

LifeNEWS

PROMOTING THE SANCTITY OF LIFE



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Paper for the Church: Regarding the South Australian Abortion Law Reform Bill

Dear friends in Christ,

On 5 December 2018, the Greens introduced a radical abortion law reform bill into our South Australian parliament. We offer this paper to the Lutheran Church of Australia and beyond to foster greater understanding of the bill and its ramifications, and to offer Christian encouragement as to how we can respond.

The LCA has public teaching on abortion which holds that all unborn children are 'human lives created by God and so entitled to the care and preservation which God's command ('Do not murder') provides'. As such the LCA already has a fundamental disagreement with the South Australian abortion laws as they stand. However, this new bill seeks to further liberalise the existing laws and so this document interacts with the specific issues involved therein.



Photo by Devon Divine on Unsplash

Overview

The name of the bill in question is the *Statutes Amendment (Abortion Law Reform) Bill 2018*. It was introduced into Parliament by a Member of the Legislative Council, Tammy Franks.

The bill, if passed, will allow women to access abortion at any stage of their pregnancy and for any reason.

The bill also seeks to remove the right to conscientious objection and impose a "health access zone" to prevent

people from communicating with others about abortion within 150m of abortion facilities.

The bill seeks to achieve both of its aims by amending the following legislation:

- *Criminal Consolidation Act 1935 (SA); and*
- *Health Care Act 2008 (SA).*

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Editorial

KIMBERLEY PFEIFFER

In the parable of the Good Samaritan (Luke 10:25-37) Jesus speaks with a lawyer out to test him. They agree that one can only inherit eternal life by keeping the law, "You shall love the Lord your God with all your heart... and your neighbour as yourself" (v27). But the lawyer pushes the point by asking "And who is my neighbour?" Christ knows there are only two ways to view the Law: either to reduce expectations so that it is attainable, i.e. work out who is one's neighbour and who is not; or to yield this position and receive God's free gift of mercy through our true Good Samaritan, and allow that to change everything. When Christ found us beaten and nearly dead he did not forsake us, but lavished his mercy upon us. He did this through his life, death and resurrection, and sustains us now through his Word and Sacraments. God strengthens us *especially* when we find ourselves or our neighbours in despair or near death.

It is this mercy we are called to share with our neighbour. But how do we 'do' this? We find the lawmakers of our land set upon showing mercy to some at the expense of others - take for example, the drive to legalise abortion: whereby the mother's freedom and rights are granted and the unborn are

not. Or, consider the effect that physician-assisted suicide will have on our how we show mercy at the end of life. Mercy here is defined by granting a request to die over what may cost a lot more: practicalities such as pain relief, the time taken to sit with a dying loved one, the traumatic joy of holding someone's hand while they walk through the valley of the shadow of death.

As Christians we do not cease to show mercy to our neighbours who perceive their life to be falling apart, even when it may be nearing the end. We pray for the courage and strength of Christ to serve our neighbours in creative ways - at times simply being with them, and praying. We in the LCA NZ are blessed with a community whose life blood is Christ. We should not be disheartened by the world's feeble attempts at defining mercy. Instead we can live from the true mercy of Christ, so that we can share it with those in the places God has called us.

Lord, bless our church as we draw from your abundant mercy to be shared with those in need.

In Christ Our Lord, Amen.



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What is the current law with respect to abortion in South Australia?

Abortion in South Australia is currently regulated by the *Criminal Law Consolidation Act (SA)*.

Under this regime, abortion is legal up until a (maximum) of 28 weeks' gestation if two doctors are of the opinion:

- that the pregnancy poses a risk to the physical or mental health of the mother (taking into account her actual or reasonably foreseeable environment, including social and economic factors);¹ or
- there is a substantial risk that, if the pregnancy were not terminated, the child would suffer from such physical or mental abnormalities as to be seriously handicapped.

Other requirements specify that the abortion must be performed by a medical practitioner in a prescribed hospital, and the woman must have resided in SA for at least 2 months (except if she is an international student).

Abortion is available after 28 weeks to preserve the life of the mother. The law also specifies that persons are under no duty to participate in an abortion if they have a conscientious objection (except in an emergency), and makes it a crime for anyone to conceal the dead body of a baby, whether the baby died in utero, or during or after birth.

Further, the law requires medical practitioners to certify their opinion that the termination is medically warranted for one of the aforementioned reasons, and also to report to the Director-General of Medical Services when an abortion has taken place. This required reporting forms the basis of a document produced by SA Health called 'Pregnancy Outcomes in South Australia'. In 2018, SA Health produced statistics from 2016.

