

## Health Consumers Queensland submission

Queensland Parliament

Health, Communities, Disability Services and Family Violence Prevention Committee

# Health (Abortion Law Reform) Amendment Bill 2016

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Contact:

Melissa Fox

General Manager

[melissa.fox@hcq.org.au](mailto:melissa.fox@hcq.org.au)

PO Box 12474  
George St Qld 4003

Level 9, 217 George St  
Brisbane Qld 4000

(07) 3012 9090  
[info@hcq.org.au](mailto:info@hcq.org.au)

## About us

Health Consumers Queensland is the peak organisation representing the interests of health consumers and carers in the state. Health Consumers Queensland is a not-for-profit organisation and a registered health promotion charity and we believe in improving health outcomes for people in Queensland.

*Consumers are people who use, or are potential users, of health services including their family and carers. Consumers may participate as individuals, groups, organizations of consumers, consumer representatives or communities.*

Our priority focus is on consumer engagement that influences and leads improvements and delivers better health outcomes for all Queenslanders. We achieve this through our Queensland-wide health consumer network, tailored training and skills development programs, and maximising opportunities for consumer representation at all levels of the health system.

*Consumer engagement is when health consumers actively participate in their own healthcare and in health policy, planning, service delivery and evaluation at service and agency levels.*

### OUR MISSION

Health Consumers Queensland empowers Queensland consumers to lead and drive better health outcomes.

### OUR GUIDING PRINCIPLES:

Health Consumers Queensland is committed to:

- Influencing individual and system change in health services through ensuring the consumer perspective is central in the planning, design, delivery, monitoring and evaluation at all levels.
- Partnerships and collaboration with organisations, service providers and stakeholders.
- Quality, safe, affordable, timely and accessible services that deliver the right care, at the right time and the right place.

### DIVERSITY

All people have a right to affordable and accessible health services that meet all of their physical, social, emotional and cultural preferences.

Health Consumers Queensland focus on increasing the voices of vulnerable population groups and assist them to understand how they can have a voice in developing health services. With access and equity in mind, we partner with people and organisations with a focus on the following:

- Culturally and linguistically diverse (CALD)
- Physical and intellectual disability
- Lived mental health experience
- Socially and geographically isolated
- Socioeconomically disadvantaged

The second bill, the Health (Abortion Law Reform) Amendment Bill 2016, is intended to be a companion bill to his first bill, the Abortion Law Reform (Woman's Right to Choose) Amendment Bill. The first bill would decriminalise abortion by repealing sections 224-226 from our 1899 Criminal Code, and this second bill proposes several amendments to the Health Act 1937, to address concerns from the Committee that the first bill didn't address concerns around conscientious objection and gestational limits.

As such, this submission should be read in conjunction with our submission<sup>1</sup> to the Inquiry into Abortion Law Reform (dated 30 June 2016).

## **RECOMMENDATIONS**

**We support the decriminalisation of abortion in Queensland, and the repeal of sections 224, 225 and 226 from our 1899 Criminal Code.**

**We believe that the amendments in this bill will address the Committee's concerns in conjunction with a repeal of our Criminal Code statutes.**

**We support the Health (Abortion Law Reform) Amendment Bill, with a strengthening of the regulations around referral, in conjunction with the Abortion Law Reform (Woman's Right to Choose) Amendment Bill.**

**We ask that the Committee recommend that both bills be debated and voted on together.**

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<sup>1</sup> Health Consumers Queensland submission, Inquiry into Abortion Law Reform, 30 Jun 2016

## **Division 2: Abortion generally**

### **Only qualified health practitioners may perform abortions**

We agree with the amendment that only a medical practitioner could legally perform an abortion (a doctor or registered nurse), and that the pregnant woman herself would never be liable to be charged for a termination she consented to.

### **Abortion on woman more than 24 weeks pregnant**

As stated in our previous submission, Queensland has guidelines<sup>2 3</sup> in place to support decision making around pregnancy termination sitting in its rightful place: between a woman, her doctor and supportive counselling services if she wishes to access them. We understand is already current practice that two (or more) doctors document the decision making process for terminations over 24 weeks. We do not have Queensland legislation that covers every aspect of medical care and decision making in our system – that is the role of clinical guidelines, professional codes of conduct and professional scope of practice documents. However if this amendment 1) addresses concerns of the Committee, by some health professionals and members of the public, 2) assists in the passage of these two bills and 3) facilitates Queensland women accessing abortion; we support this amendment.

### **Conscientious objection**

This amendment ensures no health professional is under a duty to perform or assist in performing an abortion except if it is necessary to save a woman's life or prevent serious physical injury. We believe this amendment must go further and (as set out in the Queensland Maternity and Neonatal Clinical Guideline on Therapeutic Termination of Pregnancy) make provision for health professionals whose personal beliefs are not in alignment with women's choices to refer women on to a health professional who doesn't conscientiously object.

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<sup>2</sup> Queensland Maternity and Neonatal Clinical Guideline on Therapeutic Termination of Pregnancy (<https://www.health.qld.gov.au/qcg/documents/g-ttop.pdf>)

<sup>3</sup> Clinical Services Capability Framework (Queensland Government, Centre for Health Care Improvement. *Maternity services*. In: *Clinical services capability framework for public and licensed private health facilities v3.0*. Brisbane: Queensland Government Department of Health; 2011).

**Division 3: Patient protection**

We support the amendments that legislate for safe exclusion zones and unimpeded access around facilities providing abortion services, including penalties for harassment or intimidation and publishing images of a person entering or leaving abortion facility.

**Conclusion**

To repeat our conclusion in our submission on the first bill: Queensland must remove our outdated abortion laws. Women and health professionals deserve this respect and certainty. In line with the United Nations Sustainable Development Goals<sup>4</sup> which strive to ensure universal access to sexual and reproductive health-care services, Queensland women must have access to safe, legal abortion.

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<sup>4</sup> United Nations Sustainable Development Goals 2015  
<http://www.undp.org/content/undp/en/home/sdgoverview/post-2015-development-agenda.html>