

From: [REDACTED]
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Mrs Sharon J Stay
[REDACTED]

Committee Secretary
Health, Communities, Disability Services and Domestic and Family Violence Prevention
Committee
Parliament House
George Street,
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I wish to formally lodge my strong objection to the Termination of Pregnancy Bill 2018.

I, Mrs Sharon Joy Stay, identify as a human being, female, wife, mother, daughter, daughter-in-law, sister, sister-in-law, step-daughter, grand daughter and aunt. I practiced as a health professional for approximately 15 years, working for QLD Health. I am an Australia citizen and QLD resident. On that basis, I am fully qualified to be a stakeholder.

Pregnancy is a sacred thing. It is not a bodily disease that requires curing, mitigating or alleviating. It is a beautiful thing to carry a child for 9 months and bring it into the world. Life is sacred. I believe the Termination of Pregnancy Bill 2018, ignorantly attempts to redefine abortion as a health issue. Abortion is a criminal act and redefining it as a health issue is not truthful.

Re-Classifying Abortion as a Health Issue

Murder Versus Medicine

Murder is a criminal matter. Health issues are not. To determine whether or not our government can remove abortion from the criminal code and re-classify it as a health issue we must first be very clear regarding what defines murder and what defines medicine and thus health issues.

Murder

The Queensland Criminal Code defines murder this way:

CRIMINAL CODE 1899 - SECT 302

murder

302 [murder](#)

(1) Except as hereinafter set forth, a person who unlawfully kills another under any of the following circumstances, that is to say—

- (a) if the offender intends to cause the death of the person killed or that of some other person or if the offender intends to do to the person killed or to some other person some grievous bodily harm;
- (b) if death is caused by means of an act done in the prosecution of an unlawful purpose, which act is of such a nature as to be likely to endanger human life;

- (c) if the offender intends to do grievous bodily harm to some person for the purpose of facilitating the commission of a crime which is such that the offender may be arrested without warrant, or for the purpose of facilitating the flight of an offender who has committed or attempted to commit any such crime;
- (d) if death is caused by administering any stupefying or overpowering thing for either of the purposes mentioned in paragraph (c);
- (e) if death is caused by willfully stopping the breath of any person for either of such purposes;
- is guilty of
"murder" .
- (2) Under *subsection (1) (a)* it is immaterial that the offender did not intend to hurt the particular person who is killed.
- (3) Under *subsection (1) (b)* it is immaterial that the offender did not intend to hurt any person.
- (4) Under *subsection (1) (c) to (e)* it is immaterial that the offender did not intend to cause death or did not know that death was likely to result.

1. An indictment charging an offence against this section with the circumstance of aggravation stated in the [Penalties and Sentences Act 1992](#) , *section 161Q* may not be presented without the consent of a Crown Law Officer.

Alternatively, murder can be simply defined as *“the intentional, pre-mediated killing of another innocent person with malice, in peace not war”*. This definition is accepted worldwide.

I believe we can apply this definition of murder to abortion. In doing so, I would like to present my case for abortion remaining within the criminal code of Queensland.

1. **Intentional:** The abortion is intentional on behalf of the pregnant mother and the abortionist and their assistants. This is not a spontaneous miscarriage, still birth or the result of an accident. The pregnant mother attends the abortion clinic for the termination. The pregnant mother gives her consent for the termination. The mother, abortionists and their assistants are intentionally choosing to terminate the child’s life. It is an act of their will. It is in their control. It is not out of their control. It is a deliberate act of aggression towards the child. Therefore, abortion is intentional.

2. **Pre-meditated:** The pregnancy may be unplanned but the termination is planned. An appointment is made for the termination, which the mother attends. She gives her legal consent and signature to the abortion and this is witnessed by the abortionist and or their assistants. Likewise, the abortion is pre-mediated and planned by the abortionist and those assisting the abortion. They are fully informed that they are committing an act of abortion and have agreed to receive financial remuneration for committing this act. Therefore, abortion is intentional, pre-mediated, planned and deliberate.

3. **Killing:** Abortion is the killing of an innocent unborn baby. Be it before 20 weeks or after, the sole purpose of an abortion is to kill an expecting mother’s unborn child so that it becomes legally dead. Without the intervention of an abortionist, a mother only has a 3% - 4% chance of losing her baby prior to 12 weeks gestation. The risk of a still birth after 20 gestation weeks is 1 in 160. Therefore, abortion is an intentional, pre-meditated, deliberate killing.

