



Abortion Law Reform (Miscellaneous Acts Amendment) Bill 2016

Fact Sheet

Current Situation

The current abortion law in NSW is certain.

In NSW it is lawful for women to have an abortion with the assistance of a doctor for economic, medical or social reasons to protect their physical or mental health. Women also have the protection of criminal law when abortion is carried out unlawfully.

Proposed Legislation

The *Abortion Law Reform (Miscellaneous Acts Amendment) Bill 2016 (Faruqi Bill)* seeks to remove abortion from the *Crimes Act 1900 (Crimes Act)*; requires doctors with a conscientious objection to refer for abortions; and, seeks to impose 150m exclusion zones around clinics performing abortions.

The **Faruqi Bill** is fraught with uncertainties, is dangerous for women and is a radical departure from current law.

The **Faruqi Bill**:

- removes all prohibitions against unlawful abortions without proposing any regulation to fill the gaps or address the issues this creates. This is out of step with other states and overseas jurisdictions.
- makes lawful abortions for any reason at any stage of pregnancy, including for discriminatory reasons such as disability or sex selection or other social reasons.
- removes protections for late term abortions including abortions of viable babies up until full term.
- removes protections for women against abortion coercion from parents, partners, employers and others.
- removes protections for women against incompetent and unscrupulous medical practitioners and unqualified backyard abortionists.
- provides no safeguards to ensure women are giving fully informed consent.
- justifies the referral requirement as enabling “full information” about pregnancy options to be made available to a patient, but does not require any information other than that related to abortion be provided.
- imposes restrictions on conscientious objection that are in conflict with current ‘best practice’ guidelines from the Medical Board of Australia and the Australian Medical Association.
- erodes rights to freedom of thought and conscience that are recognised as fundamental human rights.
- imposes the implementation of exclusion zones or safe access zones that are unnecessary given the operation of current provisions in NSW with respect to the conduct of protesters, including violence and intimidation, harassment and obstruction.
- proposes penalties that are excessive, disproportionate and ill-considered.

Further Information

For further information and a more detailed analysis, please contact Ms Rachael Wong, Director of Research, Policy and Advocacy M: 0402 221 347 E: rachael.wong@womensforumaustralia.org