

Supreme Court Approves Abortion for 11-Year-Old Queensland Girl

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— Categories: Human Rights



An 11-year-old girl in Queensland has been granted permission by the Supreme Court to have an abortion, following an urgent application by a hospital and health service responsible for her care. The ruling was made after medical experts advised that continuing the pregnancy would pose significant risks to her physical and psychological well-being.

The child, referred to as “C,” became the subject of legal proceedings after questions arose about whether she had the capacity to consent to the procedure. Under Queensland law, a minor can only consent if deemed “Gillick competent,” a legal standard requiring a child to show sufficient maturity and understanding to grasp the nature and consequences of medical treatment.

During the hearing, the court was told that while the girl displayed some awareness of her circumstances, this understanding was not comprehensive. Justice Frances Williams determined that the child was not Gillick competent and could not lawfully provide consent on her own. With that finding, the court assumed responsibility for deciding whether the termination was in her best interests.

Justice Williams examined medical evidence, the child’s preferences, and the potential impacts of both continuing and terminating the pregnancy. The court heard from doctors who testified that allowing the pregnancy to progress would expose the girl to serious health risks and long-term consequences, whereas an abortion would carry fewer dangers. Based on that evidence, Justice Williams ruled that the termination should proceed, concluding it was necessary to protect the child’s welfare.

The judgment made clear that the court’s protective role applies to the child and not the unborn, aligning with legal precedent in Queensland that dates back to the early 1980s. The decision reaffirmed the longstanding principle that when a child lacks the maturity to make such a life-altering decision, it falls to the court to act in their best interests.

The case has drawn attention due to the sensitive nature of the issues involved. It highlights the complexities faced by courts when balancing

medical, ethical, and legal considerations in cases involving minors. While parents often play a central role in healthcare decisions, the court stressed that when a child cannot fully understand the consequences of treatment, judicial oversight is essential.

This is not the first time the Queensland Supreme Court has been asked to intervene in such circumstances. Earlier this year, the court authorized a termination for a 12-year-old girl under similar conditions. Both rulings emphasize the legal system's responsibility to safeguard vulnerable children when critical medical decisions must be made and consent cannot be lawfully provided.

The decision also underscores the importance of medical professionals seeking legal guidance when confronted with situations that present both health risks and legal uncertainty. By bringing the matter before the court, the hospital and health service ensured that the procedure could be carried out lawfully and with the full weight of judicial approval.

The ruling allows the 11-year-old to receive appropriate medical treatment and reinforces the principle that the welfare of the child must remain paramount in all such decisions.