



30 August 2013

The Hon. Greg Smith  
Attorney General, and Minister for Justice  
By email: [office@smith.minister.nsw.gov.au](mailto:office@smith.minister.nsw.gov.au)

Dear Attorney General,

**Crimes Amendment (Zoe's Law) Bill 2013 (No 2)**

We refer to our letter dated 26 August 2013 outlining our concerns about the Crimes Amendment (Zoe's Law) Bill 2013. A copy of this letter is attached. We are now writing to express our concerns about the Crimes Amendment (Zoe's Law) Bill 2013 (No 2) (Bill (No 2)) introduced by Mr Chris Spence on 29 August 2013.

Whilst we observe that Bill (No 2) proposes restricting the application of the relevant legislation to particular foetuses we remain opposed to granting legal personhood status to any foetus in any context. To grant equal or superior rights to a foetus is inconsistent with protecting the fundamental human rights of women.

We are particularly concerned that the introduction of an offence such as the proposed section 8A may result in unwanted and invasive scrutiny of individual women who have experienced miscarriage, stillbirth or foetal harm as a result of a criminal act.

As previously raised we are also concerned about inconsistency with other laws in NSW. For example, we note that the proposed amendments in Bill (No 2) seem to create inequality of relief for victims under the *Victims Rights and Support Act 2013*. If a woman experiences the destruction of a foetus within the scope of the proposed section 8A definition of "unborn child" it appears she will be ineligible to claim the same higher recognition payment as a woman who experiences the destruction of a foetus not captured by this definition.<sup>1</sup> This is a clear breach of women's rights to equality, autonomy and dignity.

We acknowledge the pain and loss that follows harm or destruction to a foetus, but this must always be interpreted as an injury to the pregnant woman.

We urge you not to support this Bill.

If you would like to discuss this further, please contact Carolyn Jones, Senior Solicitor on 8745 6900.

Yours faithfully,  
Women's Legal Services NSW

Janet Loughman  
Principal Solicitor  
Encl: WLSNSW Letter to Attorney General dated 26 August 2013

CC: All members of NSW Parliament

<sup>1</sup> This represents a difference in payment for grievous bodily harm of \$3,500, see section 35 *Victims Rights and Support Act 2013* and section 12 *Victims Rights and Support Regulation 2013*.

