




Speech By
Hon. Yvette D'Ath

MEMBER FOR REDCLIFFE

Record of Proceedings, 17 October 2018

TERMINATION OF PREGNANCY BILL

 **Hon. YM D'ATH** (Redcliffe—ALP) (Attorney-General and Minister for Justice) (3.40 pm): I rise to speak in support of this bill before the House. I had the great pleasure to introduce this bill and now support the Minister for Health in its progression through the parliament. I will not go into the detail of the bill. That has been done already. I want to make a couple of comments.

Firstly, as others have done, I thank my electorate staff who have been at the front of this campaign and who have seen the worst of the worst in the material that has come in. Those who believe that what they are espousing has broad support across the community and is factually correct should be willing to put their name to that material, as opposed to circulating anonymous information that is vile and offensive. I also want to thank everyone in my electorate who has sought a meeting with me. I have met with every person from my electorate who has sought to meet with me on this issue. I also want to thank the committee for their tremendous work, those brave witnesses who put forward their stories and those who put submissions before the committee.

A number of members have said that they support the decriminalisation of abortion. They have said that they support the right of a woman to choose and the right of a woman to have control over her own body. At least nine members on the other side have espoused that view. However, they have also said that they cannot support this bill for various reasons. To those members who oppose this bill primarily on the basis that they are concerned it is silent in relation to providing protection to women who may be coerced into terminating a pregnancy, particularly in relation to domestic and family violence—and the member for Maroochydore just touched on this as well—I say that this bill does not decrease or increase the risk of that coercion any more than the current Criminal Code. Each member who raised that concern has talked about cases that have occurred already where a woman has been coerced in awful situations and, of course, tragic situations.

That shows that coercion is happening right now under the Criminal Code. It is not the case that women are protected under the Criminal Code and that by moving abortion out of the Criminal Code that somehow puts those women at risk. The reality is that we do not need to put any provision in this bill around that protection because the offences under the Criminal Code continue to exist. The offences of threatening violence, threats, extortion, assault, stalking and torture are still in the Criminal Code and they are still offences. We need to get cultural and attitudinal change towards domestic violence so that women feel safe and supported to come forward and seek the help they need when they are faced with that sort of coercion. Of course, when it comes to domestic and family violence, that is what we are trying to do across the parliament.

The other issue relates to the general support for this bill by many across this parliament. However, some members have said that they still cannot support this bill because it does not quite deliver on all of their preferred elements. It is not their preferred model. I ask all of those members who truly believe and who have genuinely made very passionate speeches over the last two days and said that they support decriminalisation and the right of a woman to choose: how do we get to where we

want to be? How do we get to giving women that choice and decriminalising abortion if we do not support this bill? When? How?

We can spend every day that we are in parliament as members suggesting different ways to achieve that aim, but ultimately we have to make a decision. Fundamentally, we agree on the key aspects. We agree on decriminalisation. We agree that there should be a criteria around that. We agree that we should allow a conscientious objection. We agree that there should not be intimidation outside sexual health clinics and abortion clinics. Many of us across this parliament agree on these aspects. How many reviews and how many reports do we have to have before we finally exercise our obligations and provide that right to women? If not now, when? If not this bill, how? Are any one of those members honestly saying that they are going to bring a bill to their party room, get endorsement and bring it to the floor of this parliament that would deliver that consensus on a preferred model? I get that not everyone thinks that this bill is perfect. I get that this is a very serious issue for everybody, no matter where they sit on this issue, but we have an obligation to the people of Queensland. We have an obligation to the women of Queensland.

Many members have said that we do not need to change the law at all because, in their view, abortion is already lawful—that there are roughly 14,000 terminations a year that the police are not charging people for, that the courts are not convicting people for, so we do not need to change. If we accept those facts, is that not really saying that the medical profession has moved on beyond the Criminal Code and accepted that abortion is a right of a woman and has been providing this important service to women? Police have said, 'We have moved on. We reflect community's expectations and we are not charging women.' The courts have said, 'Despite the Criminal Code, as a court we reflect the community's expectations and we are not convicting women.' When do we play catch-up? When the medical profession, the police and the courts are reflecting community expectations, is it not our responsibility now to do so? They are waiting for us to catch up and make sure that the laws reflect the practice—that, as lawmakers, we reflect the practice, that we remove the fear and the stigma that applies to this very important issue.

Ultimately, we owe people a duty to deal with this matter when those who have come before us have found it all too hard. Now is the time to do this. Why? Because we can confidently do it on the basis that this issue has gone through a comprehensive body of work with the Queensland Law Reform Commission for 12 months. It has been subject to opportunities for submissions and witnesses and hearings and consideration. The committee that reviewed the bill has looked at what occurs in other jurisdictions. The bill is based on sound reasoning and evidence. If not now, when? We must do this. I call on members to support this bill. I know that it might not be their perfect model, but it achieves those key aspects that many across the parliament have said they truly believe in.

I thank each and every member who has spoken. We do not have to agree on our views, but it has been a respectful debate. I do this as an elected member of parliament on behalf of my constituents. I do it for the women of Queensland. I do it as a woman. I do it as a mother. I do it for my daughter.