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Queensland 4001

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Committee Secretary
Health, Communities, Disability Services and Domestic and Family Violence Prevention
Committee
Parliament House
George Street
BRISBANE QLD 4000

As a member and past president of the Humanist Society of Queensland, I am writing to support the *Termination of Pregnancy Bill 2018*. We need to repeal sections 224, 225 and 226 of the Queensland Criminal Code which in 1899 made abortion a criminal offence with a penalty of up to 14 years imprisonment.

While some exceptions have been made in s.282 of the Code, those exceptions, the *Guideline for the Therapeutic Termination of Pregnancy* and case law regarding when abortion can be legally performed are also vague, restrictive and unenforceable. The threat of prosecution is always there. As criminal law is involved, there should be clarity and certainty in setting out what is a crime and what is legal.

The 2013 amendment of the Criminal Code states that termination of pregnancy is lawful in Queensland where there is a serious risk to the woman's physical and/or mental health if the pregnancy continues. This still provides uncertainty and makes the woman dependent on the opinion of others about not only her physical condition, but on their views regarding her social economic mental health, now and into the future.

Currently, there is evidence that women seeking abortions in Queensland have been turned away from hospitals, met opposition from unsympathetic and inexperienced doctors, and experienced harassment outside clinics by religiously motivated citizens. Hospital staff and decision-makers frequently have differing levels of knowledge of the Guideline and how it may be implemented in their hospital. Some hospitals have fully implemented the Guidelines, others have not. Supporting women to access termination through a public hospital is a complex, uncertain and time-consuming process.

The proof that religious opposition largely motivates law makers in preventing reform on this issue is very evident as the Commission will know from the hundreds of submissions it will likely receive from religious organisations. Although lawmakers on the floor of the parliament are careful to frame their comments on this issue in secular terms, it is undeniable that many are committed to a worldview that does not square with the secular role they are supposed to perform in parliament.

In a secular society, principles are based on those human rights that provide for freedom to have a religion or belief, and to manifest it subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others. Public morals are not those based on religion, but on accepted

principles for the welfare and protection of society, informing a political conception of what is right and just in a plural society. It is not tied to any religious or other system of belief. These values are framed by, and accepted through an ‘overlapping consensus’ based on the democratic process. They have changed over time, making the legislation of one hundred and nineteen years ago anathema to our 21st Century values.

As *individuals*, everyone should have the maximum opportunity to seek personal fulfilment, free to follow his or her personal worldview, constrained only by the need to accommodate the political entitlements of others. The acceptance of abortion is widespread in our society,

A poll of 1200 Queenslanders February 2017 found that 82% agreed it should be legal for a woman, in consultation with a medical professional, to terminate her pregnancy (see, e.g. http://www.fairagenda.org/blog_abortion_polling).

I support the provision of citizens’ rights to freely express their opposition subject to the exception above, and the right of those whose views are opposed to abortion have the right to abstain. However, they have no right to impose their religious or other personal ethical views on others, who have the right to bodily integrity and freedom. There is no public good, I submit that requires the outright criminalisation of abortion.

I therefore support the Bill in that it decriminalises abortion in Queensland until 22 weeks gestation and makes it a solely medical issue. I submit that after that period, there is reason to provide safeguards for both the mother and foetus. I submit, however, that there is need for more clarity and precision regarding the law and guidelines for those past the 22nd week.

Sincerely

A handwritten signature in blue ink that reads "Meg Wallace". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Meg Wallace, PhD