

SUBCOMMITTEE PRESS RELEASES

13 March - Human rights lawyers concerned reintroduction of Fred Nile "Zoe's Law" will undermine women's and girls' rights: [View](#)

24 March - Human rights lawyers warn of crisis conditions in specialist domestic violence services for women and children: [View](#)

28 March - Queensland Government fails to deliver adequate protection in domestic violence cases. Federal Government should intervene: [View](#)

31 March - ALHR supports the introduction of exclusion zones in NSW to stop harassment at abortion clinics and calls for the decriminalisation of abortion in NSW: [View](#)

3 April - Lawyers condemn outdated statements of Malcolm's Men as reflecting a 1950's view of women and low-paid workers: [View](#)



DOMESTIC NEWS

3 April 2017, *The Conversation*
Cuts to sole parent benefits are human rights violations: [View](#)

17 April 2017, *ABC News*
Domestic violence offenders to be GPS tracked during South Australian trial: [View](#)

19 April 2017, *AIHW*
Domestic violence leading cause of hospitalised assault among girls and women: [View](#)

1 May 2017, *Women's Agenda*
Should small businesses be required to have 40% female staff to land government contracts?: [View](#)

1 May 2017, *Women's Agenda*
Tony Abbott blasts 'anti-men, politically-correct rubbish': [View](#)

INTERNATIONAL NEWS

28 March 2017, *The Guardian*
Nations pledge to cut women's unpaid work and close the gender pay gap: [View](#)

3 April 2017, *The Conversation*
Rape by terrorists: A UN report documents sexual attacks in war: [View](#)

EVENTS OF INTEREST

29 April at Prince Alfred Park, Sydney
Follow-up to Women's March Sydney: [View](#)

5-6 May at Queensland Parliament
Australian Summit Against Sexual Exploitation: [View](#)

Watershed Moment for Women's Rights and Health Care in the Northern Territory

By Nicki Petrou

Currently the Principal Solicitor of the Darwin Community Legal Service and one of the founding members/co-ordinators of the WhatRU4NT community campaign.

On 21 March 2017, the NT passed long awaited amendments to the termination of pregnancy laws with a clear majority voting in favour of progressive reform.

The new laws which will come into effect from 1 July 2017 following the development of Clinical Guidelines for Medical Practitioners, will see the introduction of medical abortion via the use of medication such as misoprostol and mifepristone, commonly known as 'RU486'. This means that women and girls are able to access alternative treatment to a surgical procedure in the early stages of their pregnancy. The Termination of Pregnancy Law Reform Bill 2017 repeals section 11 of the Medical Services Act relating to lawful abortions, creates a new standalone act and removes lawful abortions from the Criminal Code.

Currently for doctors who hold a conscientious objection to termination of pregnancy, there is no legal requirement beyond a doctors' duty to care for their patient, to inform their patient of their options and refer them to another doctor who does not share this objection for advice at the earliest opportunity. The Act now makes this mandatory. Another positive step for women/girls in the NT is the protection from harassment and intimidation by protestors to those attempting to access abortion facilities, including health workers as their place of work. Interestingly the Minister for Women Dale Wakefield who spoke in favour of the bill described her experience as a young health worker observing women/girls having to 'run the gauntlet pathway' to access abortion services despite it being legal. Under the current law not yet enacted, a provision exists prohibiting such conduct in designated safe access zones up to 150 metres. This provision also carries penalties for breaches.

The legislation also permits medical and surgical abortions to be performed outside of a hospital

setting. In the Northern Territory terminations are currently performed in three hospitals only; Darwin Public, Darwin Private Hospital and the Alice Springs Hospital. This often means lots of travel and time away from family and other commitments for women and girls having to travel any distance to access a surgical abortion. An important development under the new Act, relates to consent for a minor. Under the former legislation, minors required the consent of both parents or those having 'authority over her' before she can access termination of pregnancy service. Now however, this will operate in favour of current health practices, which considers the Gillick Competency test.

WhatRU4NT is a community campaign which was established in 2014 and comprises legal practitioners, health professionals, academics with a health background and community members. It evolved from the work members were undertaking as part of a coalition of organisations since about 2013, the Top End Women's Legal Service, Family Planning NT and the NT Public Health Association, formed to advocate for the modernisation of termination of pregnancy laws in the NT.

RU486 drugs have been available in several other jurisdictions since its introduction to Australia and was subsequently approved by the Therapeutic Goods Administration in August 2012. However, it had not yet been earmarked in the NT as a basis for reform. In the meantime, movements to reform abortion laws to enable medical abortions, decriminalise abortion and provide safe access zones were underway elsewhere in the country. In June 2013, Misoprostol and Mifepristone were added to the Pharmaceutical Benefits Scheme making it more affordable and accessible as an alternative to surgical abortions. Admittedly, when the coalition of services wrote to our then Health Minister Robyn Lambley in October 2013

highlighting this disparity in our laws and seeking equality for women and girls in the NT, it was naively assumed that it was a relatively 'no brainer'. After all, we were not asking for anything radical or unique, but to bring the rights and health options for women in the NT in line with the rest of the country. This however was not the case, and proved a real challenge where there was not the political will of the Government of the day. Despite abortion being legal in the NT for many years, it reignited the abortion debate.

Forgotten were the learnings gained from unsafe abortion practices and the reasons for the hard road fought by many to get to this point enabling lawful abortions. Additionally, there is the World Health Organisations (WHO) recommendations and guidelines that access to safe abortion improves health outcomes for women and reduces maternal mortality.

Some arguments in favour were that women were entitled to request abortion as a right, and in accordance with Article 16 of the Convention on the Elimination of All Forms of Discrimination Against Women, where women had the right to choose the number and spacing of their children. We argued criminalising abortion created confusion and fear including amongst the medical profession and that no other medical procedure was regulated by or an exception provided for it in the Criminal Code or Medical Services Act. Nor does another medical procedure require two doctors (one being a specialist) to examine and consult a woman prior to permitting access to medical options and treatment, such as that for lawful terminations. It was argued that medical practitioners who held a conscientious objection to abortions may not provide the necessary medical advice or referral to a doctor who did not hold such an objection. Importantly, we argued that we were seeking parity for what was already tried and tested elsewhere in Australian and parts of the world. Surely the issues of remoteness, safety and practical clinical guidelines had been long explored and settled elsewhere by now. What made the NT so different or special?

Parliamentary Speaker and Independent member Kezia Purick picked up this cause and introduced a private members bill to provide for some of these reform in December 2015. However, several attempts to debate the bill proved unsuccessful. Whilst this fell on Government's deaf ears, the community were sitting up, observing and listening

SUBCOMMITTEE SUBMISSIONS

March 2017: Contributed to ALHR Submission DFAT Foreign Policy White Paper.

March-April 2017: Contribution to ALHR Modern Slavery Act in Australia submission.

April 2017: Contribution to NGO Coalition shadow report to the UN Committee on Economic and Social Rights.

to what their Parliamentarians were saying about their rights and choices.

The campaign gained momentum pre-election August 2016, galvanising significant community support through our social media presence, primarily Facebook. Following the landslide win for the Labor Party, who openly stood largely in support of the proposed reforms, the time was right.

Whilst there are still some steps to be finalised before access to RU486 and other provisions are available, it was an extraordinary journey for many who have fought hard and long over two Governments to see the changes come through. Ironically, the delay in passing the original bills meant that what we now have is more progressive legislation than was initially anticipated. The NT may soon to be one of the leaders in relation to women's reproductive health rights compared to other Australian Jurisdictions, and it is about time.