

Struggle For Choice

Beryl Holmes et al, 1982

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## Chapter 1

### Under Siege

*The campaign for the right to choose abortion is one of the oldest and hardest fought of women's political struggles. The British campaign ran for 31 years before the Parliament passed in 1967 what was for the time a far-sighted and liberal abortion law.*

*It was not until 1970 that Queensland women began their political struggle. As the movement gathered momentum it involved 22 000 women seeking help with unwanted pregnancies, their families and friends, almost one thousand doctors who referred them, and scores of media people who publicized the great trek south to New South Wales for legal abortion. The referral of women across the border by a silent medical profession allowed the issue to be ignored by the Queensland politicians and the medical profession as a whole.*

*However when an abortion clinic opened in Brisbane late in 1977 and appeared to be operating legally through a loophole in Queensland legislation, pressure from the anti-abortion lobby made it increasingly difficult for Parliamentarians to ignore it.*

*Given that all three Parliamentary party leaders were personally opposed to abortion, it was inevitable that any legislative moves would aim to prevent abortion almost totally, rather than to liberalise the law. By contrast, elsewhere in the world, the thrust of the legislation was towards more choice for women.*

*The Queensland Government introduced the Pregnancy Termination Control Bill in 1980, one of the most repressive pieces of legislation ever introduced to a Western Parliament. It was not until the first reading of this Bill was passed that the public opposition was converted into political action. The issue transcended party politics, social position, age and sex. Yet it was mainly the women's groups of Queensland who raised the consciousness of the total electorate. They forced the politicians to listen to what the majority of Queenslanders were saying.*

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Experienced observers said it was the most electric, emotionally-charged demonstration they had ever attended in Queensland.

Dozens of uniformed and plain-clothes police, two hundred fervent, banner-waving picketers, onlookers, journalists, and government attendants were milling outside the gates of the Queensland Parliamentary Annexe.

The demonstrators, two-thirds of them women, were chanting "Free safe abortion on demand".

It was April 29, 1980, the night of the First Reading debate of the Pregnancy Termination Control Bill<sup>1</sup>. Parliament House was under siege. Demonstrators had been rallying outside all day. Numbers swelled at dusk as city workers joined the throng. Members of an anti-Bill activist group, Women's Campaign for Abortion, had brought a louder-hailer, and speakers were stirring the leaderless crowd to action.

The subject – a woman's right to choose abortion rather than allow the Queensland Parliament (all but two of the 82 members were men) to legislate that already limited choice into oblivion – was a highly emotional one. Many politicians in Queensland were discovering to their cost that the issue was splitting families, political parties and electorates as few other issues have the power to do.

Even the police on duty that evening were tense – the result of weeks of enforcing the State’s controversial anti-march legislation out in the streets. Many had Irish Catholic names, an indication of their personal opposition to the protestor’s pro-abortion choice cause. Ironically the Council for Civil Liberties’ lone observer that night came from an Irish Catholic family – solicitor Terry O’Gorman. As a dispassionate observer, he was well aware that any demonstrations at that time were fraught with danger of violence for both police and demonstrators.

As the protestors’ numbers swelled, they moved inside the gates of the new and lavishly appointed and landscaped Queensland Parliament House, but they remained outside the doors of the building.

Inside the Chamber, the debate was running strongly against the demonstrators’ cause. Speaker after speaker claimed “I do not support abortion on demand”. Interjectors were decrying “the rabble outside”. Anti-Bill activist and Children by Choice leader Beryl Holmes had left the Chamber during the dinner adjournment. Before she returned to the foyer, Parliamentary attendants had locked the front doors and she could not leave the building. On the main front steps, a senior Parliamentary attendant flanked by Special Branch police had read out an official declaration from the Speaker, which denied demonstrators the right to be within the precincts of the House. The first arrest occurred as a woman seated on the steps was reluctant to move on.

Outside the demonstrators were debating through the loud-hailer whether to storm the Parliament. In their emotional state, they saw their denial of entry to Parliament as a further contravention of their democratic rights. Beryl Holmes was appalled at the scene. No one cared more deeply or had been working harder to thwart the Bill. But she knew the act of storming Parliament would completely divert attention from the issue at hand/

At a time when it was crucial for the media and public and political debate to focus on the impact of the Bill, she could see a law and order furore arising – a tactic the Bill’s supporters would have prayed for if they had thought of it. Eight years of grass roots campaigning and political lobbying by Children by Choice were at stake that evening.

Sway of the crowd lay with whoever held the megaphone. Mrs. Holmes found her way out of the building by a side door, stepped forward and took the megaphone.

She pleaded with the crowd at the base of the Parliament House steps not to provoke violence and destroy the cause about which they felt so strongly.

Perhaps imbued by the democratic surrounds, the decision was taken to put the “storming” to a vote. Reason prevailed and the vote was lost. Instead, in an act of defiance, demonstrators marched around and around the edge of the carefully planted gardens within the ground of Parliament, chanting slogans against the Bill.

Slowly they trickled out the gates of Parliament House grounds and when the majority had left, the gates clanged behind them. The footpath outside was jammed as the remainder left by a side gate. Still inside the grounds were the police, Parliamentary attendants, about 20 journalists, Mrs. Holmes and Mr. O’Gorman. The latter was told by the attendant that he also had to leave. Despite being part of the demonstration, Mrs. Holmes’ presence was ignored. O’Gorman agreed to leave, but at the gate was arrested “for resisting arrest”. It was the second arrest of the evening, and was so patently uncalled for that the charge was eventually dismissed at a Magistrates Court hearing some months later.

Later that evening, the Bill passed its First Reading. Emotionally exhausted by the day’s activities, opponents of the Bill within and without Parliament recall that

moment as the lowest point in their battle. The feeling that Right to Life Newsletter records Beryl Holmes as saying “Unless a miracle occurs we’ll be done like a dinner”. Still convinced that their cause had majority support despite the actions of Queensland Parliamentarians, they wearily knew they had no option but to continue one of the most amazing political campaigns ever mounted in Australia.

## Chapter 2

### Children By Choice – Conception And Birth

Irrespective of the law<sup>2</sup>, women in Queensland, as in other States had always sought and obtained abortions. Some were competently performed by specialists on Wickham Terrace in Brisbane, but most were done by backyarders, or doctors operating irresponsibly and often dangerously. One northern suburbs doctor in Brisbane, usually under the influence of alcohol, aborted women and then dropped them off near the city late at night. It was a terrifying and degrading experience. Another started a miscarriage by introducing fluid into the uterus and about twenty-four hours later his patients miscarried in Brisbane hospitals.

While in most parts of the Western world laws were changing and people were becoming aware of and discussing this complex issue, Queenslanders and their politicians buried their heads in the sand. With a 52% non metropolitan population and a conservative press, access to media and exposure to new ideas was limited. It is generally conceded that people in Queensland are socially more conservative than those in other States. Most educated Queenslanders receive their secondary education in private schools. To survive, they learned not to 'rock the boat'. Religious and fundamentalist groups still have a strong influence on Government and politics in the State.

In Queensland as in other countries and states, the Women's Liberation group was most active in the late 1960's and early 1970's. They espoused radical ideas which challenged many popularly held attitudes to women. Several members were woman associated with the University of Queensland. And much of the impetus came from them. They challenged the practice of segregated bars in hotels to the point where some actually chained themselves to the bar. They distributed a pamphlet outside selected schools in 1971, entitled 'Female Sexuality and Education', proclaiming equality in sex. This caused a furore. The leaflet was tabled in Parliament. Dr Crawford, past President of Right to Life, then Liberal member for Wavell, and Mr. Don Lane, foundation member of Right to Life and still Liberal member for Merthyr, were prominent in the debate. Both condemned the Women's Liberation Movement and the latter also linked them with the Communist Party – as did Premier Bjelke-Petersen. Claire McKeough was charged under the Vagrants, Gaming and Other Offences Acts 1931-1971 for distributing the publication outside St Margaret's School in Brisbane. She was acquitted on February 11 1972. The Magistrate ruled that "the first part of the leaflet was in the nature of a medical treatise", and "that it's not so much advice to be sexually promiscuous as to insist that what is right for the male is right for the female". The question, "What type of sex education is being taught in schools?", was asked in the House. The answer then was none and the situation was unchanged in 1982.

Women's Liberation created a climate for change; they were a catalyst group from which most others grew.

It was through the Abortion Law Reform Association (A.L.R.A.) movements in Victoria and New South Wales the Queensland women seeking abortion were first referred for help. The Australian Humanist Societies had actually made a policy decision to participate actively in social issues and reforms. The Queensland A.L.R.A. group was formed in April 1971 and by September 1971 some members had attended their first interstate seminar on abortion.

After the Levine Ruling in New South Wales (1971)<sup>3</sup>, a Sydney humanist Dr Jim Woolnough\* offered to set up a special service for Queensland women if A.L.R.A. (Queensland) could find medical practitioners in the state to refer them to him. Doctors in New South Wales were still unsure of the way the ruling would be interpreted. Queensland social worker Liz Pasmore and Dr Trevor Sauer were able to offer counseling, practical help and referral to doctors at St Anne's Hospital, Sydney if women were less than twelve weeks pregnant. The cost and the trauma to women were enormous. Each had to be hospitalized in Sydney for at least one night.

