

18 June 2016

Mr and Mrs M Stay

[REDACTED]
[REDACTED]
[REDACTED]

Health, Communities,
Disability Services
and Domestic an
Family violence
Prevention Committee
Parliament House
Brisbane QLD 4000

Dear Committee Members,

Re: Abortion Law Reform (Women's Right to Choose) Amendment Bill 2016

Terms of Reference:

- a) *existing practices in Queensland concerning termination of pregnancy by medical practitioners.*
- b) *existing legal principles that govern termination practices in Queensland;*
- c) *the need to modernize and clarify the law (without altering current clinical practice), to reflect current community attitudes and expectations.*

Current abortion practices in Queensland do not reflect our family's attitude and expectations for our State. We define '**abortion**' as any procedure or operation that has the premeditated direct intention of killing an unborn child with malice.

Existing Practices : Our family has significant concerns that the current abortion techniques being used in Australia, are cruel and torturous to the baby.

1. Partial-birth abortion: the child's skull is punctured and its brain is suctioned out.
2. Dilation and Evacuation Abortion: the child is dismembered and torn apart using sharp instruments.
3. Saline Abortion: the child is burned in utero with a toxic saline solution. Death can take up to 24 hours.
4. Fatal Injection Abortion: the child is poisoned (e.g. potassium chloride) by injection into the unborn child's heart.
5. Artificial Inducement of Premature Birth: the child is induced and born alive. It is then either starved, neglected or drowned in formaldehyde.

Under the proposed Women's Right to Choose Amendment Bill, these or similar practices would become legal for babies up until the moment of birth. Morally and ethically this is not right. Abortion needs to be used only in dire circumstances, when there is a clear, grave risk to the mother's life. Even then, medical professionals should be fighting to save both the mother's and the child's life where at all possible. They have a duty of care to both, for both are valued human beings.

Existing Legal Principles:

We believe the current legislation: Queensland Criminal Code 1899, sections 224,225 and 226 are currently correct as it stands. There is no need for any 'roll back' or decriminalization of abortion. The current law reflects society's attitudes in 2016 just as well as they did back in 1899.

The Need to Modernize and Clarify the Law:

Murder literally means "*the intentional, premeditated killing of another person with malice.*" The aforementioned definition reflects our society's current attitudes and expectations. It is also historically the definition that has been used through out time.

- In Biblical Hebrew, the word for murder literally means "*the intentional, premeditated killing of another person with malice.*" In Exodus 20:13 we are actually told in the original language "*You shall not murder*".

- In California, the Penal Code provides this definition of murder:

187. (a) *Murder is the unlawful killing of a human being, or fetus, with malice aforethought.*

- In the UK, the legal definition of murder, in common law is :

"the unlawful killing of a human being in the Queen's peace, with malice aforethought."

Malice has been interpreted by the courts there as an intention to kill or intention to cause grievous bodily harm.

- Or for a more modern, societal definition of murder, take the following from Wikipedia:

"Murder is the killing of another human being without justification or valid excuse, and it is especially the unlawful killing of another human being with malice and aforethought."

Not all definitions in society are transient and neither should they be. Not all laws need to be modernized. According to the above legal definitions, the abortionist is committing murder in any situation where the women's pregnancy is not putting her life in very, grave danger. The unborn baby is human, it is alive, it has committed no crime for which it has been successfully tried in a court of law, and it is being intentionally killed maliciously. That is premeditated murder.

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. They can watch their child suck it's thumb. They can feel it's movement. The baby is alive. It is a person. Clearly, the vast majority of aborted babies in Queensland, would have lived if the abortionist had not intervened. The pregnancy would have been compatible with life. It was only the intervention of the abortionist that caused their death.

Every child has a right to live. Our society, proudly proclaims we value all life and tolerate all human beings, yet if the proposed Abortion Law Reform Amendment Bill is upheld, the right of the unborn, at all gestational stages, will not be upheld. How can we terminate an innocent life simply for our own convenience?

