




Speech By
Andrew Powell

MEMBER FOR GLASS HOUSE

Record of Proceedings, 17 October 2018

TERMINATION OF PREGNANCY BILL

 **Mr POWELL** (Glass House—LNP) (12.19 pm): I rise to oppose the Termination of Pregnancy Bill 2018. Many in this House want Queenslanders to believe that this bill is about women's health, about allowing them to have access to safe terminations and about removing the potential for them to be labelled a criminal. I accept many Queenslanders would consider that removing abortion from the Criminal Code and clarifying that it is sometimes tragically necessary for medical reasons or in instances of incest or rape is a reasonable outcome, but this bill does not do that. This bill goes far, far further. This bill is far more radical.

Yes, this bill decriminalises terminations so that women and health practitioners will not be criminally responsible while ensuring unqualified persons are still criminally responsible, but this bill allows terminations on demand by a medical practitioner on and up to 22 weeks gestation. This bill allows terminations by a medical practitioner after 22 weeks if they are satisfied that it is appropriate when considering all of the following: all relevant medical circumstances; the woman's current and future physical, psychological and social circumstances; and the professional standards and guidelines that apply.

Yes, this bill allows registered health practitioners, doctors and nurses to conscientiously object and not advise, perform or assist in a termination, but it also requires that same practitioner to refer the woman to another health practitioner who the first health practitioner believes will perform the termination. The bill creates an offence for persons who engage in prohibited conduct that is visual or audible and is likely to deter people within 150 metres of a termination service provider.

For me, it is pretty simple. While I accept that in some tragic situations abortions are sadly required, I believe that life is precious and that life starts at conception. Life does not start at 22 weeks, it does not start at 16 weeks, it does not start at four weeks; it starts at conception. I cannot support the proposal for 22-week on-demand abortions. I particularly cannot stomach an abortion for social reasons or that such could be allowed beyond 22 weeks. I know that babies born prematurely survive and that medical advances improve their chances each and every day.

Back in 2013 my nephew Dom was born at just 28 weeks and three days. He weighed 1.1 kilos. You could hold him in the palm of your hand. His skin was transparent. He was too small for nappies, but he still cried at birth. He was intubated for 24 hours, on a CPAP for eight weeks and in hospital for a total of 10 weeks. He left hospital one week before his original due date. He is now a bubbly, vivacious, train addicted young five-year-old, but the point is that he was a life at 1.1 kilograms, just as any other child delivered at term.

I also struggle with the fact that this bill goes to great lengths not to mention the words 'unborn child' or 'abortion'. I refer members and members of the public to the contribution of my colleague the shadow Attorney-General, the member for Toowoomba South, where he listed every single piece of state legislation that refers to unborn children. In so doing, this bill creates anomalies and uncertainties, but I do not want members to take my word for it. I refer members to an article published on The

Spectator website yesterday penned by Nicholas Aroney, a professor in constitutional law at the University of Queensland. It is titled, 'The mental gymnastics of Queensland's abortion bill'. Time does not allow me to read the entire article into *Hansard*, so I encourage both members of parliament and the public to read it in full on the website. After referring to current High Court challenges regarding Tasmania and Victoria's abortion laws, Professor Aroney states—

There is, however, another provision in the Queensland Termination of Pregnancy Bill that has escaped attention so far. The provision is section 6(3), which says that in an emergency a medical practitioner may perform a termination on a woman who is more than 22 weeks pregnant if it is necessary to save the woman's life or the life of another unborn child.

The evident principle here is that saving someone's life is of such overriding importance that it may justify performing an abortion. Section 6(3) recognises that in some tragic circumstances a woman may be pregnant with two or more unborn children and aborting one child may be necessary to save the life of the other.

But notice this: Section 6(3) says that what we are dealing with here is the life of an unborn child. That is what it literally says. It is not an embryo. It is not a foetus. It is an unborn child.

And it is an unborn child whose life is of such value that it is worth saving. Just as worth saving as the life of the woman who is bearing the child. Both are lives of inestimable value and both are worth saving.

However, there are of course three lives in view, even though only two of them are mentioned in the bill. The first is the life of the woman. The second is the life of the first unborn child.

But there is a third life here as well. It is the unborn child whose life will be brought to an end because an abortion is necessary to save the life of his or her sister or brother or mother.

Sometimes very tragic decisions like these have to be made. It is understandable that the Termination of Pregnancy Bill makes provision for such situations.

However, what no one seems to have noticed is that section 6(3) gives rise to a strange anomaly which, if enacted into law, will require some spectacular mental gymnastics to overcome.

The problem is caused by the fact that the bill speaks only of the termination of pregnancy. It never says clearly and plainly that the purpose of the law is to legalise abortion.

Professor Aroney continues—

The Termination of Pregnancy Bill never refers to abortion or the inducement of miscarriages. It refers only to the termination of pregnancy.

This creates an anomaly for section 6(3) in circumstances where a woman is pregnant with two or more unborn children and it is necessary to abort one child in order to save the life of the other unborn child. For if a woman is pregnant with twins and one of the twins is aborted, the woman is still pregnant. Her pregnancy has not been terminated. But if her pregnancy has not been terminated then section 6(3) will not operate to authorise the conduct of the abortion.

He concludes with the following—

While this may be so, statutes should not be drafted in a way that obscures their intent. There is something wrong with a law that does not state expressly and clearly its intended scope and operation. We all know that the bill is about abortion, but the bill never says so expressly.

Why is this so?

I believe that is a question that deserves an answer from the minister and the government potentially as they sum up the second reading debate.

If time permitted I would like to also unpack the lamentable situation regarding adoptions in this state. This situation could have been improved had the government taken a broader approach when considering unplanned pregnancies.

Before I conclude I want to address some comments to those who share my concerns. I do not know how this vote is going to conclude, but whether the law succeeds or fails we need to consider how we respond. I, like you, worry about where we are heading as a society. As a husband, a father of five brilliant kids and an evangelical Christian, I worry about the world they are going to live in. As challenging as the changes that have occurred and may occur are, it is beholden on us to respond appropriately. I do not support condemnation. I do not condone vitriol. I do not condone abuse. It is not the solution, even when we are demonised for our views and our beliefs. Similarly, I do not believe that isolating ourselves from a society we increasingly disagree with is the way to go either.

If you, like me, value life, then I pray we will demonstrate comfort, support, love, grace and forgiveness to any woman experiencing an unplanned pregnancy and to all those who do not share our beliefs. I cannot and will not support this bill, and I cannot and will not support any amendments.

Debate, on motion of Mr Powell, adjourned.