At the same time A.L.R.A. members began speaking at and attending public meetings and rallies in Queensland, pressing for family planning facilities, sex education and the right to abortion. Distribution of leaflets and letterboxing were favoured early methods to extend their membership and influence. Extracts from early newsletters record a broad range of activities in which A.L.R.A. was involved during the early years:-

*(June 1971 section 3) "Rally 5<sup>th</sup> June 1971. On this fine Saturday we staged a rally in King George Square. ...the rally was covered by two television stations... "Sex Education in the Schools Controversy" (was discussed). Following the rally in King George Square (4 June 1971), a letter was received from the City Council requesting that they cease using King George square for such activity. "Public Meeting – Sunday 27 June. Dr P. Doherty, Lecturer at Kedron Park Teachers College, will speak on sex education in schools... (we) acknowledge the co-sponsorship (of this meeting). "September 1971 No. 4 Members may have read about Family Planning Association (F.P.A.) in the Sunday Mail a couple of weeks ago, and wondered about the predominance of Right to Life on the committee... 'Abortion' is said to be a dirty word in rural Queensland and for this reason the A.L.R.A. representative was removed from the Steering Committee." "25<sup>th</sup> and 26<sup>th</sup> of September. Seminar on 'Abortion Law – Reform or Repeal' at A.N.U. Canberra...November 1971 – "Demonstration: Saturday 20<sup>th</sup> November, 1971, King George Square 10 a.m. All A.L.R.A.s are demonstrating on this date for reform or repeal of the law in support of American women..."*

By 1971 the Right to Life Association, who opposed abortion in any circumstance, had been formed in Brisbane and was also vying for public support.

Despite the strictly political lobbying aims of A.L.R.A., Secretary Liz Pasmore's private life became increasingly interrupted with calls for help from women unwontedly pregnant and the group now numbering fifty made two significant decisions at their Annual General Meeting in March 1972. The first was to change the organization's name to Children by Choice because it was felt that people were

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\* Dr Woolnough later went to New Zealand to operate in the Auckland Medical Aid Centre, the country's first and only abortion clinic which was forced to close only after the passing of the New Zealand Contraception, Sterilization and Abortion Legislation in 1977.

hostile to the word 'abortion' and that their work would be more effective under a 'choice' name. The second was to seek legal advice on the ways to set up a family planning and abortion information service to be conducted from independent premises. A barrister advised on an acceptable legal procedure. He suggested they use the word 'information' in the name and avoid the word 'abortion'. He advised that women, when counseled should be offered information on all alternatives and only those who wished to have their pregnancy terminated should be referred for assessment. He also recommended that this proposal be discussed with the Police Department. After two interviews the police had raised no objection, although they had professed concern that unscrupulous people might get involved with the clientele.

Children by Choice, acting independently of government and of other support groups, decided to charge each woman seeking help a counseling fee on \$5.00. Over the years this proved a wise decision. It gave Children by Choice independence from government and the clinics, and allowed them to speak out without fear or favour. With a minute voluntary work force, counselors were trained and a Women's Centre was set up in the very old house in Red Hill, an inner Brisbane suburb. In a blaze of publicity it was opened on 13 November, 1972 by their great supporter, friend and member, Dr Bert Wainer.

For counselors and women alike it was a time of uncertainty. Those women who chose abortion were referred by a small group of Brisbane general practitioners who then referred them mostly to St Anne's Hospital in Sydney. Forty-three women came in November and twenty-nine in December, and by the end of 1972 thirty-eight doctors had referred patients to Children by Choice.

This procedure was time consuming and costly for the women. There were times when Children by Choice workers took up collections amongst themselves to pay bus fares for women to go to Sydney, and occasions when they took home the young children of unsupported mothers who were going south for an abortion. On other occasions helpful doctors assisted by placing their children in temporary care. After each session the counsellors stayed to talk over the case histories and help one another. For three Wednesday nights each month for seven and a half years they met to make decisions, plan further action and grow within their own group.

Although Children by Choice grew out of the Humanist Society and the Women's Liberation group, the membership was diverse. Ages of the active workers ranged from school-leavers to grandmothers. Some were housewives, others lone parents or single. Many were working women holding responsible jobs. All were feminists, generally not radical ones, but feminists just the same. For some, Children by Choice was too radical, for others not radical enough, they moved on to other organizations.

As a women's group, Children by Choice provided friendship and fellowship, but most of all support; support and growth for the women who came for help and for the women who worked there. For many it was a place where they began to question their role in society, and their own personal relationships. They met like-minded people. This became increasingly evident as the years passed and for some women it even became an escape. Members enjoyed and jealously guarded this piece of women's working space, although they did accept male members.

In those early days, neither individual members of Children by Choice nor the group as a whole received much outside support, either publicly or privately. When they did call for public support for rallies or meeting, it invariably came from the 'persecuted' – Women's Liberation, the homosexual groups and the Communist



Party. Later, other feminist groups based around Women's House, together with the Union of Australian Women, some of Women's Electoral Lobby and some Labor Women became involved, but for most- it just wasn't nice. In fact, Children by Choice doubted if the mass of people would ever publicly support women in their need for abortion services.

By 1973, Children by Choice had three hundred and sixty-two members and decided to become formally structured. They elected the first President, Beryl Holmes, a member of A.L.R.A. in New South Wales who had moved to Brisbane in 1972. As a former teacher and alderman, she had experience in public speaking and had considerable knowledge of the subject of abortion. Almost immediately the group was thrust into the public political arena because of the (Labor) Federal Government's moves in Canberra to reform laws relating to abortion. The resultant publicity plus the physical existence of the Women's Centre at Red Hill, openly helping women to choose abortion, was too much provocation for some people. Bricks were thrown through windows and the fight for women's right to choose was really on in Queensland. Over the next decade the political fight raged but the counseling service consumed much of the time and energy of the working members.

## Chapter 3

### The Grass Roots Grow

Paradoxically, providing a counseling service had never been part of the aims of Children by Choice. It was primarily a political organization working for repeal of all laws against abortion, for family planning facilities in all public hospital, including access to voluntary male and female sterilization and for sex education in schools. The members used every available opportunity to place these issues before the public. However they had become trapped into helping women with unwanted pregnancies and over the years this service proved more and more to be a convenient 'out' for politicians and doctors.

To achieve their aims they had to make waves. Those members who not only counseled but worked publicly and politically did so with a missionary zeal. Almost without exception, the longest-serving members are those who have become involved politically with the struggle for choice. Some saw this struggle as an exercise in participatory democracy. Could a law be changed from the grass roots up? Others had a commitment to community service.

Before Children by Choice had time to organize, they were forced into full scale debates with the Right to Life Association on the medical Clarification Bill<sup>†</sup> being introduced into Federal Parliament. This proposed legislation made front page news for weeks and was subsequently defeated. It aimed to provide abortion on request in Federal Territories.

It was hoped that similar legislation would be passed in Queensland. The first of many confrontations between Children by Choice's beryl Holmes and Winifred Egan, the Secretary of Right to Life, took place in March 1973 at the Queensland University. (Almost seven years later both were sitting on opposite sides of the gallery at Parliament House when the Pregnancy Termination Control Bill was debated and defeated.)

The U.S.A. Supreme Court decision on abortion handed down in January 1973 was a most significant event and the sudden change surprised everyone.<sup>4</sup> Women all over the world rejoiced at the decision, for common sense had prevailed. However, the anti-choice Right to Lifers in the U.S.A. were incensed and intensified their campaign. They began to supply Australian Right to Lifers with most of their brochures, page after page of grossly enlarged pictures and distorted facts.

To counteract this propaganda, Children by Choice decided that they would collect anonymous information from the women who sought help, and that they would disseminate the statistics, facts and opinions to further their cause. The giving of this information was a 'price' the women had to pay to help and support of doctors, to confront politicians and to gain public acceptance for the organization.

Most members believed that constant washing would wear away the stone and over a period of time the law or practice in Queensland would change. They did not believe that it would be easy. Despite their lack of political experience, communication and lobbying strategies they employed were surprisingly sophisticated. By September 1973 they were collecting and tabulating a considerable amount of information. The University of Queensland, Department of Anthropology and Sociology, helped prepare a detailed questionnaire which was completed by

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<sup>†</sup> Sponsors were Mr T. Lamb and Mr D. McKenzie, Victoria; known as Lamb-McKenzie Bill.

clients and counselors to provide basic personal and demographic information. This also assisted in the counseling and provided valuable information for their submission to the Royal Commission on Human Relationships inquiry in 1975-76.<sup>5</sup> This academic research through the Queensland University added to the organisation's credibility.

Probably the most important tool in consciousness raising was the release of quarterly reports.<sup>6</sup> The first, dated March 1973, included six very emotive case histories. The reports were the main source of media coverage. Each quarter a different facet was highlighted together with up-to-date figures and relevant case histories. These reports were mailed to selected groups in an attempt to generate support. These groups included pharmacists, women's groups, unions and service clubs, University staff, church leaders, Federal members of Parliament and always State members of Parliament. Responses from the recipients varied; January-February Newsletter of 1974 records two from pharmacists: "I was wondering if you could supply leaflets to place on the counter. I'm sure they will create much interest and be of help to many people", and "Please cross me off your list for this type of muck".

To put across their point of view, Children by Choice used whatever means possible and accepted any invitation to speak, debate or be interviewed. Their philosophy on publicity was "any news is good news so long as we don't go backwards". They learned very quickly, and as each brick came through the window in April and May 1973, they contacted the media. Newspapers and television coverage giving the story of the attacks gave publicity to the work they were doing. Through these and other stories, Queensland women learned that they had a choice. Every news item about Children by Choice reaffirmed their existence and the fact that women were getting abortions.

