

**Submission to**

Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee

[REDACTED]

**Regarding**

Abortion Law Reform (Women's Right to Choose) Amendment Bill 2016

**from**

Nexus, a multicultural faith community organisation.

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To the members of the Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee

We write on behalf of the approximately 5100 people affiliated with Nexus, a multicultural faith community based in Everton Park, drawing from 190 suburbs in Northern Brisbane.

We thank you for your leadership of our State and the opportunity to provide a submission to the inquiry. For the purposes of brevity, we will attempt to respond to each question asked in a succinct manner.

**Context**

We note your Committee's name, which speaks to many of the issues that this proposed legislation touches, being:

- Health – abortion services are provided by the health industry and often relate to the health of the mother or child.
- Communities – an underlying premise of abortion on demand is that the value of a human life is derived from being wanted by another, which is fundamentally detrimental to an inclusive community and social cohesion.
- Disability Services – children with a diagnosis of disability are at more risk of being aborted, due to a social view that persons with a disability have less 'dignity' or 'quality of life'.
- Domestic and Family Violence Prevention – women who are in domestic violence situations can be placed under pressure to procure an unwanted abortion.

**Responses to Questions for Consideration, outlined in the Information Paper**

1. What policy objectives should inform the law governing termination of pregnancy in Queensland?
  - The role of the Parliament and lawmaking is necessarily guided by the Constitution of Queensland 2001, which states in the preamble - *"The people of*

*Queensland, free and equal citizens of Australia— intend through this Constitution to foster the peace, welfare and good government of Queensland;”*

- Members of the medical profession are guided by the Hippocratic Oath - First, Do no harm.
  - Taken together, lawmaking for the people of Queensland regarding medical matters should be to foster peace, welfare and good government, and should as a first principle, do no harm.
  - Where it can be established that a proposed law is detrimental to peace, welfare and good government and/or that harm arises from a law, it is reasonable to consider that this proposed law contravenes the overriding policy objectives in which the Queensland legislature should operate regarding health legislation.
2. What legal principles should inform the law governing termination of pregnancy?
- According to John Keown DPhil PhD DC in *The Law and Ethics of Medicine*, Oxford University Press, the principle of respect for every human being is found in the various theological writings, in the principles of the Stoics, the Hippocratic Oath, the philosophical ethics of Immanuel Kant, and the *U.N. Declaration on Human Rights*.
  - Thus the legal principles which inform any such laws should embody respect for every human being, and take regard of the human rights of all parties affected by any such law.
  - Equality before the law should govern all laws. The proposed legislation does not recognize the responsibility or rights of all parties involved. There is no protection of the rights of women to be able to make a decision free of duress. The rights of fathers of unborn children are not recognized. The rights of unborn children are not required to be taken into account. Therefore, the proposed changes in legislation violate the principle of equality before the law.
3. What factors should be taken into account in deciding if a termination of pregnancy is lawful? (e.g. consent of the woman, serious danger to the woman's life, the woman's physical and mental health, other factors?)
- The proposed legislation before the House, in removing the clauses from the Criminal Code, may place women at risk of increased pressure to abort, particularly in relationships where there is intimate partner violence.
  - The proposed legislation before the House, in removing the clauses from the Criminal Code, may have the unintended consequence of reducing safeguards against criminal behavior, including statutory rape.
  - The proposed legislation before the House provides no protection for women against pressure to abort by those who stand to profit from the direct provision of such services or associated services.
4. Should termination of pregnancy be regulated according to the period of gestation? If so, how should the law apply to particular gestational periods?
- Regarding termination of pregnancy, tremendous advances in medical and scientific knowledge have been made since 1899. Legislatures now have the benefit of increased knowledge regarding the conception and development of human life throughout pregnancy.

- The scientific and medical community have now established the following<sup>1</sup>, none of which is taken into account in the proposed legislation before the House:
    - Most significant developmental milestones occur long before birth **during the first eight weeks following conception** when most body parts and all body systems appear and begin to function.
    - The main divisions of the body, such as the head, chest, abdomen and pelvis, and arms and legs are **established by about four weeks after conception**.
    - Eight weeks after conception, except for the small size, the developing human's overall appearance and many internal structures closely resemble the newborn.
    - Pregnancy is not just a time for growing all the parts of the body. It is also a time of preparation for survival after birth. Many common daily activities seen in children and adults begin in the womb—starting more than 30 weeks *before* birth. These activities include hiccups, touching the face, breathing motions, urination, right- or left-handedness, thumb sucking, swallowing, yawning, jaw movement, reflexes, REM sleep, hearing, taste, sensation, and so on.
  - After 10 weeks, the developing human is called a fetus, which means “little one” or “unborn offspring.”<sup>2</sup>
  - We note that according to Galaxy research, two-thirds of voters in Queensland (66%) believe that an unborn child at 20 weeks of pregnancy is a human person with human rights. This view is more likely to be held by females (68%).
5. Should the law in Queensland provide for conscientious objection by health providers?
- This question pre-supposes legislation that results in health providers being obligated to provide or participate in terminations. Such a change would be in conflict with the welfare of health providers and thus in conflict with the responsibility of the Parliament regarding lawmaking.
6. What counselling and support services should be provided for women before and after a termination of pregnancy?
- We note that according to Galaxy research, 84% of Queensland voters believe that abortion can harm the mental and/or physical health of a woman. Those aged 18-34 years (90%) are the most likely to have concerns about the harm done by abortion to the physical and/or mental health of the woman.
  - Apart from the proposed legislation before the House, in order to allow for comprehensive and better choices for women, we request better support be provided for women who face unexpected pregnancy. Consideration could be made for the provision of a state government funded pre-adoption allowance for women who are pregnant and who choose to adopt out the child rather than

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<sup>1</sup> <https://www.ehd.org/prenatal-summary.php>

<sup>2</sup> The Developing Human: Clinically Oriented Embryology, Keith L. Moore, T. V. N. Persaud, Mark G. Torchia, Saunders/Elsevier 2008

terminate. This would allow for greater support and the alleviation of distress for women who face mental or financial pressures from raising a child.

Thank you for the opportunity to make this submission.

Murray Averill and the leadership team of Nexus

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