



New South Wales  
Council for Civil Liberties

## **NSWCCL PUBLIC STATEMENT**

**Supporting the**

***NSW Abortion Law Reform  
(Miscellaneous Acts  
Amendment) Bill 2016***

9<sup>th</sup> May 2017

## **NSWCCL supports NSW Abortion Law Reform Bill 2016**

### **Well-beyond time**

Abortion (administering or having) has been a criminal offence in NSW since colonization. However, since 1971 NSW case law has established that abortion is lawful in exceptional contexts where it can be established that it is necessary to preserve a woman from serious danger to her life or mental or physical health and it is not out of proportion to the danger to be averted.

Having to rely on this limited defence is a deeply flawed and unsatisfactory legal position for both women and medical practitioners. The right to lawful abortion remains uncertain and limited in NSW, which generates reluctance among many practitioners to perform abortions, with serious consequences for many women.

The decriminalization of abortion has long been NSWCCL policy.

Many NSW activists who support abortion law reform have been reluctant to campaign around the issue in recent times. This is because of the possibility that a very conservative NSW Parliament – especially Legislative Council – might counter with stronger anti-abortion legislation removing the current lawful defences and thus make the situation far worse for women.

NSWCCL understands this analysis and considers it to have some legitimacy. However, we have been waiting a long time for the NSW Parliament to align itself with the views of the NSW community - and support a woman's right to choose a termination of pregnancy.

NSWCCL considers that it is time to challenge the prevailing cautious analysis and revive a determined campaign for the decriminalization of abortion in NSW.

We therefore welcome the initiative of Dr Mehreen Faruqi MLC in bringing a progressive Bill on this matter before the NSW Parliament. This Bill would abolish all criminal offences relating to abortion in NSW, as well as introducing some other protections - including the establishment of exclusion zones around abortion centres and requiring medical practitioners who conscientiously object to abortion to refer a woman to another practitioner who does not have such an objection.

**We have considered the Abortion Law Reform (Miscellaneous Acts Amendment) Bill 2016 and strongly support it.**

**We urge NSW parliamentarians to give this Bill proper and positive consideration and to support its passage through Parliament so that matters relating to abortion in NSW are treated primarily as a health rather than a criminal matter.**

**Should the current Parliament fail to bring about this much needed and widely supported reform, we strongly urge progressive members of Parliament to come together in a cross-party alliance to build the needed parliamentary support to achieve its passage as soon as possible.**

**In the interim, we urge this progressive alliance to support immediate passage of the Summary Offences Amendment (Safe Access to Reproductive Health Clinics) Bill 2017 introduced by Penny Sharpe MLC and currently before the NSW Parliament.**

Yours sincerely,



**Therese Cochrane  
Secretary  
NSW Council for Civil Liberties  
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**About NSW Council for Civil Liberties**

NSWCCCL is one of Australia's leading human rights and civil liberties organisations, founded in 1963. We are a non-political, non-religious and non-sectarian organisation that champions the rights of all to express their views and beliefs without suppression. We also listen to individual complaints and, through volunteer efforts; attempt to help members of the public with civil liberties problems. We prepare submissions to government, conduct court cases defending infringements of civil liberties, engage regularly in public debates, produce publications, and conduct many other activities.

CCL is a Non-Government Organisation in Special Consultative Status with the Economic and Social Council of the United Nations, by resolution 2006/221 (21 July 2006).

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