4. **Innocent:** The unborn baby that is killed is innocent of any crime. It is not the unborn baby’s fault that it is unwanted or unplanned for. It is an innocent party in these events. It can not be charged under any law either in this country or universally. All humans are

broken. Some people can't eat nuts, others struggle to run while still others have breathing difficulties or deafness. All of us are broken in some way but not all of us a criminals. Since when is brokenness a crime? Likewise all unborn babies will have some form of brokenness but this too does not make them criminals. Humans may not all be equal in ability but we are certainly all equal in value!! It is not a crime to be broken or we would all be in the courts. Justice demands that we not treat brokenness as a crime and acknowledge that these unborn babies are innocent parties in these events. Therefore, abortion is an intentional, pre-meditated, deliberate, planned, killing of an innocent.

5. Personhood: The unborn baby is a human being. Without intervention, it is a person that develops. Not an animal or a plant or a fungus or bacteria. It is man's kind. Humankind. A member of the human race. A baby is alive from the day of conception. From very early on in their pregnancies, women can see and hear their baby's heart and movements on ultrasound, as early as 6-7 weeks gestation. They can watch their child suck it's thumb. I saw my child suck it's thumb at 12 weeks gestation. They can feel it's movement. That was about 15 weeks gestation for me. The unborn baby is alive. It is a person. It is simultaneously spiritual, physical, mindful and emotional. It is the result of two humans naturally mating, not two animals or a human and an animal mating. We are not animals. Animals do not have a spirit. We are of a different kind. The QLD Criminal Code 1899 - Section 211 states that "Any person who has carnal knowledge with or of an animal is guilty of a crime and is liable to imprisonment for 7 years." Bestiality is a crime. It is repulsive for a human to have sexual intercourse with an animal. If we were animals then it would be natural to mate with beasts. But we are not. Humans mate with humans. Beasts mate with beasts. The unborn baby is human because it is the product of two humans mating. It will have human sexual organs that can be clearly seen quite early on in the mother's pregnancy, via ultrasound. These are either male or female. It was via ultrasound that I first learned I was carrying a little girl. And yes, at roughly 40 weeks, I gave birth to a female, a little girl, my wonderful daughter, who is now growing into a beautiful woman and will one day quite possibly, have babies of her own with a male human, her husband, a gentleman. That has been the natural order of life since the beginning of time.

The QLD Labor Party's proposed Termination of Pregnancy Bill 2018 denies the baby's humanity by ignoring the human rights of the unborn. Queensland Law currently states that if an unborn human baby dies after 20 weeks gestation, they are required to have a birth certificate, a death certificate (including cause of death) and a funeral. Our own QLD law defines the unborn baby as human, when it demands these requirements. On it's certificates, the baby is identified as a human being, male or female, daughter or son of specified parents, with a family name. This baby has parents, grandparents and possibly aunts and uncles. This child is given an identity because it IS an identity with rights. Your bill does not uphold any of these rights and rejects the identity of the child. Identity rights are very important to residents of Queensland. So are human rights. Humans have different rights to animals because we are humans.

Every child has a right to live. Our society, proudly proclaims we value all life and tolerates all human beings, yet if the proposed Termination of Pregnancy Bill 2018 is passed, the human rights of unborn babies, at all gestational stages, will not be upheld and you will trespass existing QLD law. Therefore, abortion is an intentional, pre-meditated, deliberate, planned, killing of an innocent, human, unborn baby - male or female.

6. Malicious: An act is characterized as malicious if it's intention or desire is to cause harm. Synonyms include evil, cruel, hostile, destructive, wounding, poisonous and grievous bodily harm.

Australian abortion methods include -

[REDACTED]

It is given no birth certificate, no death certificate, no cause of death, no funeral, no rights, no identity, no love.

[REDACTED]. Evil has taken place. [REDACTED]. Contrast this with the extreme extent that a Queensland Neonatal Special Care Unit went to, to preserve and save the life of my little nephew who was born prematurely at 20 weeks. He lived for 15 minutes. He was surrounded by his parents who hugged him, kissed him and named him. Joseph. That's his name. There was a birth certificate. A death certificate. A cause of death. A funeral. I still remember his birthday each and every year. It's in July. He would have been 13 years old this year. Why do we try so hard to save one baby but not the other? The only difference between the two scenarios is the intention of the mother and the medical practitioner. In my nephew's case, my sister-in-law's intention was one of love not hate. She was not malicious. Neither were the medical staff that assisted her. In the first case, the mother's intention and the intention of the medical practitioner aka abortionist are malicious.

Dr Anthony Levatino, MD is a board-certified obstetrician gynecologist. This is his testimony before the U.S. House of Representatives on abortion methods. Tell me if after reading this, you can in all good conscience, not declare abortion malicious and torturous?

“Chairman Franks and distinguished members of the subcommittee, my name is Anthony Levatino. I am a board-certified obstetrician gynecologist. I received my medical degree from Albany Medical College in Albany, NY in 1976 and completed my OB-GYN residency training at Albany Medical Center in 1980. In my 33-year career, I have been privileged to practice obstetrics and gynecology in both private and university settings. From June 1993 until September 2000, I was associate professor of OB-GYN at the Albany Medical College serving at different times as both medical student director and residency program director. I have also dedicated many years to private practice and currently operate a solo gynecology practice in Las Cruces, NM. I appreciate your kind invitation to address issues related to the District of Columbia Pain-Capable Unborn Child Protection Act (H.R. 1797).

During my residency training and during my first five years of private practice, I performed both first and second trimester abortions. During my residency in the late 1970s, second trimester abortions were [REDACTED]

[REDACTED] These procedures were difficult, expensive and [REDACTED]

By 1980, at the time I entered private practice first in Florida and then in upstate New York, those of us in the abortion industry were looking for a more efficient method of second trimester abortion. [REDACTED]

█. Understand that my partner and I were not running an abortion clinic. We practiced general obstetrics and gynecology but abortion was definitely part of that practice. Relatively few gynecologists in upstate NY would perform such a procedure and we saw an opportunity to expand our abortion practice. I performed first trimester █ D&C abortions in my office up to 10 weeks from last menstrual period and later procedures in an outpatient hospital setting. From 1981 through February 1985, I performed approximately 1200 abortions. Over 100 of them were second trimester █ D&E procedures up to 24 weeks gestation.

Imagine if you can that you are a pro-choice obstetrician/gynecologist like I once was. Your patient today is 24 weeks pregnant. █

█ If you could see her baby, which is quite easy on an ultrasound, she would be as long as your hand plus a half from the top of her head to the bottom of her rump not counting the legs. Your patient has been feeling her baby kick for the last 2 month or more █

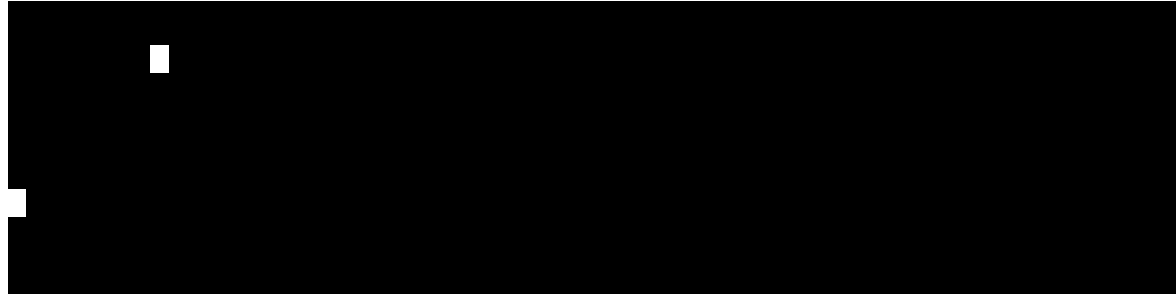
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Before I close, I want to make a comment on the necessity and usefulness of utilizing second and third trimester abortion to save women's lives. I often hear the argument that we must keep abortion legal in order to save women's lives in cases of life threatening conditions that can and do arise in pregnancy. Albany Medical Center where I worked for

over seven years is a tertiary referral center that accepts patients with life threatening conditions related to or caused by pregnancy. I personally treated hundreds of women with such conditions in my tenure there. There are several conditions that can arise or worsen typically during the late second or third trimester of pregnancy that require immediate care. In many of those cases, ending or “terminating” the pregnancy, if you prefer, can be life saving. But is abortion a viable treatment option in this setting? I maintain that it usually, if not always, is not.



