

**REPORT ON PROCEEDINGS BEFORE**

**STANDING COMMITTEE ON SOCIAL ISSUES**

**REPRODUCTIVE HEALTH CARE REFORM BILL 2019**

**UNCORRECTED**

**At Preston-Stanley Room, Parliament House, Sydney on Friday, 16 August 2019**

**The Committee met at 9:40 am**

**PRESENT**

The Hon. Shayne Mallard (Chair)

The Hon. Niall Blair  
The Hon. Abigail Boyd  
The Hon. Greg Donnelly  
The Hon. Trevor Khan  
The Hon. Natasha Maclaren-Jones  
Reverend the Hon. Fred Nile



**The CHAIR:** Good morning, gentlemen. Thank you for coming in today to the final hearing for the inquiry into the Reproductive Health Care Reform Bill 2019. It is being conducted by the Standing Committee on Social Issues of the upper House. I am the chair of that Committee, Shayne Mallard. I have to make a few opening statements for the record for the hearings, so if you just bear with me while I do that and then we will come to your submissions. First of all, of course, I would like to acknowledge the Gadigal people, who are the traditional custodians of this land, and pay my respects to the elders past and present of the Eora nation and extend respect to other Aboriginal people present or viewing on the Internet. I welcome everyone to this hearing today. We will hear today from a panel of witnesses representing various religious organisations. I thank all witnesses for your flexibility in making yourself available at such short notice.

The purpose of this inquiry is to assist the members of the Legislative Council with more information, both from experts and the general community, on the implication to the Reproductive Health Care Reform Bill 2019. This Committee has held similar short inquiries on bills prior to considering them in the House, and we have adopted the same approach for this bill as for the previous inquiries into bills. On Tuesday 20 August—that is next week—the members of the Legislative Council will begin debating the bill. In doing so, they will be assisted by the evidence we have gathered at these hearings and the report that will be tabled next week. I thank everyone who has contributed to this inquiry. All members of this Committee acknowledge that there are very strong views in the community about this bill and with other inquiries into bills that this and other committees have conducted. It will not be possible to acknowledge all of the submissions that have been made, which number around 13,000. We hope to make available on Parliament's website certain submissions prior to the debate on the bill in the Legislative Council next week.

Before we commence I would like to make some brief comments about procedures for today's hearing. Today's hearing is open to the public and is being broadcast live on the Parliament's website. A transcript of today's hearing will be placed on the Committee's website when it becomes available. We need to go through broadcasting guidelines. In accordance with the broadcasting guidelines, while members of the media may film or record Committee members and witnesses, people in the public gallery should not be the primary focus of any filming or photography. I would also remind media representatives that you must take responsibility for what you publish about the Committee's proceedings. It is important to remember that parliamentary privilege does not apply to what witnesses may say outside of their evidence at the hearing. I urge witnesses to be careful about any comments you may make to the media or to others after you complete your evidence, as such comments would not be protected by parliamentary privilege if another person decided to take an action for defamation. The guidelines for the broadcasting of proceedings are available from the secretariat.

Due to the short timeframe of this inquiry, there will be no questions taken on notice today. Adverse mention: I remind everyone here today that committee hearings are not intended to provide a forum for people to make adverse reflections about others under the protection of parliamentary privilege. I therefore request that witnesses focus on the issues raised by the inquiry and the terms of reference and avoid naming individuals unnecessarily. If there are messages, please deliver those to Committee members through the Committee staff. To aid the audibility of this hearing, may I remind both Committee members and witnesses to speak into the microphones. The room is fitted with induction loops compatible with hearing aid systems that have telecoil receivers. In addition, several seats have been reserved near the loudspeakers for persons in the public gallery who have hearing difficulties. I would ask you to turn your mobile phones to silent if you have not already done so.

I remind the public gallery that no photographs or filming are permitted apart from the media photographers who are authorised to do so. Throughout this hearing, please follow instructions by officers of the Committee. Thank you for your cooperation. That is the housekeeping done. Thank you for that. Now we turn to our witnesses. Again, thank you for coming in this morning and making the time available to come and give us your views on this bill. Would you like to make an opening statement of up to five minutes?

