mangan
407	Name Withheld
408	Mrs Tamarin Marchant
409	Name Withheld
410	Name Withheld
411	Name Withheld
412	Mr Tyson King
413	Ms Jenny Smith
414	Mr Mark Rabich
415	Name Withheld
416	Name Withheld
417	Mr Marinos Christofi
418	Name Withheld
419	Mrs Ali Lavis
420	Mr Grant Chandler
421	Name Withheld
422	Confidential
423	Mrs Irene Skinner
424	Dr Terrence Kent
425	Mr Socrates Dokos
426	Confidential
427	Mr Kane Shaw
428	Mr John Tsourdalakis
429	Ms Flora Varitimos
430	Name Withheld
431	Name Withheld
432	Mr Gregory Tall
433	Mr Peter Feltoe
434	Miss Therese Schaefer
435	Mr Brendan Moon
436	Name Withheld
437	Name Withheld
438	Name Withheld
439	Name Withheld
440	Mr Peter Fanous
441	Confidential
442	Name Withheld
443	Mrs Elizabeth Eckhardt

- 444 Name Withheld
- 445 Name Withheld
- 446 Mrs Maureen Lisbon
- 447 Mr Miguel Ribeiro
- 448 Name Withheld
- 449 Name Withheld
- 450 Name Withheld
- 451 Ms Clare Bonner
- 452 Dr Carole Ford
- 453 Mr Colin Johnston
- 454 Name Withheld
- 455 Name Withheld
- 456 Mr Simon Taylor
- 457 Name Withheld
- 458 Name Withheld
- 459 Dr Andrew and Mrs Cynthia Lothian
- 460 Dr Philippa Martyr
- 461 Mr and Mrs Shann and Jennifer Kellaway
- 462 Confidential
- 463 Name Withheld
- 464 Name Withheld
- 465 Confidential
- 466 Mrs Jeanette West
- 467 Les Ross
- 468 Mr Rod Vladich
- 469 Confidential
- 470 Mr Graham Rose
- 471 Ms Helen Smith
- 472 Mr John Casanova
- 473 Mrs Doreen Gestier
- 474 Miss Diana Fox
- 475 Mr James and Ms Patricia Grieshaber
- 476 Confidential
- 477 Mr Paul Ritchie
- 478 Ms Anne O'Brien
- 479 Ms Bette Lyra
- 480 Mr Harold Hume
- 481 Ms Joan Neuendorf
- 482 Ms Juliette Francis
- 483 Ms Theresa Coleman
- 484 Ms Fran McHughes
- 485 Mr Ben McGinnity
- 486 Confidential
- 487 Mr Andrew Campbell
- 488 Mr Reuben Campbell

48	
489	Mr Eric Frater
490	Mrs Graham Sofatzis
491	Ms Helena Knox
492	Mrs Fiona Campbell
493	Mr Joshua Anderson
494	Miss Tavia Seymour
495	Name Withheld
496	Dr Eliana Freydel Miller
497	Name Withheld
498	Name Withheld
499	Name Withheld
500	Name Withheld
501	Name Withheld
502	Confidential
503	Confidential
504	Mr Shane and Ms Jane Foreman
505	Mr John Wigg
506	Name Withheld
507	Confidential
508	Confidential
509	Confidential
510	Name Withheld
511	Confidential
512	Confidential
513	Confidential
514	Name Withheld
515	Confidential
516	Confidential
517	Confidential
518	Name Withheld
519	Name Withheld
520	Confidential
521	Confidential
522	Ms Joanne Dilorenzo
523	Confidential
524	Mr Shane Marsh
525	Mrs Carmen Zammit
526	Ms April Schoenmaker
527	Ms Mary Baldwin
528	Mr David Jackson
529	Mr Peter Curtis
530	Robin Sharry
531	Mr Dennis and Ms Ann Outred
532	Ms Jessica Lambert
533	Mr Dominic and Ms Carmel Sorbara
555	in Domine and 1415 Carmer Soluara