In cases where a mother’s life is seriously threatened by her pregnancy, a doctor more often than not doesn’t have 36 hours, much less 72 hours, to resolve the problem. Let me illustrate with a real-life case that I managed while at the Albany Medical Center. A patient arrived one night at 28 weeks gestation with severe pre-eclampsia or toxemia. Her blood pressure on admission was 220/160. As you are probably aware, a normal blood pressure is approximately 120/80. This patient’s pregnancy was a threat to her life and the life of her unborn child. She could very well be minutes or hours away from a major stroke. This case was managed successfully by rapidly stabilizing the patient’s blood pressure and “terminating” her pregnancy by Cesarean section. She and her baby did well. This is a typical case in the world of high-risk obstetrics. In most such cases, any attempt to perform an abortion “to save the mother’s life” would entail undue and dangerous delay in providing appropriate, truly life-saving care. During my time at Albany Medical Center I managed hundreds of such cases by “terminating” pregnancies to save mother’s lives. In all those hundreds of cases, the number of unborn children that I had to deliberately kill was zero.”



Under the proposed Termination of Pregnancy Bill 2018, second and third trimester abortion practices would become legal for unborn babies up until the moment of birth. That is roughly up until 39 weeks and 6 days. We are talking thriving, healthy babies at this point. I have another nephew who was born at 36 weeks. He is now 11 years old. Highly intelligent. Delightful. A beautiful child, full of love for others and obedient to his parents. He brings them much honor. So don’t tell me that these human babies are worthless and it’s all about the mother’s rights. It’s a lie! There is no real reason specified in your bill to justify such a malicious killing for abortions after 22 weeks gestation. Suggesting that two medical practitioner’s signing off on the matter is enough of a ‘firewall’ to stop malpractice and murder is simply ridiculous. It’s not difficult to find two medical practitioners who would do that especially if both are working in an Abortion Clinic. Both have a vested interest in an abortion. Both have a conflict of interest. Both will receive enormous financial gain for doing the ghastly deed. It’s sadistic. You have made no allowance for an independent legal advocate for the unborn baby in your Bill, to cross check that the child’s welfare has been fully considered. We are not at war with babies are we? Or did I miss the memo. Let’s just think about this for a minute. Really slowly. Is the QLD Labor Party proposing the killing of unborn human babies up to 39 weeks  by tabling this Bill?

The Queensland Criminal Code defines torture as the following:

murder. Do you have no respect for their consciences? No other premises have such protection. I would have the Committee note, that Bishop Comensoli, a Sydney Catholic Bishop has suggested *“the same safe zones should be placed around churches, citing loud protests outside St Mary’s Cathedral during the Day of the Unborn child mass last year...People can be vulnerable going to church too, particularly if there’s people out the front with loud speakers belittling their point of view. They might be praying, hoping to get pregnant, they might have lost a child...they might be there praying for people who are thinking about abortion... and ordinary people are then abused, intimidated and spoken to quite violently.”* [REDACTED]

I would have the Committee also note, that the QLD labor party has announced that it’s own members will be allowed a conscience vote for the Termination of Pregnancy Bill 2018. Yet, I would also have them note, that for the many, many, many medical practitioners’ whose consciences object to performing an abortion this proposed Bill demands they act against their said consciences and still refer the mother to a known abortionist! You force them to act against their consciences. That in and of it’s self is a violation of the Declaration of Human Rights.

Objection must also be made to Part 3 Section 10 of the proposed Termination of Pregnancy Bill 2018, which states:

Part 3 Protection from criminal responsibility

10 Woman does not commit an offence for termination on herself

Despite any other Act, a woman who consents to, assists in, or performs a termination on herself does not commit an offence.

The above statement would lawfully allow a mother to behave in the wickedest of manners with the vilest of intentions and never be legally charged with murder under QLD Law. You’re requesting that she is never, ever held to account for her actions despite how heinous they might be. Let’s just think about that. A quick look at world history shows us, that through out time, evil men and women commit very evil deeds. Or to put it another way, the saying ‘absolute power, corrupts absolutely’, also applies. To remove all legal penalties and possible prosecution for women terminating their own child’s life is foolhardy, to say, in the least. No one wants that! Have we forgotten what was maliciously done to the children and pregnant women during World War II? Evil must have a boundary to prevent it from ruling. If Part 3 Section 10 of the Termination of Pregnancy Bill 2018 was enacted into law, then lets consider for the briefest of moments this horrific scenario. [REDACTED]

[REDACTED] his is not right. Her heart and actions must be able to be held to account. That is the purpose of the courts. Did she act out of love or malice? Is she guilty of murder? Or was she dreaming of her son, mentally choosing names and planning for their life together? The laws are there for a reason. If you remove the potential for her to be prosecuted when she acts out of hate and not love, then what crime would you charge such an evil woman with? Part 3, Section 10 must be removed.

