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MEDIA RELEASE

ZOE'S LAW DEFEATED IN UPPER HOUSE

THE FIGHT CONTINUES FOR LIFE AND JUSTICE!

For immediate circulation

After many months of waiting, the Crimes Amendment (Zoe's Law) Bill 2019 was yesterday voted on in the NSW Legislative Council. Rev Hon Fred Nile MLC, who has been a champion of this legislative reform, delivered his Speech in Reply before the Bill went to the vote.

The speech, as extracted from *Hansard*, appears below.

Tragically, the Bill was defeated, however supporters and friends of the Christian Democratic Party should be heartened to know that we are the only political party in New South Wales which has been spearheading this initiative and keeping it in the Legislative Council's Private Members' business list. We will continue to promote this legal reform in the future until an adequate Bill is introduced and passed.

There were two votes on the Bill yesterday. The first was in relation to a motion moved by Greens MLC, Abigail Boyd, who sought to have the vote postponed for six months, effectively putting it into the next Parliamentary session. For the Bill to be voted on in the next session, it would have to be moved again from scratch. The Green's motion effectively would have "killed" the Bill this way. That motion was defeated. However, the second vote was on the Bill itself, and that too was defeated six to 33, by a margin of 27 votes, effectively defeating this version of the Bill in the Legislative Council.

In the extract below, readers can see who voted **for** and **against** Zoe's Law.

Rev Nile wishes to point out that this sad outcome does **not** mean that the CDP will rest on this issue. Recent media reports have suggested that the Government will at some point in the future introduce its own legislation, and Rev Nile noted yesterday that *"I would not oppose the Government's version of this law if it introduced it into this House."* There **will** be a Zoe's law, and the CDP **will** be at the heart of its implementation in New South Wales.

We thank all our supporters for their prayers and assistance. We look forward to working with you in the future, to continue championing the interests of the most vulnerable members of our society: the unborn.

CRIMES AMENDMENT (ZOE'S LAW) BILL 2019

Second Reading Debate

Debate resumed from 20 September 2020.

Reverend the Hon. FRED NILE (16:54:02): In reply: I speak in reply to the debate on the Crimes Amendment (Zoe's Law) Bill 2019. I thank the honourable members who have contributed to this debate: the Hon. Taylor Martin, Ms Abigail Boyd, the Hon. Trevor Khan and the Hon. Scott Farlow. Members will no doubt be aware that four people were killed in an accident in Orchard Hills last week. Two of the deaths were registered as manslaughter but the deaths of the other two victims, who were unborn twins, were not acknowledged by the courts. This bill seeks to address that issue. This is obviously an ongoing concern. It should be an embarrassment for this House that it has taken so long for this bill to be debated and voted on.

Why did I get involved? Going way back to the beginning, I had contact with Zoe's parents and the point was made, publicly, that they thought the driver should have been charged with the death of baby Zoe. Zoe's mother was told by the police that nothing would be done because baby Zoe had not breathed, and that was then the end of the matter. That stimulated me to investigate this issue as to why such a situation could occur. There was a gap in our law and I endeavoured to fill that gap. I recall that one of the earliest pieces of legislation on this topic was put forward some years ago by a former member of the Government, Chris Spencer, in the Legislative Assembly.

The bill that he introduced—not dissimilar to the one that I have introduced—was passed in that place. However, due to a deliberate campaign of misinformation, my attempt at legislative reform in 2013 did not succeed in this House. The misinformation I am referring to is the unfounded claim that this bill would threaten women's rights. On the contrary, the bill would defend the rights of expectant mothers and the dignity of unborn persons, half of whom happen to be female also. So I had the bill specifically drafted in such a way to hopefully maximise support in this House.

I understand the need for compromise and, in doing so, the bill was drafted in such a way that abortion is specifically excluded from its terms of reference. I note that even the Hon. Trevor Khan accepted that this bill is not a "stalking horse" for the recriminalisation of abortion in New South Wales. Likewise, the Hon. Scott Farlow also acknowledged that this bill does not touch upon the State's abortion legislation. Perhaps Ms Abigail Boyd did not read the draft carefully before making her contribution to the debate on 26 September last year, so I will draw her attention to schedule 1, item [2] of the bill, which introduces a new section 41B (2). Subsection (a) states that the provisions of the bill do not apply to "anything done in the course of a medical procedure". Subsection (b) states that the provisions of the bill do not apply to "anything done by or with the consent of the mother of the unborn child".