**HASSAN ELSETOHY**, President, Australian National Imams Council NSW, sworn and examined

**HAIGAZOUN NAJARIAN**, Primate, Diocese of the Armenian Church of Australia and New Zealand, sworn and examined

**BASILOS KODSEIE**, Metropolitan, Antiochian Orthodox Archdiocese of Australia, sworn and examined

**Imam ELSETOHY:** My name is Hassan Elsetohy and I am here representing the office of the Grand Mufti of Australia, Dr Ibrahim Abu Mohammad. I am representing him personally as well. First, Dr Ibrahim passes his thanks to you for the opportunity to provide his views to this important topic. The office of the Grand Mufti of Australia acknowledge the rights of a patient to make their own healthcare choices without the shadow of criminality, as the respected doctor honourable Mehreen mentioned in her second read. However, the office of the Grand Mufti and the mufti himself and the community he represents does not support the general statement in the bill that the abolishment of any rule of common law that creates an offence relating to abortion for the following reasons.

First is it sounds very general and unconditional. Second reason is, yes, the patient has the right, but this right also affects the life of other humans who are the unborn babies. And the position of the mufti himself and the community he represents is balance it in a way that it does not give unconditional rights for abortion and open the door without any conditions, nor just prevents it strictly with regards with any circumstances. So in general, it does not support the abortion; however, unless there is a very particular situation such as there is an threat to the life of the mother, where in these cases it can be. Thank you very much.

**Archbishop NAJARIAN:** The position of the Armenian Apostolic Church on abortion is the same as that of most of the Christian denominations and faiths: it is pro-life. The existing regulation on abortion is based from since 1967 to 1998 have served this country up to now. If there is a major shift on this issue by sizable number of people, then the issue must be brought to open discussion so that people can hear from different sides and accordingly make up their mind. The major issue in question was and is when life begins: from its conception, in eight weeks, or other? When pregnancy can be terminated, if at all: in eight to 12 weeks, 22 weeks, when the baby is almost developed as a human being in the womb?

Obviously the cases of rape, incest, abnormalities and mother's life can be treated as different category. Who the fetus belongs to? Now that the fetus of five months can live outside the womb and develop as a full baby, who will take charge of the baby? If the fetus part of woman's body, part of her integrity, can she do with it as she pleases? Or is it being with his or her own right? Who will defend the baby's case? Though I have pro-life view, but in the same time I would like to hear the arguments from different point of view: what are the reasons for a woman to take such a step? Has she looked into all possible venues before taking this drastic act? And those who have gone through, what physical and psychological effects they have experienced? Do we need more sex education for teenagers or more abortion clinics? That is why we need time for open discussion. Well spent, six months or a year can give us the opportunity to study the matter deeply and convincingly arrive to a conclusion which will be beneficial to the majority. Thank you.

**Bishop Metropolitan KODSEIE:** Thank you, honourable Chair and members. May I apologise? I received the invitation last night and they asked me to prepare a two- or three-minute opening statement. I was not aware about the process. If allowed, I have a short statement.

**The CHAIR:** We have it here.

**Bishop Metropolitan KODSEIE:** I would like first to thank you for the opportunity for the invitation and to address the Committee this morning. The Reproductive Health Care Reform Bill 2019 is very controversial. Usually, controversial new laws require adequate time for public inquiry and consultation. Life, according to Orthodox Church, starts with insemination. Thus, abortion resistance is part of the broad Christian ethos of love and nonviolence. The Orthodox Church considers the unborn baby as a distinct being separate from its mother. The fetus is not an extension of the mother's body or excessive, lifeless tissue that can be disposed at any time. It is true, though, that the fetus has a devastating weakness. Its weakness is an inability to defend itself. That weakness, however, does not legitimise, in any way, efforts to destroy it; quite the contrary, this life must be protected and defended because, as we know, the weak need more protection and love.

According to this bill, the fetus has no right to life at all. Its humanity is, in no way, recognised. The proposed law suggests that there is a moral and legal right to abort the fetus at any time up until birth with the approval of either one or two medical practitioners, as the case may be. The Orthodox Church is seriously concerned that this legislation promotes an ideology and practice that abortion is the sole and favourite option. So

that women in order to make free and informed decision here, other options that are not extreme as the termination of life should be part of this conversation. Respect for human life is everyone's duty. Justice requires the defending of the rights of the vulnerable. Therefore vulnerable embryos need us to defend them, defend their rights and speak for those who cannot yet speak. Finally, we hope that believers in human life consider seriously their social and legal commitments here and raise their voices on behalf of living embryos.

