

**17/11/2021 – Rev Hon Fred Nile MLC**  
**Sex-Selection Legislation Amendment Bill 2021**  
**Introduction Speech**

Dear Colleagues,

I commend my *Abortion Law Reform (Sex Selection Prohibition) Amendment Bill 2021* to you. The object of this Bill are to amend the following acts:

- (a) the Abortion Law Reform Act 2019 to prohibit the performance of terminations on persons for the purposes of sex selection,*
- (b) the Assisted Reproductive Technology Act 2007 to prohibit the provision of assisted reproductive technology treatment for the purposes of sex selection,*
- (c) the Health Practitioner Regulation (Adoption of National Law) Act 2009 to provide that the performance of terminations on persons for the purposes of sex selection amounts to professional misconduct of a registered health practitioner,*

*(d) the Health Care Liability Act 2001 to void approved professional indemnity insurance for a registered health practitioner to the extent the insurance provides cover for the performance of a termination on a person for the purposes of sex selection.*

This Bill is needed. It reads:

***1 Name of Act***

*This Act is the Sex Selection Legislation Amendment Act 2021.*

***2 Commencement***

*This Act commences on the day that is one day after the day that is 3 months from the date of assent.*

***Schedule 1 Amendment of Abortion Law Reform Act 2019 No 11***

***[1] Section 11A***

*Insert after section 11—*

***11A Terminations for sex selection***

*Despite any provision of this Part, a registered health practitioner must not perform a termination, or assist in the performance of a termination, on a person for the purposes of sex selection.*

**[2] Section 16, heading**

***Insert “—report to Parliament” after “selection”.***

**[3] Section 16**

*Omit section 16(1) and (6).*

***Schedule 2 Amendment of Assisted Reproductive  
Technology Act 2007 No 69***

***[1] Section 29A***

*Insert after section 29—*

***29A Prohibition of ART treatment for purposes of  
sex selection***

*(1) The object of this section is to prohibit the  
provision of ART treatment for the purposes of sex  
selection.*

*(2) A person providing ART treatment to a woman  
must not use a gamete or an embryo, or perform  
the treatment in a particular way, with the  
purpose of  
producing or attempting to produce a child of a  
particular sex.*

*Maximum penalty—200 penalty units or  
imprisonment for 5 years.*

## **[2] Section 75**

*Insert after section 74—*

### **75 Review of section 29A**

*(1) The Minister must conduct a review of section 29A to determine if—*

*(a) the section has prevented the provision of ART services for the*

*purposes of sex selection, and*

*(b) the section remains appropriate for securing that objective.*

*(2) The review must be conducted 2 years after the commencement of section 29A.*

*(3) The Minister must table a report on the outcome of the review in each House of Parliament within 3 years after the commencement of section 29A.*

***Schedule 3 Amendment of Health Practitioner  
Regulation***

***(Adoption of National Law) Act 2009 No 86***

***[1] Schedule 1 Modification of Health  
Practitioner Regulation National Law***

*Insert at the end of Schedule 1[13], section 139E,  
with appropriate paragraph numbering—*

*; or*

*( ) a contravention of the Abortion Law Reform Act  
2019, section 11A.*

***Schedule 4 Amendment of Health Care Liability  
Act 2001 No 42***

***[1] Section 26***

*Insert after section 25—*

***26 Approved professional indemnity insurance  
void in relation to abortion for the purposes of  
sex selection***

*An approved professional indemnity insurance is  
void to the extent that it provides cover for a  
registered health practitioner who performs a  
termination, or assists in the performance of a  
termination, on a person for the purposes of sex  
selection.*

Violence against women occurs right around the world, even from the moment of conception.

In many regions across the third world girls are considered to be a drain on finances and less valuable than boys. Provided the unwanted girls are born they are often killed by their parents. The 2012 documentary *'It's a Girl: The three deadliest words in the world'* is difficult to watch, impoverished Mothers speak about the infanticide of their children by their own hands. In the Indian State of Uttarakhan there were reportedly no female babies born over a three month period in 2019 in over 132 villages and 947 births.

In the 2019 debate on this issue similar stories were told and accusations of racism were heft across the Chamber. I am grateful that the Hon Daniel Moohkey and others repudiated those claims as that is not my intention of the telling of these facts whatsoever, I reject racism entirely.



