




Speech By  
**Hon. Shannon Fentiman**

**MEMBER FOR WATERFORD**

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Record of Proceedings, 12 September 2023

**JUSTICE AND OTHER LEGISLATION AMENDMENT BILL**

 **Hon. SM FENTIMAN** (Waterford—ALP) (Minister for Health, Mental Health and Ambulance Services and Minister for Women) (5.53 pm): I rise to speak on the Justice and Other Legislation Amendment Bill 2023. The bill clarifies, strengthens and updates over 30 different legislative instruments, all concerning the administration of justice. Today I would like to focus on just three. Nothing compares to the pain and grief of losing a child, and when that loss is caused by criminal conduct profound distress is felt not only by the parents and their families but also across the wider community, and this is true for unborn children. Whilst this bill does not confer upon them fetal personhood, it does enhance the formal recognition of unborn children in our justice system.

I would like to acknowledge Sarah and Peter Milosevic, who were present when this bill was introduced to the House and with whom I had the great honour of meeting during my time as Attorney-General. I witnessed firsthand their testimony and strength in the face of losing their daughter, Sophie, at 39 weeks pregnant. These changes are in large part due to years of powerful advocacy on Sophie's behalf, and I also want to acknowledge their local member of parliament, the member for Lockyer, who has been on this journey with them for many years.

I would like to touch on something that Sarah said in her submission to the committee. She said these enhancements 'mean that there is some justice in the devastation of losing a child ... Having justice supports healing'. My heart goes out to the families and communities who have or will experience a tragedy of this kind. It is my sincerest hope that the bill will bring them justice and, in time, healing.

The bill also amends the Criminal Code to clarify the scope of the offence under section 319. This offence relates to assisting in the performance of a termination of pregnancy with respect to 'supplying or procuring the supply of a termination drug'. Children by Choice, a wonderful organisation that the government funds and supports, had expressed concern that this offence may apply more widely than we had originally intended and that it could extend to a person providing financial support to a pregnant person to access a lawful termination. The Palaszczuk government has listened to these concerns. The amendment contained in the bill makes it abundantly certain that this interpretation will not arise. Queensland women absolutely deserve safe, compassionate and accessible reproductive health care. I continue to be proud of the work done by our government to ensure that Queensland women do not have to risk their physical or legal safety in order to make legal, autonomous medical decisions about their own bodies.

Finally, the bill removes the prohibition on the identification of an adult defendant charged with a prescribed sexual offence prior to the finalisation of committal proceedings, and this amendment was made in accordance with recommendation 83 of the second report of the Women's Safety and Justice Taskforce. The taskforce, led by the Hon. Margaret McMurdo, concluded that there was no legal or moral justification for distinguishing between defendants charged with a prescribed sexual offence and those charged with any other criminal offence. Under current law, only defendants charged with rape, attempted rape, assault with intent to rape or sexual assault have their identity protected before committal, while other accused, including alleged murderers and drug traffickers, are freely named.

A number of stakeholders, including Women's Legal Service Queensland and DVConnect, argued in their submissions to the committee that the status quo perpetuates the false notion that victims, most often women, maliciously make up complaints in order to damage a man's reputation. This is a rape myth. Removing these protections is in line with community understanding and the empirical evidence that victims should be believed. I commend this bill to the House.