



5 November 2007

Victorian Law Reform Commission
PO Box 4637, GPO Melbourne Vic 3001

Dear Members of the Commission,

**Re: “aspects of the law governing termination of pregnancy”
by the Doctors of Medicine With Morality.**

We note the terms of reference particularly

C. The Victorian Government's commitment to modernise and clarify the law, and reflect current community standards, without altering current clinical practice.

In keeping with our previous submission to Victorian Members of Parliament (attached) we wish to state our disapproval of the limitation “*without altering current clinical practice*”. Our considered view is that current clinical practice is unacceptable and to give legal sanction to this is a great wrong.

The *Menhennit* ruling has effectively given rise to abortion on demand and to eugenic selection of offspring, be it at the embryo stage or the foetus or the mature unborn child. The number of abortions in Australia is recognized as being at least undesirable and we should be looking at ways of reducing this and not entrenching it.

The practice of eugenic selection has crept up on us without state or community approval, such being evaluated by hospital ethics committees and sometimes not at all, and this has serious implications for our society with respect to the conditions for which selection is performed.

In the mature (“viable”) unborn child it is important to differentiate between termination of pregnancy and feticide. Pregnancy can be terminated by *simple induction of labour without killing* the unborn child. It is wrong to assume that the unborn child must be killed and it would be a denial of informed consent if this were not spelled out clearly to the mother.

It is argued that killing the unborn child helps to alleviate distress to the mother. In the discarded NHMRC report of 1995 on *Services for the Termination of Pregnancy in Australia* the D&X procedure (see appendix 1) was extolled as having the “advantage of producing a dead baby”, the implication being that there would no longer be any ethical dilemma for the mother to face – as she would have if the baby were born alive.

The other issues related to feticide and anaesthesia are discussed in our previous submission to MPs.

The restriction placed on the terms of reference “*to clarify... without altering current clinical practice*” begs the question “why?” We submit this is primarily to make medical personnel feel more comfortable in both moral and legal aspects in performing abortion and not feel subject to disapprobation. We further submit that medical personnel should *not* be made to feel more comfortable in performing this procedure. We should *not* give state or community sanction to a procedure that intentionally takes innocent human life and flouts long-held and internationally accepted ethical standards (see Appendix 2).

To give legislative approval to *current clinical practice* would be a further erosion of community conscience on abortion as being merely another method of “family planning” or “contraception” – terms that are in common use by those promoting unrestricted abortion. Further, it would give legislative approval to the current practice of clandestine eugenics – a path our nation must not tread.

We, the doctors of *Medicine With Morality*, do not wish to see legal approval for abortion. We would much prefer to have the present situation tightened so that there is, at the very least, a lessening of abortion in our society and an enhancement of community conscience. **We therefore submit – within the confines of the terms of reference – that there should be no change to the present law.**

Appendix 1

The D&X procedure is also known as *Dilatation and Extraction* or more commonly called *Partial Birth Abortion* which was well described in the US Supreme Court that ultimately upheld the congressional ban on partial birth abortion by a 5-4 margin in April this year.

The abortionist (his assistant reported) "delivered the baby's body and arms -- everything but the head." At that point, "The baby's little fingers were clasping and unclasping, and his little feet were kicking. Then the doctor stuck the scissors in the back of his head, and the baby's arms jerked out. ... The doctor opened up the scissors, stuck a high-powered suction tube into the opening, and sucked the baby's brains out."

Appendix 2

The Hippocratic Oath states:

I will give no deadly medicine to any one if asked, *nor suggest any such counsel*; and in like manner I will not give to a woman a pessary to produce abortion.

The Preamble to the UN Declaration of the Rights of the Child (1959) states:

Whereas the United Nations has, in the Universal Declaration of Human Rights, proclaimed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Whereas the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, **before as well as after birth...**

<http://www.unhchr.ch/html/menu3/b/25.htm>

Dr Lachlan Dunjey MBBS FRACGP DObstRCOG General Practice (contact person)
33 Bunya St Dianella WA 6059
mob 0407 937 513

Signatories follow: