

**Submission re Jackie Trad's Termination of Pregnancy Bill.**

I want to register my strong objection to the Bill as it stands.

The reasons are too many to include here, and the explanations would take too long to write in order to cover the ground adequately so that I am not misunderstood.

At the outset, however, let me state that I am fully aware that the Bill is based on the recommendations of the Queensland Law Reform Commission, hereafter QLRC. I have read the guiding principles underlying those recommendations. There are at least two considerations regarding both the law and understanding the recommendations.

First, as with all human communication, laws do not in themselves ensure correct understanding; they have to be interpreted. A lot of time and expense is spent in legal contexts arguing the case for laws or documents to be interpreted in a certain way. In my own area of expertise as a PhD researcher I had to deal with this question. It is called "authorial intent". And the strong arguments make a case for the correct interpretation being that of the intended meaning of the framers of a law or a document. The same is true for understanding the recommendations of the QLRC. It appears there is some misreading of this. But the fault does not lie solely with the framers of the Abortion Bill, but in the wording of the recommendations because some of the terminology used are polysemous, allowing for a different interpretation. One example in the recommendations is the term "modernise".

I am currently involved in a group whose institution has deviated from what it was intended to be simply because it did not look for the "authorial intent" of the framers of their constitution. This has had disastrous consequences for the institution.

The second item to note is that no individual person nor group of people within a society can be completely objective. This applies also to the QLRC as well as the framers of the Bill. We are all (yes, I include myself) influenced and guided by the values we espouse, whether consciously or unconsciously. However, some (if not many) people do not examine where their values come from, and how they got them. But, nevertheless, they are inherent in laws, recommendations by the QLRC, and framers of bills in parliament. A flaw in both the recommendations (particularly its five 'guiding principles') and the Bill is that the underlying values have not been adequately examined and evaluated.

I bring this to your attention, not because you can do anything about it, but because these understandings influence the objections I am about to state.

My list of objections are many, for instance:

1. There has not been adequate investigation of the effects of abortion on women's health and well-being even under the current legislation.
2. Health has been viewed too narrowly, too clinical and not related to real life.
3. Abortion does not solve the underlying social contextual issues which bring about pregnancy in the first place, and which cause women to seek abortion.
4. An understanding of what it means to 'modernise' laws
5. Being in step with other jurisdictions, whether state or national or international
6. The process by which submissions are assessed
7. Myths and facts
8. Inadequate information for both voters and women seeking abortion
9. The myth that the majority is right – not always [REDACTED]

10. Which persons are valued as people / valid human beings – and on what grounds. And who has rights

11. Protections of the rights of conscientious objectors

And etc – the list is not complete.

Interwoven with many of these issues are the personal stories of people, their personal testimonies.

Let me speak to a couple of these objections.

**1. Who are valued as human beings?** When specialists perform *in utero* procedures, the unborn baby is treated as a human being, given anaesthetic to avoid pain and distress just like a 'born' baby. However when the procedure is complete, wound closed with sutures, does that human being then revert to a non-human being foetus, just an appendage to the mother? Who determines the 'human beingness' of the unborn baby? Recently there was the case of the man who was convicted on two counts of murder, that of the mother and that of her unborn baby. However, if the mother had earlier wanted to abort that unborn baby, it would not have been a criminal case of murder, but simply the right of the mother. Is it simply the whim and wish of the mother? "If that's the law, then (in the words of the Dickensian character) the law is a ass."

Recently I have been reacquainting myself with the life and contribution of William Wilberforce, the British MP who fought for the whole of his political career against the slave trade. His main argument was that the African negroes were fellow human beings, not just chattels as the majority believed, (Yes, the majority was wrong). On his deathbed he received news that the final resolution had been passed (thus changing the law) outlawing slavery in the British Empire.

O, for another Wilberforce!

**2. Being in step with other states and jurisdictions (under the guise of modernising).** I am seventy-seven years of age, have raised four children, who in turn have given me eleven living grandchildren. One of the difficult tasks my wife and I had to cope with was teaching our teenage children how to resist peer pressure. My adult children are having to do the same with their children. But now we face the same sort of pressure to conform at the state level in parliament and in the legal system. But we must remain true to our own value system, and not be embarrassed by being different from other states and jurisdictions. In and of itself, keeping in step with other jurisdictions is not necessarily a valid guiding principle. The majority are not always right (even in parliamentary democracy).

I think of Dietrich Bonhoeffer, the outstanding German man who, when he could have been safe in the USA, returned to his homeland during the rise of ██████████ ██████████ to stand in identification with and lead those who refused to bow to the pressure of the powerful majority. Yes, Hitler also exterminated those who because of race or because through disability they did not contribute to the state – that is, they were not valued as persons. Bonhoeffer was executed. But what an example.

O, for another Bonhoeffer!

**3. Regarding the desires of the majority of Queenslanders**

I am assuming that you are acquainted with the survey conducted by YouGov Galaxy. Yes, you have already received submissions that quote some of the results of this survey, and how the majority of Queenslanders are against many of the aspects of the proposed Bill. And I further assume that you have taken the trouble to read the results yourself. I will not be quoting from the results of this survey. The reason is simple. It would be so easy for you to dismiss these results on the grounds of flawed methodology of the process, or more importantly on the grounds of participants' personal opinions and beliefs, as against those who are well informed of the 'facts'. But you cannot dismiss it so easily. The online submission also asks people how they feel about different aspects of the Bill.

If, however, you are still inclined to dismiss these results on the grounds of uninformed personal opinion, then you are still at a disadvantage – you (or the Labor Government) have not put in place, and given enough time, a programme for properly informing (educating) people of the ‘facts’. These grounds alone are sufficient objection to the Bill.

In conclusion, I am somewhat apprehensive, and therefore hesitant to make this submission.

Firstly, there are no guidelines as to what is acceptable for a submission. From years of experience, however, and an understanding of relevance theory in communication, it is quite possible that if this submission is seen as ‘too long’ it will be disregarded, or if it is too short it might be deemed not valid on the grounds of ‘personal opinion’ not grounded in ‘facts’. Or it might be deemed not valid for other various reasons.

Secondly, I do not know the people who will be reading this submission. You are hiding behind anonymity. And yet you know something about me. This gives you the power advantage. And as Lord Acton famously said, Power corrupts; absolute power corrupts absolutely.

Thirdly, I do not know how honest the people in the system are. A case in point. Some years ago my wife made a submission to a local governing body. They did not acknowledge it. When I inquired on her behalf as to whether they had received it, the reply was that they had received it but it was invalid because it did not have her address and phone number. My response was: ‘That’s strange. It was a hard paper copy that was posted, and it had the address – so who removed it?’ Experiences like this cause me to be cynical.

In spite of my reluctance and hesitancy, however, may I respectfully request that you send confirmation not that you have received the submission but that you have received it as a *valid* submission.

Yours faithfully,

Syd Gould

