

**Submission for the Committee of Inquiry into Abortion Law Reform -June 2016**

I submit a proposal for your consideration about the Abortion Law Reform Amendment Bill of 2016.

In the 1986 case of *R v Bayliss and Cullen*, Mr Justice McGuire stated that:

*“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 abortion on whim or caprice does not insidiously filter into our society. There is no legal justification for abortion on demand.”*

I believe this legal principle ought to determine any future action being considered by the committee. For the principled opinion speaks about the guardianship of the 'silent innocence of the unborn.' To remove this principle would see a legal justification for a deeper widening of abortion on demand.

If the current criminal code sections 224-226 are abandoned there would be virtually no human rights for the person within the womb. The Pyne Bill as reported contradicts the fundamental responsibility that human beings have to protect one another and to enhance the quality of health and social care which every human life deserves from conception to natural death.

A prominent Queensland Public religious figure, Archbishop Coleridge, commenting on the Pyne Bill says: “One of the difficult things about abortion is that it denies the human status and therefore any rights to the child in the womb. We simply can't accept that. And that's why this proposed legislation prompts all kinds of questions and concerns. Human life should be respected from the moment of conception! Abortion is a human complexity and it is always a defeat for humanity.”

My overriding objection to any abortion bill, is that there are two persons intricately connected and alive. I believe that abortion is the first and primary form of abuse against a person, for the person within the womb is vulnerable and unable to protect him or herself. This abuse would, in my opinion deny the principle of Justice McGuire's judgement when he writes: “The law in this State has not abdicated its responsibility as guardianship of the silent innocence of the unborn.” The choice of the infant person is not heard in the quest for life.

If a new law was promulgated by the parliament there ought to be clearly defined passages allowing conscientious objection by all health workers. The South Australian legislation could be a model here in that it states: “...that no person is

under a duty to participate in any such termination operation to which she or he has a conscientious objection.” In this regard I do not agree with the Victorian legislation which states: “Despite any conscientious objection to abortion a registered medical practitioner has a duty to perform an abortion” The right to exercise our conscience freely is a fundamental human right. The Victorian legislation is a clear abandonment of the inherent natural law and consequent fundamental human right that our conscience exercises; a right sanctioned and upheld by the United Nations Charter of Human Rights .

Support services ought to be implemented and provided, such as counselling before and after the procedure of abortion. For most abortion is a traumatic event and in many cases is injurious to sound mental health.

A sound policy initiative that could be recommended is that of adoption. It is time to promote the concept of adoptive practices in our community. We hear of too many couples travelling to South East Asian countries in order to facilitate an adoption. If a sound and measured policy of well managed adoptive practices supported by Government Family agencies and Non-Government Agencies (NGO) were implemented there could well be a new hope for those so desirous of adopting a young child.

I therefore recommend that the committee promote a policy of adoptions as an alternative for those who are considering an abortion. This recommendation could be made for Government agencies and NGOs. Such a recommendation would need to be resourced as a gesture of good will with appropriate resources, such as counsellors, social workers and other interested and sound persons within the public polity. With a counselling service, I would think that most women in this difficult time of considering an abortion might be inclined to see and feel that their unborn child could become a joy for another, as they gift another woman and/or couple with a child.

Yours sincerely

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