**The CHAIR:** How do we address you, sir?

**Bishop Metropolitan KODSEIE:** Bishop.

**The CHAIR:** Thank you very much. I just wanted to clarify that.

**The Hon. NIALL BLAIR:** Thank you for coming. I know it has been a bit late notice in some cases, so thank you for your time this morning. I will ask the question that I asked other representatives from other faiths. I might start if you, imam, if I could. Can I confirm that during your opening statement you said that there may be some times when abortion may be appropriate. You can correct me if I am wrong, but that is under an emergency situation or if the mother's life is at risk. Is that correct?

**Imam ELSETOHY:** Yes, correct, and this must be confirmed by reliable medical reports and preferably by two or more independent medical doctors.

**The Hon. NIALL BLAIR:** If it is for medical reasons and it is confirmed by two or more practitioners then that would be okay, in your faith, for that to occur?

**Imam ELSETOHY:** Yes, the medical reason has to be, as you mentioned, emergency or extreme or very particular cases.

**The Hon. NIALL BLAIR:** In the drafted bill that talks about after 22 weeks having to see a number of different doctors and there to be good reason for that to be performed in a hospital, that seems like a reasonable outcome for that particular circumstance, if there are medical grounds?

**Imam ELSETOHY:** Yes, but we need to define what are the good reasons.

**The Hon. NIALL BLAIR:** Sure. I am sure there is plenty of debate but surely that would be defined by the medical practitioner. It should not be defined by members of Parliament or even leaders of faith; it should be doctors who make that decision because they are the medical experts.

**Imam ELSETOHY:** Yes.

**The Hon. NIALL BLAIR:** Do you think then abortion should remain in the Crimes Act or is it necessary to move it across, like this is proposing, out of being a crime and into the health care Act?

**Imam ELSETOHY:** I think we prefer it to stay.

**The Hon. NIALL BLAIR:** Okay. To be fair, I think you mentioned the law has served well—may be it was His Eminence who said that.

**Imam ELSETOHY:** Yes.

**The Hon. NIALL BLAIR:** Your Eminence, can I put the same questions to you? Is that a similar view from your faith—

**Archbishop NAJARIAN:** Yes, absolutely similar.

**The Hon. NIALL BLAIR:** —that there may be some times when it is appropriate but those times have to be backed up with sound—

**Archbishop NAJARIAN:** Obviously, very rare occasions when the mother's life is an issue.

**The Hon. NIALL BLAIR:** What if the fetus' life itself was also an issue? Is that another circumstance or is that something that where it should just be allowed to—or is that again for the medical practitioner?

**Archbishop NAJARIAN:** I feel it is difficult to answer that question because it would make me uncomfortable, particularly, when the pregnancy is late—22 weeks you are talking about. So unless there is a good reason, it has to be studied, as the case is, so that accordingly, a decision must be done. It is not that everybody who is in that situation—22 weeks—they can make a decision on that.

**The Hon. NIALL BLAIR:** Do you agree that the law should stay in the Crimes Act—

**Archbishop NAJARIAN:** I feel more comfortable with that, yes.

**The Hon. NIALL BLAIR:** —because it acts as a deterrent or is it something that should be prosecuted or enforced more, because we have heard that there are a lot of abortions occurring in New South Wales; very few are being investigated or prosecuted. Some witnesses have said that they would like to see more investigations, particularly against those people performing the abortions. Some have said it is not being enforced and they are not really of the view of society in 2019 that they would want it enforced. Do you have a view on that?

**Archbishop NAJARIAN:** I see it like a deterring factor rather than—

**The Hon. NIALL BLAIR:** A deterrent, rather than wanting more enforcement.

**Archbishop NAJARIAN:** Right.

**The Hon. NIALL BLAIR:** Bishop, can I pose the same questions to you? Firstly, do you believe there are some circumstances where abortion may be appropriate or acceptable?

**Bishop Metropolitan KODSEIE:** Just in case of emergencies. I share the point of view of the imam and the bishop—like, just in case of emergencies. If the safety of life—just when the life is at risk.

**The Hon. NIALL BLAIR:** Again, that would be determined by the medical practitioner that that is an appropriate form or action?

**Bishop Metropolitan KODSEIE:** I think the medical practitioner will be in charge at that moment to act.

**The Hon. NIALL BLAIR:** Are we then placing the life of the mother ahead of the life of the baby in this circumstance? There is a clear distinction here where we are saying that the mother's life is at risk, therefore we do, in some cases, find it acceptable that the rights of the unborn child do not take precedence over the mother in that circumstance?

**Bishop Metropolitan KODSEIE:** I am not sure. Every case is different. I am not sure if the life of mother or the life of fetus—Who is going to determine? This needs someone professional to know the case.

