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Member for Blue Mountains



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New South Wales Parliament Legislative Assembly

Safe Access to Reproductive Health Clinics

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I speak in support of the historic Public Health Amendment (Safe Access to Reproductive Health Clinics) Bill 2018, as a woman, as a Labor woman and as someone who needed to visit a reproductive health clinic at a very difficult time in my life and was harassed by these judgemental, supposed "sidewalk counsellors" shouting at me that I was a "baby killer".

I speak as the New South Wales co-convenor of EMILY's List and as a loving mum. I speak for those without a voice and those who need me to articulate their concerns. I speak for fairness and feminism, and I speak as a privileged member of Parliament.

Here are some facts: 80 per cent of Australians support a woman's right to choose. Being pro-choice is not being pro-abortion. Abortion is one of the most common medical procedures that Australian women will experience in their lives. Having an abortion is a criminal act in both Queensland and New South Wales—that means it is a crime for half of the women in Australia. One in three pregnancies in Australia is unintended. That is one of the highest rates of unintended pregnancy in the developed world. One in 25 women who has an abortion has to travel interstate to have it.

The majority of women who have an abortion already have at least one child. One-third of people who contact Children by Choice for pregnancy options and counselling are suffering domestic violence. They make up one-fifth of victims of reproductive coercion.

More than 70 per cent of terminations are the result of failed contraceptives. Three-quarters of young women report that they did not learn anything from their sex education classes in school that would have helped them deal with sex and respectful relationships. Every one of those facts shows that reproductive freedom is unfinished business in Australia.

Access to information about choices when one discovers they are pregnant, access to safe, legal and affordable abortion is not the beginning and end of the fight for reproductive rights in Australia, but it is an important step.

I quote a woman who has been an active, outspoken, honest and compassionate advocate in this space for many years. She is a wise and dear friend and a member of EMILY's List. When Federal member for Sydney and Deputy Leader of the Opposition in the Australian Parliament, Tanya Plibersek, MP, spoke at a function last year on reproductive freedom she said:

What is reproductive freedom? I want to say upfront that when I'm talking about reproductive freedom, I get that it's a lot messier than demanding rights, changing laws and providing health services.

We'd like to hope we can control our bodies, but too many of us have had unexpected pregnancies or struggled to become pregnant when we desperately wanted a child, to imagine that we really control our bodies.

We do the best we can to influence our fertility, but life and relationships and accidents—both tragic and happy—all play a role.

But when it comes to something as important as carrying and raising a child, we deserve as much say as possible, as much choice as possible. Every child born should be loved and wanted. I actually think that's a pretty uncontroversial thing to say.

Many Australians agree with her. Why do we need safe access zones? Because our outdated laws are a serious barrier to the provision of health care. In New South Wales, Queensland and South Australia, a woman can only terminate her pregnancy if her mental or physical health, or life, is at risk. It then becomes the doctor's prerogative to decide whether she can have an abortion. Trying to make your way through intimidating and threatening behaviours to seek further information or undergo a termination after a doctor's interrogation is why we need safe access zones. Abortion is the only medical procedure in the country for which this is the case. Abortion is the only medical procedure for which the patient's wishes are inconsequential. That is why we need safe access zones.

Recently, notable success has been achieved in changing outdated laws. In March last year the Northern Territory Labor Government passed reforms to abortion law that made medical terminations available for the first time. However, attempts to decriminalise abortion have failed time and again. We must continue to push to advance women's reproductive rights throughout the country. As a proud feminist and member of EMILY's List, whose existence and objective is to support progressive women into Parliament, I suggest that the mission of EMILY's List is as important as ever.

Women of New South Wales: your membership is as important as ever. Good progressive men of New South Wales: your support of a woman's right to choose is as important as ever.

I have been contacted by a few right-to-lifers throughout the debate on safe access zones. They tell me that democracy depends on freedom of speech. Freedom of speech does not mean one can spit on, shout at, deride, abuse, intimidate, publicly shame or judge, step in front of, or harass people who are just trying to exercise their freedom to walk into a health clinic. The right-to-lifers who say they offer support are deluded if they think that the behaviour I outlined is respectfully and compassionately offering another course of action.

What utter garbage. There is no respect or compassion in denying people access to healthcare.

We need to talk about unplanned pregnancy in this space today and safe access zones. We need to talk about pregnancy and abortion, though this is not a bill about legalising abortion. There is clearly a lot of work that needs to be done around practical and legal access to abortion, and decriminalisation of abortion, which needs to be said in this debate. A lot needs to be done to change attitudes. I acknowledge the many ethical and personal views around abortion. Reproductive choice—reproductive freedom—is about much more than that.

