

Health and Other Legislation Amendment Bill (No. 2) 2023

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Health and Environment Committee
Queensland Parliament
Corner George and Alice Streets
Brisbane QLD 4000

Dear Committee,

The Human Rights Law Centre welcomes the opportunity to provide a brief submission to the Health and Environment Committee's inquiry into the Health and Other Legislation Amendment Bill (No 2) 2023 (**the Bill**). This submission addresses only the proposed reforms to the *Termination of Pregnancy Act 2018* and associated amendments to Queensland's *Criminal Code*.

We strongly support the proposed reforms to the *Termination of Pregnancy Act*. The reforms would promote the rights of all Queenslanders to health, including access to health services,¹ and equality before the law² by facilitating greater access to safe abortion care.

Supporting nurse-led care and better access to abortion

Laws that strictly limit the performance of medical abortions to doctors create an unacceptable barrier to people accessing quality abortion care.

Australia's healthcare system has a serious shortage of providers of abortion care, particularly medical abortions.³ There are large parts of Australia with no abortion services, and no GPs and pharmacists registered to provide medical abortions, particularly in regional and remote communities. This is a glaring deficiency in Australia's public health system, particularly given that it is estimated that one in four women in Australia will have an abortion during their lifetime.⁴

People in Queensland are still facing multiple barriers to accessing abortion services, even after abortion was decriminalised in 2018. We note that Children by Choice have raised concerns about lengthy wait times and patients being forced to travel significant distances to access abortion services, as well as barriers created by doctors who object to abortion.⁵ Most residents in regional areas are still having to travel to Brisbane for surgical terminations.⁶

¹ *Human Rights Act 2019* (Qld), s 37.

² *Ibid*, s 15.

³ Less than 10% of Australian GPs are registered to prescribe abortion medication and only 16.5% of pharmacists are registered to dispense. Achieving Equal Access: Abortion Care in Australia (Report, November 2022), 11.

⁴ *Ibid*, 1.

⁵ Eden Gillespie, 'Postcode lottery': access to abortions being hampered across Queensland years after decriminalization (News Article, The Guardian) <<https://www.theguardian.com/australia-news/2022/may/24/postcode-lottery-access-to-abortions-being-hampered-across-queensland-years-after-decriminalisation>>.

⁶ Nick Gibbs, Qld to tackle limited abortion access (News Article, The Canberra Times) <<https://www.canberratimes.com.au/story/7839470/qld-to-tackle-limited-abortion-access/>>.

The proposed amendments to the *Termination of Pregnancy Act* and *Criminal Code*⁷ are welcome because they would enable nurses and midwives to perform medical terminations in appropriate circumstances and in accordance with the *Medicines and Poisons Act 2019*. The amendments also include a regulation-making power to allow other registered health practitioners to be empowered to perform early medical terminations in the future.

As MSI Australia has reported, nurse-led care is a safe way of improving access to early medication abortions.⁸ These reforms will expand access to abortion healthcare, particularly to regional and remote Queenslanders, where the shortage of trained providers is an acute issue.⁹ The Bill will support pregnant people living in these areas to more readily access abortion healthcare services, while reducing cost and distance barriers.

The regulation-making power is also important, as it provides flexibility to extend the provision of termination of pregnancy services to other appropriately trained and qualified health practitioners in the future. This will allow Queensland Health to be responsive to community needs and advances in clinical care to improve access to abortion.

Gender inclusive laws

The Bill replaces references to 'woman' with 'person' in the *Termination of Pregnancy Act* and related provisions in the *Criminal Code*. These amendments ensure that Queensland's abortion laws are inclusive of all people who can become pregnant.

We strongly support these amendments because gender diverse people, transgender men and intersex people experience pregnancy but face systemic discrimination in the healthcare system.¹⁰ Incorporating gender diverse language is a step towards ensuring that abortion care is inclusive of all. This will in turn promote the health, equality, and autonomy of all Queenslanders.

In summary, the Human Rights Law Centre supports the Bill as it amends the *Termination of Pregnancy Act*. These amendments will ultimately facilitate greater access to safe and affordable abortion healthcare and promote the human rights of all Queenslanders.

Yours sincerely,



Adrienne Walters
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Human Rights Law Centre

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⁷ The Bill makes amendments to section 319A of the *Criminal Code* to ensure that additional health practitioners who may lawfully perform a medical termination do not commit an offence.

⁸ Marie Stopes Australia, 'Nurse-led medical termination of pregnancy in Australia: legislative scan' (2022) <<https://resources.msiaustralia.org.au/Nurse-led-MToP-in-Australia-legislative-scan.pdf>>.

⁹ Ibid.

¹⁰ Sally Bowler, Kari Vallury and Ernesta Sofija, Understanding the experiences and needs of LGBTIQ+ individuals when accessing abortion care and pregnancy options counselling: a scoping review (2022).