Current abortion statistics

The 'Pregnancy Outcomes in South Australia 2016' document includes the following table, which reveals the number of abortions that took place in 2016 and reasons for termination:

Table 75: Reported reason for termination of pregnancy, South Australia, 2016 (p. 48)

Of these 4,346 abortions, 3,920 (90.2%) occurred <14 weeks' gestation, 306 (7%) occurred in

Reason	Number	%
Mental health of woman	4,153	95.6
Congenital abnormality	159	3.7
Specified medical condition	31	0.7
Pre-existing psychiatric	3	0.1
Total	4,346	100.00

between 14-19 weeks and 120 (2.8%) occurred after 20 weeks gestation (these are known as "late term abortions"). The main age bracket for woman accessing abortion was 25-29 (total of 1,000 abortions).

Of these 120 late term abortions, 58 were performed due to the 'mental health' of the woman, 52 due to congenital abnormalities, and 10 for specified medical condition of the woman (see page 49 of SA Pregnancy Outcomes 2016).

What these statistics reveal to us is that 'mental health' is by far the greatest motivation for abortion, and that the women accessing abortion range in age from 15 - 40+, although the most likely age bracket is 25-29. The numbers also indicate that abortion is readily accessed in this state. This is consistent with the understanding that, in Australia, approximately 1 in 4 pregnancies are terminated.²

(The original letter proceeds to give a detailed analysis of the bill. Due to lack of space we have omitted this section. Please see www.lutheransforlife.lca.org.au for the full version)

¹ In *CES v Superclinics* (1995), Kirby J ruled that a doctor could consider danger to the mother's physical or mental health not just during pregnancy but also 'after the birth of the child, e.g. due to the very economic and social circumstances in which she will then **probably** find herself.'

² See 'Australian Abortion Statistics', Children by Choice: <https://www.childrenbychoice.org.au/factsandfigures/australian-abortion-statistics> and also 'Real Information' by 'Not Born Yet' <https://notbornyet.com/real-information/>

Summary

If passed, this bill will:

- allow abortion for *any* reason, including sex selection abortions, disability discrimination or 'changing one's mind';
- allow abortion with no doctor's approval required;
- allow abortion to be carried out by other than qualified doctors, without risk of penalty;
- allow late term abortion of viable babies;
- allow babies born alive as a result of abortion procedures to be left to die, and their deaths to be concealed;
- allow self-administration of high risk of complication abortion pills outside hospitals, including in rural settings;
- remove the specific crime for forced abortion, meaning that if someone were to forcibly abort a woman's unborn child they would be charged under assault causing harm rather than unlawful abortion, which carries lesser penalties;
- remove the requirement for doctors and hospitals to notify the Director General of Medical services that an abortion has taken place, meaning that SA would have no statistics;
- require no provision of pain relief for babies during abortion procedure, despite evidence that babies in the womb can feel pain from approximately 20 weeks' gestation;
- require no pre- or post-abortion counselling for women;
- Remove the express right to conscientious objection, potentially forcing doctors to engage in practices they deem not to be in the best interests of their patients;
- Create "health access zones" on dubious grounds, stifling freedom of movement and expression on a highly controversial issue of public policy.

This is a dangerous, ill-conceived law that ought to be rejected in its entirety. It is bad for women, bad for babies, and bad for society generally.

How can we respond?

We encourage all members of our Church to pray that this bill (and any like it) is defeated, and that our society is moved to the conviction that all life is sacred and so in need of protection. We are convinced this movement against life in our culture is far deeper than politics and legislation and involves what the Scriptures call 'spiritual forces' (Eph 6:12). Our main weapon in a spiritual battle is prayer, and so please pray.

We also encourage those who feel able to call, visit or write to South Australian politicians and simply, clearly and politely express your concerns about this bill. Lutherans for Life are able to provide assistance with this if needed. The focus at this stage is on Members of the Legislative Council and also your local representative in the South Australian Legislative Assembly.

Please be aware that since this bill was introduced, the SA Attorney General, Vickie Chapman, has asked the South Australian Abortion Law Reform Inquiry (SALRI) to investigate whether SA's abortion laws need updating. SALRI has invited members of the public to make submissions into the inquiry. The opportunity to make submissions closed at the end of May. Chair of Lutherans for Life, Joshua Pfeiffer, appeared at one of the Inquiry's roundtable discussions on May 16 along with other religious leaders. We await news of how this Inquiry will affect the Greens' bill. It may be that the SA government chooses not to back the current bill, but proposes another bill in its place. If this is the case, any subsequent bill will need to be assessed and responded to. Please keep your ears to the ground.

On a more personal level, a bill like this is also an opportunity for spiritual reflection for all of us. Does it lead us to repentance for our lack of respect for God's gift of life in various ways? Does it lead us to reach out to that single mother in our congregation or on our street to offer a helping hand? Does it simply lead us to deeper gratitude for the gift of life that are our own children and grandchildren?

