




Speech By
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MEMBER FOR CHATSWORTH

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TERMINATION OF PREGNANCY BILL

 **Mr MINNIKIN** (Chatsworth—LNP) (2.51 pm): The hardest speech I have written thus far in my life took place four years ago when I delivered a eulogy speech at my father's funeral. I still miss him dearly every single day. This speech I am about to deliver is by far the hardest speech I have delivered as a state member of parliament, and I do so with the privileged gift of a conscience vote as a result of a unanimous decision of the LNP party room. This privilege afforded to me is one that I do not take for granted and carries with it enormous responsibility. One way or another, we are all about to make history this week in this chamber that I love so much which will be forever recorded in the parliamentary *Hansard*.

For many of us, our names once added to the members' honour board will fade into political obscurity, but the impact the passage of this bill will have on subsequent generations to come will not. I would like to thank the many fine individuals who reside in my electorate of Chatsworth who took up my invitation to meet with me and outline their viewpoint on this highly emotive topic. As one would expect representing a middle-ring Brisbane electorate with a varied demographic, the assortment of views ranged from pro life under any circumstances to the diametric opposite of pro choice in all instances. Many of the people I met had very personal anecdotes they shared from both sides of the debate, and I take this opportunity to sincerely thank them for the courage and respect they displayed in conveying their views.

In considering this deeply emotional bill, I have read and consulted as far as I could and questioned previously deeply held beliefs framed around my ideological framework. Key precepts of my liberal value system include the notions of freedom and choice. It is fair to say that my value system tries to combine the best of economic conservatism and socially progressive liberal ideals. I believe in the doctrine of the separation of powers and the separation of church from state. I believe in the inherent decency of society. I believe in the fundamental right of women to be treated as equal members of a free society which acknowledges that, although there are obvious differences in men's and women's physiology, there should be no difference in their opportunity to have sovereign reign over their own bodies.

In considering this bill in detail, the obvious starting point is to establish what the real intent of the bill is to achieve. The bill seeks to modernise and clarify the law for termination of pregnancy in Queensland. Chapter 22 of the Criminal Code Act 1899, 'Offences against morality', currently makes it a crime to unlawfully terminate a woman's pregnancy. An unlawful termination of pregnancy may be committed by the person performing the termination, section 224, or the pregnant woman herself, section 225. It is also a crime for anyone to supply or procure anything which that person knows is intended to be used unlawfully to procure a miscarriage, section 226.

The Criminal Code does not define 'unlawfully' for these sections. However, section 282 of the Criminal Code provides an excuse from criminal responsibility for a person who performs a surgical or medical termination in certain circumstances. The current case law on section 282 provides that a

termination will be lawful where it is necessary to prevent serious danger to the woman's life or physical or mental health and is not out of proportion to the danger intended to be averted.

I recall watching local current affairs shows in the late 1970s when Dr Peter Bayliss and Dr Dawn Cullen of the Greenslopes Fertility Control Clinic on Logan Road at Greenslopes were habitually raided and eventually charged in 1985 under the anti-abortion provisions of the Queensland Criminal Code. The possibility of prosecution of health professionals and women also potentially impedes provision of a full range of safe, accessible and timely reproductive services. This is of particular concern to many women in regional and remote areas of this vast state. The lack of certainty under the current provisions as to when a termination is lawful negatively impacts the accessibility and the availability of termination services by causing fear and stigma for women and reluctance by some health practitioners to provide such services.

Back in 1899 through to the 1970s, Australian women's bodies, livelihoods, financial security and behaviour were controlled to a large extent by gender based laws that actively discriminated against them. At various stages throughout this period women could not vote or stand for federal election, work in public service jobs after marriage, drink in public bars, be paid equally for the same work as a man, refuse sex with their husbands, borrow money independently, travel overseas without the permission of a man or exercise reproductive freedom. Their role essentially was to manage the household and bear and raise children—all with minimal autonomy, independence and agency. I put it to you, Mr Deputy Speaker, that had we stuck with the laws of 1899 and not evolved socially we would not have a female premier of this great state or opposition leader, we would not have female home and business owners, and we would not have the respectful egalitarian society that we have today.

Why do we make it a criminal act for women and girls who do not wish to have a pregnancy or a child at a particular time in their life? Why is forced pregnancy seen as a socially and legally acceptable solution to an unplanned conception? Why in 2018 do we not give women the respect to make their own reproductive choices and decisions about their own body, health and future?

In many areas of healthcare law in Australia we cannot force people against their will and without their consent to donate blood, tissue or organs or to allow their bodies to be used medically in any way without their consent—even if it means that another person on a waiting list will die as a result. Even after a person dies, unless they had clearly given their written consent to being an organ donor before they died doctors cannot harvest their organs, even if it means another person will die without a transplant. If we as a society start saying that a foetus has the right to life that overrides the pregnant woman's right to give or deny consent and by law forces women to continue pregnancies against their will and without their consent, then effectively we would be giving a foetus more rights than an actual person and, as a logical extension and corollary, we would be giving pregnant women fewer rights than a corpse. I am yet to find anyone who can convince me that women should have fewer rights when they are alive than they do when they are dead.

I am the father of two wonderful young men and have been married for 25 years to my brilliant wife, Roz, all of whom I would lay down my own life for in a heartbeat. Being a willing party to bringing those two individuals into this world was an honour and a privilege that my wife and I chose at times that were appropriate for us and our life circumstances. I believe that all Queensland women should have the fundamental human right to elect this privilege and not have it thrust upon them as a punishment for being sexually active or having an unplanned pregnancy. No-one should be forced to endure a pregnancy they do not want when safe, modern medical options are available to assist them. I am not pro abortion; I am pro choice, pro autonomy, pro respect. I support the right of all Queensland women to make reproductive choices that respect their agency, individuality, desires and dreams.

In the 21st century this issue should, indeed, be a health issue and not a criminal issue. Future generations will look back on our contributions to this bill. I choose to believe from the quality of the contributions I have heard that, whilst I vehemently disagree with much of what has been said, the old Evelyn Beatrice Hall quote, often attributed to Voltaire, comes into play—

I disapprove of what you say, but will defend to the death your right to say it.

I was born in 1965 to two loving and caring parents who taught me the essence of responsibility and respect. If I had a daughter I would want her to have the same chances in life that my two sons currently have: freedom of religion, freedom of association, freedom to pursue her own happiness, and liberty and freedom of choice when it comes to sovereign right and agency of her own body and sexuality. If we are truly to be a modern, egalitarian state in the 21st century we need to decriminalise archaic laws contained in an act from the 19th century. This is not about semantics; it is about legal freedom of choice. I respect the contribution of all of the other 92 members of this parliament. I merely

ask that my conscience vote be equally respected, as nobody—I repeat: nobody—has a mortgage on the truth and passion of their convictions regardless of how they ultimately vote on this emotive bill.