



**THE  
AUSTRALIAN  
FAMILY  
ASSOCIATION**

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**Emailed to: [abortionlawreform@parliament.qld.gov.au](mailto:abortionlawreform@parliament.qld.gov.au)**

Inquiry Secretary  
HCDSDFVP Committee  
Parliament House,  
BRISBANE QLD 4000

**Re: Inquiry into Abortion Law Reform**

**Summary**

The Australian Family Association appreciates the opportunity to make a submission to the inquiry into aspects of law governing termination of pregnancy in Queensland.

The Australian Family Association has been in existence for over 35 years. We provide a forum and a vehicle for those individuals and organisations in the community concerned with the strengthening and support of the natural family. We are a voluntary, ecumenical and non-party-political organisation.

The Abortion Law Reform (Woman's Right to Choose) Amendment Bill 2016, for an Act to amend the Criminal Code to change the law relating to abortion, appears to be best described as abhorrent legislation. This Bill implies there would be no regulation of abortion at any stage up to birth. Abortion terminates an unborn child, harms the mother and negatively affects the whole of our society.

In relation to community attitudes and expectations in Queensland, the Australian Family Association arranged in May 2016 for an independent survey involving a randomised telephone opinion poll of 400 Queensland voters. The results of the survey indicated there is no consensus for abortion law to be changed, except to introduce safeguards for women such as independent counselling, cooling-off periods and parental consent – as well as conscientious objection provisions for doctors and nurses.

Our submission recommends:

1. The detailed consideration of Abortion Law Reform (Woman's Right to Choose) Amendment Bill 2016 should result in the Bill being rejected.
2. The Criminal Code should not be changed in relation to abortion.
3. Separate well-funded policy measures should be implemented to safeguard women against harm from abortion.

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## 1. Introduction

The Australian Family Association appreciates the opportunity to make a submission to the inquiry into aspects of law governing termination of pregnancy in Queensland.

Our submission provides a background of our organisation, reviews the Abortion Law Reform Amendment Bill 2016, considers the impacts of abortion, provides a response to the inquiry terms of reference and presents our recommendations.

## 2. Australian Family Association background

The Australian Family Association has been in existence for over 35 years and our [website](#) states what type of organisation we are and that we provide a forum and a vehicle for those individuals and organisations in the community concerned with the strengthening and support of the natural family. We are a voluntary, ecumenical and non-party-political organisation.

We provide a 'Definition of Marriage and Family'. We recognise there are different forms of families and the need for care and compassion and the support of all people in need. However, our activities are directed towards the consolidation of the family unit, seeking the support of public policy so as to forestall the causes which today lead to the disintegration of the family and its fundamental role as the basic unit of society.

We respect the sanctity of life from conception to natural death. The right to be born must be extended to all human beings. The dignity of human life cannot be compromised.

We are concerned at the dismantling of a marriage culture from our society. We highlight the disconnection of the sexual relationship between men and women from marriage, how anti-conceptive devices and practices have led to rampant teenage sexuality, the increase in sexually transmitted diseases (STD's), and the increase in unplanned pregnancies leading to the escalation in abortion rates.

## 3. Review of Abortion Law Reform (Woman's Right to Choose) Amendment Bill 2016

This Bill for an Act to amend the Criminal Code to change the law relating to abortion is best described as abhorrent legislation.

This Bill would omit Sections 224, 225 and 226 of the Criminal Code (Criminal Code Act 1899). In reality these Sections provide protection to a woman and their unborn child. Removing these Sections would make women more vulnerable to harm because it would likely cause an increase in unnecessary abortions. The Bill would remove all regulation of abortion at any stage up to birth.

The pro-abortion lobby's main argument against the current law is that "women should not go to jail."

Well, the fact is that no Queensland woman ever has gone to jail, nor even been convicted, for the 117 years abortion law has been in effect. No Queensland woman has even been tried for illegal abortion where the abortion has been done under medical supervision. This is because prosecutions of abortionists on the rare occasions they occur typically only happen when a woman has made a complaint to the police and she is then a witness for the prosecution.

We are pleased that this is the case, as we see the woman as the second victim of abortion, who often does not make a free and informed choice and unfortunately has to suffer the natural consequences of abortion.