We encourage you to consider another paper we have produced, entitled 'Culture of Life: 10 Steps the LCA and its members can take to help reduce the incidence of abortion.' This is available on our website: www.lutheransforlife.lca.org.au. Members of the LFL committee have also adapted this paper into a video format. This can be accessed on our website by going to 'Resources' and then 'Media'.

Conclusion

We offer this response to the Church in the spirit of Jesus' words to his disciples that we are 'the salt of the earth and the light of the world' (Matt 5:13-16). Let us not lose our saltiness or hide our lamp when it comes to protecting life. At the same time, we know that by our own human strength we can accomplish nothing, and so we look to Him who is the one true 'light of the world' (John 8:12). Our risen and ascended Lord Jesus reigns and ultimately is our only hope.

Let us pray,

Almighty God and Father,

We thank you for creating, redeeming and sanctifying each one of us, and for sharing with us the abundant life your Son has brought. Forgive us our sins against your command 'Do not murder', and lead us to true repentance. Have mercy on us and on our whole society here in South Australia and around our nation. Move the hearts and minds of people to everywhere to cherish your gift of life at every stage. Provide for those fathers and mothers who struggle with unexpected pregnancies and open them to the gift of life you give. Give our political leaders and representatives clarity and courage to affirm life in our legislation and laws.

We pray in Jesus' name, Amen.

Yours in Christ,

*Joshua Pfeiffer, Margaret Pearce
Chelsea Pietsch and Janet Schoell*

Christian health and aged care services and 'VAD'...

On 19 June 2019, Victoria's 'Voluntary Assisted Dying' (VAD) Act of 2017 came into effect. This means that physician-assisted suicide is now available for Victorians who meet the requirements and follow the steps set out in the law.

Christian health services and aged care providers are under no obligation to refer patients or residents who want access to VAD to someone who will assist them, but will not be able to forcibly prevent them from applying for access. Health and aged care services that oppose VAD have been encouraged to inform their patients and residents of their organisation's position.

Aged care service providers that are concerned about a person taking a legally prescribed lethal dose within their facility have been advised to meet with the person to discuss their concerns, and potential alternatives that are respectful of

the person's individual circumstances and the organisation's ethical stance. This may include discussions and exploration of the alternatives such as:

- the person may be able to go to a carer's, family member or friend's home when they plan to take their lethal dose
- the person may remain at the service and consider an external referral for a health service/provider to provide additional care provision in relation to VAD.

Clergy from the various Christian denominations in Victoria that oppose VAD are considering how best to respond pastorally to people who wish to access VAD and their families, both in the latter stages of life and after death has occurred.

Bills to allow abortion right up to 9 months continue in Australia and New Zealand

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Euthanasia in Victoria

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The Daniel Andrews Labor government's plan for their so-called voluntary assisted dying law came into effect on 19 June 2019. The detail of the cocktail of drugs to be used has not been released. Doctors have been offered training in how to give the drugs involved. Two past presidents of the Australian Medical Association, Mark Yates and Stephen Parnis, "sounded the alarm on the new laws, arguing they will pressure vulnerable Australians into taking their own lives, diminish the delivery of effective palliative care and involve the falsification of death certificates." Senator Patrick Dodson comments - "Where First Nations people are already overrepresented at every stage of our health system, it is irresponsible to vote in favour of another avenue to death." (The Australian)

Euthanasia in Australia & New Zealand

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Governments in New Zealand, Queensland, Western Australia and Tasmania are all moving towards similar laws. In South Australia Labor frontbencher Kyam Maher has pushed for a select committee report by November, to allow him to introduce an assisted dying law in 2020. In New Zealand the Justice Select Committee reports that 90.2 per cent of the 38,707 submissions received oppose the End of Life Choice bill. Progressive MPs are expected to continue to push for their VAD law regardless.

Labor governments in Victoria and Queensland now allow abortion up to full term, with the implication that babies born alive can be neglected till they succumb. There are similar moves in other states and in New Zealand - taking South Australia as an example, the Attorney-General has referred the Green abortion law reform bill 2018 to the SA Law Reform Institute, pre-empting that review by stating she expects SALRI to bring the SA law into alignment with Victoria and Queensland. She also says that SALRI will not consider the question of when human life begins, despite this being central to any ethical analysis. Readers who would like an email copy of my letter to MPs can contact me at pollnitz@senet.com.au