- 534 Mr David Perrin
- 535 Ms Sophia Karatsinidis
- 536 Ms Victoria Kasapidis
- 537 Pastor Peter Pellicaan
- 538 Dr David Squirrell
- 539 Dr David Roberts
- 540 Mr David Miller
- 541 Mr Evangelos Callipolitis
- 542 Mr Mark Spencer
- 543 Sister Mary Ruth Bayard
- 544 Ms Kristy Phanartzis
- 545 Ms Debbie Pluck
- 546 Ms Mary Collier
- 547 Mr John Angelico
- 548 Ms Sylvia Huxham
- 549 Mr Brian and Ms Judith Magree
- 550 Ms Darlene Cox
- 551 Confidential
- 552 Mr Trevor Harvey
- 553 Ms Sandra Caddy
- 554 Mr Tim Macdonald
- 555 Ms Barbara Hockley
- 556 Mr Shawn McLindon
- 557 Mr John and Ms Maggie O'Keeffe
- 558 Ms Simone Frankel
- 559 Mrs Christina Rookes
- 560 Mr Dwayne Ballast
- 561 Mr John Morrissey
- 562 Ms Angela McAllister
- 563 Ms Evie Parol
- 564 Mr Kent Hodgson
- 565 Ms Jacqueline Nair
- 566 Confidential
- 567 Confidential
- 568 Confidential
- 569 Confidential
- 570 Confidential
- 571 Confidential
- 572 Ms Lacey Shelton
- 573 Mr Basil Worner
- 574 Ms Catherine Gordon and Ms Janet Van Haeften
- 575 Mr Des and Ms Josephine Kenneally
- 576 Mr Keith Kowald
- 577 Mr Kevin Begaud
- 578 Ms Kathleen O'Connell

50	
579	Ms Christine Taouk
580	Ms June Johnston
581	Ms Noelene Hunt
582	Ms Gwenda Waddington
583	Mr Patrick Koo
584	Ms Philippa deHaan
585	Ms Margaret Jude
586	Robyn Gooden
587	Ms Kara Moseley
588	Mr Garry Davies
589	Ms Elizabeth Ridley
590	Ms Julie James
591	Mr Anthony Bozicevic
592	Mrs Anna Greener
593	Ms Laurian Whyte
594	Ms Louise Zinkel
595	Ronelle Melvill
596	Mr Brian Curtis
597	Ms Anne Marie Smith
598	Mr Patrick Murphy
599	Confidential
600	Ash Belsar
601	Mrs Brenda Harvey
602	Ms Anne Buchan
603	Mr Lynton Taylor
604	Ms Gretchen Wittenmyer
605	Ms Jennifer Avery
606	Confidential
607	Mr Ray and Ms Daisy Peters
608	Ms Mary Pritchett
609	Mr Bruce Lanagford
610	Ms Kathryn Funnell
611	Rev Stefan Slucki
612	Dr Damon Richardson
613	Ms Stella Collins
614	Mrs Julie Roberts
615	Ms Elisa Bentley
616	Ms Patricia Taylor
617	Ms Margaret Guy
618	Ms Janny Dijkman
619	Ms Catherine Carolan
620	Father Blasco Fonseca
621	Ms Janice Burdinat
622	Mr Brendan Powell
623	Ms Madeleine Goiran

\_\_\_\_

- 624 Mr Ross Walker
- 625 Name Withheld
- 626 Mrs Rose Harrington
- 627 Mr Patrick Pekin
- 628 Ms Rebecca Albury
- 629 Ms Nicole Stockings
- 630 Dr Robert Pollnitz
- 631 Rev Les Percy
- 632 Ms Margaret Farley
- 633 Mr Mark Buscumb
- 634 Mr Greg Brien
- 635 Mr John Woodard
- 636 Mr Alexander Witham
- 637 Ms Deb Acason
- 638 Ms Helen Long
- 639 Mr and Mrs Nevil and Gloria Knell
- 640 Mr Ron Powell
- 641 Mr Jim Lyons
- 642 Mr Steven Candy
- 643 Mr Gary Baxter
- 644 Ms Rhonda Blunt
- 645 Miss Ivey Panicker
- 646 Mrs Maureen van der Linden
- 647 M.J. and G.M. Gonzalez
- 648 Ms Maryse Usher
- 649 Mr Wayne Williams
- 650 Ms Josephine Ansell
- 651 Mr Gary Morgan
- 652 Ms Roslyn Marshall
- 653 Frances Azzopardi
- 654 Mr Paul de la Garde
- 655 Spero Katos
- 656 Denis Colbourn
- 657 Mrs Jane West
- 658 Mr Patrick Long
- 659 Ms Carolyn Campbell
- 660 Mr David Rees
- 661 Mr Arnold Joppich
- 662 Jia Yek
- 663 Mr Zachary Bavas
- 664 Mr Ray El Fakhry
- 665 Mr Chris Peers
- 666 Terry Harding
- 667 Mr Lance Jangala
- 668 Mrs Ruth Cummings

