




Speech By
Brent Mickelberg

MEMBER FOR BUDERIM

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TERMINATION OF PREGNANCY BILL

 **Mr MICKELBERG** (Buderim—LNP) (3.01 pm): I rise today to speak to the Termination of Pregnancy Bill 2018. At the outset let me say that in my view the current legislation governing the termination of pregnancy in Queensland requires reform. However, in my opinion the bill before the House is not the solution.

I recognise that this issue is an emotive one for many in our community and I, like others in this House, have been inundated with representations from constituents who felt compelled to make their views known to me in relation to this issue. The overwhelming amount of correspondence that I have received has been in opposition to this bill. I acknowledge that many in the community believe that abortion should be decriminalised. However, it is also clear that the majority of residents in my electorate have reservations with respect to how this bill deals with the issue of late-term abortion. In my opinion, abortion should only be performed by a medical professional and only for medical reasons. While I am receptive to some of the arguments addressed by this bill, I cannot support the Termination of Pregnancy Bill 2018 because, when viewed as a whole, the bill does not adequately address my concerns.

Specifically, I am concerned with the manner in which the bill addresses termination of pregnancies post 22 weeks and the fact that a pregnancy can be terminated for any reason up until 22 weeks gestation. While the Queensland Law Reform Commission report provides some context as to the reason that the 22-week time frame was used, I do not believe the report and the subsequent bill adequately considers this aspect. In arriving at the 22-week threshold, the Queensland Law Reform Commission rely on a number of studies, including studies from 2004 and 2005.

It is clear that medical intervention is required for a premature baby to survive at 22 weeks. However, logically as medical technology and techniques improve we would expect to see an increase in the number of babies who are able to survive at or before 22 weeks gestation. I note a study published in 2015 looked at more than 5,000 babies born before 27 weeks gestation and found that babies of 22 weeks gestation had a nearly 25 per cent survival rate with treatment. If a baby has the capacity to survive at 22 weeks, I cannot accept that such a baby should be aborted without a sound medical reason.

I have considerable concerns about provisions within the bill for termination post 22 weeks due to social circumstances. The bill does not adequately clarify what social circumstances would meet the requirement and provides scope for termination on demand to extend beyond 22 weeks gestation. I am concerned that the legislation does not adequately consider the welfare of the foetus and instead focuses exclusively on the welfare of the mother. Under existing Queensland legislation, foetal abnormality does not constitute grounds for termination of pregnancy unless the mental or physical welfare of the mother is impacted. This is unacceptable and any reform of abortion legislation needs to consider the best interests of the foetus in addition to those of the mother.

I note the Queensland Law Reform Commission report addresses the issue of the moral status of a foetus. I believe that any legislation should consider the rights and welfare of the foetus. In many respects such a judgement is already implicit in this bill whereby a distinction is drawn in relation to what grounds a foetus may be terminated depending on the stage of gestation.

My view in this regard is not based on a religious belief. Rather I believe we must consider the fact that as a foetus develops it increasingly takes on the capabilities of a person. Given that a child is regarded as having the right to life, surely there must be a point at which a foetus that would otherwise be viable outside the womb should also be considered to have rights.

There is a lack of medical consensus on the point at which a foetus is able to feel pain. Some studies conclude that a foetus can experience pain from at least 20 weeks after conception while other studies consider the neural pathway is not developed until later in pregnancy. My view is that we should take a conservative approach and hence I believe that the use of the 22-week threshold in this legislation is flawed.

To that end, it is appropriate that I address the amendments circulated by you, Mr Deputy Speaker McArdle, which would amend the 22-week threshold to 16 weeks and which removes the social circumstances as a reason for termination post that period. While on face value such amendments may be considered to assuage some of the issues I have with the bill, I am concerned with the second order effects any changes to the drafting of this bill may have on the bill as a whole.

I would now like to address the issue of safe access zones. I abhor the idea of women being harassed while seeking medical assistance, particularly when seeking assistance for a matter as significant as the termination of a pregnancy. I am aware of instances in Queensland where a 15-year-old girl, who had been raped by her own father, was harassed by protestors and told she would go to hell for seeking an abortion. Surely no-one in this parliament or elsewhere within Queensland thinks that that is acceptable.

It is for this reason that my initial inclination was to support the provisions within this bill to allow the establishment of safe access zones. I will not however be supporting those provisions in this bill in that regard because of the serious questions raised by Maurice Blackburn and Professor Aroney in relation to the constitutional validity and application of the proposed provisions.

Before I conclude I would like to address the manner in which some members from both sides of this House have sought to use this issue for their own political interests. While I do not doubt the sincerity of those members' views on this emotive issue, seeking to politicise the issue of abortion law reform through question time rants, opinion pieces in the *Courier-Mail* or Twitter tirades does not do the issue justice.

Similarly, the approach taken by the government members of the parliamentary health committee in seeking to direct a conscience vote demonstrates that this bill has been used as a political tool by some of those opposite. It is difficult to reconcile such an approach if the government and the proponents of this bill truly wanted to engage in good faith with all members of the House.

I cannot in good conscience support a bill that does not reflect the views of my community and does not adequately address my concerns in relation to the welfare of a foetus. I recognise that abortion is sometimes required for medical reasons and I support its removal from the Criminal Code in that context. I implore those opposite to cease using abortion as a political wedge to divide Queenslanders and instead work respectfully and in good faith to remediate the genuine concerns that exist for the good of all Queenslanders.