However, the law should stay as it is because it **stands as a safeguard for women being pressured by their partners and/or family**. They can and do appeal to the fact that abortion is against the law and is wrong. This allows women to stand up and say "you cannot tell me to do something against the law".

**It also protects women from rogue doctors** such as Dr Salman Sood, an abortionist in Sydney who was convicted of illegal abortion under the NSW law (which is similar in wording and interpretation to the Queensland law) in 2006.

See <http://www.smh.com.au/news/national/doctor-guilty-of-illegal-abortion/2006/08/23/1156012590847.html>

**The existing Queensland law is also an essential defence for doctors and nurses who refuse to co-operate in the unjustifiable killing of human offspring.** Under the 2008 Victorian law, which abortion activists want for Queensland and which leading human rights lawyer Frank Brennan called “totalitarian”, doctors are forced, against their conscience, to co-operate with the process of obtaining an abortion. Seventy-nine percent of Queensland voters support conscientious objection for doctors and nurses in regard to abortion (*What Queenslanders Really Think About Abortion*, Galaxy opinion poll, May 2016).

**The law against abortion has a vital educative role too.** It instructs society as to the seriousness of the act of abortion, while the removal from the criminal law of any references to abortion would tell society that this form of intentional killing is morally trivial.

**Decriminalisation inevitably would increase the number of abortions - which 87% of Australians already think is too high** (*Give Women Choice: Australia Speaks on Abortion*, Sexton Marketing Group, 2005). Furthermore, only 15% of Australians think abortion is a moral choice when both mother and baby are healthy (Ibid).

We must point out that couching the Bill in the context of ‘Woman’s Right to Choose’ is misleading. The arguments for abortion are often spoken in terms of ‘rights’. However, the only person, in this line of argument, who does not have any rights, is the unborn child – the victim of abortion whose own right to life, to selfhood and self-determination is snuffed out.

This ‘Woman’s Right to Choose’ Bill infers that the man has been released from any responsibility with the unborn child and denied any rights in relation to his unborn child, and deals the father essentially an irreversible blow. The man’s “fatherhood” is unwanted by her and/or rejected by him.

#### **4. Impacts of abortion**

An abortion results in a dead unborn child, a harmed woman, and places a strain on the relationship between the mother and father and this negatively affects the whole of our society.

**There is overwhelming evidence about the serious physical and emotional effects of abortion on women**, and as a consequence, on their families. Physical risks include infertility and breast cancer. Psychological risks include depression and other mental illness, suicide, attempted suicide, drug and alcohol abuse, sexual promiscuity or frigidity and general poor self-esteem. The psychological aftermath of abortion affects a woman’s relationships with her partner, other children and her ability to cope with life’s demands (*Women & Abortion: An Evidence-Based Review* by Selena Ewing, Women’s Forum Australia).

Abortion involves a medical intrusion affecting the woman’s reproductive organs. Clearly this presents many risks to a woman’s physical health.

In relation to mental health issues an analysis of research published 1995 -2009 [1] concluded:

.... the results of this meta-analytic review of the abortion and mental health literature indicate quite consistently that abortion is associated with moderate to highly increased risks of psychological problems subsequent to the procedure.

An analysis by Heartbeat International [2] identifies 'Thirty Studies in Five Years Show Abortion Hurts Women's Mental Health'. This analysis highlights the 'The Big Lie about Abortion and Mental Health' and the need for 'an informed choice regarding abortion [which] must be based on accurate information'. The information must include the risks of depression, substance abuse, and anxiety disorders, including Post Traumatic Stress Disorder (PTSD), as well as suicide ideation and behaviours.

The impact to society is highlighted by the writings of Anne Lastman, an abortion counsellor:

Abortion undermines our society. It is abandonment by society of its weakest members. It involves a form of deception to a woman by telling them that her role as mother, nurturer, and protector is secondary to her personal goals [3].

Marriage, motherhood and fatherhood have become devalued to the detriment of all society especially children and the vulnerable. Apart from the temporariness of the married state, as deduced from the high divorce rate, escalating abortion rate, and a weakened parenting style, the impact on children who have been allowed to live is profound. The child or children may experience a deep sense of abandonment and failure. A deep sense of guilt emanates from the belief that they are a burden. Under these conditions children not only suffer psychologically but also spiritually. A child who cannot experience permanency, guidance and unconditional love, in a two parent setting is cheated of an inherent right [4].

