CASE STUDY: Abortion law reform in Victoria*

Criminal offences relating to abortion had existed in Victoria’s statutes for 140 years before the Parliament decided in 2008 that women who had abortions and doctors and nurses who performed abortions were no longer criminals liable to imprisonment for up to 10 years.

The reform of Victoria’s abortion laws in 2008 after a long and committed campaign by advocates of such reform is a major achievement for women that EMILY’s List, the Victorian ALP and supporters of women’s reproductive health and rights can rightly be proud.

The Crimes (Decriminalisation of Abortion) Bill 2007 was introduced as a private member’s bill, with the support of Premier Steve Bracks, in July 2007 in the Legislative Council.

This was later withdrawn after new Premier John Brumby announced that his Government would introduce a government Bill to decriminalise abortion and seek advice from the Victorian Law Reform Commission.

The Victorian Parliament to decriminalise abortion through the Abortion Law Reform Act 2008.

The success of Labor’s Affirmative Action policies first adopted in 1994 to increase women’s parliamentary representation, together with the founding of EMILY’s List by Labor women determined to increase women’s representation and rights, including the right to make their own reproductive choices, were decisive in helping to put abortion law reform on Labor’s agenda.

With so many Labor women committed to achieving abortion law reform elected and re-elected to serve in the Victorian Parliament in November 2006, and the support of many former Labor women MPs particularly Kay Setches, the prospects for including the legislative change on Labor’s Parliamentary agenda were strong.

In 2006, on the 10th anniversary of EMILY’s List, former Premier Joan Kirner had declared that decriminalisation of abortion in Victoria would be the target for EMILY’s List should the Bracks Labor government be re-elected and that more campaigning for women’s reproductive rights would be required.

Outside the Parliament, supporters of abortion law reform in trade unions representing health workers, women’s health organisations, women’s health services, health professionals and lawyers had worked for years to prepare the information and a draft Bill should the opportunity arise.

Dr Jo Wainer was instrumental in establishing the Association for the Legal Right to Abortion (ALRA) as a voice for supporters, especially those in organisations that did not allow them to speak publicly.
A lifelong abortion law reform campaigner, Jo Wainer, had been an activist in the much earlier Abortion Law Reform Association in 1967 and had never stopped campaigning for women to have access to safe, legal and affordable abortions.

Women’s Health Victoria, through the leadership of Marilyn Beaumont, was tireless in organising and publishing authoritative information and campaign resources about abortion from sources including the Royal Australian & New Zealand College of Obstetricians and Gynaecologists; the Royal Women’s Hospital; the World Health Organisation; Family Planning Victoria; Marie Stopes International.

* This is an edited version of an article by former Victorian Minister and EMILY’s List Founding Member Candy Broad. The full text is available at http://www.emilyslist.org.au/images/stories/pdf/Publications/elhousebound2015.pdf