



18 November 2014

The Hon. Michael Baird
Premier
By email: office@premier.nsw.gov.au

Dear Premier

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

1. We refer to our correspondence dated 11 November 2014 in relation to the Crimes Amendment (Zoe's Law) Bill (No 2) 2013 (Bill).
2. We understand since then the Christian Democrats have proposed an amendment to the Bill of a two-year sunset clause.
3. Women's Legal Services NSW continues to maintain a strong opposition to the passage of the Bill. The proposed amendment does not address our concerns.
4. In particular, imposing a sunset clause in no way ameliorates our fundamental concerns about the potential implications of changing the legal status of a foetus.
5. We are opposed to the unwanted and invasive scrutiny of individual women who have experienced miscarriage, stillbirth or foetal harm as a result of a criminal act which could result from this Bill.
6. We are further concerned by developments reported in the United States where pregnant women have been deprived of their liberty in a range of circumstances due to the prioritising of the foetus over the rights of the woman.¹
7. We acknowledge the tremendous sadness and grief that accompanies the loss of a pregnancy, particularly in the later stages of gestation. However, we believe that this is not a sufficient or appropriate reason to alter the definition of legal personhood. Harm to or destruction of a foetus is always an injury to the pregnant woman. To resile from this and recognise the independent rights of a foetus in certain circumstances carries a clear risk of eroding access to abortion services and the rights of women.

¹ Lynn Paltrow & Jeanne Flavin, 'Pregnant, and No Civil Rights', *The New York Times*, 7 November 2014 accessed on 17 November 2014 at: http://www.nytimes.com/2014/11/08/opinion/pregnant-and-no-civil-rights.html?_r=0

8. We are writing to you and to all members of the Legislative Council to ask you to respect the human rights of pregnant women. We urge members of the Legislative Council to vote against the Bill.

If you would like to discuss this further, please contact me on 8745 6900.

Yours faithfully,

Women's Legal Services NSW

Philippa Davis

A/Principal Solicitor

CC: Attorney General

Members Legislative Council