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COMMITTEE

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LEGAL CONSTITUTIONAL AND ADMINISTRATIVE REVIEW COMMITTEE
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Dear Sir/Madam,

I fear that the introduction of a Queensland Bill of Rights would have a greater capacity for harm than for good. It would curtail individual rights rather than the opposite, by limiting them to just precisely what is laid down in the Bill, and, even worse, to the interpretation put on the various clauses by a judge.

Our rights are more adequately protected when proposed changes to legislation must be debated in Parliament by those who are aware they will again have to present themselves to the people for re-election.

As well, granting of rights to some often takes rights away from others. Consider the following.

Cl. 27

Freedom from discrimination on the basis of sexuality could mean that same-sex couples should be granted adoption rights, and the right to assisted reproductive technology. This deprives children of the right to be brought up by a mother and a father, i.e., the right to the best possible start in life. A veritable mountain of research shows beyond doubt that children's best interests are served within the context of an intact, mother-father family.¹ As well, psychologist Dr Joe Nicolosi, who has spent a great deal of time examining this issue, argues that kids raised by same-sex couples are traumatised, emotionally and socially.²

Freedom from discrimination on the basis of marital status deprives landlords of the right to exercise their consciences in the matter of rent if they hold the sincere conviction that sex is exclusively for marriage.

Freedom from discrimination on the basis of marital status also deprives religious bodies of their conscientious right not to employ teachers whose practices contradict the moral teachings of that body.

In fact, Cl.27 contradicts Clause 22, which provides for freedom of conscience.

Freedom from discrimination on the basis of medical condition deprives others of the right not to have their own lives endangered, e.g., by receiving contaminated blood donated by those with a contagious "medical condition"; or by being treated by a dentist, doctor or nurse with a contagious "medical condition."

Cl. 38

The right of a female to control her own fertility (Cl.38(3)(a)) would almost certainly be interpreted as the right of a pregnant female to abortion, thus depriving her unborn child of its most basic right - the right to life.

This clashes with Cl.11(a) & (b), which provide for the right to life, and not to be deprived thereof. It also clashes with Cl.12(1), which provides for the right to recognition as a person. (The place where one is does not determine one's personhood, so what is the logic of recognising that a baby is a person only after it has left its mother's womb?)

The "right" to abortion also clashes with 1.12(2) which provides for the right to equal protection.

If the proposed Bill of Rights is adopted, will Cl.23(2), which provides for the freedom to obtain and disseminate information, require that a woman requesting abortion be fully informed of the method by which her unborn baby's life is to be extinguished, e.g. by being torn apart limb by limb, or by having its head punctured and its brains sucked out, or by having saline solution injected into its amniotic fluid so that its skin is burned off, causing a slow and excruciatingly painful death?

This freedom of information should also require that the woman requesting abortion be informed of studies which show that women who had abortions because of some sort of psychiatric stress were in a worse position in the long term than those who where refused an abortion?³ Will she be informed that "there are no psychiatric indications for abortions", and that "(T)here is no evidence that abortion is therapeutic for mental illness of any kind."⁴

Will she be informed of the findings of the U.K. Commission of Inquiry, 1994, which indicated there were definite adverse physical and psychological effects of abortion; or that Professor of Biology and Endocrinology at Baruch College, Joel Brind, recently demonstrated that there IS a link between abortion and breast cancer?⁵

3.

To conclude, if changes are to be made to Queensland laws, they should be adequately debated in Parliament, giving voters the chance to advise their representatives of their views. They should not come in under cover of a Bill of Rights.

Rather than achieving anything worthwhile, a Bill of Rights has the potential to distort the political structure of our State.

Yours faithfully,

Theresa Toomey
(Mrs) Theresa Toomey.

REFERENCES

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2. Ebert, Michael, "Joseph Nicolosi, PhD., is the Fugitive", *Focus on the Family Citizen*, June 20, 1994, pp.10-12.
3. Ney, Dr Philip, *Mental Health and Abortion: Review and Analysis*, published in *The Psychiatric Journal of the University of Ottawa*, Vol.14, No.4, 1989.
4. Ibid.
5. Brind, Prof. Joel, "Abortion, Breast Cancer, and Ideology", published in *First Things*, May, 1997.