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Australian Sex Party Submission 24 June 2016

The Queensland Branch of the Australian Sex Party, a federally registered political party, is pleased to make this submission to the Queensland Parliament's Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee, as it considers the proposed Abortion Law Reform (Women's Right to Choose) Amendment Bill 2016. The Australian Sex Party strongly supports the Honourable Rob Pyne's attempts to amend Queensland's particularly archaic abortion laws, which date back to 1899! These laws create an offence under the Criminal Code for procurement of abortion, with all health practitioners involved and the women herself liable to prosecution. Penalties include imprisonment for up to 14 years!

The state should not intrude at all on the difficult decision made by a woman and her treating medical practitioners to have an abortion. Currently, at least one in five Queensland women do have an abortion at some time, with those many women and their doctors risking lengthy imprisonment. Such legal sanctions only compound the already markedly stressful circumstances. Instead, the Australian Sex Party advocates that the Abortion Law Reform (Women's Right to Choose) Amendment Bill 2016 incorporate the following elements

(i) abortion should indeed be removed from the Criminal Code, and legalized. No legal sanction should exist where a woman willingly has an abortion. As the Honourable Rob Pyne points out, laws protecting an unborn foetus from violence against its pregnant mother should be retained.



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(ii) medical practitioners consulted regarding any pregnancy counselling, and pleading a "conscientious objection" to abortion, must be compelled to refer the woman seeking abortion on to another medical practitioner, and must ensure that the medical practitioner who is the subject of such referral is not also a "conscientious objector."

(iii) in a medical emergency, medical practitioners pleading a "conscientious objection" must be compelled to perform or assist with the performance of an abortion, in the absence of an alternative medical practitioner being available.

(iv) there must be no requirement for minors to seek or obtain parental or guardian consent to the performance of the abortion. Such requirement has great potential to adversely affect the minor's best interests, which she and her medical practitioners are best placed to protect. To that end, the Australian Sex Party also advocates the removal of "abortion" from the list of "special procedures" for which minors may require judicial review. This will avoid repetition of the tragic circumstances in April this year, when Queensland twelve year old girl, Q, was forced to apply to the Supreme Court for permission to have an abortion, even though she and her parents and her doctors were all supportive of her having the abortion!

(v) there must be no reference to gestatory term in the legislation. The vast majority of abortions are performed as early as possible, and this will always be the case. Late term abortions are rare indeed, and almost always performed where the woman's life is in great danger, or the foetus is nonviable, for instance by virtue of late diagnosis of anencephaly (absence of a brain and skull



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with exposure of the empty cranial vault and spinal cord stump). Such late term abortions are not only very rare, they are approached with considerable trepidation by medical practitioners and the pregnant women themselves. Once again, the state has no role in interfering with a difficult medical decision.

(vi) given the ongoing antipathy of a fundamentalist Christian minority to all abortions, and the lack of common decency and respect accorded by this vocal but tiny minority to women seeking abortion, the Australian Sex Party advocates that Queensland seize this opportunity to put in place protection for women entering and leaving fertility clinics. A "safe access zone" of 150 metres around all abortion providers and fertility clinics, wherein protestors are not allowed to protest, will protect pregnant women from abuse at a time when they are especially vulnerable. Victorian "safe access zone" legislation advanced by the Sex Party's Fiona Patten, MLC, has proven highly successful.

The Australian Sex Party applauds the Honourable Rob Pyne and the Queensland Parliament for its attempts to bring Queensland from the 19th into the 21st century on this issue. We would be only too pleased to elaborate by phone or email...

Yours sincerely,

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