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**A bad conscience**

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687 words

6 October 2008

[Herald-Sun](#)

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English

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THERE is deep irony to the debate on the Abortion Law Reform Bill.

This week members of Parliament have a conscience vote to decide if they will pass a Bill that seriously interferes with the rights of conscience of doctors, nurses and other health practitioners.

The Bill achieves a rare and undesirable double -- it tramples on both state and international law.

This has occurred through the so-called "conscientious objection" provisions of the Bill.

In fact, these provisions are not about preserving conscience, but suppressing it.

First, they force doctors and health workers to participate in abortions in ill-defined "emergency" situations.

Second, they require doctors who object to abortion to refer women to a practitioner who will perform one.

In this way, health practitioners are forced to become accomplices to abortion.

The immediate problem for the abortion lobby is Victoria's own Charter of Human Rights and Responsibilities.

This brand spanking new piece of human rights legislation is supposed to protect human rights.

But the proponents of the Bill say that it can be ignored because of a savings clause that says that it has no affect on laws applicable to abortion.

The starting point is to understand what abortion lobbyists are at pains to deny.

These conscientious objection provisions are not principally about abortion at all.

They are about forcing those who oppose abortion to do as they are directed.

As soon as this is appreciated, the rights of the Charter line up to do battle with this repressive legislation.

First is the freedom of thought, conscience and religion.

How can a person's conscience be free if they are required by law to commit acts absolutely opposed to their personal ethical and religious beliefs?

Then there is freedom of opinion.

Of what value is such a freedom if one is free to believe that abortion is the taking of human life, but not free to refuse to participate in that act?

Next is the very pointed right to equality before the law.

Given that these draconian, compulsive provisions overwhelmingly will impact on the beliefs of those who oppose abortion, how much more obvious could it be that the effect of the Bill is to single those Victorians out for special discrimination?

Finally, who could believe in a right to privacy if a health practitioner can be required by law to publicly declare their deepest personal beliefs so that other punitive measures can operate against them?

Inconsistency between the Abortion Bill and the Charter will not be enough to make these repulsive provisions illegal. But it will allow a judge to declare these impositions fundamentally inconsistent with Victoria's human rights regime, adopted less than two years ago.

Then there is the weighty matter of international law.

Australia is a signatory to the United Nations International Covenant on Civil and Political Rights.

In fact, most of the Victorian Charter rights are based on the rights of the Covenant, which means that a breach of the Charter normally will involve a breach of the Covenant as well.

The embarrassing consequence is that Victorian health practitioners can -- and very likely will -- do everything they can to bring these grievous breaches of human rights before the relevant UN authorities.

This is not just a problem for John Brumby and the Victorian Parliament.

It is Australia as a whole that is bound by international law, and Kevin Rudd as Prime Minister who is obligated to see it observed.

Two things emerge clearly from this sorry saga of ideology over rights, conscience law and common sense.

First, the Victorian Government needs to consider the effect the abortion legislation has on the credibility of its Charter and its reputation for protecting human rights.

Second, Australia's treaty obligations and federal human rights legislation ultimately are Kevin Rudd's responsibility.

If he wants to avoid fallout from this, he should exert some soothing influence.

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