



Media Release
Hon Sarah Game MLC
Tuesday 29th November 2022

One Nation MLC, Sarah Game, introduces law to recognise in-utero babies killed in criminal acts.

The *Statutes Amendment (Loss of Foetus) Bill 2022* is about justice for families who suffer the loss of an in-utero baby. It acknowledges the grief and death that has resulted from a criminal act. A death not through choice or illness or disease, but through malice, recklessness or the negligence of others.

“At present, the loss of an in-utero baby due to a criminal act is legally recognised only as an injury to the mother. There is no validation for the profound loss and grief for the mother and family”, Ms Game says. “Let me be clear: This Bill does not, nor has any intension of, impacting a woman’s right to choose an abortion.”

NSW already has similar legislation in place which passed last year with bi-partisan support. The 2021 NSW legislation, known as **Zoe’s Law**, finally passed after 12 years of campaigning. Ms Game acknowledges the Donegan family (Zoe’s parents) and their fellow advocates fought so long for this law to come into enactment. Zoe passed away at 32 weeks in-utero after a collision caused by a drug affected driver. Brodie Donegan was walking in her neighbourhood before she was struck by an out-of-control van and pinned against a tree.

This could happen to any expectant family. South Australian families deserve the same recognition and support as is now available in New South Wales.

Earlier this year, charges were dropped against an Underdale man, accused of kicking his pregnant wife deliberately in the stomach with steel capped boots. Had he been successful in procuring a miscarriage and causing the death of that baby, there would be no charge under South Australian law for that death. It would be listed only as assault against the mother.

The Bill recognises the death of a baby when that baby, while still in-utero, dies as a result of a prescribed criminal offence as outlined in the *Criminal Law Consolidated Act 1935*. Offences include crimes such as rape, criminal neglect, and causing death by dangerous driving.

The Bill has three parts:

- Amending the *Criminal Consolidation Act* to include causing the loss of a foetus
- Amending the *Sentencing Act* to allow family members such as a father to contribute to victim impact statements during sentencing of someone found guilty of causing the loss of a foetus as a result of a criminal act, and
- Amending the *Victims of Crime Act* to allow for submissions to the Victims of Crimes Fund for the loss of an in-utero baby.



Quotes from Ms Game:

"This Bill is about justice for those who suffer the loss of foetus through a criminal act, and about recognition of the grief and death that has resulted."

"I have tabled this Bill with empathy to all the unnamed children and unknown pregnant women who never met their expected child."

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