Medicine

Abortion is an intentional, pre-meditated, deliberate, planned, killing of an innocent, human, unborn baby - male or female, with malicious, cruel and torturous intent. Abortion is murder. But can abortion be legally defined as medicine or a health issue, as the Bill suggests?

‘Medicine’ is the science and practice of the diagnosis, treatment and prevention of disease.

Black’s Law, defines ‘medicine’ this way:

“The practice of medicine is a pursuit very generally known and understood, and so also is that of surgery. The former includes the application and use of medicines and drugs for the purpose of curing, mitigating, or alleviating bodily diseases, while the functions of the latter are limited to manual operations usually performed by surgical instruments or appliances.” *Smith v. Lane, 21 Hun (N. Y.) 633.*

Please note that the sole purpose of medicine is to either cure, mitigate or alleviate a bodily disease. Pregnancy is not and never will be a bodily disease. It is the natural result of a man transferring his own biological seed to a woman during sexual intercourse when the woman is ovulating. This is basic biology. We all know this.

The Hippocratic Oath, a universally accepted creed for medicine for thousands of years states the following:

I will apply dietetic measures for the benefit of the sick according to my ability and judgment; I will keep them from harm and injustice.

I will neither give a deadly drug to anybody who asked for it, nor will I make a suggestion to this effect. Similarly I will not give to a woman an abortive remedy. In purity and holiness I will guard my life and my art.

I will not use the knife, not even on sufferers from stone, but will withdraw in favor of such men as are engaged in this work.

Whatever houses I may visit, I will come for the benefit of the sick, remaining free of all intentional injustice, of all mischief and in particular of sexual relations with both female and male persons, be they free or slaves.

What I may see or hear in the course of the treatment or even outside of the treatment in regard to the life of men, which on no account one must spread abroad, I will keep to myself, holding such things shameful to be spoken about.

If I fulfill this oath and do not violate it, may it be granted to me to enjoy life and art, being honored with fame among all men for all time to come; if I transgress it and swear falsely, may the opposite of all this be my lot.

It is important to note the following about the Hippocratic Oath:

1. That the intention of the medical physician is to benefit the sick and pregnancy is a not a sickness.
2. That even under severe coercion, the medical physician will not give a deadly drug or abortive remedy to a woman.
3. The medical physician swears to act in purity and holiness and to keep the sick from

harm and injustice.

The Hippocratic Oath clearly states that abortion is not medicine and is in fact the very opposite of what is held up as pure and holy by the medical physician; that is abortive remedies, harm and injustice.

Furthermore, R.J. Harrison's "Textbook of Medicine" Third Edition, (my edition is 1984) a university text book studied by those in the Faculty of Medicine at the University of Queensland, defines medicine this way:

"Medicine is the study of disease, its cause, effects and treatment."

Note once again, that the concept of disease is intrinsic within the definition of medicine. Psychological stress is not an excuse to have an unborn child killed. A pregnant mother may well be anxious about their future but this in and of itself is not a disease or a valid reason to kill an innocent unborn baby. Anxious mothers are best supported emotionally and psychologically by family, friends, pregnancy support agencies and the church; not by being encouraged to kill their own innocent child.

How can we redefine abortion as medicine when there is NO proof that it is in fact medicine? Universally it has been accepted for thousands of years that it is in fact the very antithesis of medicine. It would be pure ignorance on our State's behalf to legally redefine it as such. We would be the laughing stock of the Universe.

Miscarriages and still births are medical issues. Abortion is not. Currently, no accurate records are kept to separate QLD abortions from QLD miscarriages and stillbirths. This is not correct. They are not an identical act and as such, must not be treated as identical. It is understood that in very extreme and dire circumstances, when there is a clear, grave risk to the mother's life and there is no other safe option available that would save both mother and child, that a medical intervention may be required to save a mother's life and not the life of the unborn baby.

But when this does occur, it is not the same act as an abortion. In this situation, both the mother and the medical practitioners involved are willing to save the unborn baby, if at all possible. They are doing their utmost to keep both alive. Their intention is love. The act is no longer murder as it is no-longer malicious.

