

SUBMISSION TO HEALTH COMMITTEE-TERMINATION OF PREGNANCY BILL

I practised law for 54 years and have recently read this Bill and I am appalled by its contents. I recall that when a similar Bill was introduced into the Victorian Parliament some years ago my naive reaction was: "Thank God I live in Queensland, this could never happen here".

One of the principal functions of law for many centuries has been the protection of human life and in more recent times a recognition that cruelty either to humans or animals should be subject to severe legal sanctions. This Bill repudiates these functions. Many take the view both on scientific and religious grounds that a separate human life comes into existence at the time of conception. However I accept that a majority of the population does not accept this to be the case. However at the end of a period of 22 weeks of gestation, it is my submission that no reasonable person could deny that by that stage we are dealing with two separate lives (mother and child) and both are equally deserving of the legal protection for their lives and legal protection from them being subject to cruel and inhumane treatment. The legalisation of terminations after 22 weeks on the conditions set out in this Bill completely fails to give that protection. There is no need for me to spell out the shocking cruelty involved in late term abortions and to assert that only a very small percentage of abortions are late term is no answer for abandoning the traditional legal sanctions for the termination of another's life or cruelty to another.

The very inclusion of a reference to a period of 22 weeks gestation in the legislation implies a recognition by society that by that time we are dealing with a person separate and distinct from the mother and yet the provisions in the Bill that purport to provide some protection for the wanton destruction of this separate human life are pathetically and dishonestly deficient.

Section 10 of the Bill which provides that a woman who assists in or performs a termination does not commit an offence is, when considered in the context of a very late abortion , the most grotesque reversal of the protection which up until now the State has provided against the wanton taking of human life. While at the present time there may not be any means available for a woman to terminate a late term pregnancy without assistance, means may well become available. A woman who deliberately kills a child however shortly after birth can be found guilty child killing but pursuant to the provisions of section 10 if a child is killed shortly before it emerges from the womb, no sanction applies. Surely this turns the clock back to the dark ages.

In my view no change in the law is warranted but if there is to be a change abortions after a period of 22 weeks of gestation should be very strictly regulated to the extent of only permitting them for the most serious of reasons in accordance with objective tests set out in legislation and given their alleged rarity, the ultimate decision to reside with a judicial or quasi-judicial officer. Finally leaving aside the 22 weeks gestation issue the most compelling reason for not changing the existing law is that any attempt to free up abortion along the lines set out in this Bill will result in abortions undertaken for the purpose of gender selection with pernicious and undesirable social consequences.

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