




Speech By
Melissa McMahon

MEMBER FOR MACALISTER

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TERMINATION OF PREGNANCY BILL

 **Mrs McMAHON** (Macalister—ALP) (12.09 pm): I rise to speak in support of the bill before the House. I stand here to support a choice for women—a legal choice for women—for them to have agency over what happens to them, to be able to determine their own lives.

I think it has been made clear that the matters being considered by the parliament this week are of some significance. For many who have been at the forefront of this issue—many here in this House this week—I acknowledge the watershed moment that this debate represents and the promise that it holds. I acknowledge the leadership of the Premier and the Deputy Premier and the efforts of the Attorney-General and health minister in making available the resources for members to receive briefings from a range of experts in this field. To the Queensland Health staff who were prepared to answer my questions regardless of the time of day I say thank you.

It is also important for me to note the work of my electorate staff and volunteers over the past few months. They have been the first point of contact in my office relating to correspondence and those constituents who have attended. They have organised meetings with constituents, provided information and arranged briefings with stakeholders. They have borne witness to some of the most tasteless and disturbing correspondence. I thank them for their forbearance over this period.

It is not lost on me and possibly a few others in this House that we debate this bill this week, which started on Monday, 15 October, which was International Pregnancy and Infant Loss Remembrance Day. Honourable members may not have heard much fanfare about it; it is not a widely recognised day. There are no lapel pins or ribbons, maybe because it is uncomfortable. It disrupts the narrative that pregnancy is all flowers, baby showers and nursery swatches.

The reality is that not all pregnancies have happy endings. These are hard facts to acknowledge. The long-held convention that we do not tell anyone about a pregnancy until the 12-week mark speaks to how volatile and uncertain a pregnancy is in its early stages. They do not tell us that when we are little girls; it is a secret. It has been pointed out that a D and C under general anaesthetic is not something a woman undertakes lightly or with much choice and it is certainly not something to be used as a form of birth control.

The moment a woman learns she is pregnant is different for everyone. While for many it is the fulfilment of dreams and hopes for a family, for others it is the beginning of a troubling and stressful time. I can remember the news of my first child's impending arrival, the joy and anticipation—all the feelings—but with each successive pregnancy and each successive pregnancy loss darkness and foreboding set in and optimism went out the window. You do not get excited; you will only be disappointed. You do not tell anyone because then you have to deal with the looks of pity when it is yet another loss. I know for myself I changed the rules to not tell anyone until after 20 weeks and only if the scan was good. I cannot presume to know the circumstances of every other woman in this state at such a time. No-one in this chamber can and yet we will legislate it.

I acknowledge the publicised cases of coerced abortion. By taking abortion out of the shadows and placing it in the mainstream public health system we will be able to surround all women with the necessary support during any chosen process should they choose to accept it. What is much less publicised is the use of pregnancy as a form of coercion itself. I have met many women for whom forced pregnancies have been the ultimate form of control over their lives—literally kept barefoot and pregnant as a means of power and control to keep them from leaving. Women make decisions to remain in abusive relationships with children as the tether that keeps them there. With every additional child the ability to leave becomes a fading dream. We do not hear about these cases because, for many, the only optimistic outcome is a separation after the children have grown and the women descend into a never-ending spiral of poverty after leaving with nothing.

The member for Waterford is right in her assertion that a woman carrying an unwanted pregnancy to term quadruples the odds that she and her child will live in poverty. This is a cycle that becomes harder and harder to break. She and her child are now more vulnerable than ever to entering abusive and violent relationships. The knowledge that a woman possesses—better than anyone else, I might add—that she is not socially, emotionally or financially capable of supporting a child is apparently not considered a valid reason for termination of pregnancy. That is a social reason and the woman and child must now be resigned to their potential state of impending poverty. Perhaps if we had a viable and supportive social welfare network this may not be the case, but that would be socialism.

I am not insensible to the fact that had abortion been legal and accessible some 40-odd years ago perhaps I may not be here today. I do not think I would begrudge my mother for having looked at all the options in front of her. I am sure it was not her plan to have to leave school and to be married before she could vote. I am not yet at the point where I think I am the centre of the universe. Maybe she could have finished high school. I know she wanted a career. She could have studied, she could have travelled—all the things anyone would wish for their teenage daughter. Her life has been transformed, but I would not deny her that. I do not take anyone's support of this bill as an attack on me or women who make this decision.

I support the assertion that abortion is a health matter and not a criminal one. I have spent some considerable time in my professional career interpreting and applying the Criminal Code. While we may have prosecutorial guidelines pertaining to circumstances when a person should be charged, the continuing existence of that section means the act is itself criminal. Abortion is currently in the Criminal Code. It sits in chapter 22, Offences against morality. It sits between incest and indecent offences. It is a crime and it is only lawful in circumstances where the provisions of section 282 apply in that it is necessary to preserve a mother's life.

The 1986 ruling of *R v Bayliss and Cullen* made it quite clear that in Queensland abortion on request, section 282 notwithstanding, is not legal regardless of gestation, yet up to 14,000 occur in Queensland each year on the latest figures. I find it hard to believe that those 14,000 fell into the category of needing to preserve the life of the mother. For women to procure an abortion in today's setting they need to declare a mental infirmity or some other exigent medical reason, even when none actually exists. That is what is protecting women and practitioners from prosecution.

I would like to say a few things about the term 'viable'. This is important because it speaks to the issue of 22 weeks. I have heard here in this House that 22 weeks is viable and that 23 weeks is a grey area. This is nonsense. Clinical guidelines in Queensland are quite clear. Prior to 23 weeks, life-sustaining interventions are not recommended. At 23 weeks it is also not recommended, but a doctor may take the wishes of a parent into consideration. It is only at 24 weeks that intervention is recommended. There are medical cases from around the world that show viable births at that time, and do honourable members know why they make news? Because survival at that age is newsworthy! It is not the norm. They are in the single digits out of the hundreds of thousands of premie babies born every year throughout the world.

I might add that there is a big gap between the terms 'viable' and 'healthy'. If a baby is born at 22 weeks there is only a one per cent chance of that infant surviving to discharge. There is no data beyond six years; they do not make it. At 23 weeks 11 per cent will be discharged with 90 per cent dying before the age of six. If born at 23 weeks only one per cent will achieve a life without disability. I make no judgements about the parents facing these decisions. It is their decision and it is one done in consultation with their doctor and their beliefs, not in Galaxy polls and not in letter-writing campaigns.

I took the time to consider young women in my electorate, those most directly impacted by this legislation. I would like to mention Kendra, who contacted me. She wrote—

I am only 22 and I feel this Bill is essential to give young women who come into unexpected situations a safe choice.

...

Please be my voice for my generation and vote to approve this Bill.

I stand here to support the rights of Queensland women. No woman should be forced to carry to term a child she is not ready or capable of looking after because someone wholly unconnected to her feels the need to sit in judgement of her. Women are not merely engines of procreation. We are not incubators on two legs. A woman should be able to determine the direction her life takes. We will decide when we have our babies, and we will decide the circumstances in which we have them.