When politicians and influential people were being interviewed, part of the strategy was not to force a confrontation but to leave room for them to learn and to understand and to change. It was important that the women were perceived not as 'scarlet women', but as 'nice women' like daughters, wives, friends or mothers. At public meetings, it was more important to win over the audience than to gain points in the debate. They were careful not to 'put down' the questioner. In spite of the advice that they had been given about avoiding the use of the word abortion, they decided that if they were going to make meaningful progress they should use the word over and over again. Eventually people would accept it.

Just before the first birthday of the Counselling Service in 1973 the President wrote in the Newsletter,

*"I believe that it is at the political level and research level that the counseling service is most important. It is a political 'whipping stick' and it is really wonderful that at the same time we are able to help so many women. However, we would be neglecting a huge number of Queensland women if we were to concentrate only on those visiting the Centre and it would be selfish and short-sighted to consider this an end in itself. There are many women whom we never reach who might also need our help...this is why our research, publications and public speaking programmes are so important.*

The 1973 Annual Report states that the year “brought tremendous changes to the Association and indeed to all A.L.R.A.’s through Australia”. The second Australia-wide Conference of all groups involved in abortion reform/repeal was held in Canberra in June 1973.

That year, the group’s efforts culminated in Children by Choice placing three submissions before the Queensland Status of Women Inquiry.<sup>7</sup> One was on “Discrimination Against Women in Relation to Abortion Law”, another on “Discrimination Against Women in Relation to Unwanted Pregnancy”, and the third on “Discrimination in the Law in Relation to Voluntary Sterilisation”. The Report and Recommendations of the Commission of Inquiry into the Status of Women (1973) stated, “The Commission therefore recommends that the Solicitor-General in consultation with the Queensland branch of the Australian Medical Association publish guidelines indicating the circumstances in which the termination of pregnancy will not be subject to criminal proceedings” (page 10).

In acknowledging the Report, the then Attorney-General, Sir William Knox (who guided and introduced the Pregnancy Termination Control Bill in Parliament in 1980), said –

*“As a result of this report, and the opportunity now afforded for it to be widely considered and evaluated, Queensland is well placed to make a useful and positive contribution towards the achievement of the United Nations goal for 1975 [International Women’s Year] Clearly we are ahead of the rest of Australia, more advanced and better prepared as a result of this report and what will flow from it.”*

Sadly for Queensland women, most of the recommendations of the Commission of Inquiry came to nothing.

By the beginning of 1974, Children by Choice had gained confidence and saw itself as an accepted and stable group in the community with a clear purpose. A social worker was conducting on-going counsellor training courses, and women were coming to Children by Choice at the rate for 130-140 per month; 1052 women had been counseled and 244 had referred their patients to the Centre.

They began to plan Australia’s first comprehensive and highly successful seminar on abortion, “Abortion – The People Involved”, held in August that year. Eight interstate and one overseas speaker came to deliver papers on the legal, medical and social aspects of abortion and practice of birth control. Dr Malcolm Potts, embryologist and a world authority on family planning, came from England to talk on “The women and the foetus”, and “The how and why of birth control”. Funds for this conference came wholly from the women who had used the Unwanted Pregnancy Counselling Service, and this fact was duly recognized in the closing address. Politically it was a failure. Only three members of Parliament and a handful of doctors attended, although there were representatives from every State except Western Australia. Fortunately for Western Australian women, A.L.R.A. was just opening an Abortion Information Service. A.I.S. continued to flourish to the extent that, Community Award, sponsored by the Jaycees, even though they were raided by the police shortly after opening. Ironically, Children by Choice in Queensland had also been nominated for this award in the same year, but it was apparently far too radical a cause for Queensland judges to select.

As Women's Electoral Lobby had done in 1972, Children by Choice interviewed all Queensland metropolitan candidates for the 1974 State election with a questionnaire on their attitudes to fertility control.

At the end of 1974, a very small but permanent red and white sticker began to appear on cars, lamp posts, litter bins and toilet doors. It simply read, "For Abortion Information, Phone Children by Choice". It was free advertising, but more than that it was a reminder that the Centre was there – constantly putting forward the same message: the right to choose. People who came to the Centre took stickers back to the country areas and the number of women seeking help rose steadily to 200 a month. As each unwanted pregnancy involved their family or friends, and doctor, the grass roots began to grow throughout Queensland. In 1974 and again in 1976 and 1978, Children by Choice had made submissions to Sir William Knox, the Attorney-General, asking for repeal of laws against abortion and family planning facilities. Although a copy was sent to each member of Parliament, not one acknowledgement was received. It was to take a lot more "washing" to wear down those "stones".

Country women took longer than did city women to hear about the Centre. All women who needed abortions were still traveling to Sydney. Lack of money for fares was still a great worry for many, especially before Medibank, when money had to be found for the operation as well as travel and accommodation costs. As numbers continued to increase, Children by Choice contacted TAA to see if group travel could be arranged. They were not interested, a decision they tried to reverse in later years. A somewhat timid approach was then made to Ansett and they agreed. Over the years, this proved to be a shrewd business decision for all concerned. By 1977, fares alone amounted to almost half a million dollars. Children by Choice collected the fare money and ran a 90-day or monthly account with Ansett. Over the years they were able to invest on the short-term money market. From this they built up a legal fund with which to defend themselves, or any woman, in a possible future court case. It also enabled them to assist unsupported women with fares and to extend the training of the counselors to a point where they could visit a clinic in Sydney and observe the procedures.

Children by Choice had been referring to several clinics in Sydney and there had been much activity and competition for the abortion dollar in the years following the Levine Ruling in New South Wales. In 1974, a safe local anaesthetic abortion could be obtained for \$50 plus fares. Early in 1975, they had begun to negotiate with Population Services International which had opened a clinic in Sydney. It was verbally agreed that if Children by Choice established a satisfactory working relationship with P.S.I., they would attempt to set up a service in Brisbane by late 1975. This did not eventuate as cautious legal advice and 'cold feet' prevented this group from moving into Queensland. However, for a brief period from June – August 1976, a clinic opened at Tweed Heads, New South Wales, which gave women a 'taste' or a local clinic. News of its existence spread far and wide, and for years after it closed abortion seekers still inquired about it.

What happens to the woman's right to choose internationally or interstate has an impact for women everywhere. In Queensland, these events were always used for increased momentum and media coverage. The visit to Australia of feminist French lawyer Gizelle Halimi in 1975, victories such as the reform laws passed by the French Parliament in late 1975, and the appearance of Mrs Justice Lane's 1973 Report<sup>8</sup> into the workings of the British Abortion Act, were such happenings.

A Labor Government initiative which was of benefit to women in Australia came to fruition in Brisbane in August 1975, when the Women's Health Conference

was held at Queensland University. Children by Choice was asked to give a major paper on abortion and health. This afforded the opportunity to renew contacts and gain strength from women who were active in other States. This network rallied to support Children by Choice in the 1980 crisis.

Surprisingly, that year the Federal Government also responded to a Children by Choice request to develop a sex education course. Availability of sex education was a major concern as a means of preventing unwanted pregnancy and the need for abortion. The \$1060 they received was used to develop, with the Family Planning Association, a course with discussion notes based on five films. It was used by many high school Parents and Citizens groups in Queensland from 1976, and helped a large number of teenagers and increased community awareness of the Centre's work.

After almost three years it was time to assess the progress of the political campaign. In June 1975 Children by Choice wrote 29 women's groups, ten church groups, all State Parliamentarians, eleven prominent individuals and 18 other organizations. The only replies received were from Anglican Archbishop Felix Arnott, Mrs Angela Burns, wife of the State Opposition leader, and the Union of Australian Women. Only U.A.W. representatives and Mr Burns actually accepted the invitation to visit the Centre. Some support and interest was shown by a few Federal Parliamentarians.

Organisationally, 1975 was probably the last 'formative' year for Children by Choice and by the end of that year they became like a well-oiled machine. Pam Powell became President, and for the next five years a small close core of highly motivated people worked tirelessly to provide the political momentum and kept the cause in the public eye<sup>‡</sup>. As well, a larger group of competent and dedicated women worked with them to greet and counsel the women unwantedly pregnant. For some outsiders who attempted to judge them, it was inconceivable that this could be achieved without a pay-off of some sort. They were wrong, for these women formed a team of caring people that enabled Children by Choice to be the most effective women's group in Australia in the decade. Workers were rewarded of course, as people always are who give to generously, by the feelings of strength, support and well-being that were generated. They received some very moving letters from the families and women they had helped.

By 1975 more space was required for efficient day-to-day running of the counseling service, so it was with regret that Children by choice saw Women's Liberation and Women's Electoral Lobby, with whom they had shared the building and worked politically since 1973, move out. The building in Red Hill was very old and stood on long stilts, which is typical of that area of Brisbane. When the wind blew the building moved and heat and cold were equally a problem. The rooms were at street level, passing drunks wandered in at odd times. There were also vermin, cockroaches and rats, and the City Council made frequent visits. To add to these perils, there were many break-ins and police were constantly called to the premises. Over these years they built up a good relationship with the police who dropped in to see how they were at night.

Interest was growing in provincial cities, and the second branch of Children by Choice was established in Rockhampton in 1976. With an information centre, this later developed into a fully fledged counseling service and, like A.I.S. in Western Australia, members worked from their own homes. (By 1981 they were helping almost 200 women in their region each year).

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<sup>‡</sup> Jill Ritchie, Doris Webb, Terry Sturman, Liz Pasmore, Beryl Holmes and Pam Powell.

