

pro choice queensland

our choice. our voice.

Submission to the Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee regarding the Health (Abortion Law Reform) Amendment Bill 2016

Who we are

Pro Choice Queensland is a grassroots group of organisations and individuals campaigning for the removal of abortion from Queensland's Criminal Code. We believe that laws criminalising abortion are the single biggest barrier to women's reproductive choice in this state. For further information please visit our website at www.prochoiceqld.org.au. We seek changes to the law which would:

- maximise women's reproductive rights and freedoms,
- provide the legal certainty necessary for doctors to provide best patient care for Queensland women, and
- reflect advances in medical practice and community attitudes.

Our supporters include individuals and organisations from the health, community, legal and women's sectors:

Australian Association of Social Workers (AASW)

Greenslopes Day Surgery

Australian Sex Party

Gympie & District Women's Health Centre

Australian Women's Health Network

Union of Australian Women

Australian Manufacturing Workers Union (AMWU)

WESNET

Brisbane Rape and Incest Survivors Support Centre

White Ribbon Australia

Cairns Doctors

WWILD- Sexual Violence Prevention

Centre Against Sexual Violence

Association

Children by Choice

Women's Centre Cairns

Domestic Violence Resource Service (Mackay and Region)

Women's Electoral Lobby Australia

Dr Caroline de Costa

Women's Health Queensland Wide

EMILY's List Australia

Women's Health Information & Referral

Fair Agenda

Service Central Qld

Family Planning Alliance Australia

Women's Information and Referral

Gold Coast Centre Against Sexual Violence Inc.

Exchange (WIRE)

North Queensland Women's Legal Service

Women's Legal Service Queensland

One Woman Project

Women's House – Shelta

Pro Choice Cairns
Professor Lindy Willmott
Public Health Association of Australia (QLD)
Queensland Council for Civil Liberties
Queensland Women's Health Network Inc
Reproductive Choice Australia
Salisbury Day Surgery
Senator Larissa Waters (Queensland Greens)
Sexual Health Society of Queensland
Sisters Inside
Sunnybank Hills Family Practice
Sustainable Population Australia (Queensland)
True Relationships & Reproductive Health
The Services Union
The Women's Community Aid Association

Key points

Pro Choice Queensland strongly supports the passing of the Abortion Law Reform (Woman's Right to Choose) Amendment Bill 2016 to decriminalise abortion in Queensland.

To that end, we support the Health (Abortion Law Reform) Amendment Bill **only in conjunction with** the Abortion Law Reform (Woman's Right to Choose) Amendment Bill.

Please refer to our previous submission to the Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee regarding the Health (Abortion Law Reform) Amendment Bill for further information.

We urge the Committee to recommend that both bills are debated and voted on together as a package on the floor of parliament, to reflect the intent of the two pieces of legislation. This will also support the findings of the [Inquiry Report](#) into the Abortion Law Reform (Woman's Right to Choose) Amendment Bill that decriminalising abortion would “effectively align the law of Queensland with Australia’s international legal obligations” under several human rights instruments including the Universal Declaration of Human Rights, the Covenant on Civil and Political Rights, the Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination Against Women, and the Convention on the Rights of the Child.

We believe that the Health (Abortion Law Reform) Amendment Bill 2016 addresses the concerns raised during the committee's previous inquiry and report.

Pro Choice Queensland commends the work of the bi-partisan Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee's in its previous inquiry and the report findings which clearly acknowledge that the current law is not working and that reform is required. However, it was disappointing that the report declined to recommend that parliament pass the Abortion Law Reform (Woman's Right to Choose) Amendment Bill 2016 to decriminalise abortion in Queensland.

Outlined below are our responses to each proposed clause.

- ***only a doctor may perform an abortion: a person who is not a doctor (or a registered nurse administering a drug to perform an abortion under the direction of a doctor) would commit an offence.***
 - Pro Choice Queensland supports this clause.
- ***a woman does not commit an offence by performing, consenting to or assisting in an abortion on herself.***
 - Pro Choice Queensland supports this clause, as we support the complete decriminalisation of abortion in Queensland to remove the risk of prosecution for medical professionals, women and anyone supporting a woman; and bring our current legal principles into step with current termination practices.
- ***an abortion on a woman who is more than 24 weeks pregnant may be performed only if two doctors reasonably believe the continuation of the woman's pregnancy would involve greater risk of injury to the physical or mental health of the woman than if the pregnancy were terminated.***
 - Pro Choice Queensland would ideally like no gestational limits imposed in legislation. However, we understand there is community concern around this issue and we would therefore support this clause as it would bring us into line with the Victorian model (legal to 24 weeks on request and legal post-24 weeks with two doctors approval).
- ***conscientious objection no-one is under a duty to perform or assist in performing an abortion; however a doctor has a duty to perform an abortion if it is necessary to save a woman's life or prevent serious physical injury. Also, a registered nurse has a duty to assist in such circumstances.***
 - Pro Choice Queensland supports this clause, and believes the current professional standards on conscientious objection set out by bodies such as AHPRA provide sufficient guidance for practitioners on this issue. We would support a publicly available register of conscientious objectors.

- *patient protection or ‘safe zones’ a protected zone of at least 50 metres must be declared around an abortion facility; certain behavior, e.g. harassment and intimidation, is prohibited within a protected zone. Publishing images of a person entering, leaving or trying to enter or leave an abortion facility is prohibited.*
 - Pro Choice Queensland supports this clause with two recommendations: firstly, that the safe zone is extended to 150 metres (in line with the Tasmanian and Victorian legislation); and secondly that ministerial approval is not required to declare a safe zone.

Conclusion

Pro Choice Queensland strongly supports the passing of the Abortion Law Reform (Woman’s Right to Choose) Amendment Bill 2016 to decriminalise abortion in Queensland. To that end, we support the Health (Abortion Law Reform) Amendment Bill **only in conjunction with** the Abortion Law Reform (Woman's Right to Choose) Amendment Bill.

It's not 1899, abortion should not be a crime.