

**Submission to Health, Communities, Disability Services and Domestic and Family Violence  
Prevention Committee, Termination of Pregnancy Bill 2018 (draft)  
September 2018**

**Introduction**

1. In February 2018, Marie Stopes Australia provided comprehensive comment on the Queensland Law Reform Commission's consultation paper on changes to the Termination of Pregnancy laws in Queensland.
2. This submission continues Marie Stopes Australia's comment on the proposed legislation now known as the Termination of Pregnancy Bill 2018.

**Background**

3. Marie Stopes Australia is the only national, not-for-profit provider of sexual and reproductive health services in Australia. The organisation has 14 clinics and provides a telehealth service across a number of States and Territories in Australia including Queensland where it operates clinics in Townsville, Rockhampton, Bowen Hills, Woolloongabba and Southport.
4. Marie Stopes Australia provides services 6 days per week, 24 hour aftercare and trauma-informed counselling.
5. Working across private and public sectors, any surplus revenue is returned to the organisation's social enterprise to enable vulnerable women in Australia and the Asia Pacific region access to abortion and contraception where they would not normally be able to do so.
6. Marie Stopes Australia employs the services of nearly 200 healthcare practitioners including obstetricians and gynaecologists, general practitioners, anaesthetists, registered nurses, midwives and trauma-informed counsellors.
7. The organisation is accredited under the National Safety and Quality in Healthcare Standards by the Australian Council of Healthcare Standards and has been awarded 7 Met with Merits for its work engaging consumers, clinical and corporate governance, strategy and risk management.
8. The organisation is also part of the White Ribbon workplace accreditation program and is currently developing a national White Paper on Reproductive Coercion for use by the healthcare sector, politicians and policy makers and the family violence sector.

**Support for the Termination of Pregnancy Bill 2018**

9. Marie Stopes Australia welcomes the Termination of Pregnancy Bill 2018.
10. The current laws governing terminations of pregnancy in Queensland were developed more than 100 years ago.
11. In that time the State of Queensland, its community, resources and landscape (social and physical) has changed dramatically.
12. Furthermore the field of medicine and particularly obstetrics has evolved significantly particularly with regard to abortion care.
13. Marie Stopes Australia sees the Termination of Pregnancy Bill 2018 as being in step with these developments in Australia and globally.
14. Regardless of one's view of termination of pregnancy, it is widely accepted that the decision to have a termination is deeply personal and should be one that is made by a woman, her doctor and any other person or party she determines to be part of this decision.
15. Importantly, the Termination of Pregnancy Bill 2018 treats abortion as a health issue rather than a criminal matter.
16. This is in line with modern medical thinking and the broader community support for a woman's right to bodily autonomy when it comes to making decisions about pregnancy.
17. It also aligns with current policy and practice that is directed by the World Health Organisation, the Guttmacher Institute and The Sustainable Development Goals (of which Australia is a signatory internationally and domestically).
18. The only point of contention that Marie Stopes Australia raises in this draft Bill is the setting of the gestation limit at 22 weeks.
19. Marie Stopes Australia believes that the gestation limit should be set at 24 weeks in line with Victoria's current laws.
20. However, Marie Stopes Australia acknowledges and accepts the reasoning for the 22 week gestation limit.

**Creating certainty for clinicians and patients**

21. In any given year, Marie Stopes Australia treats 15,000 women from Queensland at clinics within the State and at clinics within other States.
22. The reasons why Queensland women will travel interstate for terminations are varied.
23. Marie Stopes Australia sees patients from Queensland who have been provided conflicting and in some cases inaccurate advice about their legal right to access terminations within Queensland under the current legal and regulatory framework.
24. Of particular note, the organisation will see at least one patient per week from Queensland at its Maroondah clinic.



25. Often these women present at a later gestation (between 20 – 24 weeks) because they have been delayed following conflicting advice about their legal rights to access terminations in their home state.
26. Clinically and ethically, it is important that women have access to terminations at early gestations when they first request the service.
27. This decreases the procedural risk and the impost on the patient and her family financially, logistically and emotionally.
28. It is the professional opinion of Marie Stopes Australia that by removing termination of pregnancy from the State's Criminal Code and setting a clear gestation limit, later gestation terminations beyond 22 weeks will likely decrease as women are more likely to get accurate advice from medical professionals in a timely manner. This, in turn, will provide more timely access to treatment options and decrease the need for travel.