**The Hon. NIALL BLAIR:** The summary of the questions is that in each of the circumstances where we feel the mother's life is at risk, we heard from a number of faith and a number of leaders that say that it is then acceptable for an abortion under medical grounds and under emergencies to be able to be performed. That is a clear choice between the life of the mother and the life of the unborn child. It is a harrowing prospect, but, I guess, it highlights the complexity of the situation and also highlights the moral arguments that we are having through society when it comes to issues like this.

**The Hon. NIALL BLAIR:** It is a clear distinction, I think, that most faiths have then decided at that crunch point the life of the mother has then taken precedence over the unborn child. Is that a fair summary, Bishop, do you think?

**Bishop Metropolitan KODSEIE:** Yes, I would think so.

**The Hon. NIALL BLAIR:** Your Eminence, thank you. Imam?

**Imam ELSETOHY:** In most of the cases, if the life of the mother is at risk—

**The Hon. NIALL BLAIR:** Correct.

**Imam ELSETOHY:** —both if the mother died, the baby would die anyway. So at least saving a life is better than losing both lives.

**The Hon. NIALL BLAIR:** Not always, I would argue not always. I would argue many circumstances where the baby may survive—

**Imam ELSETOHY:** Yes.

**The Hon. NIALL BLAIR:** —and the mother may pass.

**Imam ELSETOHY:** Yes. And I agree with your argument. That is why, as you also said, it is conflict situations and it is a case-by-case basis.

**The Hon. NIALL BLAIR:** Thank you, Chair. Thank you for your indulgence.

**Ms ABIGAIL BOYD:** Thank you very much for coming and, for some of you, at such short notice. Can I just check that each of you has had the opportunity to read the bill that we are discussing today?

**Imam ELSETOHY:** Yes. I also got invited last night but I did not need any good sleep.

**Ms ABIGAIL BOYD:** Thank you for reading it so quickly. Your Eminence, you have read the bill?

**Archbishop NAJARIAN:** I read a study about it.

**Ms ABIGAIL BOYD:** And Bishop?

**Bishop Metropolitan KODSEIE:** No, to be honest. No.

**Ms ABIGAIL BOYD:** Okay. Well, this might be more difficult for you to answer. This inquiry is looking at really what the difference is between the status quo and we have now—the current situation—and what would happen under the bill. With the bill, quite a lot of it represents the status quo but outside of that criminal framework. Can you tell us which parts of that change from the status quo that would be implemented through this bill you are particularly concerned with?

**The Hon. GREG DONNELLY:** Point of order—

**Ms ABIGAIL BOYD:** What? How is that a point of order?

**The Hon. GREG DONNELLY:** I just want to be very clear. The first question that I think would need to be asked is: Do they understand, with some precision, what the law is currently?

**Ms ABIGAIL BOYD:** The terms of reference—

**The Hon. GREG DONNELLY:** Yeah, yep, no, yep.

**Ms ABIGAIL BOYD:** —are talking about this particular bill.

**The Hon. GREG DONNELLY:** This, yep.

**Ms ABIGAIL BOYD:** If the witnesses have a problem with the question, they could answer that for themselves.

**The CHAIR:** It is not a point of order, Greg.

**The Hon. GREG DONNELLY:** If they do not know the law as it currently stands because—

**The CHAIR:** They can indicate that.

**Ms ABIGAIL BOYD:** They could indicate that and that would go to—

**The CHAIR:** Order! Order!

**The Hon. GREG DONNELLY:** If they need legal advice, they should indicate that, but they ought not be ambushed into trying to speculate over the current law or the meaning of—

**Ms ABIGAIL BOYD:** This is not a—

**The CHAIR:** Order! Order! Order! There is no point of order. You may continue asking your question.

**Ms ABIGAIL BOYD:** Thank you. And without the implication that there is any sort of ambush—

**The Hon. GREG DONNELLY:** There is an ambush.

**Ms ABIGAIL BOYD:** —I am trying to get to what the actual—

**The Hon. GREG DONNELLY:** This is an ambush.

**The CHAIR:** Order! Let's keep it civil.

**Ms ABIGAIL BOYD:** —issues on the bill. Thank you very much, Mr Donnelly. I am sorry: If you could answer that question? I am just trying to understand the exact parts that you are interested in.

