

# The abortion debate in Australia

**I recently watched a fascinating documentary about the crusade of Dr Bertram Wainer in the 1960s to bring the practice of illegal abortion in Victoria to an end. It documented the profound horror of the backyard abortion that so often ended in infection, sterility or death, and served as a potent reminder of a practice to which we must never return. Of course that can't happen again, abortion is legal now, isn't it? In Victoria in 1969 a Supreme Court judge ruled that an abortion is not unlawful if a doctor believed that: 'the abortion is necessary to preserve the woman from serious danger to her life or physical or mental health' (Menhennit ruling). In Australia today however, abortion law remains conditional, unclear and inconsistent and, except in the ACT, is still part of criminal statutes.<sup>1</sup>**

Why such confusion? The polarisation of individual attitudes to abortion is powerful and passionate and it seems impossible to find middle ground. One side wants to finally establish abortion as a woman's right, to make consistent laws about abortion to protect both doctors and women; while the other wants the existing legalities reversed because they believe that abortion is murder. Indeed, in 1995, the use of the drug mifepristone (commonly known as RU486 and used in the provision of legal medical abortion) was effectively banned in Australia by legislation which placed responsibility for its importation, regulation and use under the control of the Minister for Health.

The critical element of social maturity is the capacity to reflect, re-examine, reconsider. It is just as vital that we review the evidence and weigh it against current knowledge, prevailing social attitudes, ethics and mores.

So what are society's present views on abortion? In 2003, the Australian Survey of Social Attitudes reported that 80% of Australians believed that abortion should be a woman's choice.<sup>2</sup> However, more than a generation of women had, by then, been distanced from the horrors of backyard abortion. It was therefore inevitable that we reviewed this from a personal standpoint.

The 2004 television documentary 'My foetus' – an emotional journey of one woman who had previously chosen to have an abortion through her next (wanted) pregnancy – drew a wide audience. It asked us to revisit the abortion issue and to decide whether we still held

the same beliefs. In 2005, the Southern Cross Bioethics Institute released the survey, 'Give women choice: Australia speaks on abortion' in which 87% of respondents believed that: 'it would be a good thing if the number (of abortions) were reduced while at the same time protecting existing legal rights to freely choose abortion'.<sup>3</sup>

In 2006 Australian Parliament held a conscience vote into the Bill repealing the Act applying to the regulation of RU486. The vote was a resounding support for the Bill and we have since heard that individual doctors have successfully applied to use RU486 for medical abortion in their practices.

So, where are we now? It would seem that Australians support the legal provision of abortion and access to both medical and surgical abortion options. While this is an important validation of the provision of legal abortion and should compel us to clarify the law as it relates to abortion, we have also been asked a profound question by the intensity of the debate.

Is what we have now the best way to address a crisis pregnancy? The government has responded by supporting the provision of a pregnancy counselling service for women in crisis. This is a useful first step, but what we really need to focus on is our attitudes to sex and sexuality. If we are serious about reducing the number of unwanted pregnancies we need to re-evaluate the way we give messages about sex and reproduction. It means properly resourcing sex education programs, clinical services, and research to provide individuals with the reproductive and sexual health literacy skills to make better personal choices.

Conflict of interest: none declared.

## References

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**Christine Margaret Read**

MBBS, ThA, GradCertPH, FACHSHM, is Medical Director, FPA Health/Family Planning NSW, New South Wales. christiner@fpahealth.org.au