### **Termination of Pregnancy After 22 Weeks Gestation**

29. According to the experience of Marie Stopes Australia's clinicians and using data from Marie Stopes Australia's Maroondah clinic that specialises in mid-trimester terminations, procedures that are performed between 22 and 24 weeks gestation are often accompanied by complex psychosocial issues, co-morbidities and/or involved the diagnosis of foetal anomalies.
30. For these reasons, Marie Stopes Australia believes that the Termination of Pregnancy Bill 2018 should be accompanied by clear guidance to Queensland hospitals when considering whether to perform a termination of pregnancy after 22 weeks.
31. In Western Australia, terminations of pregnancy after 20 weeks gestation are only performed following a complex panel procedure that assesses foetal viability following diagnosis of foetal anomalies.
32. Data collected from Marie Stopes Australia over the past 10 months shows that some women from Western Australia who have sought a termination via the panel process with diagnosed foetal anomalies, have been rejected and forced to travel to the Maroondah clinic at great financial and emotional cost.
33. Such foetal anomalies would dramatically impact on the future quality of life of the unborn child and in some instances prove fatal in the medium term.
34. Marie Stopes Australia believes that the decisions made via the WA panel process gave greater weight to immediate foetal viability.
35. Further, these specific cases assessed by the panel did not seem to take in to account the impact of the continuing pregnancy on the woman or her family (including the impact of existing children).
36. Marie Stopes Australia welcomes the inclusion of consideration of "the woman's current and future physical, psychological and social circumstances" as a means of taking into account the impact of a continued pregnancy of the woman under these circumstances.
37. Further, Marie Stopes Australia recommends that accompanying guidelines for termination of pregnancy after 22 weeks ensure that considerations of foetal viability include ongoing quality of life considerations.

### **Registered health practitioners who may assist**

38. Marie Stopes Australia supports the Termination of Pregnancy Bill 2018 determination of 'registered health practitioners'.

### **Registered health practitioners with conscientious objection**

39. Marie Stopes Australia supports the draft Bill's provision for conscientious objection and the requirements, as set out by the draft Bill, for registered health practitioners to disclose objection and refer patients to an appropriate provider or registered health practitioner.
40. Further, Marie Stopes Australia supports the exemption of administrative, managerial and other ancillary tasks associated with termination of pregnancy from the conscientious objection provision of the draft Bill.

### **Protection from criminal responsibility**

41. Marie Stopes Australia supports the determination, as set out in the draft Bill, that "despite any other Act, a woman who consents to, assists in, or performs a termination on herself does not commit an offence".
42. Marie Stopes Australia strongly believes that this provision is both reasonable, compassionate and assists in combatting the stigma associated with terminations of pregnancy.

### **Safe Access Zones**

43. Marie Stopes Australia supports freedom of speech and a person's right to hold their chosen political, moral and/ or ethical views.
44. However, Marie Stopes Australia acknowledges that such freedom is not absolute.

45. Having regard to the activities performed by 'anti-abortion picketers' outside the Marie Stopes clinic in Bowen Hills, Brisbane, it is the organisation's professional assessment that such activities performed by the picketers constitutes abuse, harassment and wilful harm to the mental welfare of patients, their support people and staff at the clinic.
46. Such activities regularly include filming by picketers of patients and support people without their permission, verbal abuse such as use of the term 'murderer', spitting, throwing of deliberately inflammatory written material designed to confuse and misinform patients and support people, and the handing of materials to patients and support people designed to emotionally-manipulate and upset patients such as 'baby booties' and 'new baby goody baskets'.
47. Marie Stopes Australia believes that these picketers have a right to express their views in such a way as to not impede access and harm patients and their support people when visiting clinics offering termination of pregnancy services.
48. Marie Stopes Australia can attest to the success of these zones in preventing harm to patients, support people and staff in Victoria, the Northern Territory, the ACT and NSW (note such zones also exist in Tasmania) where the organisation's clinics are protected by buffer zones.
49. Further, Marie Stopes Australia believes that the zones will further strengthen the State's commitment to the ongoing protection of its health workforce from violence and its current and future Occupational Health and Safety laws and commitments.

### **Conclusion**

50. Marie Stopes Australia supports the Termination of Pregnancy Bill 2018 and acknowledges and thanks the Queensland Government including the Queensland Law Reform Commission for the thorough, professional manner in which this draft Bill has been developed.
51. The organisation believes that the Bill strikes the right balance between addressing community concerns and ensuring that abortion care is dealt with as a health matter rather than a criminal issue.
52. Marie Stopes Australia is happy to provide further support and evidence of the need for Termination of Pregnancy Bill 2018 if required by the Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee.

Signed on behalf of Marie Stopes Australia



**Ms Michelle Thompson**  
CEO



**Dr Philip Goldstone**  
Medical Director

