Speech By

Daniel Purdie

MEMBER FOR NINDERRY

Record of Proceedings, 17 October 2018

TERMINATION OF PREGNANCY BILL

Mr PURDIE (Ninderry—LNP) (4.18 pm): I rise to make a very short contribution on the Termination of Pregnancy Bill 2018. I know this is a very emotive, complex, controversial and divisive issue. I would firstly like to acknowledge the Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee and the secretariat for the work they have done in their research on this matter and for their detailed consideration and report.

The current abortion laws in this state are contained in sections 244, 245 and 246 of the Criminal Code and a 1986 District Court decision which expounded the state law on abortion. In this 1986 case the judge held that abortion is lawful in Queensland when it is carried out to prevent danger to the woman's physical and/or mental health. We know that there are 14,000 abortions performed in Queensland every year—abortions that are lawful in accordance with the common law interpretation of the Queensland Criminal Code; abortions in many cases which are conducted due to severe foetal abnormalities which lawfully seek to preserve the mental health of the mother.

The legislation before us here today proposes that a medical practitioner be allowed to perform a lawful termination on demand up to 22 weeks of pregnancy and post 22 weeks on the basis of current and future physical, psychological and/or social circumstances. This bill also contains provision for safe access zones to an area within 150 metres of the entrance of an abortion facility.

As a middle-age white male, I appreciate I am not best placed to make decisions and determine the best outcome for any woman, particularly a pregnant woman. That is why I have thought hard about this proposed bill and consulted broadly before coming to my position. I have listened to my wife, my mum, my current and former work colleagues, party members and importantly the constituents I represent. I have also reviewed submissions, read reports and listened carefully to both sides of this debate in this House over the last few days, coupled with my previous life and work experiences.

I have heard arguments from those opposite that I believe oversimplifies this bill as merely making abortion a health issue rather than a legal one. I have also heard people suggest that by not supporting this bill you support women going to jail for exercising their own personal reproductive rights. This debate is not just about decriminalising abortion in Queensland and that women risk punishment for having an abortion. This is misleading. As far as I am concerned, I do not believe the Labor Party have mounted a compelling case on either of these fronts for me in all good conscience to support this bill.

I firmly and wholeheartedly support the views of our leader, the honourable member for Nanango, and support the position articulated by our shadow Attorney-General, the member for Toowoomba South, in that I also hold grave concerns as to the 22 weeks on-demand threshold and even later term abortions on social grounds, the lack of a true conscientious objection for medical professionals and the potential unconstitutional aspects around the safe access zone provisions.

When hearing pro-choice advocates and those opposite supporting post-22-week terminations solely on social grounds, I was surprised how many advocates said, 'Yes, but no parent would ever

actually do that.' I honestly wish I could sleep soundly at night in the naive assumption that no parent would ever unlawfully harm or kill their born or unborn infant child. Unfortunately, my life experience does not grant me such utopian bliss. Unfortunately, in my old job at the Child Abuse Unit, nearly every day I said to myself, 'I can't believe a parent would do that.' I have seen firsthand on more occasions than I would like to recall where parents, mothers and/or fathers made decisions that are not in the best interest of their defenceless infant or child, born or unborn.

There are a number of sections in the Criminal Code, particularly sections 285 and 286, that clearly provide a legislative framework around the legal obligations of a person who has care of a child and their duty to provide the necessities of life—but at what point do we consider the rights and protection of the unborn? At what point does an unborn child warrant the protections that we afford all human beings? I am not sure when that should be. We are not here to debate the gestational period and I am not being asked to nominate a more appropriate one. I am being asked to support 22 weeks, 5½ months on demand, which I, in all good conscience, cannot.

I have spent a large part of my adult life protecting vulnerable humans who cannot protect themselves. A defenceless, unborn child on the cusp of life, I submit, also needs protection. I think it is our responsibility as a humane society to provide vulnerable persons protection. From the evidence I have seen, an unborn child on or about 22 weeks, and certainly post 22 weeks, exhibits all the attributes and characteristics consistent with life—which is no doubt why a stillborn baby after 20 weeks requires a birth and death certificate under our current laws.

As a former homicide detective, I also struggle to reconcile that, if it can be proven that a newborn baby has taken a breath, a person who terminates the life of that baby is guilty of murder and subject to mandatory life imprisonment, but terminating that baby not long before it takes its first breath is nothing more than a health matter. I remember an investigation back in 1998 when a deceased one-day-old female baby was found discarded in the backyard of a suburban home. She had been dismembered and her sex organs has been removed. Investigators were able to prove the infant had taken a breath, and subsequently both the father and mother were charged with murder. I raise this not to be alarmist but only to raise the issue that I believe one breath between murder and a simple health issue, for my mind, is too thin.

I have also heard people advocating for this legislation on the grounds of supporting a woman's rights to their reproductive autonomy. In my interpretation, there seem to be no provisions in this bill for the protection of women—no counselling, no informed consent, no safeguards around family violence or stopping coercion and no waiting periods like we see in other countries.

I do appreciate that terminations, often late term, currently occur in lawful, warranted, tragic circumstances. I would never pass judgement on anyone faced with those heartbreaking and life-changing decisions and under no circumstances should any woman under these circumstances be made to feel that she runs the risk of going to jail. Even though there are 14,000 abortions performed every year in this state—lawful abortions that are authorised, justified and excused by law—and not one person has ever been successfully prosecuted for obtaining one, I do agree that our current abortion laws need reforming, but this is not the reform we need.

I submit that the legislation currently before the House goes too far. Abortion on demand at 5½ months gestation and the inclusion of social grounds as reason for a termination post 22 weeks is too broad. It is for these reasons that I cannot in good conscience support this bill.