But we must have a means of ensuring medical practitioners are not allowed to behave in a manner that would be considered 'medical negligence'. Just as police must give an account when they take a life in an act of duty, likewise, medical practitioners must be called to give an account as to why they believe there was no other safe option available for both mother and child. Both the mother and the medical practitioners have a duty of care to the unborn baby for both are valued human beings. This is intrinsic to good medical practice.

The Queensland Law Handbook, 2016 in describing medical negligence states:

"Negligence is a failure to take reasonable care to avoid causing injury or loss to another person. Health professionals are under a common law duty to take reasonable care for the safety and wellbeing of their patients. Breaches of that duty may give rise to claims for damages. As many medical treatments involve highly specialised and technical skills, a court will usually need evidence from medical specialists about correct procedures and usual safeguards followed in particular medical treatments before a decision can be made about whether or not a particular health professional has been so careless in providing that treatment to a patient as to be considered negligent."

Can the Committee please take note, that both the mother and the unborn child are legally the medical practitioner's patients. There are two human beings involved here. To deny this fact, is to deny the humanity and life of the unborn child. Both are recipients of the medical practitioners actions. Both are technically under his 'care'. We would be deceiving ourselves if we thought otherwise. If the QLD Labor Party is desiring to have abortion re-classified as a "health issue" and or as "medicine", then why have they attempted to remove any evidence for the courts to rule in the event of a charge of "medical negligence"? Justice demands that there be a means for prosecuting evil. What if there is evidence the medical practitioners did not gain legal consent from the mother, or provide full disclosure of the ramifications of the procedure? Would that not then be cause for possible prosecution of medical negligence? What if there is further evidence that the mother was coerced by the abortionist who then, after performing the procedure, trafficked the human remains for their own financial gain? No one in their right mind would call that good and pure and right. Justice demands that 'medical' negligence" be able to be addressed in the courts. All evidence must be retained and kept. You can not remove the requirement for 'evidence' from the law. We desire justice not injustice.

Can the committee please note, that a land or house purchase in QLD, legally allows for a cooling off period. Is not the decision to end the life of a healthy unborn child through abortion vastly more significant than a decision to purchase real estate? Why are we not mandating a cooling off period where independent advocates for the mother and for the child are consulted? A wise Judge hears both sides of the story before ruling. Likewise, would it not be infinitely wise for our government to insist that a mother receive independent counsel on all options available to her, both for and against the abortion before proceeding? Could we not ensure that she, at the very, very least, legally acknowledges within her signed consent to the abortion, that she has sought full disclosure from independent parties on both sides of this argument, who receive no financial gain for providing their counsel?

Conclusion and Recommendations

But if abortion is not medicine then what is it? It is my belief that it is an act of murder. Murder is "*the intentional, pre-mediated killing of another innocent person with malice*". An intentional, planned termination of an innocent unborn human baby, male or female, with malice and torture is in essence the same act. It is not medicine and as such, must not be legally re-classified as a 'health issue'.

I believe the proposed Termination of Pregnancy Bill 2018 will decriminalize the murder and [REDACTED] of the innocent, unborn child at all gestational stages.

I ask the Committee to defend the cause of the innocent, to hold-up the cause of the oppressed and to desire justice and seek mercy for all involved. To protect the identity of the unborn. To not deny their humanity. To not deny their voice. To not deny their legal right to representation. To ensure all children born after 20 weeks gestation are given a name, legal birth certificate and legal death certificate and burial in accordance with the QLD Births, Deaths and Marriages Act 2003. To ensure there is no medical negligence fostered. To delight in ensuring all parties have independent counsel and do not act in panic and haste. To not hate the unborn child. But to act in love.

In concluding, I would like to remind the QLD Parliament that Australia is still a signatory of the Universal Declaration of Human Rights. Lest we forget.

Article 3.

“Everyone has the right to life, liberty and security of person.”

Article 5

“No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.”

Article 6

“Everyone has the right to recognition everywhere as a person before the law.”

Article 7

“All are equal before the law and are entitled without discrimination to equal protection under the law. All are entitled to equal protection against any discrimination in violation of the Declaration and against any incitement to such discrimination.”

Article 25

“Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.”

Article 30

“Nothing in this declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.”



Yours sincerely,

Mrs Sharon Joy Stay
Mother.