Abortion in this State is effectively "a medical procedure". This bill, therefore, clearly and unambiguously excludes the practice of abortion from its operation. This bill had to be drafted in such a way that some semblance of justice could be provided to the mother and family members of an unborn child who has been killed in utero. Furthermore, I am aware of the decision of the Court of Criminal Appeal in *R v King*, which the Hon. Taylor Martin mentioned in his contribution to the debate on 26 September 2019. I acknowledge that the current law holds that the destruction of a foetus is grievous bodily harm to the expectant mother but not to the foetus. I further acknowledge that the principles of *R v King* have been codified in the *Crimes Amendment (Grievous Bodily Harm) Act 2005*. The Hon. Taylor Martin is correct when he says that if passed this bill would extend those provisions to "dangerous driving causing serious harm to, or destruction of, an unborn child". This bill is a response to a number of cases in recent years where this very thing has occurred. That is the reason why I gave the bill the title of Zoe's Law—Zoe was the unborn baby's name. I note that the Government has committed to reforming the State's criminal law in accordance with these concerns. I could have waited but it seemed to be taking the Government so long to do something that I thought it was important to proceed with my bill. Obviously I would not oppose the Government's version of this law if it introduced it into this House. That was part of the Government's election commitment

so I expect the Government to support this bill and I call on all members to vote for Zoe's bill.

The PRESIDENT: The question is that this bill be now read a second time, to which Ms Abigail Boyd [Greens] has moved that the question be amended by omitting the word "now" and inserting at the end "this day in six months". This amendment will mean that the bill will not be considered in this session. I make that clarification before we put it to a vote so everybody is clear on what we are doing. The question is that the amendment be agreed to.

The House divided.

Ayes: 10

Noes: 29

Majority: 19 [see how they voted below]

Ayes:

Boyd (Green)

Hurst (AJP)

Searl (ALP)

Buttigieg (ALP)

Pearson (AJP)

Secord (ALP)

Faehrmann (Green)

Primrose (ALP)

Shoebridge (Green)

Field (Ind.)

Noes:

Amato (Lib)

Harwin (Lib)

Moriarty (ALP)

Banasiak (SFF)

Jackson (ALP)

Moselmane (Ind.)

Borsak (SFF)

Khan (Nat)

Nile (CDP)

Cusack (Lib)	Latham (ONP)	Roberts (ONP)
D'Adam (ALP)	Maclaren-Jones (Lib)	Sharpe (ALP)
Fang (Nat)	Mallard (Lib)	Taylor (Lib)
Farlow (Lib)	Martin (Lib)	Tudehope (Lib)
Farraway (Lib)	Mason-Cox (Lib)	Veitch (ALP)
Franklin (Nat)	Mitchell (Nat)	Ward (Lib)
Graham (ALP)	Mookhey (ALP)	

Amendment negatived

The PRESIDENT: The question is that this bill be now read a second time. Is leave granted to ring the bells for one minute?

Leave granted.

The House divided.

Ayes: 6

Noes: 33

Majority: 27 [see how they voted below]

Ayes:

Banasiak (SFF)	Latham (ONP)	Nile (CDP)
Borsak (SFF)	Mason-Cox (Lib)	Roberts (ONP)

Noes:

Amato (Lib)	Graham (ALP)	Moselmane (Ind.)
Boyd (Green)	Harwin (Lib)	Pearson (AJP)
Buttigieg (ALP)	Hurst (AJP)	Primrose (ALP)
Cusack (Lib)	Jackson (ALP)	Searl (ALP)
D'Adam (ALP)	Khan (Nat)	Secord (ALP)
Faehrmann (Green)	Maclaren-Jones (Lib)	Sharpe (ALP)
Fang (Nat)	Mallard (Lib)	Shoebridge (Green)
Farlow (Lib)	Martin (Lib)	Taylor (Nat)
Farraway (Lib)	Mitchell (Nat)	Tudehope (Lib)
Field (Ind.)	Mookhey (ALP)	Veitch (ALP)
Franklin (Nat)	Moriarty (ALP)	Ward (Lib)

Motion negatived.

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