**Imam ELSETOHY:** In our opinion, as it reads here, it says, "abolish any ... rules". The word "any" means that it just opens the door to just making abortion just as a common practice, a common medical procedure, which is something that we are—makes us concerned.

**Ms ABIGAIL BOYD:** Thank you. Your Eminence?

**Archbishop NAJARIAN:** For me, it is the duration and the duration of the pregnancy when it can be terminated, the freedom by which the individual can have her say in this issue. It is problematic for me.

**Ms ABIGAIL BOYD:** Bishop?

**Bishop Metropolitan KODSEIE:** Just in general we are against the bill on abortion. Maybe we wish like to see, as we said, more options beyond a termination of life, maybe.

**Ms ABIGAIL BOYD:** And would it be fair to say that each of you would prefer further restrictions than what we currently have as opposed to—it is not such a question of whether the bill—I guess the bill takes us in one direction as a society and you would rather we went in the other direction to have further restrictions, or would you be happy with the status quo?

**Imam ELSETOHY:** We may recommend that the bill may be reviewed, the wording may be reviewed or reworded to mention the particular case that we just expressed our views about.

**Ms ABIGAIL BOYD:** Thank you. That is all I have.

**The Hon. GREG DONNELLY:** I have surrendered my time.

**The Hon. TREVOR KHAN:** I again make the declaration that I am one of the working group that developed the bill. I do not think it is appropriate for me to ask questions.

**The CHAIR:** Noted.

**The Hon. NATASHA MACLAREN-JONES:** Thank you very much. As my colleagues said earlier, thanks for coming—again, particularly on such short notice—and also for taking the time to read the bill. I am mindful that it did only go through the lower House last week. Is it fair to say that, if you had more time, you would have been able to consult with your parishioners to talk about the detail of the bill and possible amendments to that? If so, what length of time would you think would be suitable for the community to be consulted further?

**Imam ELSETOHY:** I would think any time between six months to one year. There are very serious issues. If the people are to understand what the implications are, even ourselves, we are not experts in this issue so we have to study and learn and see from the other side of it. We would like to hear what the other side have to say—what are the reasons for all this discussion? We can have free discussion and then, accordingly, we can come to a consensus.

**Bishop Metropolitan KODSEIE:** I share the same point about giving more time for listening and consulting.

**The Hon. NATASHA MACLAREN-JONES:** Thank you very much. My colleague earlier talked a little about cases where abortion is the—I suppose in some ways—best option, particularly in emergency situations, as was raised. We have had some evidence presented and there was debate in the lower House last week about other examples. Amendments were put forward and this is what does make the legislation quite complex. I am interested to hear your opinion. I understand, as you said, that you have not had time to look at the bill in detail and consult.

**The Hon. TREVOR KHAN:** No. That is not their evidence.

**The Hon. NATASHA MACLAREN-JONES:** But one of the things that has not been raised—

**The Hon. TREVOR KHAN:** Two of them said they had not read the bill.

**The Hon. NATASHA MACLAREN-JONES:** One of the things that has been raised is in relation to counselling. One of the amendments was that the woman should be offered counselling prior to undertaking termination. Can I ask your view in relation to counselling?

**Bishop Metropolitan KODSEIE:** If I am not mistaken, in the bill there is mention, I think, of the specialist medical practitioner, he make a decision, he make the judgement if the patient must have to be consulted. I think maybe we need more professionals to be involved, not just the medical practitioner, to maybe give more space and time for the patient to be consulted by professional agency to make a wise and informed decision.

**The Hon. NATASHA MACLAREN-JONES:** Thank you. Do you have other views?

**Archbishop NAJARIAN:** I think not only a doctor, being a physician, also a psychologist have to advise the person in question but as well, even before that, if the person is teenager, for example, the involvement of the parents and, if they are church people, the involvement of the church. Clergy are important to advise the child and then only accordingly you come to the doctors and to see what the outcome would be.

**Bishop Metropolitan KODSEIE:** I have a similar view.



**The Hon. NATASHA MACLAREN-JONES:** Another area that has been talked about quite a bit is sex selection and that there is not enough clarity in the legislation in relation to choosing to terminate a child based on their sex. Do you have a view on that and amendments that were put forward in the lower House?

**Bishop Metropolitan KODSEIE:** If they give a period of time to investigate if the abortion, based on the sex selection. So do you ask me if a—

**The Hon. NATASHA MACLAREN-JONES:** I am interested to know if you have a view of whether or not this should be allowed, that a termination—

**Bishop Metropolitan KODSEIE:** In principle we are against the abortion, originally in principle against abortion regardless on sex and other issues, except of the case of emergency, as we said.