In the first world we are no better. We murder the unborn while still in the womb, it is easier to hide the depravity of our actions. Planned Parenthood describe the abortion procedure as “a combination of medical tools and a suction device to gently take the pregnancy tissue out of your uterus”. That “pregnancy tissue” is an unborn child. That unborn child, which has a heartbeat from as early as six weeks. The unborn child can feel, can breath, can even taste - is chopped up and sucked out. How efficient, how cold, how clinical.

This is sad. This is ugly. This is real.

Mothers should be offered more support to carry their child to term, regardless of sex.

While I am publically opposed to the ongoing practice of medical abortion I must stress that my Bill does not eliminate abortion as a whole. My Bill seeks to eliminate the practice of aborting unborn children on the grounds of their sex. Further, my Bill penalises medical practitioners who conduct a sex-selective abortion. These penalties are most clearly defined in Schedule 2 and Schedule 4 with severe criminal penalties and the voidance of any approved professional indemnity insurance.

This is not the first time such legislation has come before Parliament. In 2019 the Honourable Damien Tudehope raised a similar Bill. It was my privilege to support his Bill and I invite him and the Government to do the same.

I also note that similar legislation already exists in South Australia under the Termination of Pregnancy Act 2021, Division 2, Section 12, it reads:

***Health practitioner must not terminate pregnancy for sex selection***

*(1) Subject to subsection (2), a registered health practitioner must not perform a termination of a pregnancy for the purposes of sex-selection.*

Members of this chamber, who shall remain nameless, have previously denied the very existence of sex-selective abortion in the state of New South Wales. They claimed that reports of said abortions had been misread and misrepresented or just outright denied the fact.

One would wonder what has changed, why am I re-introducing this Bill?

That is because sex-election abortion does occur in New South Wales and the evidence is piling up, year by year, month by month, day by day.

NSW Health published the *Review of termination of pregnancy for the purpose of sex-selection in NSW* in December 2020. The report, which was received on the 6<sup>th</sup> of September 2021 and reported on the 12<sup>th</sup> of October states:

*“Thirteen notifications of termination of pregnancy (0.08 per cent) indicated that they were for the sole purpose of sex selection. Nine of these notifications were completed on the PDF notification form and emailed or faxed into the Ministry. Of the notifications indicating that they were for the sole purpose of sex selection, ten indicated that these were for pregnancies less than nine weeks gestation.”*

The report further states that the 13 instances were documented requests made to providers. These are not reporting errors, this is not a misrepresentation of facts, this is real and it is happening today in New South Wales.

I would hope that Members of this Chamber are not calling these thirteen women liars?

I must stress the importance of Section 75. A review into the impacts of this Bill in two and three years is crucial in determining its effectiveness. In 2019 during the last debate on this matter the Honourable Penny Sharpe argued that the prohibitions on sex-selective abortion don't really work based on the findings from the *2011 Preventing gender-biased sex selection statement* by the World Health Organisation. I have read this report and it does not say this. What the report actually says in conclusion is:

*experience indicates that legal restrictions in isolation from broader social policies and other measures to address deep seated social norms and effect behaviour change may be ineffective and may even detrimentally impact upon the human and reproductive rights of women...*

*The prevention of gender-biased sex selection will require major commitment and sustained and concerted efforts by governments, civil society, international agencies and all others working towards the goal of gender equality. A carefully planned and systematic approach involving stakeholders at all levels is needed to put in place supportive legal and policy measures for girls and women. This must be combined with the use of non-judgemental and non-coercive mass-media strategies and other social measures to encourage behaviour change. Imbalanced sex ratios are an unacceptable manifestation of gender discrimination against girls and women and a violation of their human rights*

In summary, the report does not rule out the effectiveness of sex-selective abortion bans but rather says that in isolation they may not work. A broader educational campaign on this issue is needed as well. I am open to amendments to further increase my Bill's effectiveness.

I would invite these Members and their colleagues to realise that their opposition to that Bill was unfounded and strongly encourage them to vote for my Bill as more data has emerged over time.

I would remind all that in 2019 there was unanimous consensus opposing sex-selective abortion as a principal. I am sure that this Chamber still shares those views. This Bill is more than about just sex-selective, this is about fight sex discrimination.

For the sake of unborn girls please vote for my Bill.