52	
669	Mrs Ruth Bosveld
670	Mr William Burrell
671	Ms Kate Murphy
672	Mr Christopher Blackburn
673	Mr Peter John Magee
674	Lee Zeakis
675	Mr Brendan Clarke
676	Mr Marcaus Muller
677	Mr Joseph Rillera
678	Mr Roger Valmadre
679	Mr Peter Horton
680	Eong Sow
681	Mr James Wong
682	Mr Luke McCormack
683	Ms Thelma Tantalos
684	Mrs Judith Bond
685	Ms Jeanne Robertson
686	Mr John Kelly
687	Ms Jenny Stephens
688	Mr Sebastian James
689	Ms Janice Hodgson
690	Mr Lou Di Lorenzo
691	Ms Maria O'Connell
692	Mr Richard Jardine
693	Ms Nektaria Agoroudis
694	Ms Litsa Kirkis
695	Mr Steven and Ms Fotini Kalfas
696	Mr Andrew Koureas
697	Mr Con Kefalianos
698	Mrs Alison Stanley
699	Mr Bartley and Ms Betty Phillips
700	Ms Mary Collins
701	Ms Joy Boyiazis
702	Ms Paula Qwek
703	Spiro Georgiou
704	Mr Bill Kirkis
705	Ms Theresa Ford
706	Ms Catriona McKeown
707	Ms Isobel Gifford
708 700	Mr Keith Savvas
709 710	Ms Andrea Day Fr Jaramy Kriag
710	Fr Jeremy Krieg
711	Stame George Eleni Samios
712 713	
/13	Lea Sieders

- 714 Mr Bill Gioutlou
- 715 Mr Evan Peters
- 716 Mr Damian Trebilco
- 717 Ms Elizabeth Golingi
- 718 Mr Paul Sheeran
- 719 Mr Aidan Williams
- 720 Ms Margaret Kelly
- 721 Mr Steven Ktenas
- 722 Mr John Comino
- 723 Mr Matthew Pearson
- 724 Ms Helen White
- 725 Fr Thomas Casanova
- 726 Ms Katherine Prefol
- 727 Mr Frankie Conias
- 728 Dr Greg Roditis
- 729 Mrs Tina Roditis
- 730 Ms Margaret Airoldi
- 731 Mr Denis and Ms Helen Bowman
- 732 Michele Vieira
- 733 Ms Margaret Sonnemann
- 734 Nayia Theodorou
- 735 Mr Laurence and Ms Beverley Trigg
- 736 Mr Paul Harrold
- 737 Mr Peter Baade
- 738 Ms Brenda Rudolph
- 739 Ms Evelyn Feltoe
- 740 Mr Jeffrey Byerley
- 741 Mr Charles Lewicki
- 742 Ms Elizabeth Portelli
- 743 Dr Christina Naylor
- 744 Mircea and Georgeta Pop
- 745 Mr Stan Giaouris
- 746 Name Withheld
- 747 Ms Veronica Schenck
- 748 Name Withheld
- 749 Mr Theo, Ms Maria, Ms Sophia and Ms Helen Cassimatis
- 750 Mr Stanislaw Parol
- 751 Mr Steven Flanagan
- 752 Mr Arthur, Ms Hilde and Ms Chantelle Kleyn
- 753 Mr Peter and Ms Kerrie Edwards
- 754 Mrs Kathrin and Dr Thras Triantopoulos
- 755 Ms Gina Alexiou
- 756 Mr Arthur Alexiou
- 757 Mr Con Katsoulas
- 758 Ms Michelle Fraser

759	Mr Michael Karris
760	Mr Frederico Merlo
761	Mr Andrew Zahra
762	Mr Paul and Ms Sandra Koufalas
763	Mr Andrew Stagg
764	Mr and Mrs Bob and Margaret Lineage
765	Mr Arthur Rabavilas
766	Ms Emma Bax
767	Ms Deborah Zahra
768	Moana Raukawa
769	Mrs Joan Blackburn
770	Mr Eric and Ms Sonja Dobbe
771	Ms Julie Lawson
772	Mr James Hayes
773	Ms Emily Hunter
774	Mr Adrian and Ms Donna Bradbury
775	Ms Emily McKenna
776	Mr Simon Craig
777	Ms Shelley Ann Reaney
778	Ms Glenice and Mr Denis Vladich
779	Mr Jeffrey Reaney
780	Ms Anna Castrissios
781	Ms Suza Petrova
782	Mr Michael Evans
783	Mr Leo Schoof
784	Ms Heather Kraus
785	Sofroni Eglezos
786	Mr Nick Williams
787	Ms Paula Giaouris
788	Ms Loretta Coffey
789	Mr Gareth and Ms Jessica Stafford
790	Mr Snjezan Bilic
791	Ms Maria Michael
792	Mr Nicholas Zafiropoulos
793	Ms Veronica Herrera
794	Mr Peter Phillips
795	Ms Marie Slyth
796	Mr Stefan Kos
797	Ms Susan Kirk
798	Mr Rob and Ms Anthea Patterson
799	Ms Johanna Sawyer
800	Ms Moira Kirkwood
801	Ms Nichita Gavrilescu
802	Ms Vicky Kotsiris
803	Ms Margaret Chambers