Abortion also presents many difficulties for medical practitioners. We understand legislation in Victoria and Tasmania compels doctors who conscientiously object to performing an abortion to refer their patient to a doctor willing to terminate the pregnancy. The concerns with such legislation are highlighted in an AMA appeal to the Tasmanian Government about coercing some doctors to act against the dictates of their conscience [5].

## **5. Terms of reference response**

### **5.1 Existing practices by medical practitioners**

It is difficult to make comments on existing practices concerning termination of pregnancy by medical practitioners (i.e. the killing of an unborn child) when no information is provided or appears to be readily available on current practices. We understand the Private Health Facilities Act 1999 requires licensees of private clinics and day surgeries in Queensland offering pregnancy termination services to submit annual reports about their activities to the Chief Health Officer.

We ask whether these reports or other records available from these clinics and surgeries provide details of current practices in Queensland. We ask: How does the committee intend to be informed about current practices? Is the committee going to make available to the public any records on current practices by medical practitioners made accessible to the committee?

### **5.2 Existing legal principles**

Since the case of R V Bayliss and Cullen in 1986, when McGuire DCJ defined the circumstances in which an abortion would be 'lawful' under the terms of the Criminal Code, we understand there has been only one prosecution and that did not result in a conviction.

The fact that, according to Medicare, more than 10,000 abortions a year are performed in private abortion clinics in Queensland each year shows that the law is not being enforced – as "seriously ill" women would not be attending outpatient clinics. We are not aware whether records are kept about the real reasons for abortions. Abortions are supposedly undertaken due to "a serious danger to the woman's physical and mental health from a continuance of the pregnancy" or are they performed simply because the woman has asked for an abortion.

### 5.3 Changing the law

The terms of reference invite the committee to consider, report and make recommendations on the need to modernise and clarify the law (without altering current clinical practice), to reflect current community attitudes and expectations.

We are concerned about how the committee intends to consider potential changes to the law.

#### Current clinical practices

The line which is regularly trotted out is that “abortion is a matter between a woman and her doctor” is misleading, because the only time a woman sees the doctor at an abortion clinic is when she is lying on the table undergoing the procedure. The truth is that only rarely is there a doctor-patient relationship for an abortion.

It appears there is no detailed information on abortions in Queensland. Information needed includes the reasons for particular abortions, the ages of women having abortions, the number of abortions individual women might have, the gestation times when abortions take place, and who makes the decision that an abortion should take place. For example, does the final decision rest with the doctor or the mother, or is the father involved in the decision making process as well? It also would be of interest to know how often abortions are refused to be carried out by doctors because there was no risk to the physical or mental health of the pregnant woman from the continuation of the pregnancy.

#### Current community attitudes and expectations

The terms of reference infers that any changing of the law is to reflect current community attitudes and expectations.

The Australian Family Association arranged an **independent opinion poll** to seek an understanding of community attitudes and expectations in relation to abortion. The poll conducted on **6 - 8 May 2016** shows that more Queensland voters are opposed to decriminalisation of abortion than are in favour.

Conducted by independent market research firm **Galaxy Research** for the Australian Family Association, this randomised telephone opinion poll of 400 Queensland voters indicates there is no consensus for the abortion law to be changed, except to introduce safeguards for women such as independent counselling, cooling-off periods and parental consent – as well as conscientious objection provisions for doctors and nurses.

Some of the key findings include:

- Almost everyone (94%) believes that before having an abortion a woman should receive free **independent** counselling and information so that she can make a fully informed decision.
- Almost nine out of ten (87%) support a cooling-off period between the making of an appointment and the procedure.
- Three-quarters (75%) want a requirement that girls under 16 obtain parental consent
- More than four out of five (84%) of Queensland voters believe that abortion can harm the mental and/or physical health of a woman.
- Almost half (49%) of Queenslanders oppose decriminalisation of abortion, with 43% in favour. This result shows that recent claims by the pro-abortion lobby that there is 80% support for such a move are false.
- When asked “up to what stage of pregnancy would you allow abortion”, 22% of Queensland voters said “not at all” and 50% said only in the first three months – meaning 72% of Queensland voters are opposed to abortion past the first trimester. An overwhelming majority (85%) of voters are opposed to abortion past 20 weeks, with only 6% in favour.
- It is also noted that support for abortion in the first three months is heavily qualified, with 45% of Queensland voters opposed to abortion for non-medical (that is, financial or social) reasons, and only 38% in favour.

