




Speech By
Tim Nicholls

MEMBER FOR CLAYFIELD

Record of Proceedings, 17 October 2018

TERMINATION OF PREGNANCY BILL

 **Mr NICHOLLS** (Clayfield—LNP) (3.58 pm): This is not an easy debate, as members have testified over the last two days. Our values and our families, our friends and our colleagues, these are the things that make our community, our state and our country such a wonderful place to live and so we must protect and respect them and we must do it according to our beliefs. For me that is a belief in the individual, the family and free enterprise—the words Sir Robert Menzies used when asked what the Liberal Party stood for, words that are still relevant to me 35 years after I first joined the Liberal Party.

I am also mindful of the tenets of conservatism, which are to protect and respect our past and our heritage; not to blindly accept past practices and laws but to test those practices and laws and if they fail to meet community needs and modern expectations, to look to how to change them to best serve the public interest. Blind adherence to the past simply because it is the past is not in the best interests of the community. Time and experience has shown the wisdom of this approach: keeping the best of our laws, heritage and history and discarding the unworkable and the unenforceable.

Therefore, I have measured my position about this most contentious of issues against those beliefs when deciding how to vote on this bill. I do so acknowledging the vastly different views held not only by honourable members in this place but also amongst members of the LNP and members of the communities we represent. In my electorate, perhaps different to many of my colleagues on this side of the chamber, there is also strong support for these changes.

I do not support abortion. I do support women and their right to control their own reproductive health. I have been lucky to be at the birth of my three healthy children and to have experienced the euphoric feeling of holding those precious small bundles and to revel in the beauty of nature and creation held in my hands each time. I am also lucky to be able to contemplate the future for them and to share with Mary the joys, the challenges, the tears, the laughter, the frustration and the success that raising three kids inevitably brings, including, as those who have heard some of my stories would know, the occasional brush with members of the Queensland law enforcement community. I—we—would not swap it for anything and that is our decision. Here is the thing: it was our decision as a family and as individuals.

In May 2016 the former member for Cairns introduced bills to decriminalise the practice of abortion. As leader, I granted LNP members a conscience vote. I said very clearly that I could not support the laws proposed by the former member for Cairns. They were rushed, poorly thought through and, in my view, would have created uncertainty and confusion. I also said that an LNP government, in line with LNP party policy, would not change the existing laws and I did so because of my respect for the party and its members. However, that is not the situation we now face. The government did win the election and it was its stated intent to bring back a report from the Queensland Law Reform Commission on changing the law, and that has happened. This parliament must now deal with this bill. In fairness to the community and all those on all sides of this debate, it is long past due that we have a parliamentary resolution of this matter.

I thank and acknowledge the member for Nanango for the patient and calm way that she has handled this debate despite, at times, strident, inaccurate and unwarranted criticism. She has acted in the best interests of LNP representatives in this place. I respect her views and position.

In coming to my position, I have read the report of the Queensland Law Reform Commission, the committee report of this parliament as well as the committee reports of previous parliaments, and the Victorian Law Reform Commission report from 2008, including the submission of the Anglican Church at that time. I have also read the many guidelines and best practice notes, as well as practitioner codes of ethics. I have read and considered much of the material provided by those opposed to this bill. Of course, I have listened to the views of members of my electorate and LNP members, and considered the party policy. I have seen the emails, some containing quite graphic content that, if intended to shock, only served to reinforce my determination to consider this matter according to the best evidence and not hysteria or threats. I have listened carefully to the contributions of members up to this time. I especially note the story of my good friend the member for Kawana. I disagree with his position, but I absolutely respect that position and I do offer him my experiences in dealing with 15-year-olds.

Having done that, these are my views and my views alone, and my decision is mine alone. I reject absolutely any improper threats or improper inducements made to influence my position on this bill. At the moment, the Queensland Criminal Code provides offences for the unlawful procurement of an abortion. 'Unlawful' was never defined in the code and that leads to uncertainty. However, there can be no doubt about the intent behind that legislation: to criminalise abortion by the simple fact of placing the provision in the Criminal Code of Queensland, in the chapter headed 'Offences against morality'; to restrict the ability of women to effectively manage their own reproductive health issues; to treat women as criminals if they sought to look after themselves; and to consider women as unable or unfit to decide what is in their own best interests.

