

Local

**Anger over abortion bill -- Hospitals, doctors take stand against laws**

Julie-Anne Davies

632 words

29 September 2008

[The Australian](#)

1 - All-round Country

2

English

Copyright 2008 News Ltd. All Rights Reserved

VICTORIA'S proposed abortion laws face a potential legal challenge from Catholic hospitals and a withdrawal of services by concerned doctors as the anti-abortion lobby increases pressure on undecided MPs in the state's upper house.

The fate of the new laws, which would establish the most liberal abortion regime of any state, will be decided by a handful of MPs when debate next week shifts to the parliament's Legislative Council.

It is understood Catholic Health Australia, which has already threatened to withdraw medical services from its 15 hospitals in Victoria, will challenge the legal validity of the most contentious provision in the abortion bill -- forcing doctors with a conscientious objection to abortion to refer patients elsewhere for a termination.

It is believed the upper house MPs who will vote on the bill after it passed comfortably through the lower house a fortnight ago will be warned against supporting the proposed legislation because the legal status of the bill is uncertain.

The nub of Catholic Health Australia's argument is that mandating doctors to act a certain way in their medical practice is in breach of the Victorian Charter of Human Rights. The charter is a set of human rights, freedoms and responsibilities protected by law. This would be the first challenge to the charter since it was introduced in 2006.

Catholic Health Australia chief executive Martin Laverty yesterday said the bill posed serious issues for all healthcare providers in Victoria. ``The bill would mandate health professionals to put aside their conscience and act contrary to it," he said. ``This is bad public policy, not just in relation to termination of pregnancy but as a precedent that could be applied to other professions. The bill should be voted down."

Opposition to the bill, which will remove abortion from the state's Crimes Act and eliminate all restrictions on terminations up to 24 weeks of pregnancy, is creating unusual alliances.

A disparate group of more than 100 Victorian medical practitioners of many religious faiths, and also doctors with no religious affiliations, have formed a coalition called Doctors in Conscience Against Abortion Bill.

A letter signed by the coalition members being sent to upper house MPs today, and obtained by The Australian, warns that if the bill is passed doctors with an objection to abortion may stop practising in Victoria, or risk breaking the law by refusing to refer women to a doctor willing to perform a termination.

``The state should not coerce its health professionals to participate in the taking of human life," the letter says.

The Australian Medical Association is opposed to mandating doctors' clinical practice.

One of Australia's most eminent doctors, Graeme Clark, the inventor of the bionic ear, is a signatory to the letter. ``The bill coerces doctors to act against their conscience, and that goes against thousands of years of history and tradition that has guided the medical profession. This must not be forced upon us," Professor Clark told The Australian yesterday.

Professor Clark, IVF pioneer John Leaton, and psychiatrist David Clarke will also release a statement today condemning the bill. They are concerned with its provisions on late-term abortion. The bill places restrictions on abortions carried out after the 24-week stage by requiring women to get the approval of two doctors.

``As doctors, we believe that the demarcation between late-term abortions should be 20 weeks, not 24 weeks as proposed in this bill," Professor Clark said.

``And as doctors we think it is inappropriate that under this bill only two doctors need agree for a late termination to proceed. We think there should be an interdisciplinary panel to make these very complex decisions."