By the end of 1976 another 3,819 women had come to the Brisbane Centre and the yearly cost of abortion to Queensland women had reached almost one million dollars, a fact of economic and political significance. Almost all clients were traveling to Population Services International, the very large clinic in Sydney. For women who had been well counseled beforehand, it was fast, efficient service. The clinic could cope with first and second trimester abortion as well as voluntary sterilization. This was important to Queensland women who had often traveled long distances for help and who had sometimes miscalculated the duration of the pregnancy.

## Chapter 4

### The Doctors' Dilemma

Abortion law reform had less support from professional people in Queensland than in other States. Many doctors publicly supported Right to Life, but no doctor would speak out publicly for the right to choose abortion, or on the part it played in the total health care of women. Initially, there was only one supportive doctor, Dr Trevor Sauer, working with Children by Choice as medical adviser and Newsletter editor. He could assess the stage of pregnancy and write the referral letters for women going to Sydney for abortions.

Early in 1973, Children by Choice had written to all registered doctors in Queensland informing them of the existence and the scope of their service, which was particularly important for country doctors. This mailing was repeated in 1975, 1978 and 1979. Not all of the doctors welcomed the information and from the replies it was clear that not all patients would have received a sympathetic hearing for advice if they wanted to terminate a pregnancy. Children by Choice kept a record of where the women came from throughout Queensland, together with names and attitudes of all referring doctors and hospitals, as the women found them.

In 1974, Beryl Holmes had spent five months in Hawaii, the first State in the U.S.A. to have passed an 'on request' law. Amongst the great number of research papers and literature she sent back was the suggestion that Children by Choice try to conduct a survey of Queensland doctors to find their attitude to the abortion laws. A similar survey had been conducted in Hawaii, following the outbreak of German Measles in 1965. Doctors had indicated overwhelmingly the need for a change in their law and had then proceeded to work for it. Promoting such a survey then became a lobbying exercise for the group.

However, it wasn't until April 1977 that the first doctor to speak publicly in support of abortion choice came forward. Children by Choice say this as a milestone – the first break in the medical ranks. By then, five hundred Queensland doctors were regularly referring their patients to the Centre. The doctor was Janet Irwin, Director of the University of Queensland Health Service, who had arrived in late 1974 from New Zealand where she had been involved in the campaign to liberalise the abortion laws for six years. She did not become publicly involved in the issue in Queensland until April 1977 when, with a feeling of *déjà vu*, she heard the statement of Dr Donald Watson, President of the Queensland Branch of the Australian Medical Association, that the majority of doctors in the State would not support any liberalization of the abortion laws. A similar statement also unsupported by evidence had been made by the President of the Medical Association of New Zealand in 1969. It had been challenged by Dr Irwin, and she and other members of the Christchurch medical Women's Association had undertaken a survey of the opinions of registered medical practitioners in that country. Eventually, in 1978, a similar survey was done by the Department of Social and Preventative Medicine, University of Queensland,<sup>9</sup> and as in New Zealand, results showed that almost 80% of doctors who responded sought a degree of liberalization of the laws relating to abortion. At the time of writing, this survey had not been published, although a report of it appeared in the University of Queensland's "University News". Was there some covert censorship delaying publication in medical journals? The more conservative members of the profession, many of them members of the Right to Life organization, cannot have been pleased



by the results of this well designed survey, which attracted the unusually high response rate of 67%.

Each year, Child by Choice tried to plan a major event to further the cause in Queensland. The activity for 1977 was to invite Denise White, President of A.L.R.A., Western Australia, to address a public meeting entitled “Queensland and abortion – What can be done?” This meeting was another effort to reach new people and keep the issue alive. Dr Janet Irwin, who had been guest speaker at the Australian Civil Liberties Convention on the subject of abortion, shared the platform. In her paper entitled “Abortion: Freedoms and Responsibilities” presented at the National Convention on Civil Liberties held in Brisbane in July 1977. Dr Irwin pointed out that many doctors in Queensland appeared to have ‘opted out of the whole unpleasant business’ and that responsibility for helping women faced with unwanted pregnancy was now with Children by Choice rather than the profession. She noted that many doctors who sent patients to the Centre did not write formal referral letters, which would have been consistent with established referral procedures. This seemed to indicate the nervousness of doctors about the whole matter, presumably their fear of prosecution if involved in any way with abortion. This also meant that the patients were not assured of adequate postoperative and follow-up care. Dr Irwin said, “I think it is very sad and the antithesis of good primary medical care, if doctors cannot deal personally with their patients problems”. She warned doctors almost three years before the Government attempted to introduce the very restrictive legislation, that they were in danger of losing their clinical freedom if they did not face up to their responsibilities about abortion as well as the related areas of sex education, contraception and voluntary sterilisation.

The medical establishment did not heed the warning, and doctors did come very close to losing their freedom to act according to their clinical judgement,

Meanwhile, Children by Choice Counselling Service grew and grew until the small workforce was providing a voluntary health service unequalled in the community. They began advertising in Brisbane City Council buses and in country newspapers in Mt Isa, Townsville, Rockhampton, Warwick, and extended in 1977 to Mackay, Maryborough, Gold Coast and Toowoomba. Trickle of women came as a result of these advertisements but the main purpose was to raise political awareness. They received more and more invitations to speak to organizations, conferences and student courses.

Numbers seeking help peaked in November 1977 with 389, and for three Spring quarters in a row, 1976 to 1978, and two December quarters, 1976 and 1977, they counseled over one thousand women per quarter.<sup>10</sup> Despite these increasing numbers, Children by Choice often wondered how much real public support they had generated. They had discussed for years the idea and cost of commissioning a public opinion survey on Queenslanders’ attitudes to abortion. They believed that if a survey showed majority support for a more liberated law, this in turn would further influence political opinion. They finally commissioned McNair Anderson to conduct a survey over the months of July and August 1977, and later released the results at a press conference at the Centre. They were delighted with the results at a press conference at the Centre. They were delighted with the results, which showed support for legal abortion on wide grounds, with 61% support for a law in Queensland which would permit abortion during the first three months of pregnancy. The survey showed that views on abortion were by the independent of religious or political affiliation, age, social, educational or financial background.<sup>11</sup> The results of this survey have been used extensively since then. All members of Parliament were sent a summary of

results at the time, as they were again in a 1978 submission, and in 1979 as proposed restrictive laws were surfacing.

Encouraged by the results of the survey, Children by Choice members interviewed some of the more senior members of Parliament, professors from the University of Queensland Medical School, and leaders of political parties and their relevant committees. Even on social occasions there were opportunities to suggest plans of action that later came to fruition, such as the aforementioned survey of medical opinion by the department of Social and Preventative Medicine, Queensland University.

Direct communication was very necessary to develop a network of support. Their (CbyC) education officer, Beryl Holmes, was invited by Professor Eric Mackay to lecture final year medical students in Obstetrics and Gynaecology. This indicated recognition of the important role played by the Centre in women's health care. The Centre was also used by various students in Social and Preventative Medicine for public health projects.

Publicly expressed support by doctors for the Centre had been virtually nil, yet by the end of 1979 there were almost one thousand names on Children by Choice's list of referring doctors.

Year	Number of Doctors	Number of Women Referred	% of Total Referred
1971	1	-	-
1972	39	-	-
1973	241	616	59
1974	500	1263	66
1975	550	1791	64
1976	595	2495	66
1977	704	2516	64
1978	802	2561	65
1979	940	2446	70
1980	-	2171	65
1981	936	1901	64

## Chapter 5

### Working Together – The Other Women's Groups

Regular reports, seminars, public speaking, polls, government lobbying and media coverage – all textbook communication theory techniques were used by Children by Choice, almost by instinct, to advance their political aims. Other women's groups tended to take a different approach to the abortion campaign.

Even prior to Women's Liberation there was a group of women who were involved with such broad issues as equal pay, care of children, health, peace, cost of living and education. They were the *Union of Australian Women*, a 'left of centre' group whose membership consisted mainly of women trade unionists and wives and daughters of trade unionists. They followed with interest the reports of the exposure and corruption in the Victorian Police Force over the abortion rackets and were impressed with the courageous stand of Dr Bertram Wainer, who had taken great risks in his concern for women's welfare and the reform of archaic abortion laws.

They followed with interest the reports of the exposure of corruption in the Victorian Police Force over the abortion rackets and were impressed with the courageous stand of Dr Bertram Wainer, who had taken great risks in his concern for women's welfare and the reform of archaic abortion laws. However, it was only with the emergence of Women's Liberation and the demands made by the feminist movement that the Queensland U.A.W. really began to grapple with the abortion issue. By the time the Pregnancy Termination Control Bill of 1980 surfaced, their total membership had become involved with letter writing, petitioning, lobbying and with their friends, attending rallies and demonstrations.

After Women's Liberation had made the waves and the headlines in the late 1960's and early 1970's, the time was ripe throughout Australia for the establishment of a women's group with which many more women could identify and feel comfortable. *Women's Electoral Lobby* was formed in Melbourne in February 1972, and by July groups had been established in all States of Australia.

Almost immediately Brisbane W.E.L. was involved in interviewing Federal election candidates with the 1972 W.E.L. questionnaire. As well as helping to educate candidates, the questionnaire served a most important function in helping to change political parties' attitudes and policies on issues affecting women, including abortion. W.E.L. members also attended political meetings and asked question after question, often in relation to abortion, trying and often succeeding in pinning candidates down on issues upon which they were reluctant to take a stand.

