



LEGISLATIVE COUNCIL

The Honourable Greg Donnelly MLC

5th September 2018

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

Dear Committee Secretary,

RE: Termination of Pregnancy Bill 2018

Thank you for the opportunity to make a submission to the inquiry into the *Termination of Pregnancy Bill 2018* (the Bill) that was introduced into the Queensland Parliament on 22nd August 2018. Pursuant to Standing Order 131 of the Standing Rules and Orders of the Legislative Assembly the Bill is before the Health, Communities, Disability Services and Domestic and Family Violence Committee (the Committee) for detailed consideration. This submission will comment on the Bill under a list of subject headings. When looked at together, I believe the matters raised provide a clear basis for the Bill before the Queensland Parliament to be opposed.

1. Queensland Law Reform Commission Review of Termination of Pregnancy Laws Report

The abovementioned report has, and no doubt will continue, to inform discussion around the Bill. The report is in the public domain and speaks for itself. The point that I believe should be noted is that in practical terms the outcome of the Queensland Law Reform Commission's review was in fact settled before the inquiry even commenced. The Terms of Reference provided by the Attorney General to the Queensland Law Reform Commission took as its starting point that the provisions relating to pregnancy termination (abortion) should, I repeat should be removed from the *Criminal Code Act 1899*. Moreover, the Queensland Law Reform Commission was asked to prepare draft legislation to that effect.

The point I simply make is that the Queensland Law Reform Commission was not given any latitude whatsoever to deliberate on the subject matter before it and produce a report and draft bill, beyond the strict parameters set down by the Queensland Government via the Attorney General's prescriptive Terms of Reference. In other words the State Government effectively directed the Queensland Law Reform Commission on what to do and the outcome that was required. This is relevant not because what was deliberately done by the Queensland Government can be changed, but rather to note that the Bill currently before the Committee was in significant

respects a foregone conclusion. Key elements of it had been predetermined by the State Government before the Queensland Law Reform Commission had commenced its deliberations. I respectfully request that all members of the Committee take this into account as they review a Bill that in key respects contains provisions that the Queensland Government insisted by in it.

2. Human Life

It is sometimes asserted by those who support bills like the one under consideration that what we are dealing with, prior to birth, is not an actual human being. It is argued that the unborn has not, does not and should not have standing in terms of being treated as a human being with any legal rights. With the detailed knowledge that medical science currently provides, and has done so for many years with respect to understanding the human biology of the unborn, claims or assertions that we are dealing with anything but a human being should be completely disregarded. The commencement of a new, unique human life begins at conception and nothing can change that biological fact. If one believes, as I do, that all human life from conception to natural death must be respected for what it intrinsically is, the act of deliberately taking that life and extinguishing it must be opposed. To assist in the understanding of the precise human nature of the unborn, attachment one is a copy of a booklet entitled *The Biology of Prenatal Development: Program Script, Footnotes, Appendices, Biography, and Index*. The booklet has been produced to accompany the DVD distributed by National Geographic and is readily available on the internet. The 48 page booklet is well worth reading for all the detail it contains. I particularly draw your attention to pages 3 to 19 that provide a clear and uncomplicated explanation about how a human being develops before birth. What strikes you as you read it is how utterly human the unborn is. One does not need to exaggerate or take any licence. What one is clearly dealing with is a unique human life. Can I further encourage Committee Members to take the time to visit the 3D Atlas of Human Embryology website. The following link will take you to the website [\[REDACTED\]](#). As you will note it contains extraordinary detail regarding the development of the human embryo during its early stages of growth.

