



Preamble

Family Planning NSW affirms the rights of women to have control over and decide freely on all matters related to their sexual and reproductive health.

Family Planning NSW supports the International Planned Parenthood Federation (IPPF) policy on abortion and is committed to working for the elimination of unsafe abortion and for increasing access to safe and affordable abortions in a non-judgmental environment.

Family Planning NSW recognises:

- that the health status of women is enhanced when safe and reliable methods of fertility regulation including the termination of pregnancies are readily available;
- that in the past abortion was a major cause of pregnancy-related deaths in Australia. Complication rates are reduced when skilled abortion services are readily accessible and the abortion is performed early in pregnancy;
- that a supportive legal environment is necessary for women to be able to exercise their reproductive rights including access to safe abortion services.

Family Planning NSW believes:

- that women have the right to safe, legal, affordable, high quality medical services and information when considering and choosing to terminate a pregnancy;
that abortion is a medical service and should be regulated under health care legislation and not criminal statutes; Family Planning NSW advocates for the removal of the reference to abortion from NSW criminal law;
- that women should have access to all safe methods of abortion including medical methods;

- that pre and post-abortion counselling, education, information and a broad range of contraceptive methods should be available for the prevention of further unwanted pregnancies;
- that abortion services should be provided within a broader reproductive health policy and service framework and should be available to women in conditions that recognise the woman's right to decide free of discrimination, coercion and violence;
- that coerced abortion is never acceptable, whether it results from family or social pressure, for sex selection or from policies of eugenics or population control;
- that access to abortion services should be equitable bearing in mind cost, geographical considerations and service availability with particular reference to rural populations where localised and affordable abortion services should be locally available;
- that the provision of lawful abortions in NSW should continue on the grounds of the wellbeing of the woman including physical, mental, psychological and financial wellbeing bearing in mind her current and future circumstances;
- that early abortions are preferable, particularly terminations within the first trimester, however we acknowledge the reality of late term abortions and support the provision of late term abortions for women needing this service;
- that the full range of safe and effective contraceptive methods should be readily available in Australia including emergency contraception. Family Planning NSW believes that provision of a wide range of contraceptive options enables individuals to select the method which most suits them and best meets their needs;
- that abortion services should remain within the Medicare Benefits Schedule and that rebates should be adequate to reimburse women for the cost of the abortion procedure.

Family Planning NSW is committed to:

- the promotion and provision of sexual and reproductive health information in relevant languages;
- providing the full range of safe, effective, affordable methods of contraception for the prevention of unwanted pregnancies;
- providing accurate information relating to abortions and as well as clinical referrals to abortion services;
- conducting research into new and effective methods of contraception;
- advocating the removal of the reference to abortion from New South Wales criminal law.





THE LEGAL STATUS OF ABORTION IN NSW

STATEMENT OF PRINCIPLE

Abortion is a difficult decision, but it is an option that women have sought throughout history, in the face of grave risks, to regain control over their lives and ensure that they are in a position to care adequately for the children they bear. Family Planning NSW believes that abortion should be removed from the Criminal Code of NSW and should be managed as any other medical procedure. This is in accordance with its policy that a woman has the right to choose whether or not she continues with a pregnancy

FPNSW believes that abortion should be legal, safe and accessible to all women to safeguard women's health and women's basic human rights to safety and security of the person.

Status of abortion in Australia

Many people believe that abortions are freely available to Australian women. In fact, while there are provisions that allow legal terminations in all states and territories, abortion is still on the criminal codes of all jurisdictions except the ACT and Victoria. This means that obtaining a legal abortion is subject to a variety of conditions, with doctors acting as gatekeepers, despite the right to choose being widely accepted in the community.

Unplanned pregnancies present women with difficult choices. Forcing a woman to continue with an unwanted pregnancy when a safe alternative exists undermines her fundamental human rights and is out of step with contemporary Australian values.

Abortion law reform

Family Planning NSW supports a law reform commission inquiry into the legal status of abortion in this state, with a view to clarifying the law and removing abortion from the Criminal Code.

Abortion remains a crime under NSW law, but the courts have ruled doctors can perform terminations if they believe they are necessary to preserve a woman's life, or physical and mental health (which is broadly interpreted on economic, social or medical grounds).

The fact that abortion remains on the Criminal Code means that there can be ongoing challenges to the legal precedent that allows a woman to obtain an abortion and this is a potential risk to both women seeking abortions and doctors providing them.

The aim of abortion law reform is not to increase the rate of abortions, but to modernise the law so that it is clear, widely understood and in line with community standards.