W.E.L. enjoyed excellent media coverage. Many of their members were journalists and they had first hand experience of discrimination and knew how to use the system. Even though W.E.L.'s influence in Queensland was most significant at this time, it did not attract professional women in the numbers that it had in the south. Groups in the Gold Coast, Cairns and Townsville remained fairly effective but W.E.L. (Brisbane) lost some enthusiastic early members because it would not adopt a clear pro-choice policy on abortion. Several of these people became the most dedicated of Children by Choice workers. It was not until 1977 that W.E.L. finally adopted a pro-choice policy.

In 1977 W.E.L. (Brisbane) prepared a reading list and questionnaire covering a wide range of issues. They used the McNair Anderson survey of Queensland as the basis for the abortion questions. They interviewed both Federal and State candidates with separate questionnaires and again published ratings. However, apart from these surveys, W.E.L.'s lobbying in relation to abortion law reform has been low key, although individual members have worked with other groups.

Following the National W.E.L. Conference in Canberra in April 1980, substantial interstate moral and financial support was given to Queensland women in their campaign to defeat the Pregnancy Termination Control Bill. This support included a request to their members and other Australians to boycott Queensland in whatever way they could until the repressive legislation was dropped or repealed.

Another of the groups to be spawned by Women's Liberation was *Women's House*. Women's collectives were being established in most states of Australia, and early in 1973 a small group of women began discussing and working for the formation of one in Brisbane. As with other Women's Centres, this collective opened in a climate often hostile to and suspicious of their ideas and aims. With a Federal Government grant, they established the Women's Community Aid Association and outlined the rationale for the establishment of the multi-purpose Women's house in Roma Street, in a paper presented to the Federal Government-sponsored Women's

Health Conference at Queensland University in August 1975. It was with great interest and enthusiasm that Children by Choice welcomed the formation of Women's House. Queensland needed a centre such as those established in Leichhardt and Liverpool in Sydney and Victoria, where a wide range of specialised medical and other services including early termination of pregnancy, were available. Unfortunately, they never achieved that in Queensland.

Women's House was the base of the more radical feminists in Queensland. Through personal contacts and selected publications they kept in touch with other feminists throughout Australia and the rest of the western world. They put forward uncompromising absolute demands in relation to women's rights to control their own bodies – “free safe abortion on demand”. Their style and language often alienated conservative Queenslanders and especially some State members of Parliament who made strong attacks on them in Parliament. In 1976 they lost the Commonwealth funding that they had received through the State Government and were forced to give up their large Roma Street city premises and re-establish on a pittance in a small building in Spring Hill, still close to the city centre, and later again moved south of the river to West End. For much of their existence, they have been an extremely volatile group. Women's House rarely concentrated on the abortion issue with the almost tunnel vision of Children by Choice. Their great strength has been in the support and growth experience they afford to many women and in the establishment of rape crisis counselling and Women's Shelter.

Women's House members instigated and supported numerous rallies over the years in support of women's rights, especially regarding rape, abortion, contraception and voluntary sterilisation, and homosexual rights. These rallies were attended mainly by the converted feminists from groups such as Women's House, Children by Choice, U.A.W. and Labor women. In Queensland, the media tended to trivialise the issues by concentrating on the dress or appearance of some speakers and supporters and making almost no mention of the subjects under discussion. This tended to further alienate unthinking Queenslanders, and the use of the words ‘on demand’ antagonised many people. At the same time this ‘outrageous behaviour’ and language did draw attention to many issues preciously ignored by the more timid. Over the years, there were many who felt that Women's House served as a ‘conscience’ for the women's movement. They did succeed in continually making members of other groups examine their actions and priorities.

Another significant group at work in Queensland during the 1970's was *Women's Abortion Action Campaign* (or Coalition). Branches were established in all States of Australia and New Zealand by the early 1970's. By June 1973, Queensland's group adopted a constitution. Their aims were to promote the repeal/reform of restrictive abortion laws, to promote sex education and family planning programmes and to oppose rigorously forced sterilisation. Australia-wide, they circulated an informative feminist newssheet, “Abortion is a Woman's Right to Choose”, which detailed happenings around the world and printed articles relating to female sexuality. Another of their publications, “A Woman's Guide to Abortion – Why, How, Where”, was available in several languages and was widely distributed and used throughout Queensland. W.A.A.C. was strong in Victoria and New South Wales and to a lesser extent in South Australia, the three States that had more liberal laws. In Sydney, during International Women's Year they organised a National Conference with leading French feminist lawyer Gizelle Halimi as the main speaker. Initially, the Women's Centre at Red Hill was head-quarters for Queensland W.A.A.C. and most of their members had liaison with other women's groups.

By mid-1974 they began operating with Queensland University Women's Rights Committee. They provided forums for the airing of the abortion issue at the University and on other campuses, as well as helping to organise and/or support rallies and meetings around Brisbane. They arranged a successful National Conference, "Abortion – a Democratic Right" which was held at Queensland University in November 1976.

A serious crisis arose when the 'pro-life' (Right to Life) group on the Queensland University campus was successful in having a referendum put before the students in May 1978. A vote was carried on the question of abortion, "that the Queensland University Union remain impartial in any abortion campaign", and "that the Union not allocate any monies towards any abortion campaign for use by any committee of the Queensland University Union or body not affiliated with the Union". This made it difficult for Women's Rights and W.A.A.C. to function as effectively as before because abortion and the right to choose was a primary issue for them.

Meanwhile, at Children by Choice a change of course was discussed. Should they voice their frustration about doctors who were referring their patients to the Centre, but who had failed to put any pressure on the Government to change legislation? Alternatively, should they ask a woman to ring her member of Parliament before help was given? In their lowest and most defected times they even discussed closing the Centre so that there might be a public outcry and something might happen. For the sake of the women needing help, they could not bring themselves to do this. As well, many women were seeking sterilisation through them because, in Queensland, it was impossible to obtain unless the criteria of being 30-35 years old and having had three or more children were fulfilled<sup>§</sup>.

Although their ultimate goal was and is to self-destruct by achieving their political aims, Children by Choice had settled into such an efficient working pattern that they were in danger of becoming a permanent institution. Their perceived dominance brought strains within the Women's Movement in Queensland. Since the early 1970's in Sydney, the Women's Liberation Movement had conducted an abortion referral service, *Control*, but in the mid-1970's with the growth of the Women's Health Centres across the city, there was less need for the service. By 1976, *Control* had become concerned there was less need for the service. By 1976, *Control* had become concerned about the emotional, medical and financial frustrations of dealing with clinics as large as Population Services International and with the lack of alternative services.

The six female workers associated with the *Control* referral service, who resigned from P.S.I. in December 1976, were convinced that the conditions and what they regarded as the 'multi-national' aspect of P.S.I. made it imperative that abortion facilities should be more closely controlled by women.

In October 1977, *Control* opened a feminist pregnancy advisory and abortion referral centre in Brisbane. It was planned to provide a non-monopolistic network of facilities that would offer a wide variety of choices depending on the individual needs of each woman, including feminist counselling and support and equal or better medical facilities at minimum cost. *Control* felt that it was essential that abortion referrals were made only to doctors whose practices were closely monitored. Their longer term projects were directed towards establishing free-standing feminist

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<sup>§</sup> The Director-General of Health sent a directive to Queensland Public Hospitals in April 1976 which stated, "Mere desire to avoid the responsibility of parenthood would not suffice" as a ground for sterilisation.

abortion clinics run by women for women. Strong pressure was put on Children by Choice to cease using the P.S.I. clinic.

At no time did Children by Choice see the solution to Queensland's abortion problem in terms of what was happening in Sydney or elsewhere in New South Wales. Children by Choice had always had three absolute requirements in regard to abortion.

1. The decision to have an abortion should be the woman's own abortion.
2. It should be competently done and as free as possible from complications.
3. The woman should be treated with dignity and left with a good sense of self.

The relationship between Brisbane Control and Children by Choice was often strained. Children by Choice believed that, given the quality of counselling that women received in Brisbane, the distances and hassles women had already experienced, together with the wide range and competent services that were available, their continued use of P.S.I. was justified.

Although they both continued to work for the broad aims of the women's movements, communication between the groups deteriorated further. During 1978, Control women had worked to establish a well appointed local anaesthetic clinic at Tweed Heads, to which they hoped to refer most of the Queensland women, thus breaking the so-called monopoly of Children by Choice. This was a well kept secret. Consequently, when Children by Choice was approached by the doctor for referral, they reacted in their usual manner to such offers: that is, if the facility proved to be satisfactory, they would refer to it. They were unaware that the doctor was attempting to by-pass Control. By the time the situation was clarified, the clinic at Tweed Heads was ready to start operating, although it did not meet the feminist counsellor requirements of Control. Children by Choice felt that women should not be involved in the extra expense of going to Sydney because of ideological differences between the two groups. Because they believed that women should make their choice of where to go for abortion, they decided to tell the women of this clinic and of its strengths and weaknesses. It was a difficult period within the women's movement and a severe distraction for both groups.

While much of Control's energy was taken up in the provision of these alternative services, they worked closely with Women's House for a woman's right to choose. For women who came to them for counselling they were able to offer a truly feminist experience in relation to counselling and abortion, and referred them to the small, well run, feminist clinics in Sydney. It was certainly expected that smaller clinics would eventually be established in Queensland should the law or practice change.

