

Equality advocates applaud passage of historic law reform

Fair Agenda | For immediate release

Community campaigning group Fair Agenda has celebrated the passage of laws to decriminalise abortion in SA - and provide for safe, legal and compassionate access to abortion care.

The Termination of Pregnancy Bill was passed at 2am Friday morning, **29 votes to 15**, after dozens of hours of debate, and several amendments.

“This vote was about providing for safe, legal and compassionate access to abortion care. A patient might need to end a pregnancy for any number of deeply complex and personal reasons. This legislation is an important step towards ensuring everyone can access the healthcare they need, when they need it, where they need it.” said Renee Carr, Executive Director of Fair Agenda.

“Today’s historic vote is a testament to the advocacy and leadership of pro-choice advocates who have championed more compassionate laws, and recognition that abortion care is healthcare.”

““We all deserve to feel safe and in control of our lives. And each individual knows what makes sense for their health, their body and their family. We deserve the legal right to make what is a deeply personal decision about our health and life.” Ms Carr added.

Fair Agenda also expressed dismay at a number of amendments that they say will cause unnecessary distress and harm for some patients.

On the introduction of a ban on sex-selective abortion, they note: “[Advocates have warned](#) that such a ban will in practice require doctors to police patients' reasons for needing abortion care, in order to try and rule out sex-selective abortion as a motivation. Given the difficulty of ruling out any motivation; it is expected to encourage doctors to err on the side of denying care, and result in racial profiling and healthcare discrimination against patients from migrant and culturally diverse communities. Given there is no evidence that sex-selection is happening in Australia - rather than addressing discrimination, this ban might actually facilitate it.”

On the requirement doctors provide all patients with information on counselling, they note: “A requirement that doctors are forced to give information on counselling to every patient,

regardless of their circumstances, shows a disappointing disregard for patient autonomy and decision-making.”

In celebrating progress in SA, Fair Agenda has shone a light on the continuing need for change in Western Australia - to provide the safe zones that protect patients from harassment at abortion clinics; and to ensure patients in distressing circumstances can access compassionate abortion care.

“Western Australians deserve a compassionate system that ensures patients can legally access abortion care when they need it and where they need it.”

"Over the past decade Australians have benefited from important abortion care reforms made possible by pro-choice champions on both sides of the aisle. This healthcare issue should be above partisan politics, we hope Western Australian MPs will support this desperately needed reform.”

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BACKGROUND: Details on reform

The Termination of Pregnancy Bill is very similar to the laws already in operation in Vic, Qld and NSW. It will:

- treat abortion as healthcare; removing it from the criminal code.
- make abortion a patient’s decision up until 22 weeks 6 days
- enable patients who need care after 22 weeks and 6 days to access it where: a life is at risk, there is a serious foetal anomaly, or there is a serious risk to the patients physical or mental health
- Require doctors who have a personal or religious objection to abortion care to inform patients where they can get unbiased advice on abortion.
- modernise the rules around early medication abortion, and allow GPs to provide EMA as they do in other states
- Remove the 2 month residency requirement that precludes new residents, visitors and residents in border towns from accessing the care they need in SA.

Amendments pro-choice advocates have labelled unnecessary and harmful were also passed, that relate to:

- A ban on sex selective abortion that advocates have warned will lead to racial profiling of patients and likely healthcare discrimination against patients from migrant communities and communities of colour who need abortion care.
- A requirement that every patient be provided with information about counselling, regardless of their situation

As the bill was amended, it will now return to the Upper House for a final vote. Given the Chamber has already passed a previous version of the Bill, the Lower House vote was the substantive hurdle required. This further vote is considered a technicality.