

Abortion in Australia

Ireland has just voted on whether to lift the country's controversial ban on abortion.

But in Australia, whether or not abortion is legal depends on where you live — as does the cost and availability of the procedure.

And that's because abortion laws are made by state and territory governments, not the Federal Government.

It is estimated between a quarter to a third of Australian women will choose to terminate a pregnancy at some point in their lives.

In New South Wales and Queensland, abortion remains a criminal offence, except in special circumstances. While women in both states can and do have abortions, they — and the doctors who perform them — risk criminal charges.

Research shows the **majority** of Australians support laws allowing women to access safe and legal abortions.

However, there is still significant opposition to abortion from parts of the community, including groups such as Right to Life Australia, **who say** "abortions shouldn't be allowed, because they violate the right to life of the pre-born child".

According to widely-cited data from the Australian Institute of Health and Welfare, about 80,000 abortions take place in Australia every year.

But that figure is based on a 2005 paper, and an **ABC investigation** in December found more recent statistics show the rate of abortions may have decreased, to about 65,000 per year.

There are two types of pregnancy terminations available: medical abortions and surgical abortions.

A medical abortion involves taking two pills, mifepristone (also known as RU486 or the "abortion pill") and misoprostol, over a two-day period. In most Australian states, this can be done in a woman's own home.

Medical abortions can generally be performed up to nine weeks into gestation (sometimes longer in hospitals), and have been shown to be **highly effective and safe**.

A surgical abortion is a low-risk medical procedure that involves removing the lining and contents of the uterus using a gentle suction.

It is most commonly used for first trimester abortion (seven to 12 weeks), but may be performed in the second trimester (12 to 24 weeks) or, in rare circumstances, in the third trimester (24 to 36 weeks).

Abortion laws by state and territory: Queensland

In Queensland, abortion remains a crime under the Criminal Code Act 1899 (when the state's laws referring to abortion were written).

A woman who "unlawfully" has an abortion in Queensland can be sent to prison for up to seven years. And anyone "unlawfully" performing an abortion can be jailed for up to 14 years.

In 2016 a **12-year-old girl had to get the permission of the Queensland Supreme Court to have an abortion.**

In 2010 a couple in Cairns was **prosecuted, but later acquitted, for terminating their pregnancy.**

Abortion, however, is lawful in Queensland when a doctor believes a woman's physical and/or mental health is in serious danger. This is how women in Queensland currently access abortions.

Under the state's existing law, rape, incest and foetal abnormality are not grounds for a lawful abortion (this goes for New South Wales too).

Last year, independent MP Rob Pyne **introduced two private member's bills to decriminalise abortion** but at the last minute, withdrew the bills, after Liberal MPs indicated they would not support them.

Instead, the existing laws were referred to the Queensland Law Reform Commission, which is expected to provide a report to the Queensland Attorney-General by June 30.

New South Wales

Abortion has been a criminal offence in New South Wales since 1900 and remains in the NSW criminal code today. Unlawfully procuring an abortion is punishable by up to 10 years' imprisonment

However, like in Queensland, doctors in NSW can administer abortions legally if they believe continuing a pregnancy is a risk to a woman's physical or mental health. A legal precedent set in 1971 means social and economic factors may also be taken into consideration.

Last year, a bill to decriminalise abortion, introduced by Greens MP Mehreen Faruqi, was **voted down** in NSW parliament.

This week, a proposal to create 150-metre "safe access" zones around abortion clinics in NSW **passed in the state's upper house**. If it passes in the lower house next month, the private members bill would also make it an offence to film or photograph staff or patients, without their consent.

Victoria

Abortion is legal in Victoria in the first 24 weeks of pregnancy.

After 24 weeks, it is still legal, but requires the approval of two doctors. The doctors must agree it is in the patient's best interests, based on her current and future physical, psychological, and social circumstances.

Abortion "buffer zone" laws **passed in 2015** make it illegal for anti-abortion protesters to harass or film people within 150 metres of an abortion clinic. This same law applies in Tasmania and the Northern Territory.

Tasmania

Abortion is legal in Tasmania in the first 16 weeks of pregnancy. After 16 weeks, it is still legal, but requires the approval of two doctors.

In recent months, **pressure has been mounting on the State Government** to improve access to surgical abortions in Tasmania, after **the closure of the state's only dedicated abortion clinic** in January.

Since abortions can only be provided in the state's public health system in extraordinary circumstances (eg in cases of foetal abnormality), the vast majority of women who access pregnancy termination services do so through the private sector.

But there are **very few health professionals** currently providing termination services in Tasmania.

