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**Crimes Amendment
(Zoe's Law) Bill No. 2 2013**
From AMA (NSW) President
Associate Professor Brian Owler

AMA

AUSTRALIAN MEDICAL ASSOCIATION
NEW SOUTH WALES



@BrianOwler

Dear

AMA NSW has been reviewing the Crimes Amendment (Zoe's Law) Bill No. 2 2013, also known as Zoe's Law.

AMA (NSW) has previously considered this issue at length when similar legislation was proposed around eight years ago.

This issue has been the subject of two significant legal reviews.

The most recent was in 2010 and it confirmed that the current legal arrangements represent a sensible and appropriate approach to this difficult issue.

While we have the strongest sympathy for the families involved in these cases, we remain concerned by the potential unintended consequences of this Bill.

The AMA's position on this Bill is as follows:

The view of AMA (NSW) is that the current extended definition of Grievous Bodily Harm under the Crimes Act 1900 is sufficient and should not be amended. Any further extension of the legislation, to create a charge of grievous bodily harm for a child in utero, in our view, would have unintended consequences and flow on effects in other areas of medicine and, indeed, the law. Further AMA (NSW) objects to any legislative amendment or creation of a criminal offence which recognises an unborn child as a legal entity independent of its mother. Our immediate concern is that such recognition would create unnecessary complications across several of our member's specialities, such as genetics and obstetrics.

If you would like further information on the AMA's position, please contact AMA (NSW) CEO, Fiona Davies, on 02 9902 8150 or [by email](#).

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