



## Reproductive Health Care

WEL believes women should have access to safe, affordable abortion and have autonomy over their bodies and their reproductive choices at all times. Legal access to abortion in Australia is the subject of State and Territory law and so varies from State to State. In many States abortion continues to be the subject of criminal law, and in some a woman, her partner and her doctor can face criminal charges that can carry up to 5 years sentences. Throughout Australia accessibility of abortion for all women is still limited. The affordability of these services throughout the country and the availability of safe services to women in rural and remote areas are major concerns.

Current legislation is a barrier to access for many women. It perpetuates the stigmatisation of abortion and can force women to undertake unsafe terminations. WEL NSW strongly believe that any legislation covering abortion procedures should not be contained within the *Crimes Act 1900* (NSW) ("**Crimes Act**"); but in health legislation like any other medical procedure. Abortion laws in NSW must be reformed to reflect the views of the women of NSW, the wider community and the current clinical practice.

In 2015, Lonergan Research surveyed 1,015 NSW residents on their views on abortion.<sup>1</sup> The survey found that 76% of participants were unaware that abortion was in the Crimes Act, with 73% supporting the removal of abortion from the Crimes Act. The majority of survey participants (87%) indicated a woman should be able to have an abortion, with over half indicating that she should be able to obtain one at any time. More than three quarters (78%) of participants indicated medical practitioners should be required to provide referrals and unbiased and independent information on options for unplanned pregnancies, despite their personal views on abortion. The majority of survey participants (89%) agreed that a woman seeking an abortion should be protected from any form of harassment or threatening behaviour, with 81% supporting the enactment of protest exclusion zones across NSW.

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<sup>1</sup> Lonergan Research, "*Views of NSW Residents on abortion, exclusion zones and decriminalization*", September 2015.



The accessibility and affordability of abortion remains a major concern, particularly in rural areas and small communities. In these communities surgical abortion can be unaffordable and the requirement of two doctors, as in some State law, to make the decision can be prohibitive. WEL welcomes RU486 being made available to Australian women and being covered by the Pharmaceutical Benefits Scheme (PBS). This has expanded women's access, particularly allowing women in rural and regional areas affordable access to safe and legal abortion. However, affordability remains an issue.

### **Recommendations**

1. The decriminalisation of abortion in all states and territories, with abortion regulated by health legislation;
2. Legislative reform to allow women control over their bodies and reproductive choices at all times rather than requiring the approval of one or two doctor as in some states and territories;
3. Funding to health services to ensure the increased availability and accessibility of abortion, with a particular focus on the affordability of abortion and access in rural areas;
4. Commitment to principle of all women's right to control their reproductive choices in making policies on foreign aid, Medicare funding, counseling, and all other areas; and
5. Establishment of exclusion zones around providers of abortions, to ensure the safety of women seeking terminations and medical practitioners, and reduce the culture of harassment and stigmatisation;
6. Introduction of laws requiring truth in advertising for pregnancy counselling services.



### Background

The NSW Government, by allowing abortion to remain in the Criminal Code<sup>2</sup>, denies a woman in NSW autonomy over her own body and her reproductive choices are subject to criminal prosecution. A woman in NSW can only legally procure an abortion if her doctor believes that an abortion is necessary to protect her from serious danger to her life or her physical or mental health. NSW case law allows for doctors to consider economic and social reasons along with medical grounds. Under current NSW legislation a woman, her partner and her doctor can risk prosecution under the criminal code carrying sentences of up to 5-7 years.

As is the case throughout Australia, a woman's ability to access reproductive health care is limited. The affordability and the availability of abortion services to a woman in rural and remote areas is a major concern to the WEL NSW.

The 2015 Lonergan Research<sup>3</sup> found that people living in regional and rural NSW were more likely to have a view that abortion should be decriminalised (77%), compared to people in Sydney (70%). Overall 93% of people in rural and regional NSW strongly agreed or agreed to exclusion zones, compared to 87% in Sydney.

Transparency in advertising for pregnancy counselling is a major concern for reproductive health advocates. Because many Australian pregnancy counselling services are run on a not-for-profit basis (often by faith-based groups or their affiliates) and offer services for free or by donation, they are not subject to the trade practices legislation that regulates misinformation and false advertising.<sup>4</sup>

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<sup>2</sup> *Crimes Act 1900* (NSW), Division 12, sections 82, 83 and 84

<sup>3</sup> Lonergan Research, "*Views of NSW Residents on abortion, exclusion zones and decriminalisation*", September 2015.

<sup>4</sup> Children by Choice, "*Changing the law: transparency in advertising for pregnancy counselling*", 8 August 2014, available at: <http://www.childrenbychoice.org.au/working-for-change/anti-choice-pregnancy-counselling>