

# Abortion debate heats up in Victoria (Australia)

Thursday 28 August 2008, by [BOLTON Sue](#), [ROBERTS Fiona](#) (Date first published: 23 August 2008).

The act of a doctor performing an abortion in Victoria has been listed as a crime in the Crimes Act since 1958.

On August 19, Victorian women's affairs minister Maxine Morand tabled the Abortion Law Reform Bill 2008 on behalf of the state Labor government.

The legislation fully decriminalises abortions in the first 24 weeks of pregnancy. However, women will be able to seek abortions after then with permission from two doctors.

Doctors can approve late-term abortions only if they believe it is medically appropriate, taking into account also the woman's current and future physical, psychological and social circumstances.

Under the proposed legislation, the crime of terminating a pregnancy has been shifted from the Crimes Act into the Health Act, where it will only apply to terminations carried out after 24 weeks of pregnancy.

Women seeking late-term abortions won't face criminal charges. However, doctors performing late-term abortions could still face charges of murder if it is deemed that they have incorrectly assessed the "appropriateness" of the abortion.

This will make it very difficult for women who need late-term abortions. There is already a severe shortage of doctors, particularly in country areas. Some doctors will not be prepared to approve late-term abortions given the legal uncertainty.

The government's decision to introduce this legislation that arbitrarily cuts off free access to abortion at 24 weeks of pregnancy leaves the most vulnerable women out in the cold.

## **Late-term abortions**

According to figures from the Victorian Law Reform Commission (VLRC), about 94.6% of abortions are carried out before 13 weeks of gestation, 4.7% between 13 and 20 weeks, and less than 1% after 20 weeks.

The small number of women who need late-term abortions are the most vulnerable women: teenagers, victims of sexual assault including incest, sufferers of mental illness, women who have experienced a sudden tragic life circumstance or have discovered a foetal abnormality.

These circumstances include some women experiencing difficulty accessing abortion due to lack of finances or living in a remote location. Other women fail to recognise the pregnancy earlier due to menopause or the commencement of menstruation, or the use of recreational or prescribed drugs.

Given the high level of public support for abortion, it is surprising that the state government has caved in to the tiny number of religious fundamentalists and not decriminalised all abortions.

## Public support

Decades of opinion polls have consistently shown that the overwhelming majority of the population support women's right to choose whether or not to terminate a pregnancy. In 2003, the Australian Survey of Social Attitudes found that even among religious respondents, 77% supported women's right to choose. The Melbourne Anglican Church made a submission to the VLRC, supporting women's access to safe, affordable abortion.

Research released on August 17 demonstrated that the majority of people support women's right to abortion, including late-term abortion. Opinion pollsters Crosby/Textor found that the majority of people support women's right to access late-term abortion.

The government's Abortion Law Reform Bill 2008 is the outcome of a debate that began in 2007 when state Labor parliamentarian Candy Broad put forward a private member's bill to decriminalise abortion regardless of the stage of pregnancy.

Anti-abortion group Right to Life went into overdrive to oppose the bill and Labor Premier John Brumby won Broad's support to shelve the bill and call on the VLRC to review the legislation regarding abortion.

The VLRC proposed three models for abortion law reform. Of these, only Model C fully decriminalised abortion. The option the government has put into legislation is Model B, while Model A was even more restrictive.

Greens Legislative Council member Colleen Hartland told Green Left Weekly that the Greens support Model C — full decriminalisation of abortion. All three Greens MLCs will make a "conscience" vote in favour of full decriminalisation.

"The Greens will oppose all aspects of Model B, in particular, the part of the bill which states that ... later than 24 weeks one or two doctors are required to make the decision on whether a termination is granted", she said.

Hartland believes the worst case scenario would be that the Victorian parliament decides to set up a tightly controlled, select group of doctors, like the WA system, in which a panel would be given the sole power to decide whether each woman is able to terminate her pregnancy. "This would be a massive step backwards", she argued.

Hartland argued for full decriminalisation of abortion to prevent the anti-abortion, pro-life forces pushing for further concessions in the bill. "Women are smart enough to be able to make decisions about their own bodies", she said.

Former Labor premier and pro-choice advocate Joan Kirner was quoted in the August 20 Melbourne Age congratulating the state government on its bill: "This is a fantastic achievement in the history of the rights of women in Victoria."

The article pointed out that Kirner's support for the government's compromise bill would make it more difficult for other pro-choice advocates to come out and advocate full decriminalisation.

ProChoice Vic spokesperson Leslie Cannold told GLW that she continues to support full decriminalisation of abortion, the VLRC's Model C. She rejected Model B as being "totally inadequate".

All parties are allowing their parliamentarians a conscience vote on the legislation. Major divisions

exist within both major parties.

Brumby, Coalition opposition leader Ted Baillieu and cabinet ministers Daniel Andrews, Bronwyn Pike, Jacinta Allan and Tim Pallas have declared their support for the bill, but ministers James Merlino and Theo Theophanous, and Coalition frontbencher Robert Clark oppose any decriminalisation of abortion.

There is speculation that three Labor MP's are likely to come out in support of full decriminalisation, rather than the government's compromise legislation, during upcoming parliamentary discussions.

However, no-one in the Labor Party and no prominent pro-choice campaigners have publicly called on the government to amend the bill to remove all restrictions on late-term abortions.

Socialist Alliance spokesperson and pro-choice campaigner Karly Oliver told GLW: "Restricting abortion on the basis of the stage of pregnancy takes a woman's control of her own body out her hands and places it in the hands of doctors and politicians." Oliver rejected the argument that decriminalising late-term abortion would encourage abortions.

"Historical experience shows that when safe, legal, affordable abortion is not available, women still have abortions, but many suffer enormously, physically and mentally, in the process."

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**P.S.**

\* From: Comment & Analysis, Green Left Weekly issue #764 27 August 2008.