**The Hon. NATASHA MACLAREN-JONES:** That was a view overwhelmingly of the members of Parliament as well. Taking that into account, do you think the legislation needs to be more specific to say that a mother or parent is not allowed to do that?

**Bishop Metropolitan KODSEIE:** The abortion, yes.

**Reverend the Hon. FRED NILE:** Thank you again for coming into our inquiry, we appreciate you giving us your time when your time is so precious.

**Bishop Metropolitan KODSEIE:** Thank you.

**Reverend the Hon. FRED NILE:** I quote the words of the Prophet Jeremiah, which I am sure you all know off by heart, Jeremiah 1:4-5:

The word of the Lord came unto me, saying, 'Before I formed you in the womb I knew you; before you were born I set out apart. I appointed you as a prophet to the nations.'

What does that say to you and you church about the sanctity of human life, the sacredness of human life?

**Imam ELSETOHY:** Absolutely sacred. That human life is absolutely sacred, even before birth.

**Reverend the Hon. FRED NILE:** If that is the case, then abortion should be very infrequent, if at all?

**Imam ELSETOHY:** Yes.

**Reverend the Hon. FRED NILE:** The killing of an unborn child.

**Imam ELSETOHY:** Yes and that is why in my opening statement I mentioned that in very, very particular critical situations and must be backed up by qualified medical reports and independent medical reports. Many cases would be a case by case basis and how to word it in a bill or a law, I totally appreciate it is very difficult and challenging task.

**Reverend the Hon. FRED NILE:** Any other comments from the other bishops?

**Archbishop NAJARIAN:** Obviously life is precious, any life is precious and all effort must be done to save that life being the fetus and all its way till it is born as a baby. But on the other hand, obviously we have to think that abortion has been practised unfortunately before Christianity, within Christianity, after our time, it will be there. So the point is, what are we doing with it? We cannot ignore it; it is a fact. I think more and more sex education, particularly for the younger teenagers so that they understand that by their acts what consequences they can have. So they do not put themselves, as well as their parents or the society in a difficult situation to decide between life and life, in this case. So, the sanctity of life is paramount I think for all churches and for all faiths.

**Bishop Metropolitan KODSEIE:** This passage is one of the passages that emphasise on the sanctity of life from the first moment up to birth and beyond. This is just respect the life of an innocent person, a separate being and just to emphasise on the sanctity of life from the first moment, the effect.

**Reverend the Hon. FRED NILE:** In our current law there is a penalty for the person performing the abortion. Some people have been questioning a law that is one hundred years old, as if that is a reason why it should be abolished. Would you agree that a law that has been there for over one hundred years under both Labor and Liberal Governments should be seen as a valid law in our society? The age of the legislation, the one hundred years, is not a reason to repeal it? What is your view?

**Imam ELSETOHY:** I think just the age of the legislation itself in our view is not a factor that government should change it because it is old. That is not a good enough reason to change it.

**Reverend the Hon. FRED NILE:** No difference.

**Imam ELSETOHY:** If you have a law that no person should kill another person and this is 15,000-year old legislation, it should not be changed.

**Reverend the Hon. FRED NILE:** Often things that are older are more valuable.

**The Hon. TREVOR KHAN:** I agree.

**The Hon. NIALL BLAIR:** Conflict of interest there.

**The Hon. GREG DONNELLY:** You might get there one day.

**The CHAIR:** This is the father of the House.

**Reverend the Hon. FRED NILE:** Do any of the other bishops have any comments?

**Archbishop NAJARIAN:** I do not think time is a factor in this. One of the regulations was thou shalt not kill. It is a couple of thousand years old. It does not matter how old it is, it is the same. The age of the regulation per se does not play a factor in this decision-making. Rather, the value of its morality, the value of life, which puts in a very high position rather than making it simple act of get rid of something which is part of the body. That is how we look at it.

**Reverend the Hon. FRED NILE:** You quickly said in your words quoting the Ten Commandments, "Thou shalt not kill". Do you see the killing of an unborn baby in an abortion as breaking that commandment?

**Archbishop NAJARIAN:** I would have difficulty to decide, particularly in the early stages of the pregnancy. I know that some people and churches understand that life starts from the very beginning. But obviously, if it has to be done, I can feel more comfortable if it is very early stages, up to, let us say, the first three months rather than leaving it up to 5 ½ months, as this bill is suggesting. But the concept is there, yes, we come to the same issue, when life starts. Once we decide on that, it will be easier to determine which way to go.

