



Coalition for the Defence of Human Life

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40 Days for Life

Association for Reformed Political Action

Australian Christian Lobby

Australian Christians

Australian Family Association

Christian Reformed Churches

Endeavour Forum

FamilyVoice Australia

Helpers of God's Precious Infants

Life Ministries Inc.

National Civic Council

Pregnancy Assistance

Westminster Presbyterian Church

Mr Matthew Swinbourn MLC, Chair

Standing Committee on Environment and Public Affairs

Parliament House

4 Harvest Terrace

West Perth WA 6005

Friday, 8 December 2017

Dear Matthew and Members of the Standing Committee on Environment and Public Affairs

Thank you for providing me with the opportunity to present a submission pertaining to **Petition No. 032 — Induced premature births.**

The Coalition for the Defence of Human Life, supported by myself, as the President of the Coalition, has registered complaints in relation to incidences of babies born alive after surviving abortion procedures with the Parliamentary Commissioner for Administrative Investigations (Ombudsman).

The content of the "**Petition in Relation to Induced Premature Births in Western Australia**" is detailed. While I cannot cover all the components in two pages of text, I will touch on several.

1. **"The undersigned residents ... express our concern that at least 26 Western Australians have been born alive and have not been provided the same treatment and care as other babies delivered at the same gestational age solely because their live birth was the outcome of an abortion."**

The number of infants born alive after abortion procedures is based upon Questions On Notice No. 5 asked in the Legislative Council on 11 May 2017 by Hon Nick Goiran: (2) (a) "What is the total number of these cases [babies who show signs of life after abortion] between 20 May 1998 and 31 December 2016?" Answer received on 15 June 2017 from the Department of Health: "As at 19 May 2017 a total of 27 cases of abortion procedures resulting in a live birth have been reported between July 1999 and December 2016."

The assertion in the petition that these 26 (27) infants born alive after abortion did not receive medical intervention or resuscitation is based on the answer to Hon Nick Goiran's subsequent question: (2) (d) "in how many of these cases was medical intervention or resuscitation provided?" Answer: "In Department of Health routine data collections, there is no record of medical intervention or resuscitation in these cases."

The assertion in the petition that the "26 [babies] born alive ... have not been provided the same treatment and care as other babies delivered at the same gestational age solely because their birth was the outcome of an abortion" is self-evident. Rather than receiving the world-class standard of care that is consistently provided to infants born prematurely in Western Australia, these infants were left to die.

2. The undersigned residents of the petition **"are distressed to learn that the Ombudsman has stated he has no jurisdiction to investigate these child deaths ..."**

In response to a letter from Richard Egan of the Coalition for the Defence of Human Life to Mr Chris Field, Western Australian Ombudsman dated 10 February 2012, Sarah Cowie, Assistant Ombudsman Complaint Resolution, responded on 21 March 2012, "...it does not appear that you are affected in your personal

capacity as required by section 14(1) of the Act. Accordingly, are unable to investigate your complaint." If a complaint supported by myself as President of the Coalition for the Defence of Human Life representing thousands of Western Australians, Dr E.D. Watt, PhD, former Dean, Faculty of Arts, University of Western Australia, and Dr Lachlan Dunjey MBBS DOBstRCOG FRACGP, advocating on behalf of children being left to die after abortion procedures is not sufficient to warrant an investigation into the deaths of these infants, then it certainly should be.

On the matter of reportable deaths, we note that in a letter from the State Coroner Western Australia dated 14 August 2012 the State Coroner quotes from a letter he received from the Director General of the Department of Health that advises: "A review of all cases was undertaken by King Edward Memorial Hospital (KEMH) and in *all cases* of termination of pregnancy greater than 20 weeks, there were significant foetal abnormalities that were incompatible with life." Therefore, the State Coroner concludes, "In the above circumstances it appears that the deaths were not reportable and I have no jurisdiction to take the matter further."

However, in a more recent letter from the Coroner's Court of Western Australia to Ms MM Quirk, MLA relating to Questions notice from hearing October 2016, it seems that there may now be valid grounds for the Coroner to investigate deaths of babies born alive after abortion procedures. Question 4 reads: "The Member for the South Metropolitan Region, Nick Goiran MLC, has suggested [presumably on solid grounds] that there *are cases* in which babies have been born alive post abortion at greater than 20 weeks' gestation and been allowed to die *even when they had conditions compatible with life (such as Down Syndrome)*" (emphasis mine). Question 4 a): If a baby had a condition that was compatible with life but was allowed to die, could this be considered a reportable death?" Answer: "Dependent on the circumstances it could be considered a reportable death." Question 4 b): Have any such deaths been reported to your office since 1999?" Answer: "No such deaths have been reported to a coroner." In light of these questions and answers, the Health Department should report whether or not the Hon Nick Goiran's assertion that post 20 week babies have been born alive after abortion procedures with abnormalities that are not incompatible with life. If that is correct, then they could be considered reportable deaths and the Coroner should investigate the matter.

3. The undersigned **"petitioners therefore respectfully request the Legislative Council to establish an Inquiry (whether by a Standing or Select Committee) to investigate the systemic failures that:**
 - a) **Allowed at least 26 Western Australians to be left to die;**
 - b) **Took place without any agency either having jurisdictional investigation and oversight or acting upon their jurisdictional powers of investigation and oversight.**

I, along with the 7,200 residents who signed this petition are praying that, regardless of the circumstances that led to the births of these 26 (27) babies, that the Standing Committee on Environment and Public Affairs will carefully consider the matters raised in the petition, and act to remedy the systemic failures that resulted in babies who were born alive being left to die.

We are trusting that the Standing Committee will act in a principled manner, regardless of personal views in relation to abortion, for principle is worthless if it is not faithfully applied in every situation, particularly, the most difficult of situations.

And your petitioners as in duty bound, will ever pray.

Yours truly,

Dwight A. Randall
President, Coalition for the Defence of Human Life