Our family have significant concerns in regard to Section 282 of the Queensland Criminal code:

A person is not criminally responsible for performing or providing, in good faith and with reasonable care and skill a surgical operation on or medical treatment of:

a) a person or unborn child for the patient's benefit; or

b) a person or unborn child to preserve the mother's life;

if performing the operation or providing the medical treatment is reasonable, having regard to the patient's state at the time and to all circumstances of the case.

There is currently a lot of anecdotal evidence to support the fact that abortions are being offered in Queensland in circumstances where there is no threat to the mother's life. Women are simply being offered abortions for social and financial reasons, as a matter of convenience. This is not acceptable.

Request is made that the parliamentary committee investigate illegal abortions further to determine if in fact, the current abortion laws need to be tightened or clarified to prevent this.

Torture:The baby in utero feels pain. This is well documented in scientific and medical research.

"The first essential requirement for pain is the presence of sensory receptors, which first develop in the perioral area at approximately 7 weeks gestation and are diffusely located throughout the body by 14 weeks."

Myers LB, Bulich LA, Hess, P, Miller, NM. Fetal endoscopic surgery: indications and anaesthetic management. *Best Practice & Research Clinical Anaesthesiology*. 18:2 (2004) 231-258.

"For the foetus, an existence of 'pain' rests upon the existence of a stimulus that poses a threat to tissue, being detected by a nervous system capable of preferentially responding to stimuli that pose a threat to tissue. The entire experience is completely bounded by the limits of the sensory system and the relationship between that system and the stimulus. If pain is conceived of in this manner then it becomes possible to talk of foetal pain anytime between 10 and 17 weeks GA [gestational age] when nociceptors develop and mature, and there is evidence of behavioural responses to touch."

Derbyshire SW, Foetal pain? *Best Practice & Research Clinical Obstetrics and Gynaecology* 24:5 (2010) 647-655.

"Cutaneous sensory receptors appear in the perioral area of the human fetus in the 7th week of gestation; they spread to the rest of the face, the palms of the hands, and the soles of the feet by the 11th week, to the trunk and proximal parts of the arms and legs by the 15th week, and to all cutaneous and mucous surfaces by the 20th week."

Anand KJS, Hickey PR. Pain and its effects in the human neonate and fetus. *New England Journal of Medicine*. 317:21 (1987) 1321-1329.

To commit any of the above stated abortion techniques on an innocent fellow human being, who is able to experience severe pain is torturous. This is not a practice we want in a civilized society.

The Queensland Criminal Code defines torture as the following:

Criminal Code 1899 - SECT 320A

320A Torture 320A Torture

(1) A person who tortures another person commits a crime.

Maximum penalty— 14 years imprisonment.

(2) In this section—

pain or suffering includes physical, mental, psychological or emotional pain or suffering, whether temporary or permanent.

Torture means the intentional infliction of severe pain or suffering on a person by an act or series of acts done on 1 or more than 1 occasion.

We believe the proposed Abortion Law Reform Amendment Bill will decriminalize murder and torture of the innocent, unborn child at all gestational stages, for any reason.

Adoption: It is our understanding, that currently very few ‘mothers of unwanted babies’ are counseled towards adoption. Within our society we have a significant number of married couples who are infertile, who would, given the opportunity, be favorable to adoption. It is our understanding, that at present, very few children are offered up for adoption in Queensland. It is also our understanding that there are many married couples with children who would also like to adopt children for various reasons, and cherish them within their home. But this too is currently hindered and few families are allowed this wonderful opportunity.

Request is made that the parliamentary committee investigate Queensland’s low adoption numbers further to determine whether or not there is an unnecessary legal block to this process.

Conclusion:

-We vehemently oppose the Abortion Law Reform Amendment Bill 2016 and support the current existing law as it stands.

-We believe the proposed Abortion Law Reform Amendment Bill will decriminalize murder and torture of the innocent, unborn child at all gestational stages, for any reason.

-We request clarification of the existing Abortion Law to tighten apparent abuses that enable babies to be aborted in circumstances where there is no grave risk to the mother’s life.

-We request clarification of the current law to determine why more unwanted babies are not offered up for adoption in Queensland.

Yours sincerely,


Mark D Stay B.A. Anim.


Sharon J Stay B. Occ. Thy.