**Bishop Metropolitan KODSEIE:** Some laws maybe must be changed over time, others, especially those related with the life, should not be. I think this one, the abortion is one of those which should not be changed over time, because you are getting rid of an innocent life. I do not believe this is a matter of change.

**The Hon. GREG DONNELLY:** Thank you all for coming along today. I thank you in these particular circumstances. It is a very challenging time for the members of Parliament who are deliberating a bill that we only saw for the first time on the first of this month. The Legislative Council will be expected to be fully informed to vote on this commencing next Tuesday. We have had a maximum of 20 days to look at this. I appreciate the fact that you have had much more limited and tragically, some of you have only had from last night to look at the bill before appearing today. I am completely sympathetic to your challenging situation coming here today. I took the point of order because I wanted to make it clear that the witnesses needed to understand what was before them in respect of the great speed in which this has been done. I will have some questions about the bill in a moment.

I have got limited time, unfortunately, so I will have to do move through this very quickly. Forgive me for going fast. If you want me to repeat the question, feel free to do so. First of all, as the person charged with coming along and representing the interests of the Grand Mufti today, the Grand Mufti speaks on behalf of how many Muslims in Australia?

**Imam ELSETOHY:** The majority of the Muslim population.

**The Hon. GREG DONNELLY:** And what would that approximately be, approximately? And if you do not know, just say you do not know. That is not meant to be a trick question.

**Reverend The Hon. FRED NILE:** In thousands, in thousands.

**Imam ELSETOHY:** In thousands? It is very hard to say but, maybe 200,000.

**The Hon. GREG DONNELLY:** Thank you. It was not a trick question. I am just trying to understand. With respect to some questions from the Hon. Niall Blair, my colleague in this inquiry, and I mean no disrespect to this question I am about to put on to you with respect to the provision in the bill which you may have perhaps only been able to read very quickly, there was some comment from the honourable member in regards to pregnancies of 22 weeks or more under the legislation. He said, I think *Hansard* will show, that it will involve consultation with a number of doctors. I put it to you that it is not the case and the honourable member probably inadvertently, and I am sure it was only inadvertently, misled you. The provision within the bill are very clear in clause 6. I am not going to ask you about clause 6 but just put on the record you are actually responding to something which was completely inaccurate, inadvertently put by the Hon. Niall Blair.

**Ms ABIGAIL BOYD:** Point of order. Speaking for the Hon. Niall Blair, but I assume he was talking about the actual practice. We heard yesterday the evidence of multidisciplinary teams being assembled for these purposes.

**The CHAIR:** Do you want to clarify, Mr Blair? The bill says two.

**Ms ABIGAIL BOYD:** Perhaps you just want to ask your question.

**The Hon. NIALL BLAIR:** The bill says that after 22 weeks, two medical practitioners, okay?

**The Hon. GREG DONNELLY:** It says medical practitioner, then goes on to talk about—

**The Hon. NIALL BLAIR:** At least one having specialist—

**The Hon. GREG DONNELLY:** And that is what I am trying to make sure they know—

**The Hon. NIALL BLAIR:** They both have medical training. I cannot see how I have misled. I meant two people with medical training are making an assessment, if that needs to clarify. If that is not the same level of medical training that they are after, they can answer that, but I am not trying to trick people into this.

**The Hon. GREG DONNELLY:** I know you are not. You said numbers of doctors. I just wanted to get it clarified.

**The CHAIR:** Let us be clear: it is two doctors in the bill. So let us move on with the question.

**The Hon. GREG DONNELLY:** And one with medical speciality.

**The Hon. NIALL BLAIR:** I agree with how you have put that. That was my interpretation.

**The Hon. GREG DONNELLY:** The other point I would like to ask is with respect to the—how much time do I have left?

**The CHAIR:** You have 35 seconds. I can give you a little bit extra.

**The Hon. GREG DONNELLY:** I will have to cut this through straight. This is absurd.

**The CHAIR:** Everyone has five minutes.

**The Hon. GREG DONNELLY:** Okay. Can I move to the Armenian Archbishop. Your Eminence, regarding the matter of the debate regarding the bill before the Parliament, have you attempted to contact the New South Wales Premier and speak to her about the bill?