Australia has one of the highest rates of unplanned pregnancy in the developed world. Most women spend a lot of their lives trying not to get pregnant when the time does not seem right. We are not always very successful. One in three pregnancies in Australia is unintended, and that can be a lovely, happy surprise. However, often it is not. One in five pregnancies is terminated. Contraceptive failure is the cause of 70 per cent of those unwanted pregnancies. Lots of Australian women are not using the best form of contraception for them because they are not informed about their options. This is the essence of the debate today: options—accessing and understanding options and making informed decisions.

Reproductive coercion also needs to be mentioned in this debate.

Reproductive coercion can take on a number of forms but most people know essentially what it means. It happens when your partner controls or sabotages your birth control; when they make threats or are violent if you insist on using a condom; and when they take off the condom without telling you. It is disturbing that that is so common that it has a name—stealthing. It should be known as rape. It is when a man emotionally blackmails or coerces a woman into falling pregnant or keeping a pregnancy they do not want or, on the flipside, forces a woman to have an abortion as a sign of their love and fidelity, all the way through to forced sex and rape. This is not okay. But it is shockingly common.

Children by Choice has found one in eight of its clients has experienced reproductive coercion. Reproductive coercion is a way for perpetrators of violence to exercise power over their partner's life. A third of women reporting domestic violence also reported reproductive coercion. It is a sickening truth, but the risk of women experiencing domestic violence increases when they are pregnant. And it is a form of violence that has lasting impacts.

Having a child creates a legal tie with a woman's abuser that can last a lifetime and makes it far harder to leave a violent relationship. Combatting reproductive coercion needs to become part of our national effort to prevent domestic and family violence.

Anti-choice demonstrators often use the fact that some women may be coerced into having a termination as a reason that no women should ever be able to choose one. Certainly, we should be ensuring no-one is ever forced to have an abortion. We should also recognise that harassing, attacking or shaming vulnerable women who are trying to end a pregnancy is also a form of reproductive coercion. All Australian States should have safe access zones to prevent this.

In considering a meaningful response to this important legislation today, I spoke with a number of people and have read much material. But this issue, like it is for many, is also deeply personal, the fabric of my being and part of my history—part of who I am and my experiences.

My friend and feminist activist Helen Westwood, former member of the Legislative Council and tireless advocate with the Women's Abortion Action Campaign in its early days, worked around this issue for years. She said:

"I, like most Australians, am absolutely committed to women determining their reproductive rights."

That is what this is about.

Long-term Emily's List member Alison McLaren states:

Every woman deserves the right to access reproductive health care without being harassed or made to feel bad when she already faces a very difficult decision.

Campaigner, activist and young trade unionist Rosie Ryan states:

Women should be able to access health care without contending with harassment and intimidating behaviours. There is no other health care decision where people have to deal with that. Being able to determine when and how you have a child is fundamental to a woman's rights and freedom.

Providing safe passage to information and healthcare for women and their partners or supporters during a difficult time is the decent thing to do. That is why we need safe access zones. Whether it is legislating for safe access zones or for reproductive freedom, it is clear that our current approach is not good enough. For half of the women in Australia, abortion is a crime. Reproductive health care can be prohibitively expensive, even if someone can find a service that will help them. However, one in three pregnancies is unplanned and one in five is terminated. If the intention behind all these barriers and restrictions is to stop women having abortions, it is not working.

We need to improve reproductive freedom through decent sex education to ensure young people have safe, fun, healthy and respectful relationships when they are ready.

We need a comprehensive approach to improve use of effective contraception. Reproductive freedom is intimately tied to gender equality. To secure gender equality we must be pro-choice. To be pro-choice is to offer safe access to options. Australia still has unfinished business in reproductive health. Today, we can make history in and for New South Wales. I acknowledge the work of many women and men who have campaigned and worked on abortion law reform and women's rights throughout history.

I thank the many young women in universities across the State who have mobilised and activated awareness raising campaigns to support those of us in this place who have been pushing for reform. In particular, I acknowledge Bethany Higgs from my electorate of the Blue Mountains, who has been in the public gallery all day. I thank her for her feminism and efforts.

I thank the fabulous Women's Electoral Lobby, the Women's Abortion Action Campaign and those who work in women's health clinics, the health system and abortion clinics for sharing their stories of horror and hope. They deserve this legislation and protection in their workplace. I thank the Women's Legal Service, Family Planning NSW, the Rape and Domestic Violence Service, Community Legal Centres NSW and the Country Women's Association. I thank EMILY's List for its advocacy to support people who can introduce effective, pro-choice legislation into our Parliament. When women support women, women win.

I thank the Hon. Trevor Khan, Dr Mehreen Faruqi and the member for Port Macquarie for their collaborative and progressive work in this space.

I especially thank the Hon. Penny Sharpe for all her incredibly work in negotiating us to this point. She is a champion and a quiet achiever.

This small but critically important step forms part of 'herstory'.