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THE ARCHBISHOP OF BRISBANE

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

Dear Research Director,

To this letter I attach a submission to the Committee's Inquiry into the Abortion Law Reform Bill.

A representative of the Archdiocese of Brisbane would be happy to appear before the Committee to discuss further the submission or answer any questions. Our representative is Dr Ray Campbell, Director of the Queensland Bioethics Centre, whose contact details appear on the first page of the submission. The Queensland Bioethics Centre is an agency of the Archdiocese of Brisbane.

Thank you for this opportunity to contribute to the Committee's deliberations on this important matter.

Yours sincerely,

Archbishop of Brisbane

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

Re:
Abortion Law Reform (Women's Right to Choose) Amendment Bill 2016 and
Inquiry into laws governing termination of pregnancy in Queensland.

Submitted by

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Introduction

The Catholic Archdiocese of Brisbane welcomes this opportunity to make a submission to the Parliamentary Committee's inquiry into the *Abortion Law Reform (Women's Right to Choose) Amendment Bill 2016* and other matters concerning laws governing termination of pregnancy in Queensland.

The Catholic Church holds that both the mother and their unborn each have finely balanced rights which require protection under the law.

The Church acknowledges that "the decision to have an abortion is often tragic and painful for the mother, insofar as the decision to rid herself of the fruit of conception is not made for purely selfish reasons or out of convenience, but out of a desire to protect certain important values such as her own health or a decent standard of living for the other members of the family."¹

As well as the mother, there are often other people who influence the fate of the unborn: the father carries responsibilities, not only if he influences the woman to have an abortion, but also if he acquiesces in such a decision on her part by leaving her alone to face the problems of pregnancy. "*It is your choice*" are often words for weakly avoiding his responsibilities for her and for their unborn.

Nor can one overlook the pressures which may come from the wider circle of family and friends. If a woman feels coerced or forced to have an abortion, then a moral responsibility lies also with those who directly or indirectly influenced her to that course of action.

The expression in the title of the Bill itself *Women's Right to Choose* seems somewhat ingenuous. The Bill provides nothing to ensure that a woman is making a free and informed choice.²

The Church is both pro-woman and pro-life. Through its agencies it offers support for women in difficulty with pregnancy, while it supports those legislative measures which ensure that women are not forced to choose abortion through their personal circumstances, the pressure of family or friends, or by the tacit (in)action of the medical profession if they fail to disclose medical side-effects (post abortion depression or risks to future fertility) or to inform women of alternatives (such as pregnancy support, single parenthood or adoption).³

The Decriminalisation of Abortion

I do not support the removal of abortion from the Criminal Code.

Pope Francis has recently stated:

So great is the value of a human life, and so inalienable the right to life of an innocent child growing in the mother's womb, that no alleged right to one's own

¹ Pope John Paul II *Evangelium Vitae* Vatican City 1995 n. 58

² We recommend the committee members read Melinda Tankard Reist's *Giving Sorrow Words* Duffy and Snellgrove, Sydney, 2000.

³ Eugenic abortion is widely practiced on the basis of prenatal testing for abnormality and women sometimes need in fact to be defiant to continue with a pregnancy when abnormality is detected. See for instance the accounts given in Melinda Tankard Reist's collection of essays *Defiant Birth: Women who resist medical eugenics* Spinifex Press: Melbourne 2006.

*body can justify a decision to terminate that life, which is an end in itself and which can never be considered the 'property' of another human being.*⁴

Any attempt to harm an innocent human life is always morally inexcusable as it violates fundamental and basic natural justice.

Every procedure performed with the intention of terminating an unborn life or hindering its natural development is a violent act, even when it is carried out reluctantly and with regret.⁵

This position is not peculiarly *Catholic*. It is deeply founded in the ancient and broad *Judeo/Christian* tradition:

Before I formed you in the womb I knew you, before you came to birth I consecrated you. (Jeremiah 1/5)

Nor is this a uniquely *religious* position.

The right of the innocent not to be killed and the right of the unborn to protection under the law are grounded in reason and upheld by many who may have no religious affiliation.

Each of us is here today because when we were infants in the womb people cared enough to protect our lives. How can we fail to extend that protection to others? It is also anomalous that in a culture deeply concerned with human rights that the most basic of all rights, the right to life, on which all other rights are predicated, is denied?

To enshrine such a contradiction in law is a serious anomaly and is utterly inconsistent with *the common good*, the consensual basis of a humane pluralistic society.

The law has an educative role. To completely remove abortion from the Criminal Code could send other messages to people regarding the value of human life. Such a move towards *abortion on demand* would lead to many more abortions, with increased pressure placed on vulnerable women faced with this most difficult decision.

It could also reduce abortion to just another *birth control option*, disregarding its seriously invasive medical aspects and its grave personal ethical import?

The Bill being considered would allow a doctor to perform an apparently *consensual* abortion without fully informed consent and without also offering support and counselling to the woman to assist her with her decision-making or with her continuing pregnancy. This fails to appreciate that abortion is a decision which is seriously difficult to make and requires supportive professional counselling.

The Bill would also lead to the situation where children of 22-23 weeks gestation are being born in our hospitals and being cared for to preserve their lives, while those of 25 weeks gestation and older are being aborted. Such inconsistencies are hardly a sign of a mature or just society.

⁴ Pope Francis, *Amoris Laetitia*, 2016, n. 83.

⁵ Cf A Pastoral Letter of the Catholic Bishops of Victoria, 2008. We acknowledge our indebtedness to this Pastoral Letter in preparing this submission.

The present situation

As well as in the Criminal Code, in Queensland the law on abortion is also governed by legal precedent: the decision in *R v. Bayliss and Cullen* in 1986. While that decision allowed for abortion in certain restricted circumstances. Justice McGuire stated:

*The law in this State has not abdicated its responsibility as guardian of the silent innocence of the unborn. It should rightly use its authority to see that a mentality of abortion on whim or caprice, does not insidiously filter into our society. There is no legal justification for abortion on demand.*⁶

Anecdotal evidence would suggest that the decision in *R v. Bayliss and Cullen* is now interpreted more liberally than was intended by Justice McGuire. We would ask that the State not abdicate its responsibility *as guardian of the silent innocence of the unborn*.

Given the present situation we believe that women considering an abortion would benefit from independent, professionally competent counselling services in her decision-making, including contacts with pregnancy support services. Such services would need to be readily available state-wide.

I also believe the Parliament should inquire into the conditions under which abortions are currently performed in certain *clinics* in this state. Do these facilities have the expertise to treat adverse events such as haemorrhage?

There is much good Parliament could do for the well-being of women and their unborn. Removing abortion from the Queensland Criminal Code is not one of them.

The Most Reverend Mark Coleridge
Archbishop of Brisbane

⁶ See John Fleming, PhD and Nicholas Tonti-Filippini PhD (eds) *Common Ground?* St Pauls: Strathfield, 2007, p. 32 and the citations given there. This work contains the results of one of the most extensive surveys undertaken in Australia into Australians' attitude towards abortion.