The law existed at a time when women were considered unable to own property or even to vote. Those positions are untenable in today's society. The member for Chatsworth has outlined many more examples. Even with all of that legal and moral restriction, abortions continued to occur, often in unsanitary conditions, often without proper or indeed any medical support, and certainly without any counselling or support services of any kind. The criminalisation of abortion also exacerbated the effects of coerced abortions and worked to deny women who, for many fair and sensible reasons, should have been able to legally access abortions. Presentations at hospitals of women suffering from complications from such abortions continued and unnecessary deaths occurred. Of course, corruption thrived around the provision of illegal abortions, as even a short read of Queensland's history under all shades of politics reveals.

In 1986 there were ultimately futile attempts to enforce the criminal law. I clearly recall the raid on the Greenslopes fertility clinic and the subsequent prosecution, the result of which was the decision by Judge McGuire to try to establish some judicial rules here in Queensland, because the parliament had failed to do so. All of that led to the further marginalisation and stigmatisation of women seeking termination services and, to an extent, that continues to this day. Despite various fictions and excuses, in part designed to ameliorate the harshness of the law, it remains the case that the practice is still shrouded in criminal uncertainty and it is also the case that between 10,000 and 14,000 terminations occur annually in Queensland.

Uncertain and infective, honoured more in the breach than the observance and prejudicial to women in so many ways, the current law is bad law. The law fails my beliefs and it fails to support the best interests of the community and, in particular, women in our community and it should be changed.

I do not believe that changing the law will of itself lead to an increase in the number of terminations. Evidence is to the contrary. Reports show the number of terminations falling and measurably so in Victoria, where similar laws have been in place for a decade. No doubt there are a number of reasons for that, but no matter the reason; it is a good thing. I hope it continues to fall. For this to happen we must also ensure the provision of comprehensive and unbiased reproductive health education. Unbiased education and information designed by recognised specialists, in consultation with parents and free of any agenda is the best way to do that. That was a policy that the LNP took to the last election.

Concern with gestational limits has been the topic of much debate in this place. Ultimately, a limit should be set and there will be different views about it. Balancing the competing interests of the unborn and the mother, and being sensitive to the attitudes of society is never going to satisfy everyone. The QLRC report, from pages 94 through to 104, clearly sets out the reasons for the limit and canvasses many views and details. It acknowledges the difficulties of setting limits and also that such a limit is to some extent arbitrary. However, the recommendation clearly accords with current best practice clinical guidelines. It balances the competing interests between the foetus and the mother's health interests.

Currently there are stringent clinical practice barriers in place for the provision of terminations after 22 weeks that are not likely to substantially change.

In considering all the claims made, I have seen no reliable evidence to support a conclusion that changing the gestational limit, that is, by reducing it, will change the number of terminations or the date at which they occur. The reality is that the vast majority of terminations occur in the first trimester. In light of that, in my view it is difficult not to think that an earlier limit would do little more than increase the difficulty and complexity for women in having what the evidence shows will be a termination they are likely to receive anyway. It is also important to note that there are currently no limits in Queensland prescribed by law and under current practice the requirement is for only one doctor to make an assessment.

A number of other matters have been raised that time does not permit me to deal with, so I will come to my conclusion. I do not support abortion. I wish that no woman felt the need to seek a termination. I wish that all of us could enjoy the enormous experience of a full challenging and rewarding family life, but I recognise reality. Our termination laws need to reflect that reality. They must be careful and understanding and, importantly, must not penalise either women or men and that which is beyond our best efforts or which is simply human nature. The current law does not do that. I believe that the proposed laws will. Women are entitled to control their own reproductive health issues, free from worry and stress from an outdated and restrictive law, and in full knowledge that their health and wellbeing is in their hands. I will support this bill.