Meanwhile, by 1978, Children by Choice had to move to new premises in Taringa. They had a new phone number which was awkward for the subscriber who inherited their old number, for they were averaging forty calls per day and on occasions reached ninety calls. Dr Bertram Wainer again came to Brisbane to open the new premises. As usual, he succeeded in drawing tremendous media coverage. He said,

*“On Wednesday, 28<sup>th</sup> June 1978 there will occur an event which presents a triumph of determination of women over their social environment. At the same time, this even represents a cry of despair to the medical profession and politicians who resist*

*the message sent out by these women. That event is the opening of a newer, larger headquarters for Children by Choice. Children by Choice is an organisation run by women for women...it has referred 15, 000 women...These 15, 000 women have condemned with their bodies the paternalistic, uncaring politicians of the State...The people and doctors of this State allow the politicians to continue their steps down the perverted path of minority morality."*

Children by Choice had resettled and prepared for a long stay.

Yet again in 1978, Children by Choice prepared an extensive and well researched submission asking for repeal of laws against abortion in Queensland. This time they sought the advice of some of the Executives of the Liberal and National Parties. Appointments were sought to deliver and then later to discuss the contents of the submission, and finally sixty members of Parliament were interviewed (members who were strongly pro-choice were not interviewed). As late as 1979 some members refused point blank to talk with Children by Choice. Members were not pressed for support, but were asked to read the evidence and the submission so that they could make a more informed vote when the time came.

After many requests, even Sir William Knox granted an interview in 1979. It lasted only twenty minutes. There was no meaningful communication and Sir William, by the Queensland's Health Minister, appeared ill at ease. He did not ask questions and showed no interest in the needs of thousand of women which led them and their doctors to make increasing use of the Centre's counselling service.

Two further submissions were made to the Queensland Government, one to the Select Committee into Education (the Ahern Committee), urging the introduction of school sex education courses; and another to the Welfare Minister, relating to problems caused by unwanted pregnancy.

Amidst all this activity, 1979 was proclaimed International Year of the Child, and Children by Choice hoped to do some special research on pregnant children and child mothers. This was not to be. Legislation, sponsored by the Federal member for Hume (Mr Lusher, M.L.A.) surfaced in Canberra, aimed at denying women the right to medical refunds for abortion costs. In protest, women's groups picketed the Health Department in Queensland at a time when it was precarious to assemble or march. The new anti-march laws were operating and they had been warned by contacts within the media to be especially careful about the police directions. The protestors did not want to distract media attention from the abortion cause, so they stood along the Adelaide Street wall of the building. For the first time, picketers were very conscious of plainclothes policemen blatantly photographing every face.

The Lusher in March 1979 was the first public airing of the abortion issue at a Federal level since 1973. Letter and evidence were sent to Queensland Federal members cabinet and close liaison and contact with women's groups and the medical profession was necessary. The results of that vote showed that continuous gains had been made by the pro-choice group. This was a major victory for Australian women and a defeat for the Right to Life movement.

Ironically for Children by Choice, which had worked so hard over the years, they did not get time to savour this victory, for a chain of events was about to start which was to test to the limit the strength of their grass roots support and indeed of the group itself<sup>12</sup>.



## Chapter 6

### The Political Parties

Although the State Parliamentarians apparently had been ignoring women's groups lobbying on abortion, the members within the parties had not. The tide was beginning to turn and State conferences were discussing motions relating to policy on abortion.

As early as 1967 at the Annual convention of the Queensland *Liberal Party* a motion on abortion was discussed. The Convention recommended the setting up of "an appropriate committee to examine the medico-legal, philosophical and sociological aspects of the present law..." The subject was raised again in 1968 and 1970. However, no affirmative action seemed to flow from these conventions. In 1978 the Convention requested that "The Policy Committee of the Party review the laws on abortion, sterilization and contraception to ascertain whether the present laws reflect current community attitudes".

By 1980 some progress became evident. That year the Liberal Party's State Health Policy stated (page 5):-

*"We believe that more effective methods of distribution of information through family counselling, sex education and family planning information at necessary. We do not support the principle of abortion solely as a means of birth control. We support the principle which allows the woman and her medical advisors to act responsibly."*

In 1973, the Australian Country Party Queensland, as the *National Party* was then called, received a detailed submission entitled, 'Possible solution to the abortion issue in Queensland' for discussion at their special conference in October. It had been prepared in the main by Pam Goring, who then a member of W.E.L. and Children by Choice, and of the Country Party. Their social welfare committee recommended "that a Judicial Inquiry be instituted merely to clarify the law as it stands at which time Abortion Law Reform can be considered, but in any further consideration of abortion law this Party's parliamentarians will be permitted to exercise a conscience vote". As with the Liberal Party, action was not forthcoming. Following a meeting of the Party's Central Council held on 30 March, 1980, Sir Robert Sparkes released this statement.

*"That the National Party of Australia Queensland recognises the need that pregnancies may be legally terminable under the following circumstances-*

- (a) Where the mother's life is endangered;*
- (b) Where the mother's health is endangered; and where it is detrimental to the mother's psychological well being;*
- (c) Where the unborn child runs a grave risk of malformation according the schedule of indications for abortion to be promulgated by the Royal College of Obstetricians and Gynaecologists in Australia; and*
- (d) As a result of rape or incest."*

In July 1973, three agenda items at the State Labor Women's Conference related to abortion. The motion passed by the Conference was, "That all reference to abortion be deleted from the Criminal Code of the State". This motion was subsequently passed at the Labor and Politics Conference in Cairns in 1974.

Within the *Australian Labor Party*, each Labor Women's Conference since then has discussed motions on abortion but it wasn't until their conference in 1978 that the first really comprehensive motion was passed. It read:-

*"A state Labor Government shall amend the law to remove all legal restrictions on the termination of pregnancy provided that:-*

- (a) It is performed by a qualified medical practitioner within a period that the practitioner determines medically safe.*
- (b) Medical practitioners and nursing staff not be compelled to perform the operation if it is against their conscience. Medical practitioners shall be required to fully inform a women seeking termination of pregnancy of the counselling facilities available."*

This motion was passed at the State A.L.P. Conference in Rockhampton in 1979, but a subsequent motion allowed for a conscience vote in Queensland on 'moral' issues. Labor Women understood that this would mean that a member would refrain from voting on such an issues if he/she did not support Party policy. However, when Mr Keith Wright crossed the floor of Parliament on 20 May, 1980 to vote for the restrictive legislation and against Party policy they knew they were mistaken.

## Chapter 7

### Anatomy of a Battle

Until the Brisbane Fertility Control Clinic went public on television, the Right to Life Association had felt that Queensland laws almost totally prevented abortion in the State. The Greenslopes Fertility Control Clinic had begun to operate quietly towards the end of 1977. Dr Bruce Errey had begun to offer ‘menstrual extraction’<sup>\*\*</sup> at the clinic where he had for some year been doing vasectomies, in time of the risk of prosecution. It was a short step from this service to the establishment of a comprehensive fertility control service, including abortion up to 12 weeks. In 1978 Dr Peter Bayliss began coming up from Melbourne each week to operate at the clinic and brought considerable skill and experience not only in abortion but also in female sterilisation using the mini laparoscope. Abortions were done only in response to a formal referral from a medical practitioner. The clinic doctor had to agree that the abortion was necessary to preserve the woman’s health having regard to all her circumstances at the time, i.e. in effect according to the Levine and Menhennet<sup>13</sup> rulings which gave practitioners the protection of case law in New South Wales and Victoria.

While reasearching a programme on sterilisation for the ABC’s current affairs programme ‘Nationwide’, the producers were misinformed that Children by Choice were not supporting the Greenslopes Clinic and that they were sending most of their clients to Sydney because Children by Choice hierarchy were receiving ‘kick backs’ in the form of free air tickets from Ansett Airlines. This was manifestly untrue, and if the television journalists had not been new arrivals from New Zealand and Tasmania they would have known it. They, like their informants, two of whom had been members of Children by Choice, could not believe that women would work for other women for all these years without a ‘kick back’.

The ‘Nationwide’ programme with its errors of fact and interpretation was potentially very damaging to this cause and the women were hurt and angry<sup>13a</sup>. They considered suing the ABC but took the wise advice of their old friend and mentor, Dr Bertram Wainer – “Never sue the media – you don’t know when you might need them”. How right he proved to be. It also brought the activities of the clinic to public and political attention, something which had been avoided until then.

Many Queensland media people knew what was happening but had ‘sat on’ the story for fear of putting the service at risk. The programme was shown on 26 March, 1979. The battle between those who wanted to introduce restrictive legislation and those who wanted Queensland women to have freedom of choice, began in earnest at this time. The story made headlines all over Australia. By this time Children by Choice had counselled and helped over 18, 000 women and the unjustified attack scarred the spirit of some very dedicated workers. They carried on with their usual efficiency but some of the joy had gone out of the work.

Despite the ‘Nationwide’ programme, the Fertility Control Clinic continued to provide its services with such confidence that later in the year a paper was presented at an international conference claiming a successful “change by stealth” to existing laws. The Right to Life Movement still believed that it was operating illegally and began an all-out effort to have the clinic closed. They saw Mr Bjelke-Petersen and Dr

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<sup>\*\*</sup> Menstrual extraction is a technique of suction curettage used on women for diagnostic purposes, and could be considered to be abortion except that the women were not necessarily known to be pregnant, but were at risk due to recent unprotected intercourse.

Llew Edwards in May to restate their opposition to abortion. Complaints were made to the police, who visited the clinic and rang some doctors who had referred patients, but no charges were laid. The Children by Choice quarterly report revealed that 1300 women, one-third of Children by Choice clients, had been aborted in Brisbane in a year. The Fertility Control clinic only operated three days each week.