- The majority of Queenslanders (53%) either want the current law to remain the same, or want the law to be strengthened. Only 39% say the current law is too restrictive.
- At an election time, the research indicates an average swing of 6% would be generated against members of Parliament who vote in favour of decriminalising abortion (a 24% swing against versus 18% swing towards).

The report on these opinion poll findings, entitled *What Queenslanders Really Think About Abortion*, can be found at [www.aborthionrethink.org](http://www.aborthionrethink.org)

#### 5.4 Other Australian Jurisdictions

It is important to note that according to media reports, **after the decriminalisation of abortion in Victoria in 2008, the number of late-term abortions performed at the Royal Women's Hospital in Melbourne rose 6 times from once a fortnight to three a week.**

It is of interest to note that all amendments to that Bill seeking to safeguard women through the provision of mandatory independent counselling, informed consent requirements, cooling-off periods and parental consent, were defeated. We also understand that when a new ACT Government of Labor and Greens came to power in 2003, existing informed consent requirements in the abortion law were repealed.

**It is clear that these actions were taken by those who were pro-abortion rather than pro-choice.**

#### 5.5 Support services for women

The current support services in Queensland for women who are considering terminating their pregnancy or who have already had an abortion are woefully inadequate.

**There are a lot of unwanted abortions** where women have been pressured into an abortion by their parents, boyfriend, husband or partner, or by their financial or social circumstances. This causes deep regret, guilt and harm to these women.

As evidence of this, it is of interest to note that in South Australia, the law prohibits private abortion clinics, so all abortions are done in public hospitals. In 2003, it was reported in the media that **after the Women's and Children's Hospital in Adelaide introduced mandatory independent counselling by social workers for women seeking an abortion, the number of abortions performed at the hospital over the next 12 months fell by 25%.**

There should be separate policy measures which are well funded to safeguard women considering abortion. A woman considering an abortion should have appropriate counselling about the development of the unborn child, the nature of the procedure, the physical and psychological risks and the alternatives to abortion. There also should be a cooling-off period after giving a signed informed consent for an abortion.

The support services should be available before and after an abortion. We understand a Queensland Government-funded abortion counselling organisation which advocates the free availability of abortion does not facilitate the full range of choices that women need. It is about time that the Government also funded pregnancy help centres with a pro-life ethos, which as well as giving the full range of information and alternatives to women contemplating abortion, also support women who need post-abortive counselling and who would never go back to the abortion clinic or pro-abortion agency that recommended that course of action.

## 6. Recommendation

1. The detailed consideration of Abortion Law Reform (Woman's Right to Choose) Amendment Bill 2016 should result in the Bill being rejected.
2. The Criminal Code should not be changed in relation to abortion.
3. Separate well-funded policy measures should be implemented to safeguard women against harm from abortion.

The Committee may contact the Australian Family Association about our submission by email ([mord@family.org.au](mailto:mord@family.org.au)) or by mobile 0497 282 947. We would be pleased to be asked to speak to our submission at a public hearing of the Committee.

Sincerely,

**Michael Ord**

Queensland President  
On behalf of the Queensland Branch of the Australian Family Association

### References:

- [1] Abortion and mental health: quantitative synthesis and analysis of research published 1995–2009, Priscilla K. Coleman, The British Journal of Psychiatry Aug 2011, 199 (3) 180-186; DOI: 10.1192/bjp.bp.110.077230; <http://bjp.rcpsych.org/content/199/3/180>
- [2] Thirty Studies in Five Years Show Abortion Hurts Women's Mental Health, By Priscilla Coleman, Ph.D. <https://www.heartbeatinternational.org/30-studies-coleman>
- [3] Redeeming Grief, Anne Lastman, page 22
- [4] Redeeming Grief, Anne Lastman, page 123
- [5] Abortion Law Must Respect Dictates of Conscience, Australian Medical Association, 12 Aug 2013, <https://ama.com.au/ausmed/abortion-law-must-respect-dictates-conscience>