In response to the clinic's closure, the Tasmanian Government extended its travel assistance scheme to women who are referred to Melbourne by their GP for surgical abortions.

South Australia

Abortion is legal up to 28 weeks in South Australia if two doctors agree a woman's physical or mental health is endangered by pregnancy, or if there is a risk the child is likely to be born with a serious abnormality.

Abortions must be performed in a hospital (or prescribed facility) and the pregnant woman must be a resident of South Australia. In an emergency, these provisions may be waived.

Under South Australian law, a woman can still be charged for obtaining an "unlawful" abortion.

Western Australia

Abortion is legal in Western Australia up to 20 weeks into pregnancy, though some restrictions apply.

Women must be given the opportunity to participate in counselling before a termination can be performed. Women under 16 years of age require one parent to be informed.

After 20 weeks, access to abortion is very restricted. A woman must receive approval from two doctors from a statutory panel of six (appointed by the Health Minister) who agree the woman, or her foetus, has a "severe medical condition" that justifies the procedure.

The procedure can then only go ahead in a medical facility approved by the Minister.

Australian Capital Territory

Abortion is legal in the ACT, but it must be provided by a medical doctor in an approved medical facility.

The ACT Greens have recently pushed for women in Canberra to be able **to order abortion drugs over the phone or through their GP** to have at-home medical abortions.

In the ACT, protest-free "privacy zones" were **introduced in 2015**, making it an offence to protest within 50 metres of an abortion clinic.

Northern Territory

Abortion is legal in the Northern Territory up to 23 weeks of pregnancy with the approval of medical practitioners.

For terminations up to 14 weeks, assessment by one doctor is required. After 14 weeks, approval from two doctors is required.

Beyond 23 weeks gestation, the Pregnancy Law Reform Act stipulates that a pregnant woman's life must be endangered for a pregnancy to be terminated.

Significant cost and access barriers

The vast majority of pregnancy terminations in Australia are carried out in private clinics, except for in South Australia and the Northern Territory, where abortions are mostly free because provision is largely public.

While medical abortion drugs cost less than \$40 on the Pharmaceutical Benefits Scheme, the total cost of an abortion is often significantly more, once other costs, such as clinic fees and doctors fees, are factored in.

A **2017 study** published in the Australian and New Zealand Journal of Public Health found the average cost of a medical abortion in Australia was \$560 (after the Medicare rebate), and \$470 for a first trimester surgical abortion.

As women progressed beyond the first trimester, the average cost of a surgical abortion rose: \$1,500 for procedures at 13 to 19 weeks (with the rebate), and \$7,700 for procedures beyond 19 weeks.

For some women, there were also other costs for travel and accommodation, GP referrals, medical tests, childcare and lost wages.

According to the study, one in three women reported that they found it difficult or very difficult to pay for their abortion.

Abortion costs also tend to be much higher for women in regional and rural areas, where termination services are limited.

In northern Queensland, for example, there is just one surgical abortion provider: Marie Stopes International (Australia's largest abortion provider). At their Townsville clinic, for Medicare card holders, an in-clinic medical abortion costs \$790, and a surgical abortion costs \$715.

Caroline de Costa, Professor of Obstetrics and Gynaecology at James Cook University, says the 2016 closure of the only publicly-funded surgical abortion service in Cairns, further north, has meant that some women are forced to travel interstate to terminate their pregnancies.

"Women who come to the sexual health clinic [in Cairns] and need a surgical termination are being flown at the expense of Queensland Health to various places south of here — Townsville, Brisbane or Sydney," she says.

Professor de Costa says women from other states also travel interstate to access surgical termination services that are illegal where they live.

"For example, very few terminations are done in Western Australia after 20 weeks, and they're usually for very severe foetal abnormalities," she says.

"There are a number of women who have very significant reasons for termination — medical, psychiatric or sometimes social — who will have to travel interstate, usually to Victoria, to access abortion."

Telehealth services

Many clinics now offer cheaper telehealth medical abortion services. This involves having a telephone consultation with a doctor, before being sent abortion drugs in the mail.

The Tabbott Foundation, for example, provides abortion drugs via telephone consultation for \$325 everywhere except South Australia and the ACT (where abortions must be carried out in approved medical facilities).

Since there is only one private clinic in the ACT that provides abortions — at a cost of \$500 with a Medicare card — some women travel to nearby Queanbeyan, in New South Wales, **to access cheaper abortion drugs** via the foundation's telehealth services. The drugs are sent to NSW, where women can pick them up and take them before returning to Canberra.

But there are some caveats to accessing abortion telemedicine — for example, you must live within two hours of a medical facility — meaning some women living remotely may still need to travel hundreds of kilometres to end their pregnancy.