




Speech By
Fiona Simpson

MEMBER FOR MAROOCHYDORE

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JUSTICE AND OTHER LEGISLATION AMENDMENT BILL

 **Ms SIMPSON** (Maroochydore—LNP) (12.35 pm): I also strongly support Sophie's Law which gives recognition to an unborn baby who was well loved and about to be welcomed into a family but for a criminal act that ripped that young life away from this family. I honour and acknowledge the Milosevics and the journey they have been on to see recognition that this was a baby that they wanted and recognition that there are many others who have suffered from terrible criminal offences that have resulted in the premature and cruel death of their unborn children. It is certainly a story where we wish there were no other examples. We know that unfortunately that has not been the case.

The amendments in the Justice and Other Legislation Amendment Bill will provide the opportunity for families, should they wish, to have recognition of the unborn child and to state the name of or have a description of the unborn child. As has been outlined, there are provisions for appropriate aggravating circumstances to be considered by the courts when dealing with such offences. I refer to something that I think we should not lose sight of. It has been an incredibly long struggle for this family and others to see this recognition. There is bipartisan support for this legislation that will do that.

I want to remember another brave young woman—Tracy Wooding. She raised the issue of the tragic killing of her unborn baby by her violent partner. He attacked her when she was pregnant with the intention of killing her unborn child. Tracy was eight months pregnant at the time. Her violent ex-partner succeeded. Her baby boy, Zach, was born dead. If it were not for this attack, at eight months gestation he could have been born alive in a hospital. The law did not recognise this child's death.

This resulted in a campaign by another very brave woman to see the law changed. While the change in the law would not have brought back her baby, the Criminal Code was amended in 1997 under then attorney-general Denver Beanland. We were able to insert provisions into the Criminal Code to recognise that this attack on a pregnant woman causing the death or injury of her unborn needed a penalty in the law. That should have been common sense, but, unfortunately as we found, there was a lot of opposition. Eventually, we had bipartisan support for amending the Criminal Code, but not for all babies. Unfortunately, the then Labor Party opposition drew a line as to which babies were to be included and which ones were not.

That was the story. I want to recognise Tracy Wooding because it has been a tough battle for brave women and brave couples to raise these issues. Too many times people say, 'This is an abortion issue,' or 'We don't want to trigger an abortion issue.' I know that there are very strong views around abortion. I understand that. Unfortunately, for many unborn children, even where they are wanted by their family, they have been left in a situation without the protection of law. The law was changed back in 1997 in relation to section 313. Today we see the law extended in respect of this aspect of a criminal offence that was not captured under that circumstance of an assault of a woman—in this case in regard to other criminal offences more generally. This is a step forward.

Let's not forget that these babies—some families desperately want them—deserve to be recognised and their families deserve all the support they can get. If I reflect back on section 313 in the Criminal Code, there are a lot of pregnant women who suffer domestic violence. The figures showed

then, as they do today, that unfortunately these laws have to be in place. We hope that they would be a deterrent, but there should be justice for those who find themselves in circumstances where they are attacked or, with regard to this legislation before the House, where a criminal offence causes the death of their unborn baby.

I want to address an ongoing creep in regard to the move to erase women and the definition of 'woman' from the statute books. As I understand the Criminal Code, the definition of 'woman' still stands in regard to the legislation where it refers to '*woman* means a female person of any age'. I do not believe that has been deleted from section 319A. There has been a progressive creep in regard to other areas of law to remove the definition of 'woman' from our statute books.

I want to reference this because I am really concerned that biological women are finding that they are being erased from the statute books and in many regards are unable to defend themselves as to why they should not have their recognition as biological women erased. Women should not be erased. We have fought hard enough to be recognised with equal rights and opportunities. We should not be denying our biology but celebrating it. A move to increasingly remove or erase women from the statute books is, I think, far more profound and does not provide comfort to those who have fought long and hard for the recognition of women.

There are many other provisions being amended by this legislation. There are some 30 acts being amended. I want to reference the fact that there are a number of amendments to the Electoral Act. The statement of reservation from my colleagues in the LNP has noted some concerns around the fact that there has to be greater clarity and also certainty as to when redistributions are finalised. We do not want to see a situation where redistributions with new boundaries are finalised close to elections. There are time frames defined 'as soon as practicable'. That is pretty open-ended. The reality is that what is practical perhaps for an Electoral Commission may not be very practical for others who need certainty around when boundaries are changed because it does have a huge impact.

As I said, 30 acts are being amended by the legislation before the parliament and there are many other issues worth addressing. I wish to particularly say that changes to the Electoral Act are not light matters. We must ensure that there is not only fairness in the way these matters are handled but an understanding about the practicality of what they may mean on the ground.

I know that my colleague the member for Warrego has been very active in respect of raising issues about postal votes and the impact in regard to some of these matters perhaps not being dealt with as transparently as they should have been. I want to commend her and her efforts to raise these issues around postal votes to ensure that we have greater fairness and transparency.

Postal voting is one means of providing people with an opportunity to vote. As I understand, there is acknowledgement that just because somebody has not put a ballot into the certified envelope that should not negate it being considered a valid ballot. I know that the representations made by the member for Warrego on this issue have resulted in recognition that this needed to be addressed. Where people's intention of how they wish to vote is clear, they should not be denied the opportunity of exercising their democratic right by that ballot not being legitimately handled. We also need to address the fact going forward of postal votes taking longer to reach people. We do not want people having their right to vote removed by delays in the postal system.

(Time expired)