



News

Abortion law defiance

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760 words

24 September 2008

[The Age](#)

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English

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Catholic hospitals may tell doctors to break law

VICTORIA's 15 Catholic hospitals are likely to tell their doctors and nurses to break the law rather than refer women to abortion providers.

A meeting of Catholic hospital heads yesterday unanimously agreed to oppose the state's proposed abortion law, to be debated by Parliament's upper house next month.

The bill would require doctors with a conscientious objection to abortion to refer a woman to someone with no such objection.

"We cannot in good faith provide an abortion or a referral to an abortion provider," said Martin Laverty, chief executive of Catholic Health Australia, who spoke on behalf of the meeting.

"We will not require our doctors to comply with the law. In the event that the bill is passed we will ensure that staff are able to examine their consciences," he said.

Asked directly if hospitals would advise doctors to break the law, he did not respond. Asked if it was likely, he said: "I would not argue with that headline."

He said Catholic hospital policy on referrals would not change, but he hoped the law would be amended in the upper house so it would not get to that impasse.

The Catholic Health Association has engaged lawyers to argue that the abortion bill is in conflict with the Government's own charter of human rights, enacted in 2006, which creates a right to examine one's conscience.

Earlier, Melbourne Archbishop Denis Hart had warned that Catholic hospitals might have to close their maternity and emergency departments, or even close altogether or end their association with the church.

The Australian Medical Association declined to speculate on the possible effect on the state's health system if all Catholic hospitals closed their maternity and emergency wards. "We can't imagine that happening," a spokesman said.

The AMA has also asked that the referral clause be changed.

Victoria's 15 Catholic hospitals include the state's second biggest maternity hospital, the Mercy Hospital for Women at Heidelberg, and a major tertiary and emergency hospital, St Vincent's.

Asked if St Vincent's would close down if the abortion bill passed, a spokesman for the hospital said, "No", and referred all further questions to the Catholic Health Association.

Catholic Health also provides vital services in regional Victoria, such as St John of God Hospital in Ballarat, the state's biggest regional private hospital.

The Age believes that, in Melbourne at least, some Catholic hospitals operate a system of "informal" referrals and tell women seeking an abortion that the Royal Women's Hospital has more expertise in women's health issues.

However, the official position of Catholic Health is that the hospitals offer only "counselling and care" to women seeking an abortion.

Archbishop Hart also raised issues with the bill's requirement that doctors perform an abortion in an emergency if necessary to save a woman's life.

However, Mr Laverty said Catholic hospitals had the same policy in this situation as non-Catholic hospitals - to save the woman.

Acting Premier Rob Hulls - who voted against the abortion bill in the lower house - was yesterday forced to defend it.

"This legislation makes it quite clear no doctor or hospital can be forced to perform an abortion," Mr Hulls said. "If people or hospitals have an ethical issue ... they simply won't perform those procedures."

Mr Hulls did not believe that the hospitals would close their emergency or maternity wards because of the referral issue.

"It doesn't mean that they are referring a woman to someone who will perform an abortion, they are referring the woman to somebody who doesn't have the same ethical or moral dilemma," he said, adding that this was what already occurred under existing protocols. -- With JEWEL TOPSFIELD

WHAT THE PROPOSED LAW SAYS

SECTION 8

(1) If a woman requests a registered health practitioner to advise on a proposed abortion, or to perform, direct, authorise or supervise an abortion for that woman, and the practitioner has a conscientious objection to abortion, the practitioner must:

a) Inform the woman that the practitioner has a conscientious objection to abortion. b) Refer the woman to another registered health practitioner ... who the practitioner knows does not have a conscientious objection to abortion ...

(3) Despite any conscientious objection to abortion, a registered medical practitioner is under a duty to perform an abortion in an emergency where the abortion is necessary to preserve the life of the pregnant woman.