

## Abortion law under challenge (8/03/09)

THE federal Attorney-General is under increasing pressure from within his own party to use his powers to overturn Victoria's new abortion laws, which leading lawyers say are in breach of international law.

At issue is a clause in the new legislation that forces doctors who oppose abortion to declare their belief and refer patients seeking terminations to specialists who are willing to provide the procedure.

Queen's Counsel Neil Young, a former Federal Court judge, and barrister Peter Willis, a former adviser to the attorney-general's office, who examined the legislation, say that Australia will fail to meet its international obligations unless the clause is removed.

Several senators within Attorney-General Robert McClelland's own party have also urged him to overhaul the law, including Tasmanian Senator Helen Polley, who wrote to him on the matter.

Senator Polley told The Sunday Age, "There are real concerns that the only way to test this law will be for someone to be prosecuted." Clause 8 of the Abortion Law Reform Act, passed by the Victorian Parliament in October, forces health workers with a conscientious objection to abortion to disclose their beliefs before referring women to a doctor who is not opposed to termination.

However, the international covenant, signed by Australia, states that: "No one can be compelled to reveal his thoughts or adherence to a religion or belief."

Under the Australian constitution, the Commonwealth has the power to invalidate state law if it breaches international treaties to which Australia is a party.

Mr McClelland recently wrote saying he would not invoke these powers to intervene. Since then, it is understood several senators in his own party have urged him to reconsider.

Victorian Senator Jacinta Collins said she had spoken with Mr McClelland about her concerns that the legislation could put doctors at risk of prosecution. President of the Senate John Hogg is also believed to have lobbied him.[Source: The Age, 8th March 2009]