- 804 Ms Kellie Cook
- 805 Eris Smyth
- 806 Mr Peter Stokes
- 807 Ms Stephanie Kasapidis
- 808 Mr Adrian Nyhuis
- 809 Ms Madeleine Swart
- 810 Brother Francis Donohoe
- 811 Mr Hugh Thomas
- 812 Mr Marc Venter
- 813 Confidential
- 814 Ms Karen Vesper
- 815 Ms Margaret Colman
- 816 T K Colman
- 817 Mr Neil and Ms Barbara Harvey
- 818 Mr Dimitrios Kasapidis
- 819 Ms Helen Samootin
- 820 Ms Elizabeth Linden
- 821 Mrs Marie Srdarev
- 822 Frances McKenna
- 823 Mr Philip and Ms Lynnette Dornan
- 824 Warwick, Kathy, Cole, Jesse and Isaiah Vincent
- 825 Mr Jeff Eacersall
- 826 Ms Hannah McKerrow
- 827 Mrs Imelda Mary Aslett
- 828 Ms Louise Bayley
- 829 Ms Jennifer Brenner
- 830 Mr Robert Stove
- 831 Ms Angela Hoggett
- 832 Ms Manuela Moore
- 833 Ms Anna Matuszek
- 834 Mr Greg Wallace
- 835 Mr Joseph Devitt
- 836 Ms Karen Harrison
- 837 Lesley Radbron
- 838 Dr David and Ms Isobel Gawler
- 839 Mrs Christine Tirimacco
- 840 Ms Therese McLinden
- 841 Ms Cynthia Arndt
- 842 Erophylia Castrissios
- 843 Mrs Heather Cambridge
- 844 Mr Ted Cameron
- 845 Ms Teresa Strach
- 846 Mr Peter Bartolo
- 847 Ms Kathleen Mary Pearce
- 848 Mr Stanislaus Hurley

56	
849	Ms Fotiny Solis
850	Dr John Williams
851	Mr Mostyn George Edwards
852	Ms Jane Suranyi
853	Catholic Women's League Australia
854	Name Withheld
855	Mr Kevin Butler
856	Mr Ronald McMillan
857	Women's Electoral Lobby (Australia)
858	Confidential
859	Mr Bill Tsoukalas
860	A. Deverala
861	Mr Brett Bylsma
862	Mrs Natalie Lorenz
863	Name Withheld
864	Name Withheld
865	Confidential
866	Dr David van Gend
867	RV and PJ Barbero
868	Mr Roger Marks
869	Mr Ian and Ms Heather Hartley
870	Mrs Mieke deVries
871	Mr John Higginson
872	Mr Peter Murray
873	Mrs HC Saibu
874	Mr Benedict Curtis
875	Ms Anna Magdas
876	Ms Bronwyn Binns
877	Ms Christina Makrides
878	Mr Clive Beilby
879	Name Withheld
880	Name Withheld
881	Mr Ian Angliss
882	Ms Jacqueline Sarros
883	Ms Jane Ruthy
884	Ms Joanne Bourtsouklis
885	Mr John Skoubourdis
886	Ms Josie Whitehead
887	Name Withheld
888	Mr Matthew Mulvaney
889	Mr Michael Sloan
890 801	Name Withheld
891	Name Withheld
892 803	Myree Waters
893	Name Withheld

- 894 Name Withheld
- 895 Mr Peter Sergis
- 896 Mr Philip Peterson
- 897 Name Withheld
- 898 Name Withheld
- 899 Mr Steve Young
- 900 Mr Victor Malikoff
- 901 Name Withheld
- 902 Mr Peter Filladites
- 903 Family Council of Victoria
- 904 Ms Pauline Hayes
- 905 Ms Suzanne Baker
- 906 Mrs Glenda Furness
- 907 Mrs Patricia Ride
- 908 Mr John and Ms Jannet Wieske
- 909 Confidential
- 910 Ms Melanie Zambelli
- 911 Name Withheld
- 912 Ms Fiona Arnott
- 913 Mr Michael and Ms Anneliese Sullivan
- 914 Name Withheld
- 915 Name Withheld
- 916 Ms Pam Finch
- 917 Jzarmazin Marchant
- 918 Ms Lyn Pohlmann
- 919 Mataele Taufa

#### **Form Letters received**

- 1 Example of form letter 1. Received from 4 individuals (this number includes variations of the form letter)
- 2 Example of form letter 2. Received from 13 individuals (this number includes variations of the form letter)
- 3 Example of form letter 3. Received from 5 individuals (this number includes variations of the form letter)
- 4 Example of form letter 4. Received from 138 individuals (this number includes variations of the form letter)
- 5 Example of form letter 5. Received from 79 individuals (this number includes variations of the form letter)