



Women's Health Victoria

healthy empowered equal

Conscientious objection in Victorian abortion law

Rita Butera

Executive Director, Women's Health Victoria

Background

Abortion Law Reform Act 2008 (Victoria)

- Aimed to bring the law into line with existing clinical practice
- Outlines the circumstances in which abortion can take place
- States the obligations of registered health practitioners with a conscientious objection to abortion



Section 8, ALR Act (Vic) 2008

- (1) If a woman requests a registered health practitioner to advise on a proposed abortion, or to perform, direct, authorise or supervise an abortion for that woman, and the practitioner has a conscientious objection to abortion, the practitioner must –
 - (a) Inform the woman that the practitioner has a conscientious objection to abortion; and
 - (b) Refer the woman to another registered health practitioner in the same regulated health profession who the practitioner knows does not have a conscientious objection to abortion.



Controversy during campaign for law reform

- Significant opposition to the clause during debate
- Opposition suggested that: Section 8 was like forcing health professionals with a conscientious objection to provide an abortion, denied religious freedom, human rights, and amounted to professional discrimination
- Examples: Archbishop of Melbourne, Australian Catholic University and Doctors in Conscience



Controversy since law reform

- Use of *Victoria's Charter of Human Rights and Responsibilities*
- Ongoing opposition in the media



Obligations for health professionals

- Present all options to the patient
- Refer to another clinician
- Explain conscientious objection as a personal view



What about the rights of women?

- What about women's right to transparency in encounters with the medical profession?
- What about her right to information to assist her decision making?
- What about her reproductive rights?



Implementation of Section 8

- Signs in GP practices stated their conscientious objection.
- The old AMA (Vic) template:
 - Due to Dr X's moral and ethical beliefs, **s/he** is not able to offer you abortion services.
 - We do not wish patients who are seeking these services to suffer embarrassment or emotional upset, so we want to make this position clear.
 - We ask that you respect Dr X's beliefs by not requesting abortion services from **him/her**, as they are against **his/her** conscience.



Implementation of Section 8

- The new AMA (Vic) template:
 - Due to Dr X's personal beliefs, **s/he** is not able to offer you abortion services, including information on abortion.
 - If you require abortion services or information about abortion, please ask for an appointment with Dr X (being another doctor in the practice) or refer to www.betterhealth.vic.gov.au/.



Access and equity implications of non-compliance

- Impact on woman's physical and mental health
- Violates her ability to make an informed decision
- Traumatizes the woman
- Delays can compromise care
- Additional issues for young women, homeless women, rural women, and women who don't speak English



Benefits of Section 8

- Balance women's rights with those of health professionals
- Ensures that women are able to access health care
- Acknowledges the need to balance rights and makes the process transparent



Ongoing challenges

- Anti-choice activity
- New Premier and Minister for Women's Affairs
- Need to remain vigilant