The Right to Life Movement circulated a petition calling for closure of the clinic and early August 1979 a petition with 910 signatures of electors from the Mackay area was presented in Parliament by the Leader of the Opposition, Mr Ed Casey. Mr Casey's stand contravened the Labor Party's agreed policy on abortion. The Labor Party women were incensed, and Toowong Party member Sally may brought unsuccessful charges of disloyalty against him. The women had also failed in a move to take away the right of a conscience vote from Labor members of the Legislative Assembly at the State Conference in February 1979.

After Mr Casey had fired the first shots, the battle lines began to form. Five days after he tabled the petition, members of four women's groups picketed his office and it was from this rally that the Women's Campaign for Abortion (W.C.A.), a coalition of all the pro-choice groups, was formed. They called for immediate repeal of all abortion laws and safe conduct for the Fertility Control Clinic. There were representatives initially from W.A.A.C., Children by Choice, A.L.P. Women, Pregnancy Control, Working Women's Charter Group, and A.U.S. Women. Townsville women's groups organised consistently and in addition, Toowoomba and Ipswich were important areas of organisation and struggle.

Many members of W.C.A. were new participants in the women's movement and a large percentage were inexperienced in organisation and political lobbying. At times they almost lost direction. They had major bitter debates over the issue of marching and militancy. Some argued that they should march, that they should show open opposition to the police and the Government. Others feared that such an action would isolate them from the community, and that the issue of abortion would be clouded by the street march ban and civil liberties issues. Their slogans and especially the word 'demand', their leaflets and courses of action, upset conservative Queenslanders and politicians, as the Women's Liberation Movement had in the early 1970's. In the beginning they received good media coverage and most television viewers became familiar with their chanting – "What do we want?", and the response, "Free, safe abortion on demand". Women's Campaign for Abortion reacted to Government initiatives and media reports. Campaign for Abortion reacted to Government initiatives and media reports. They organised rallies, meetings, petitions and pickets, throughout the campaign against the Abortion Bill. They regularly picketed State Executive Building and later in King George Square and outside Parliament House. Their campaign culminated in large rallies on April 23, April 29 and May 20, 1980, all beginning in the Square. They even marched on occasion to Parliament House. Interstate participation by the more radical feminists was motivated by the Women's Campaign for Abortion.

Encouraged by the supportive public stance of all three political party leaders, Right to Life began a major advertising campaign on radio and in the press. Their very emotional radio advertisement which included a highly amplified foetal heartbeat, created problems. Many members of the public objected. Attacks on Children by Choice and the Fertility Control Clinic were made under privilege in Parliament by Right to Life members, particularly Mr Tony Bourke. There were rumours that both establishments would close.

Children by Choice also became very active, especially in lobbying politicians. By early September, they had written again to every member of the Legislative Assembly. Also, in September a National Right to Life Convention was held in Brisbane. Following an interview between Minister for Health, Sir William Knox and the Convention's guest speaker from the United States, Dr Leonski, Sir William suggested to Right to Life president Dr John Simpson that their legal experts should prepare draft legislation to tighten the legal loophole which enabled the Fertility Control Clinic to operate in Queensland.

The more radical sections of the women's movement saw the proposed legislation on abortion as a continuation of the Coalition Government's attempt to erode civil liberties in Queensland, dating back to the State of Emergency when the Springboks visited in 1971. However, the Pregnancy Termination Control Bill was directly traceable to the Right to Life Movement, and the culmination of years of planning and lobbying by them of strategic political leaders. Mr Glasson (Gregory) said in the second reading debate on 21 May:

*"The Bill was introduced as a result of pressure exerted by people in Queensland following the opening of the Bayliss clinic at Greenslopes. Let there be no mistake. From the pressure groups such as the League of Rights, the Right to Life, and the Women's Electoral Lobby (sic)<sup>††</sup> petitions came to this Parliament day after day, week after week, until there was the feeling that something had to be done. That was the start of the move for this Bill."*

It is widely believed that Mr Des Dalgety, a New Zealand lawyer who was president of the New Zealand equivalent of Right to Life, the Society for the Protection of the Unborn Child (S.O.U.C.), came to Brisbane to advise on the proposed legislation. Mrs Rosemary Kyburz (Salisbury) also in the second reading debate, said:

*"I suggest that it is not good enough for a Right to Life lawyer to fly over from New Zealand, plunk a Bill before the Government and say, 'O.K., it has worked there; try it over here'".*

The anti-abortion group has succeeded in having very restrictive legislation enacted in New Zealand at the end of 1977. There is little doubt that legal and medical members of the S.P.U.C. in New Zealand were in close touch with the Right to Live Movement in Australia. Neither is there any doubt that their campaign is an international one, and that the Queensland battle is only the beginning.

There were many rumours about the form of the proposed legislation, and Sir William Knox's statements as Minister for Health varied from a "hospitals only" Bill to legislation to make abortion "free of charge" but only for very strict criteria and with "only one doctor's certificate required". Children by Choice and Right to Life responded to each statement with press releases, interviews, advertisements or letters to members of Parliament.

By this time the medical profession was beginning to wake up to what was happening. The rumoured "hospitals only" legislation would subject doctors to

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<sup>††</sup> He undoubtedly meant the Women's Action Alliance.

State direction in clinical matters and this was quite unacceptable. Dr Irwin worked increasingly with the network of doctors known to her with whom she had discussed the threat of the impending legislation. She was supported by eight of them in the sending of a letter to approximately 1000 doctors who had referred patients to Children by Choice and to the A.M.A. urging them to write to the politicians, and asking them to sign a petition to Parliament which was eventually tabled by Mr Terry Gygar. An unprecedented number of letters was received by the A.M.A. at this time. The committee of the A.M.A. which had been convened at the request of Sir William Knox had not been able to reach a useful consensus view. Professor E.V. Mackay, Department of Obstetrics and Gynaecology, University of Queensland Medical School, had sent strongly worded letters opposing the planned legislation to the A.M.A. and the Government. This was the beginning of this influential man's public involvement with the cause. Other senior medical people also joined the campaign, including the president of the Queensland Branch of the Australia and New Zealand College of Psychiatrists and the Professor of Psychiatry.

Judging by the Queensland Cabinet's past performance, Children by Choice were terrified that an eleventh hour decision to introduce the legislation would be made before Parliament rose for Christmas. They booked a large advertisement State-wide in the Sunday Mail on 8 December, 1979, warning of the probability of the repressive legislation and asking people to write or phone their member of Parliament as soon as possible. However, legislation did not surface and the pro-choice lobby breathed a sigh of relief. Because 1980 was to be an election year, they did not believe any Government would dare to introduce any such divisive legislation.

It was not so with Right to Life. They sent telegrams to the Premier expressing disappointment and issued a press release with similar sentiments. During the Christmas/New Year break, Right to Life assessed the situation. One of the priorities was to get to the 'grass roots'. They were unhappy with the media coverage of their campaign to date – as was the Women's Campaign for abortion. Right to Life stepped up their electorate meetings.

By mid-January there were again rumours in the media as to the content of the new legislation, causing another flurry of activity from pro-choice groups. The pickets began again, petitions were being circulated by both sides, and International Women's Day was organised around the abortion theme on 8 March 1980.

Ironically, and unknown to the pro-choice lobbyists, on 10 March Mr Casey wrote to Right to Life stating that he could not support the proposed "hospitals only" legislation. However, he voted for the Bill on its first reading.

In face of difficulty in getting legislation before Parliament, Mr Don Lane followed the example of Mr John Martyr, a Liberal M.P. from Western Australia and foreshadowed a private member's motion to strengthen the resolve of Cabinet and force their hand. This had a similar wording to that in the Federal Government's Human Rights Commission Bill, which called for the protection of human life from conception.

On 16 April, 1980 Rosemary Kyburz spoke on the ABC programme AM, leaking the name and content of the proposed Unborn Child Protection Act, which was being drafted. Pickets were outside Parliament House all day. The extreme provisions of the legislation<sup>14</sup> alerted the public to the dangerous situation. Suddenly the complacent Queenslanders became aware that this appalling Bill might

be enacted, and it wasn't merely a smoke screen to direct attention from other repressive legislation. Chaos reigned. Children by Choice were inundated with calls for advice, offers of support and requests for information and publications, even from National Party Headquarters on 17 April. Children by Choice education officer, Beryl Holmes, was receiving about 50 calls a day at her home, which to say the least was severely disruptive to her family. She made inquiries to have the phone moved out of the family space and was informed that it would take five weeks. In desperation she gambled and explained her connection with Children by Choice; the phone was moved the following day. Such was the concern and support.

It became apparent that in-fighting had begun between the Coalition partners, and Sir Robert Sparkes virtually pulled the rug from under the Liberals by publicly opposing the Bill, a position later adopted by the Liberal Party organisation. Children by Choice felt that the tide was beginning to turn but that it might be too late. They took another advertisement State-wide in the Sunday Mail, warning of the repressive legislation, again urging people to contact their member of Parliament and political parties, and calling for immediate protest by the public.