**The Hon. NIALL BLAIR:** Point of order. I honestly do not—we have not asked any other witness who they have spoken to directly and named individuals. We have been very careful not to name or target any individuals. In fact, I took a point of order or was involved in a point of order when another member of the other place was mentioned personally yesterday. That was agreed that a personal attack and target was not warranted then. I would put that this does not add any value to our deliberations to be targeting any individual member of Parliament, rightly or wrongly. I would ask that the question be either rephrased or ruled out of order.

**The Hon. GREG DONNELLY:** To the point of order: The Hon. Gladys Berejiklian happens to be the Premier of New South Wales but she is the State member for Willoughby. She is on the record for being a significant and proud supporter of her religious and cultural association with the Armenian community. Let me finish—

**The CHAIR:** No, I am not going to let you finish. I am going to rule on the point of order. The question is out of order.

**The Hon. GREG DONNELLY:** You have not let me—

**The CHAIR:** No. I am ruling on it and I have seen many Chairs do that. I have heard enough and I think you are putting on the record in your response what you want to have on the record. The question is out of order.

**The Hon. GREG DONNELLY:** I am dissenting from your ruling.

**The CHAIR:** Are you wanting to vote on that?

**The Hon. GREG DONNELLY:** Yes. I am dissenting from the ruling.

**The CHAIR:** Then I have to clear the room and have a vote.

**(Short adjournment)**

**The CHAIR:** Thank you for coming back. We note the Imam had to leave for another meeting. The question was ruled out of order, so you do not have to answer that question. We only have a few minutes left, so out of respect for that I will forfeit my time to Ms Boyd to ask the last question of the day.

**Ms ABIGAIL BOYD:** Thank you. I apologise for that delay to the proceedings. I have been looking at an article from the Antiochian Orthodox Christian Archdiocese of North America. It ran some statistics last year—

**Bishop Metropolitan KODSEIE:** We are not North American; we are Australia. That is a different organisation to this one.

**Ms ABIGAIL BOYD:** That is fine; it is not relevant to the question. Sorry, I was not implying it was the same church. That research showed—and this has been backed up by other research—that the vast majority of women who have abortions in America, about 76.3 per cent of them—

**The Hon. GREG DONNELLY:** Point of order: The member is starting a question that is backed up by a whole lot of research. That is just a value statement.

**Ms ABIGAIL BOYD:** I have not asked the question yet.

**The CHAIR:** We will hear the question.

**Ms ABIGAIL BOYD:** I put that background there to explain the question. Basically, the research shows that the vast majority of women who have abortions are religious or identify as being religious and about a third of them—at least in America—go to church every month. There seems to be a disconnect between what a lot of church leaders have been telling us during this inquiry and what the practice is amongst the population and women. I just wanted you to explain or give some reflection on that.

**Bishop Metropolitan KODSEIE:** I am not aware about that in America. I present the opinion of my church and my people. They approach us and we listen to their opinions.

**Archbishop NAJARIAN:** Obviously in the current situation with women's liberation and all that, women are feeling more independent to take decisions this like into their own hands. Again, from a moral point of view, it is up to the church leaders to give the teachings and to stand on the point where we stand and explain to them the consequences of their actions. Being pregnant is not like having a chocolate or something that you can throw away whenever you want. It is part of not only their psychology, but also their body and feelings. I am pretty sure that women go through stress by thinking about the act itself. I am pretty sure that particularly church women, if they are practicing Christians, will feel that guilt when they go to church after the termination of the pregnancy. They will feel guilt about it and they will suffer because of that.

What the church is trying to do is to help them before they take that step so they do not damage and hurt themselves. I understand that the majority of women who are taking this step are not doing so necessarily because of their health. Sometimes it is family programming and sometimes it is because of their position. When women are working they cannot stay away from their jobs for very long and there is a tremendous pressure on them. Nevertheless, we come back to the same core issue, which is that that life is important, particularly for the mother. If the mother loses that sense of life for her own child or children then society has no moral value whatsoever.

**The CHAIR:** Thank you. That answer was very helpful. That concludes the hearing today. I thank you for coming in and sharing your thoughts and your communities' thoughts on this bill and for fitting us into your busy schedules.

**Archbishop NAJARIAN:** Will you be making a decision in Parliament next week?

**The CHAIR:** Yes.

**Reverend the Hon. FRED NILE:** We start the debate next Tuesday.

**Archbishop NAJARIAN:** We wish you all the best. This is a very difficult decision. I hope that in your you think about what is good not only for women but also for society and our future.

**(The witnesses withdrew.)**

**The Committee adjourned at 10:48.**