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Hon Peter Foster MLC
Chair, Standing Committee on Environment and Public Affairs
Legislative Council Committee Office
Via email: env@parliament.wa.gov.au

Dear Chair

Petition No. 61 – Abortion rights in Western Australia

I wish to thank the committee for the opportunity to make a submission on this issue.

I fully support the petitioners' calls for the availability of free and accessible abortions in Western Australia, governed by appropriate public health legislation rather than the Criminal Code.

Access to quality healthcare is a human right, and that includes abortion procedures. No individual should be forced to carry a pregnancy to term if they are unable to do so safely or simply don't wish to. However, access to safe and lawful abortions in WA is limited by outdated and overly burdensome laws along with financial and geographical barriers.

In 1998, WA became the first Australian state to remove most criminal penalties for pregnant patients seeking abortions and doctors providing the procedures. Achieving this feat required the reforms to be the product of significant compromise and concessions which, despite significant shifts in public attitudes, haven't been revisited in the nearly 25 years since. As a result, WA has gone from being a trailblazer state for abortion reforms to having the most restrictive abortion laws in the country.

Examples of some of these inappropriate restrictions (several of which are unique to WA) are:

- Accessing abortions still carries a risk of criminalisation.
- Abortions at 20 weeks or later must receive prior approval from at least two of the six doctors on the Ministerial Termination Panel. Such approval is only likely to be given where the pregnant person or foetus has a severe medical condition.
- Support people cannot assist someone to access abortion without risk of criminalisation.
- Patients must see a doctor (other than the doctor providing the procedure) to be provided with counselling, along with a referral to further counselling.
- Doctors can conscientiously object from providing an abortion without any obligation to refer the patient to another, non-objecting doctor.
- Abortion care can only be lawfully administered by doctors – even on direction from a doctor, it is unlawful for nurse practitioners, nurses, midwives and first nations health workers to provide medical abortion care.

These restrictions are further compounded by financial and geographical barriers, which create a 'postcode lottery' for abortion access in WA. There are only two major abortion providers that operate across the entire state, and both are in metropolitan Perth (along with the majority of all abortion clinics in WA). For many regional and remote kilometres, the closest abortion provider is hundreds of kilometres away, which is an insurmountable barrier for many people seeking to access safe and legal abortions. Even with a concession health-care card, medical and surgical abortions typically cost in excess of \$500, and may cost substantially more depending on the location, gestation period, and medical factors. Bulk billed in-clinic medical abortions are only available to those in the Midland Hospital catchment area. The cost for anyone who is ineligible for Medicare (such as individuals on temporary visas) is likely to be thousands of dollars.

The Minister for Health has acknowledged that the current system is forcing many to travel interstate to access abortions, and whilst the Government has publicly stated it will review the laws, it has not committed to a clear timeframe or scope for that review. The time sensitive nature of accessing abortions means this issue should not wait and must be given due consideration by Parliament as a matter of priority.

I support the petitioner and ask the Committee to investigate and recommend the actions necessary to ensure everyone in Western Australia can freely and safely undergo abortions under modernised laws that put the rights, needs and choices of individuals first.

Thank you for considering this petition.

Kind regards

A handwritten signature in black ink, appearing to read 'BPettitt', written over a light grey rectangular background.

Hon Dr Brad Pettitt MLC
Member for South Metropolitan