

2007.10. Decriminalisation of Abortion, Victoria

Submitted 13 August 2007 to the Attorney General of Victoria and all Victorian Members of Parliament.

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To the Hon. Rob Hulls, Attorney-General, we submitted the following main points on the **Crimes (Decriminalisation of Abortion) Bill 2007** which was before the Victorian Parliament.

- Humanists regard abortion as an unfortunate necessity for many women. According to research, unplanned pregnancies are due to lack of sex education, intimate partner's violence, contraceptive failure and restricted access to contraception.
- Therefore it is vital that safe and legitimate services are available for terminations of unplanned and unwanted pregnancies. The present legislation jeopardises these requirements by legal uncertainties which lead to cases of prosecution, harassment and stigmatisation.
- Recent surveys show a large majority (81-92%) of public support for the woman's right to make decisions in this matter.
- We applaud the success of a similar Bill enacted in the ACT in 2002 and note a rise in the number of abortions there, as predicted by its opponents, has not resulted there.
- In the interest of repealing outdated laws we strongly urge for the removal of Sections 65 and 66 from the Victorian Crimes Act and thus for the right of choice for women. This is a right well accepted by the community whose support crosses religious and political affiliations.
- We add comments on related issues:
 - (a) Sex education, the key to lower abortion rates should be a compulsory subject in schools.
 - (b) Pregnancy counselling should be free from sectarian influences and coercion.
 - (c) The Federal Minister for Health denies the availability of RU-486 [mifepristone] in spite of the approval of Parliament. This abortifacient, safer than the surgical procedure, is now used throughout the world and offers the confidentiality and privacy much needed in this matter. We

regard this restriction as an abuse of our rights and of the democratic process.

P.S. An abbreviated version of this submission was circulated to all members of Victorian Parliament.

2007.11. Abortion Law Reform, Victoria

Submitted 16 October 2007 to the Law Reform Commission of Victoria.

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To the Victorian Law Reform Commission on the **Abortion Law Reform**, we made the following main points in answering specific questions:

- Legal and ethical principles underpinning this law should be: respect for the autonomy of a competent adult; recognition that abortion is an unfortunate necessity for many women; that this often-performed procedure needs safe and legitimate services; recognition of the large majority support for decriminalisation of terminations of unplanned pregnancies; and that every child should be a wanted child.
- To regulate termination and remove ambiguities in present legislation.
- Factors considered in lawful termination should be: informed request of the pregnant woman, threat to her life, her physical and mental health, her social and economic factors, rape, incest, foetal abnormality, heritable disease. We believe these reasons should be valid for all stages of gestation.
- The medical practitioner's role should be to provide an informative and sympathetic consultation, advise but not coerce the woman to attend counselling sessions. The doctor should not be required to notify any authorities of this procedure. Statistical data to be obtained

anonymously from service centres. A minor or mentally incompetent female to have a guardian appointed.

- It is imperative that counselling sessions be run by professionals and be free from any coercion or religious influences.
- All service providers who have conscientious objections to terminations of pregnancies should be exempted from obligations to participate in this procedure.
- Section 10 of the Victorian Crimes Act should be retained for cases of wilful, violent attack on a pregnant woman, perpetrators to be charged with offences against the woman and the foetus.
- Key elements in the new abortion law to be: removal of abortion from the criminal code, placing this procedure under relevant regulations in the Department of Human Services and the Health Professionals Regulation Act 2005; ensuring that terminations are performed in registered and accredited facilities; 'backyard abortionists' to be prosecuted.
- We strongly support the action taken by the ACT in 2002, which removed abortions from the criminal code and which explicitly allowed for legal abortions on request at all stages of pregnancy. (We note that the predicted increase in the number of abortions in the ACT did not occur.)
- We urge for a strong recommendation on the need for better sex education as the key to lower abortion rates.
- The restricted availability is a violation of rights.
- We congratulate the Commission on modernising an archaic law and suggest a 3- to 4-year sunset clause on the new law, given the rapid developments in biotechnologies.