

**From:** [REDACTED]  
**To:** [Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee](#)  
**Subject:** Termination of Pregnancy Bill 2018  
**Date:** Wednesday, 5 September 2018 12:06:47 AM

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Dear Queensland Parliament Health Committee

It is with immeasurable concern, I furnish my submission in regard to the Termination of Pregnancy Bill 2018.

Re: *In formulating its recommendations, the Qld Law Reform Commission were guided by a set of general principles that:*

- 1** *generally terminations should be treated as a health issue rather than as a criminal matter;*
- 2** *the law should align with international human rights obligations relevant to termination of pregnancy laws, including enabling reasonable and safe access to termination services.*

### **Response**

**1** This suggests that the debate about decriminalising abortion is only about the health of the woman. What about the health of the child? I say “child” because Section 313 (2) of the Queensland Criminal Code states: “Any person who unlawfully assaults a female pregnant with a child and destroys the life of, or does grievous bodily harm to the child before its birth commits a crime.” Evidently the law has also been concerned with the health of the child and should remain so.

Abortion is clearly a moral issue that concerns the common good since it’s about questions of life and death. On this issue two lives are involved – both of whom are unique and count. It is worrying when the blessing of life is seen as a curse, when death is seen as preferable to life. It is also alarming when certain political parties which speak almost obsessively of human rights seek to deny the most basic right of all – the right to life – upon which all other rights are built.

As set under the current Queensland law, abortion is already accessible and generally regarded as lawful if performed to prevent serious danger to the woman’s physical or mental health, which should cover the vast majority of critical situations that may arise.

**2** Attention should be drawn to the U.N. Declaration of the Rights of the Child (1959) with its preamble stating: *‘Whereas the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, **before as well as after birth***’. The Australian Human Rights Commission documentation quotes Article 6 of the ICCPR which states: *‘1. Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life’*. The proposed Termination of Pregnancy Bill 2018 makes a mockery of States parties’ obligation under the Convention on the Rights of the Child to provide *‘special safeguards and care including appropriate legal protection before as well as after birth.’* I understand the notion of abrogating decisions as to the form and scope of legal protection of the child before birth to individual States in order to accommodate a State Party’s internal laws which make liberal allowances for aborting unwanted children also contravenes another important international human rights principle. Article 27 of the Vienna Convention on the Law of Treaties provides: *‘A party may not invoke the provisions of its internal law as justification for its failure to perform a treaty’*.

The United Nations Universal Declaration of Human Rights Article 3 states: *‘Everyone has the right to life, liberty and security of person’*. Australia signed this Convention 22 August 1990 and the only reservation was in regard to Article 37 (c) on the obligation to separate children from adults in prison — there was no reservation to the effect that Australia intended to exclude the child before birth from appropriate legal protection of “every” child’s inherent right to life or from our duty to “ensure to the maximum extent possible the survival and development of the child”.

### **Doctors’ rights**

In removing doctors’ rights to full conscientious objection, and compelling them to refer for abortion, this proposed law probably would force some Christian doctors out of medicine and deter people of faith, or with a strong life ethos, from studying medicine. It should be noted that at the 2016 census 62% of the Queensland population identified as being Christian. It could lead to a shortage of supply of good doctors. The problem would probably be exacerbated in rural and regional areas, some of which already have a problem with a shortage of doctors.

I have heard a number of health professionals referring to a likely scenario for the profession should the proposed Legislation pass through Parliament: staff could be in one room saving the life of a baby in utero, and then move to another room being required to terminate the life of a perfectly healthy unborn baby. What about the possible adverse mental health consequences for them in such a heartbreakingly absurd situation? Such a legally enshrined requirement may cause guilt, sorrow, sadness and depression among those doctors forced to act contrary to their ethical and moral beliefs.

The existing Queensland law is an essential defense for doctors and nurses who refuse to co-operate in the unjustifiable killing of human offspring. I understand according to a recent YouGov Galaxy poll (Aug 2018), seventy-four percent of Queenslanders support conscientious objection for doctors and nurses in regard to abortion.

### **Late-term abortions**

On 10 June 2016, the then Minister for Health stated in Queensland Parliament, in answer to a Question on Notice, said that from 2005 to 2015 there were 204 babies aged 20 weeks or more, [REDACTED].

These children, who had [REDACTED] of late-term abortion, [REDACTED], with only undefined physiological support with no mention [REDACTED]. I understand Queensland Health confirmed that these babies are [REDACTED]. This barbaric treatment is totally unacceptable in a society which regards itself as ‘civilised’. This when there are considerable numbers of Australian couples wishing to adopt children.

### **Conclusion**

In closing, I would strongly prefer the existing law should remain in place as it is. Surely in a civilised, truly caring society, the unborn are entitled to rights also and should be afforded the highest degree of protection. I firmly believe it is the collective responsibility and moral obligation of legislators, the medical profession and the community to work towards ensuring that the dignity and basic rights of every human being at all life stages from conception to natural death, is preserved as far as practicable. As someone once said, *abortion is inherently*

*different from other medical procedures because no other procedure involves the purposeful termination of a potential life.* Thank you for your consideration of my submission and may goodness and reason prevail.

Sincerely

Margaret Farley

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Sent from [Mail](#) for Windows 10