3. Late Term Abortion

On the matter of what are referred to as late term abortions, I would like to provide to the Committee information that I have been obtaining from the Queensland Department of Health since 2011. The information that I have been collecting relates to "terminations involving a foetus with a gestation period of 20 or more weeks." The information relates to periods from 1st January to 31st December. Attachments two, three, four, five, six, seven and eight is the information provided to me by the Queensland Department of Health for the calendar years 2011, 2012, 2013, 2014, 2015, 2016 and 2017. The information that has been provided is contained in the table below:

Calendar Year	Pregnancy terminations involving a foetus with a gestation period of 20 or more weeks.
2011	82
2012	81
2013	99
2014	96
2015	97
2016	100
2017	119
Total	674

I am concerned about the number of late term abortions being conducted in Queensland. It is particularly distressing that a number of those who are terminated through this procedure do not have life limiting conditions. It is tragic to contemplate that for example, many of the unborn diagnosed with Down Syndrome, are regularly aborted for no other reason than they may, or actually do, have the condition. The proposed Bill contains no provisions that would prevent such practices occurring.

4. Gender Based Abortions

The issue of gender based abortions is real and increasingly gaining public attention. The SBS radio programs on this issue that were broadcast on 31st July, 1st, 2nd, 3rd, 4th, 5th, 6th and 17th August 2015 provided significant insights into the practice. I draw to the attention of the Committee research recently released that explores to a whole new level the issue of male-biased sex ratios in this country. It published in the prestigious International Journal of Epidemiology and is entitled *Male-biased sex ratios in Australia migrant populations: a population-based survey of 1,191,250 births 1999-2015*. Attachment nine is a copy of the paper. As we know from science the naturally occurring male-to-female ratio is 1.05. Higher and in some cases much higher figures in certain population cohorts indicate that interventions are occurring that, using plain English, are culling female foetuses. Ongoing advances in genetic testing and ultra-sound technology is making this not only cheaper but also more readily available. The exact number of foetuses aborted in Queensland because they are female, is not known. All one can say is that it is truly shocking that any abortions are taking place because of the sex of the foetus. The proposed Bill contains no provisions that would prevent such practices occurring.

5. Domestic Violence

The next point that I wish to make is general in nature but directly relevant to the Bill being considered by the Committee. If one does, as I have done, Google "association between domestic violence and termination of pregnancy" you will find dozens of research papers that have examined this issue both here in Australia and internationally. Attachments ten, eleven and twelve are articles that I have selected from a search I have recently done. The articles speak for themselves. However, I do not understand that given that we know from the long term research that many women who present for abortions have been subjected to domestic violence, and are seeking an abortion because of these circumstances, that as a society we are doing so little to support them. Clearly, a number of women are having abortions because they are being pressured into them through acts of intimidation and domestic violence perpetrated by boyfriends, de facto partners, husbands and others. It seems extraordinary to me that while this is well known, virtually nothing is being done at the point of seeking and undertaking an abortion procedure to assist and support the woman who may well only be pursuing the termination because of the domestic violence. Consideration of this should and must, in my respectful submission, be seriously looked at. How can it be in 2018 in Queensland, indeed Australia, that women are undergoing pregnancy terminations not because they particularly want them, but because they have been subjected to domestic violence and feel that they have no other option? The Bill contains no provisions that deal with this matter.

6. Conscientious Objection

In my view, the provisions within the Bill that deal with conscientious objection are deficient and inadequate. Specialist doctors, GPs, nurses and allied health workers may all have, for sound conscience reasons, strong moral objections to undertaking work relating to pregnancy terminations. There must be robust conscientious objection provisions incorporated into any bill

that would protect the interests of the abovementioned individuals. The proposed Bill does not provide for those robust protections.

7. Safe Access Zones

With respect to the provisions in the Bill relating to safe access zones it appears that they are designed to inter alia exclude persons who may be acting in a way to provide support for individuals considering undergoing an abortion. While nobody would disagree that harassment and intimidation of individuals proceeding to have an abortion is completely unacceptable, why should it be that persons acting in good faith to support a woman considering an abortion be outlawed by this Bill? Clearly there are aspects of the proposed safe access zones provisions that are unfair and unjust.

If you would like me to answer further questions or give oral evidence to the inquiry, do not hesitate to contact me on (02) [REDACTED] or by email on [REDACTED]

Yours sincerely,



Greg Donnelly MLC
Parliament of New South Wales