Canada court rules Christian doctors must participate in abortion, euthanasia

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"An Ontario appeal court struck a blow against religious freedom on 15 May 2019, ruling that the right of doctors to consciously object to participating in abortion and euthanasia is trumped by their patient's right to equitable access to health care. In a unanimous ruling, the appeal judges upheld a divisional court ruling that quashed a Charter challenge by Christian doctors." The Courts and the medical college are so committed to assisted dying that they would prefer doctors trained in end-of-life care such as palliative medicine move into areas where their skills are not needed, or quit the profession altogether, than exercise their practice according to their beliefs. (LifeSiteNews)

Transgender fashion persists and increases

Back in November 2017 a full bench of the Family Court of Australia ruled that court approval was no longer needed for young people with gender dysphoria seeking to undergo hormone treatment to transition to the opposite sex. Stage 1 involves giving "blockers" that suppress the hormones responsible for puberty, often at 9 to 12 years of age. In stage 2 "cross-sex" hormones are given, often at 12 to 16 years of age, so that the child develops the pubertal features of the sex with which they identify. Both stages of hormones have some serious and irreversible effects, even before we move to later-stage transitioning which can involve permanent sex-change surgery. There is no credible scientific research to back this new trans fashion. Reports indicate that between 80 and 97 per cent of children with gender dysphoria resolve their confusion by early adult life and identify only with their biological sex as recorded at birth. And there are increasing reports of people who have had sex-changes wanting to de-transition, to go back to their birth sex.

(Mercatornet)

"Unplanned" film not released in Canada

This pro-life film is based on the story of Abby Johnson, who worked in the USA abortion industry until she witnessed the ultrasound-guided abortion of a 13-week fetus. The movie was a success in the US, taking in more than \$18 million at the box office. Canadian law requires that films have distributors, and to date the major Canadian distributors have refused to show the film because of its "content". Lobbying to have the film shown continues, and we have hopes that Unplanned will appear in Australia in a few months.

(LifeSiteNews)

Changes in USA abortion laws

In the USA, a federal appeals court recently decided that a statute is constitutional under Supreme Court precedents if it "requires the disclosure of truthful, non-misleading, and relevant information about an abortion." This case upholds "a Kentucky law requiring doctors to perform an ultrasound, and thereafter offer to show and to explain to the patients the images taken, as well permitting the patient to hear the fetal heartbeat of the unborn life in utero, all at least 24 hours prior to having an abortion performed."

(Mercatornet)

Many people were surprised that conservative Christians would support Donald Trump in the 2016 US presidential election, given the man's many flaws. Trump promised to give them a more conservative Supreme Court that would deliver rulings more in line with their beliefs on subjects ranging from religious freedom to abortion. He has delivered on that promise by appointing Neil Gorsuch and Brett Kavanaugh, so that conservatives now have a 5-4 majority in the court. Georgia, Kentucky, Mississippi, Ohio and Alabama have all passed laws banning abortion after a fetal heartbeat can be detected (usually 4 weeks into the pregnancy). The anti-abortion movers openly admit they intend to provoke a Supreme Court challenge to the Roe v Wade 1973 decision that allows abortion America-wide. This move may take years and at present seems unlikely to succeed - most Americans have a "mushy middle" view of abortion where they disapprove but do not want to make it illegal.

(The Australian)

LFL Committee Report

What has the Lutherans for Life committee been up to so far in 2019?

In South Australia our attention has been focused on the Abortion Reform bill introduced into the SA parliament. Elsewhere in this edition you can read excerpts from the letter we prepared in response to this bill. We released one version of this letter to the LCA by way of information and encouragement, and sent another adapted version to South Australian MPs. A number of responses were received. In connection with this bill LFL Secretary Chelsea Pietsch participated in two congregational forums at St Johns Unley and St Petri, Nuriootpa, with LFL Chairperson Joshua Pfeiffer presenting at the latter as well. Joshua also then attended a consultation on the bill with Christian representatives facilitated by the South Australian Law Reform Institute.

In connection with this ongoing push for liberalized abortion laws in our country, we also decided to develop another resource which could be used in the online space. The end result was a video recorded conversation between LFL

committee members Joshua Pfeiffer, Chelsea Pietsch and Meg Pearce on '10 positive ways we can respond to abortion'. This can be found on the LFL website under resources and media, or by googling '10 positive ways abortion'.

We continue to field requests from various places around the Church who ask for opinions and information on various issues. These range from some partnerships with the District Bishops or the Assistant to the Bishop - Public Theology, consultation with Lutheran aged care homes in Victoria where new issues are now arising due to euthanasia laws there, and individual pastoral situations. We respond and help as much as we're able.

Our faithful treasurer Janet Schoell continues to keep our finances all in order and be encouraged by the donations we receive from individuals and groups. At our last meeting we invited Beth Matushka and Carl Richter to join us as guests, in our ongoing efforts to welcome and involve new people for the future of LFL.

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