

4 September 2018

Committee Secretary
Health, Communities, Disability Services and Domestic and Family Violence Prevention
Committee
Parliament House
George Street
BRISBANE QLD 4000

Email: health@parliament.qld.gov.au

Dear Committee Secretary,

Termination of Pregnancy Bill 2018

About Women's Legal Service Queensland

The Women's Legal Service (WLS) is a specialist community legal centre, established in 1984, that provides free legal and social work services and support to Queensland women. We assist women in the areas of family law, domestic violence, child protection and sexual violence. WLS provides State-wide assistance through our legal Domestic Violence Helpline, and have a designated Rural, Regional and Remote telephone line to increase women's access to our service in non-metropolitan regions.

We undertake outreach work at the Brisbane Women's Correctional Centre and at Family Relationship Centres in Brisbane. We also conduct duty lawyer services at three Courts: Holland Park, Caboolture and Ipswich. Our specialist domestic violence units in Brisbane, Southport and Caboolture (opening in October 2018) provide intensive case work and Court representation for our most vulnerable clients. We conduct Health Justice Partnerships with a domestic violence solicitor visiting weekly the Gold Coast, Logan, Redlands, RBH hospital and being on call to the PA and QE2 hospitals. We thank the Parliamentary Committee for the opportunity to provide this submission.

WLS supports the bill and urges the Queensland Parliament to do the same for the reasons outlined below:

1. The bill would improve health outcomes for women: restrictive abortion laws push women towards medically unsafe options or force them to travel interstate at a difficult time to access health services that can, and should, be provided in Queensland. Medical experts agree that abortion must be decriminalised in Queensland. (See for example the Royal Australian and New Zealand College of Obstetricians and Gynaecologists, 'RANZCOG supports Queensland's law reform decriminalising abortion' ([media release](#), 27 July 2018).



3. The bill will improve access to healthcare for women in regional and remote Queensland: Women in regional and remote locations are entitled to the same access to healthcare services as women in south east Queensland. To facilitate this, clear laws are required, which support medical professionals to act in their patient's best interests without fearing criminal prosecution.

4. The bill addresses community concern about later-gestation abortions: the bill requires approval from two doctors for abortions after 22 weeks. Only 1-2 per cent of all abortions in Australia are performed after 22 weeks and these typically occur in complex and distressing circumstances, such as a fatal foetal abnormality.

5. The harmful harassment and abuse of women and staff outside clinics would end: no person should have to run a gauntlet of intimidation and abuse to see their doctor or enter their workplace. The bill creates sensible safe access zones in a manner consistent with freedom of expression.

6. Health professionals with a conscientious objection will be respected: those with a conscientious objection will not have to advise on, assist with or perform an abortion, except in cases of medical emergency. They will only have a duty to refer or transfer a patient, which is critical to ensuring that all people can access the healthcare they need in a timely manner.

7. The bill will bring Queensland's abortion laws into the 21st Century: the current laws reflect the values of 1899 and devalue women's lives and autonomy. The bill communicates to Queensland women that their health and dignity will now be respected.

8. Safe access zones: remove the requirement that prohibited conduct be reasonably likely to deter

WLS supports safe access zones. However, we have some concerns that the drafting may not achieve stated aims and seems somewhat circuitous and confusing.

The bill includes in the definition of "prohibited conduct" that conduct be "reasonably likely to deter a person from entering or leaving, or from requesting, undergoing or providing, a termination at the premises or performing or assisting in the performance of a termination". This drafting may create loopholes that could be exploited and would allow the continuation of harassment and intimidation of vulnerable women, accessing health services in the community. Safe access zones in Queensland could be undermined by the difficulties for the prosecution in proving when harassment, intimidation or other conduct is likely to deter or not deter.

We would prefer the laws to more specifically outlaw certain conduct as occurs in Victoria and Tasmania. The laws should be wide enough to cover a range of behaviours that are obvious intimidation and/or harassment. They should also prevent activities that impede a woman's right to privacy and right to access lawful health services in the community without being confronted with behaviour that constitutes physical, psychological obstruction to the service or emotionally coercive or manipulative behaviour that unfairly impacts on the individual woman seeking a lawful community service.

For example in Victoria they use the following definition:

"prohibited behaviour" means—

(a) in relation to a person accessing, attempting to access, or leaving premises at which abortions are provided, besetting, harassing, intimidating, interfering with, threatening, hindering, obstructing or impeding that person by any means; or

(b) subject to subsection (2), communicating by any means in relation to abortions in a manner that is able to be seen or heard by a person accessing, attempting to access, or leaving premises at which abortions are provided and is reasonably likely to cause distress or anxiety; or

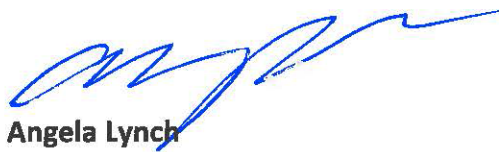
(c) interfering with or impeding a footpath, road or vehicle, without reasonable excuse, in relation to premises at which abortions are provided; or

(d) intentionally recording by any means, without reasonable excuse, another person accessing, attempting to access, or leaving premises at which abortions are provided, without that other person's consent; or

(e) any other prescribed behaviour.

If you require further information please do not hesitate to contact me.

Yours faithfully,



Angela Lynch
CEO

