

Media Release

Greens NSW

March 8 2015



Make It Happen

The Greens NSW Plan to reform abortion laws and stand up for women's reproductive rights

On International Women's Day 2015, the Greens NSW have launched their campaign to remove abortion from the NSW Crimes Act. NSW MP and Spokeswoman for the Status of Women, Dr Mehreen Faruqi and Leader of the Australian Greens, Senator Christine Milne was joined by Greens candidate for Newtown, Jenny Leong, to announce the package of reforms:

- **Decriminalise abortion** by repealing Sections 82-84 of the NSW Crimes Act 1900
- Enact **privacy zones** around all health services and clinics that provide pregnancy termination services
- Invite MPs from other political parties to form a **cross-party parliamentary working group**
- Improving **accessibility and affordability** of abortion services for women living in **rural and regional areas**

Media comments

Greens NSW MP, Spokeswoman for the Status of Women and Legislative Council candidate, Dr Mehreen Faruqi said:

"For more than a century abortion has been in the Crimes Act, this archaic law must change. On this International Women's Day let's commit to 2015 being the year we make it happen.

"This issue goes to the heart of women's rights – the right of every woman to make choices regarding her own body. A law that tells women what they can and can't do with their bodies is a law that must be changed.

"Travelling around the state, I have heard stories from women about the stigma and secrecy surrounding abortion because it still sits in the Crimes Act. Women deserve better than having their reproductive rights and health fall in a grey area of law.

"In 2013, Tasmania decriminalised abortion. Abortion has also been decriminalised in Victoria and ACT. Now it's time for NSW to do the same. We must change century old obsolete laws and align with community values in the 21st century.

"Women in NSW had a close call with the foetal personhood law (Zoe's Law) passing the lower house in 2013. We simply can't keep waiting to campaign against the next piece of regressive legislation. We must get on the front foot to safeguard women's rights once and for all.

"Abortion law reform has been a core Greens policy and I am determined to work with supporters of women's rights to make sure it happens. That is why I will be inviting MPs from across the political spectrum to join a cross-party working group so that the bill has every chance of being successful.

"Privacy zones around clinics will ensure that women can access health services without being harassed, and with the privacy and dignity they deserve.

“It is unacceptable that abortion services are not easily available to all women living in rural and regional NSW. An area code shouldn’t determine your access to reproductive health.

Leader of the Australian Greens, Senator Christine Milne said:

“Discrimination against women has no place in society, the economy or the law, and we have the power to remove it.

“We need outdated legislation that criminalises women to get out of the way of a woman’s right to choose.

“I know from the Tasmanian experience how important this reform has been, so it’s time for the women of New South Wales to be treated with the same respect.

“All over the country the Greens are in parliament to create a framework that enables equal opportunity for Australians. This plan from the NSW Greens is a critical to achieving that.”

Greens Candidate for the Seat of Newtown, Jenny Leong said:

"As a long term human rights campaigner, I'm a strong advocate for the need to enshrine women's rights to reproductive health in law.

"The fact that abortion is still in the Crimes Act in NSW demonstrates that for too long conservative and religious groups have blocked progress when it comes to women's rights.

"The electorate of Newtown includes a pre-term clinic where anti-choice campaigners, who are often aggressive, have regularly prevented women being able to access health services," Ms Leong said.

"The introduction of privacy zones would ensure that women who are seeking information and support are not harassed, intimidated or threatened when they visit a clinic.

"It is crucial if we are going to remove Abortion from the Crimes Act that we have strong pro-choice voices in both houses of the NSW parliament, and The Greens are the only party with a policy commitment to make this change in law," she said.

More Information

Repeal Sections 82-84 of the Crimes Act

In NSW, an abortion is unlawful unless a doctor deems that a woman’s physical, psychological and/or mental health is in serious danger. The criterion of ‘mental health’ can include economic and/or social factors.

At present, it is only the interpretation of the Crimes Act by the district court which enables a woman to procure an abortion “lawfully”. Both women and their doctors remain vulnerable to prosecution for unlawful abortion. By removing abortion from the Crimes Act, it will no longer be a criminal offence and women and their doctors will no longer have to rely on the interpretation of the law by a court in each case in order to avoid criminal liability.

The Greens want to repeal Sections 82-84 of the Crimes Act bill to remove abortion from the Crimes Act. Abortion should be a routine medical procedure, not a crime. The first ever bill to decriminalise abortion in NSW was put on the notice paper by Dr Faruqi in June 2014. The bill has not yet been debated and the Greens will reintroduce it in the new parliament.

Privacy Zones

The Greens would also legislate for privacy zones, which would make it an offence to protest,

harass, intimidate or film without consent a person accessing abortion services within a 150 metre radius of an abortion clinic. Tasmania enacted similar privacy zones called ‘access zones’ in 2013.

Parliamentary Cross-Party Working Group

Whilst the Greens have long had full decriminalisation of abortion in our policy, we recognise the need to work with other parties to achieve this outcome for all women. The time is right for members of all parties who support a woman’s right to bodily autonomy and reproductive health to come together and finally remove abortion from the Crimes Act.

Support for Rural and Regional Women

Abortion is not easily available to all women, and for some, especially rural and regional women, there can be difficulty in accessibility and affordability. There are very few abortion clinics outside of Sydney. Women in regional areas often have to expend significant amounts of money to attend an abortion clinic. These distances also make it almost impossible to provide adequate follow up care after abortion procedures. Regional women can pay up to \$2000 for a termination¹.

For a significant number of women, especially in rural and regional areas, there can be great accessibility issues. Services tend to be confined to large urban areas; few abortions are done in the public sector; costs in the private sector can be high, especially combined with the costs of travel and childcare that many women face. A significant number of New South Wales women are known to travel to Victoria each year to access abortion services in that state².

The Australian Journal of Rural Health published a study in 2014 about rural NSW women’s access to abortion services, aiming to identify the factors that rural women experience when accessing abortion and follow up care³. They found that ‘rural women’s access to abortion services are impacted by the availability, accessibility and affordability of services and prevailing negative social attitudes’⁴. They found that for rural women in NSW, abortion almost always entails travelling long distances outside of their geographical area, and sometimes interstate, to visit private clinics. This can be inaccessible and unaffordable for individuals with lower socioeconomic status.

The Greens would direct the Health Department to establish a Regional Women’s Reproductive Health Program to determine the most effective support for regional women. This could include travel and accommodation subsidies, a post-termination follow up service and other measures.

Abortion law in other Australian States

The Australian Capital Territory (ACT) decriminalised abortion in 2002. Victoria largely decriminalised their law in 2008 and Tasmania followed in 2013, including enacting privacy zones. Western Australia, South Australia and the Northern Territory have all reformed and liberalised their abortion laws in recent decades but in all three abortion remains a crime. However, the legislation in New South Wales and Queensland remains the most archaic and dangerous for women.

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¹ <http://www.dailyliberal.com.au/story/854216/no-abortion-facility-due-to-low-demand-gwahs/>

² <http://blogs.crikey.com.au/croakey/2014/06/27/why-new-south-wales-abortion-law-should-be-decriminalised/>

³ F. Doran & J. Hornibrook, ‘Rural New South Wales women’s access to abortion services: Highlights from an exploratory qualitative study’. *Australian Journal of Rural Health*, vol. 22, 2014, p. 121

⁴ *Ibid.*, p. 121