

Submission on  
*Abortion Law Reform (Woman's Right to Choose)  
Amendment Bill 2016*

To the Health, Communities, Disability Services  
and Domestic and Family Violence Prevention  
Committee

from  
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The Humanist Society of Queensland (HSQ) advocates for the rights of non-religious people. We work to ensure that human rights are upheld over religious rights. HSQ seeks to educate our members and the public about the humanist tradition and the positive contribution it has made to our society. Our vision is of a world in which all individuals are treated fairly regardless of ethnicity, sex or system of belief. We want to see an open and secular society and are willing to work with others of different beliefs for the common good.

HSQ supports the aims of *Abortion Law Reform (Woman's Right to Choose) Amendment Bill 2016* as we believe abortion should not be a crime.

The Queensland Criminal Code statutes on abortion date from 1899, before women had the right to vote. Community attitudes have changed, and women now have more rights. Unfortunately, not all women have the right to control their bodies and choose to terminate a pregnancy if needed.

### **Existing legal principles that govern termination practices in Queensland**

Abortion should be removed from sections 224, 225 and 226 of the Queensland Criminal Code, and put into legislation related to health services. It should not be considered a crime to terminate a pregnancy. Women, in consultation with their doctors, are capable of making the decision to terminate a pregnancy. Any laws regarding gestational limits on abortion should be made according to medical evidence, not religious doctrine. Women and their doctors should be making the decisions, not legislators or courts.

Because the current laws are unclear to most people, doctors and hospitals are often reluctant to become involved in abortion. According to Prochoice Queensland, there is no data collection on abortion in Queensland, but it is estimated that only around 1% of the state's abortions each year take place in public hospitals. The law creates a two-tiered system of access which unfairly impacts already-disadvantaged women. Women who have the means to pay for abortion through the private system, and who live in coastal, metropolitan areas, or can afford to travel to the coast, can easily access abortion in Queensland. Already vulnerable women, for example, women pregnant after sexual assault, those with serious health conditions, those experiencing severe violence, women who are homeless, and women on low or no incomes, are regularly turned away from Queensland public hospitals when requesting abortion. Decriminalisation of abortion would help make abortion available through the public system, ensuring all women have access, regardless of income, circumstance, or where they live.

### **Conscientious objection**

The right of medical practitioners to conscientiously object to providing patients with care to which they have objections must be balanced against their professional obligation to provide timely, high-quality care.

We do not support health professionals being given a right to conscientiously object to referring women for abortions, as this can severely limit women's access to abortion. This is especially true when women live in rural/remote areas where there are no other health services. Even in circumstances where there may be an alternative private service, if women cannot afford to pay for this alternative service, then they cannot receive it.

## Queenslanders support decriminalisation of abortion

Reliable opinion polling consistently shows that around 80% of Australian adults support a woman's right to choose. The 2003 Australian Survey of Social Attitudes (AuSSA) found that 81% of those surveyed believed a woman should have the right to choose whether or not she has an abortion [1].

The 2003 AuSSA also found that religious belief and support for legal abortion are not mutually exclusive, with 77% of those who identify as religious also supporting a woman's right to choose [1].

A survey conducted by Auspoll in 2009 of over 1000 Queenslanders found that almost 4 out of 5 voters wanted the law changed so abortion is no longer a crime [2]. A review of over 20 years of data on attitudes to abortion published in October 2009 found that "more than half the electorate in Australia and in Queensland support freedom of choice, and a further third support the availability of abortion in special circumstances... As far as attitudes are concerned, Queensland is no different from the rest of Australia." [3]

On average, only approximately 4% of the Australian community are opposed to abortion in every circumstance; Betts states that "Such opposition as there is concentrated among a few religious groups and among people aged 75 and over." [3]

We urge this committee to recommend that abortion be removed from the criminal code and put into health legislation.

## References

- [1] K Betts "Attitudes to Abortion in Australia: 1972 to 2003" *People and Place* 22, 2004.
- [2] *Queensland voters' attitudes towards abortion* Report prepared by Auspoll, May 2009. Polling commissioned by Children by Choice.
- [3] K Betts "Attitudes to Abortion: Queensland and Australia in the 21<sup>st</sup> Century" *People and Place* vol 17, 2009. Available online at <http://researchbank.swinburne.edu.au/vital/access/manager/Repository/swin:14400>.