Zoe’s Law Redux

Where to for foetal personhood and decriminalisation?
Lessons from the US:
We can always go backwards

Geography
Cost
Service provision
Lessons from the US: Active campaigns to wind back access

www.aul.org/

- ‘Women’s Protection Project’
- ‘The Infants’ Protection Project’
- Defunding Abortion Providers
- Other Abortion Legislation
- ‘Legal Recognition & Protection of the Unborn and Newly Born’
- Bioethics
- End of Life
- ‘Healthcare Freedom of Conscience’
The origins of foetal personhood in NSW

- Adoption Amendment (Same Sex Couples Repeal) Bill
- Alcoholic Beverages Advertising Prohibition Bill
- Child Protection (Nicole’s Law) Bill
- Classification (Publications, Films and Computer Games) Enforcement Amendment (Banning X Rated Films) Bill
- Crimes Amendment (Incitement or Promotion of Terrorism and Violence) Bill
- **Crimes Amendment (Pre-natal Termination) Bill**
- Crimes Amendment (Soliciting Sex for Payment) Bill 2015
- **Crimes Amendment (Zoe’s Law) Bill**
- Drug Misuse and Trafficking Amendment (Injecting Centre Repeal) Bill
- Family Impact Commission Bill
- Gambling Advertising Prohibition Bill
- Liquor Amendment (Drinking Age) Bill
- **Liquor Amendment (Health Warning for Pregnant Women) Bill**
- Pregnancy Termination (Information About Pain to Child In Utero) Bill
- **Pregnancy Termination (Mandatory Counselling) Bill**
- **Pregnancy Termination (Mandatory Reporting) Bill**
- **Pregnancy Termination (Reporting and Reasons for Termination) Bill**
- Sex Services Advertising Prohibition Bill
- Summary Offences (Full-face Coverings Prohibition) Bill
Zoe’s Law Mk II: Hard cases make bad law

Call for Zoe’s Law Welcomed
Catholic Communications, Sydney Archdiocese,
12 Feb 2013

The Archdiocese of Sydney’s Life Marriage and Family Centre has welcomed calls for Zoe’s Law to be passed by NSW Parliament which would enable manslaughter charges to be brought against a driver involved in a motor accident who causes the death of an unborn child.

The legislation proposed in a private members bill brought by Christian Democrat MLC, Fred Nile has been named Zoe’s Law in honour of the unborn child who was killed when a female driver high on drugs ran into 32-weeks pregnant Central Coast mother, Brodie Donegan on Christmas Day, 2009.

The 31 year old mother of toddler Ashlee from Ourimbah, NSW suffered fractures to her pelvis, spine, leg and foot. But for her and her partner Nick, far worse than her injuries was the loss of her unborn baby.

The little girl Brodie and Nick named Zoe was stillborn. Delivered by caesarean she had died as a result of the injuries her mother suffered in the accident. Grief stricken the young parents held their baby Zoe in their arms unable to believe she would have no future and that their much-loved much wanted child had not survived the crash.

For Brodie and Nick, though there was even worse to come when they learned not only that the driver had been on drugs at the time of the accident but that because their unborn daughter never took a breath, she was not regarded legally as a person. Instead under existing law her death could only be counted as yet another of her mother’s multiple injuries.

Under today’s laws, the driver whose recklessness had taken baby Zoe’s life, could not be charged with her death. Instead the only charges that could be brought were aggravated assault or grievous bodily harm to Zoe’s mother. But Zoe as an individual and a person in her own right with a life and a future that had been cut short had no legal recognition.

From December 2009 when they lost Zoe, mother Brodie and father Nick have fought to change the law.

Unbeknown to them, Fred Nile picked up the case and in this particular bill wants to try to ensure that in future when an unborn baby is killed as the result of a car accident or domestic violence or similar cause, but not as a result of a legally approved medical procedure such as a termination, the person or people responsible can be charged with causing the death and be brought to justice.

“It’s about the victim feeling someone has taken responsibility for the baby losing its life. It’s important for victims to feel their baby mattered and counted,” Brodie said at the weekend on hearing about the private member’s bill that if passed will become known as Zoe’s Law.

“It is heartbreaking and deeply unjust our laws still do not properly recognise the life and value of the unborn child,” says Mary Joseph, Project Officer with the Life Marriage and Family Centre and hopes the bill will be passed into law.
Zoe’s Law Mk II: We ♥ ICAC
OBOC- everyone knows someone

- Australian Medical Association
- Royal Australian and New Zealand College of Gynaecologists
- NSW Bar Association
- The Law Society of NSW
- NSW Society of Labor Lawyers
- Rape and Domestic Violence Services NSW
- Family Planning NSW
- Womens Legal Services NSW
- Womens Health NSW
- Womens Electoral Lobby
- Community Legal Centres
- f collective
- Sydney Feminists
- Womens Abortion Action Coalition
- MDA National- Medical Indemnity Insurance
- Equality Rights Alliance
- National Foundation of Australian Women
- Destroy the Joint
Our Bodies Our Choices: everyone knows how to do something
Onwards from foetal personhood
Decrim, yes- but what about access?
Decrim, yes- but what about access?

Access to early abortion in New South Wales: Health provider and women’s perspectives

EXECUTIVE SUMMARY of a qualitative research study for Family Planning New South Wales, June 2016
What next?

1. Don’t wait for decrim to do good work
   - Access is too important to wait - how can we remove the geographic, financial and service provision barriers in the current setting?
   - This work can be done now, and every organisation has valuable skills

2. Learn from the US and foetal personhood pushes in NSW and Qld
   - We can always go backwards
   - Map early, map often
   - Crises are good for bringing people together - use them
   - Build your network and your communities of interest
   - Use this to do your decrim plan