

I write to express my deep concerns about the Termination of Pregnancy Bill 2018.

All legislation passed in Queensland must have sufficient regards to the rights and liberties of individuals - section 4(2)(a) *Legislative Standards Act 1992*. Any interference with those rights must be justified and fully documented in the explanatory notes accompanying the Bill.

My objection to the Bill is that it interferes with the rights and liberties of at least three groups of individuals. In the case of two of the groups, there has been no justifications given in the explanatory notes for the interference with those rights - meaning that there has been a lack of compliance with the requirements in the *Legislative Standards Act*. In the case of the third group, the justification given does not address in any way the true nature of the right that is being interfered with.

#### *Rights and liberties of unborn children.*

The Bill will allow the termination of the life of unborn children right up to the point of birth. The legislative provision allowing this to occur is so broad that it allows a full term baby to be killed simply for being, for example, of an undesirable sex. To say that this is an unjustified interference with the rights and liberties of an individual is so much of an understatement that it is actually an absurd statement.

How is it possible that a criminal offence of unlawfully killing is committed if an unborn child is killed by another person, yet this Bill will allow the mother of that child with the assistance of the medical profession to likewise kill that child but with no criminal sanction attaching? How is it that in the former case, the baby is seen as a life that cannot be taken, yet in the latter it is not? How is it that killing the baby even days before its birth is seen as acceptable, yet killing it after its birth is seen as murder?

The overwhelming majority of Australians agree that a full-term baby is a life fully capable of independent existence separate from its mother. To cease viewing the termination of that life as a criminal offence and transferring responsibility to when it can be terminated to the mother in consultation with her medical practitioner is a dangerous and extremely worrying development for a society. It is something that should be rejected by the strongest of actions.

The basic fabric of Australian society is that the rights and liberties of all individuals should be protected. However, more energy should be devoted to protecting the rights and liberties of those without a voice or a means to protect their own rights. Is there any more vulnerable individual whose rights need protecting than an unborn child, including a full-term baby?

The Bill is also silent on the rights and liberties of a child who may survive an attempted termination.

#### *Rights and liberties of mothers*

In counselling sessions that I have been part of, I have personally heard the anguish suffered by women who have had an abortion – sometimes years after the event. I concede that it is possible that not everyone who has had an abortion will experience anguish and grief. However, for the sake of the significant number of those who do, should there not be mandatory counselling before a termination of a pregnancy? Should there not be a requirement to outline the alternative options that are available? Should there not be an explanation of some of the psychological risks that many women have experienced? Yet this Bill seems to blatantly disregard the rights of women in this aspect. The Bill is completely devoid of any counselling requirements prior to the termination of a pregnancy – even one which is in a very late stage.

Where is the protection for women pressured to have an abortion against their will? – pressured by partners who do not want the child, pressured by other family members who for example, want a child of a different sex. Having abortion dealt with under the Criminal Code is a way of deterring such undue influence. Removing it from the Code, is another step eroding a protection currently afforded to some women.

#### *Rights and liberties of medical practitioners*

The Bill does contain a provision dealing with the conscientious objection of medical practitioners (clause 8). However, the only option that such a medical practitioner has is to state that objection and then they must refer the mother to a practitioner they know will perform the termination.

This is a clear interference with the right of medical practitioners to practice according to not only their beliefs but what they believe is good medicine - not to mention in accordance with their commitment to save life at all cost. The Explanatory Notes attempt to justify this interference by stating: -

*These requirements may be considered to impact on the rights and liberties of registered health practitioners to practice according to their beliefs. The QLRC (paragraph 4.150 of the QLRC Report) states the recommended approach balances the right to freedom of conscience with other individual rights, achieves consistency with current codes of conduct and guidelines, and assists in enabling access to services. Any potential breach of fundamental legislative principles is justified on this basis.*

However what balance has been provided here? If a medical practitioner holds a strong view on medical, social, and faith grounds, how can they be true to their conscience by referring a mother to a practitioner who they know will perform the termination? This is a gross interference with the rights of this group of individuals, as their mandated actions make them complicit to something that they fundamentally object to. This interference with their rights not only undermines the freedom of a professional group of people to practise medicine in a way that in many instances drew them to the profession – to preserve life, it could potentially create emotional and psychological issues in practitioners who have a profound conscientious objection to the requirements placed on them.

This part of the legislation is akin to situations occurring in societies past and present that the majority of Australians have judged as totalitarian and inhumane.

For the reasons outlined above, I strongly encourage the Committee to recommend that the Bill not be passed.