The National Abortion Conference in Sydney heard an appeal from the Queensland delegate for support in opposing the legislation from inter-state sympathisers. Even the medical campaigners began to see a response from the profession. Many wrote letters, telephoned or telegraphed to the politicians, particularly to the leader of the Liberal Party, Dr Llew Edwards who, it was hoped, being a medical practitioner would understand the profession's alarm at the turn of events. He had personally assured several concerned doctors that he did not want any change in the Queensland abortion laws. He told Janet Irwin that M.L.A.s were concerned about Dr Bayliss coming up from Melbourne in his private plane to make so much money in Queensland. She countered by saying that Dr Bayliss was entitled to an appropriate fee for his professional services on the same basis as any other doctor. Dr Edwards' real attitude to the legislation became obvious when he signed a full-page advertisement in the Courier Mail 22 April, 1980, supporting the Government's proposed restrictive legislation.

During this period it was interesting that almost no concern for the health of women was expressed by the A.M.A. or the politicians. Numerous letters were published in the Courier Mail and The Australian, and there were many items of radio and television for and against abortion as well as the Government's plans to interfere in clinical matters. In 1980, reports of the Star Chamber tactics used by the Government in New Zealand to investigate and intimidate doctors referring patients for abortion, horrified a number of Queensland medical practitioners who, in the end, publicly opposed the Pregnancy Termination Control Bill. The three doctors in Parliament supported the legislation.

Right to Life placed a full-page advertisement in the Courier Mail on 22 April, including names of many doctors who "supported life". The years of careful record-keeping by Children by Choice paid off, as they were able to show that 25 of the signatories had referred women for advice on abortion or for abortion, and later in the month could show that of the 30 Right to Life doctors signing a letter in the Courier Mail opposing abortion, five had referred patients to Children by Choice and their pregnancies had been terminated at the Fertility Control Clinic.

The first rally of "ordinary people", 1500 of them, gathered in King George Square on 23 April, a happening that was to recur several times during the next few weeks, each displaying more people who were ready to stand up and be

counted for women's right to choose abortion. The media were saturated with "abortion" news – Children by Choice continued to act as a resource centre as well as giving press releases and many interviews daily. Two vocal pro-choice doctors, Dr Irwin and Dr Monnington, were also in demand as were spokespersons from Right to Life and government and law commentators. Within Government committees, members attempted to amend the legislation.

On 27 April, Children by Choice's press statement claimed, "Sir William Knox's Bill totally unacceptable, amendments are unworkable, there will be no abortions in Queensland". All contacts were advised to reject the Bill totally.

As the "Women's Weekly" released results of their Australia-wide survey which showed wide majority support for abortion rights, Women's Electoral Lobbies throughout Australia called for a boycott of Queensland, a tactic they had employed successfully against Ansett following failure to appoint a woman pilot.

Despite all efforts, the Bill passed its first reading on 29 April. Exhausted workers knew that unless their work of the past ten years paid off, unless the friends and families and women who had had to face unwanted pregnancies over the years became involved, that draconian legislation would become law.



## Chapter 8

### The Miracle Occurs – The Public Meetings

The abortion debate drew out many people, particularly women who had never been politically active. It may be one of the few good things it achieved. Rallies in King George Square, associated with the ‘right to march’ advocates, police/demonstrator melees and pickets were unacceptable forms of protest to many people. This fact was realised by many of the activists who were fighting the Government’s proposal. Yet how could they further galvanise this army of opinion?

After the advertisement of 22 April by the Right to Life doctors (which included Dr Llew Edwards) appeared in the Courier Mail, Professor John Western, Professor of Sociology, University of Queensland, rang Dr Irwin and the decided to take a full-page advertisement in the Courier Mail expressing a contrary view. The proposed text was distributed in a rather haphazard manner. On 15 May it was published with a total of almost 100 names, 266 of whom were medical practitioners. Just over \$4000 was donated by the signatories and other members of the public to pay for this advertisement and the expenses associated with it.

These first days in May were vital. Dr Wainer placed a half-page advertisement in the Australian urging people to oppose this proposed abuse of civil liberties and boycott Queensland. Mr Casey, leader of the Opposition, who had led the attack on the clinic in Parliament, withdrew his support for the Bill “in its present form”, no doubt a tremendous lobbying victory for the Labor Women who were feverishly at work on Labor MPs and hoped he would vote against the Bill in its second reading.

The media interviewed people with first-hand experience of the trauma of unwanted pregnancy. Women came forward who had frightening and depressing stories in relation to mandatory motherhood and backyard abortion, expression their support for better, easier abortions; a father of 14 gave an anti-abortion viewpoint.

Those who had picketed outside Parliament on the night of the first reading responded to the call and met at Children by Choice rooms determined to reorganise and succeed. There were many new faces and following much discussion, the formed “Citizens Campaign for the Rejection of the Abortion Bill”. They decided to approach distinguished people to support and/or speak at a public meeting. Their slogan was “Stop the Bill”.

With the anti-march laws still being enforced, the traditional May Day Parade provided a rallying place for those opposing the Bill. Large pro-choice – pro-abortion groups marched with different contingents. Children by Choice’s usual small group was joined by hundreds who carried placards and gave out leaflets advertising the meeting.

Three women who had had little recent association with the formal pro-choice lobby became the front people to organise this public meeting which was to be a rallying point for the voiceless majority. They were Carolyn Mason, Jane Deakin and Ruth Matchett. Following that meeting, these three women decided, with an outstanding clarity and objectivity, that a successful public meeting was the answer, and what more respectable venue than the grand old City Hall? They concentrated on the Bill itself. Existing groups were strongly identified with abortion on demand and the broader issues. It was thought that support could

be maximised if they ignored the broader moral issues and looked simply at the particular clauses of the Bill which, as they said, “were outrageous enough”. People could object to the Bill without necessarily supporting abortion ‘on demand’. Above all, this Bill must be stopped. Much consultation ensued, and they drew up a list of speakers – no-one was to be an already identifiable opponent of the Bill. Having obtained an impressive list of speakers,<sup>††</sup> the next task was to publicise the meeting and attract people to it. This meant money – the three women committed a considerable sum of their own. Children by choice guaranteed to make up any deficit.

Radio advertisements were written, recorded and broadcast on Brisbane station 4BK, with professional help given voluntarily. Children by Choice advanced the money for the broadcasts.

Contacts were alerted throughout the country areas (members of political parties, Labor women, Democrats, Women’s Electoral Lobby) and with help from Children by Choice meetings were arranged in Cairns, Townsville, Mackay, Rockhampton, Bundaberg, Maryborough, Warwick, Ipswich, Toowoomba, Wynnum, during the week of the Brisbane meeting. Julia Freebury, long time A.L.R.A. campaigner and member of Women’s Electoral Lobby, came from Sydney to help cover the meetings and tell of the 1971 Police Abortion Squad activities in new South Wales.

From advice received from inside Parliament and from interview responses, Children by Choice divided politicians into three groups – “for abortion choice”, “hopeless” and “worth working with” – these groupings were widely distributed throughout the State electorate. Children by Choice provided speakers and local people took on the organisation and publicity for the State-wide meetings. For the Brisbane public meeting, the organisers decided that State Parliamentarians must be invited. An attractive and professional-looking invitation and letterhead was designed. These were printed and sent to all politicians and other influential people. An initial pamphlet was printed and distributed by a network of friends and advocates at railway stations, street corners and in city buildings. The date of 15 May was selected for the meeting, a Thursday evening. This meeting in the state capital was the climax of the campaign.

Press releases were written and distributed to newspapers, radio and television. It was unfortunate, however, that at this most critical point in the struggle, coverage was difficult and limited due to a journalists strike. The Courier Mail ran only two small pieces before the meeting. Fortunately, the full-page anti-Bill advertisement organised by Dr Janet Irwin and Professor John Western appeared on the morning of the meeting. Advertisements were placed in the newspapers publicising the meeting on the Sunday before and on the day of the meeting. Organisers were too committed to care about the cost. Fortunately, donations were beginning to come in from supporters, who realised that campaigns, no matter how sincere and well planned, cannot run on thin air.

By 15 May, about \$1500 in donations had been received and other expenses were defrayed by a collection at the door of City Hall which amassed over \$1000.

The organisers recklessly decided to spend several hundred dollars on food and drink for the speakers and supporters after the meeting. As Carolyn

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<sup>††</sup> Mr Wayne Goss, Professor Eric Mackay, Mrs Win Metcalf, Dr Clarke Munro, Reverend Peter Allan, Dr Lyndall Ryan, Dr Paul Wilson.

Manson said later, “After the meeting, we knew we were going to need it if no one had turned up, or we were going to need it to celebrate if people did come – and it was the right thing to do to express out thanks”.

In the end, people came – well over 2000 of them – until every seat in the City Hall was taken and people lined the walls at the back. They were of all ages and from all walks of life, personally committed to the need to stand up and be counted against the Bill. By 8 o’clock supporters were still streaming in, and the three women watching from behind the stage curtains clutched each other in delight and partial disbelief. More and more people came – young and old, men and women – some of those who had worked so hard over the years were moved to tears. Their faith was vindicated. The miracle had occurred.

## Chapter 9

### The Eye Of The Storm

Few Queenslanders can recall a Parliamentary debate which aroused such bitterness and involvement both within and without Parliament. Terms such as fascist, murderer, baby-killer, rabid, bigot, were used by members on both sides of the House.

Debate in Parliament did not follow party lines. Although the leaders of the three parties, Liberal, National and Labor, supported the Bill, many of their party colleagues opposed it vehemently. At the fore-front of the Parliamentary opposition to the Bill was the member for the outer Brisbane marginal seat of Salisbury, Mrs Rosemary Kyburz. She had won her seat for the second time in 1977 by a 0.4% majority. With incredible courage and disregard of possible consequences, she laid her political future on the line for the sake of women.

In April 1980, Mrs Kyburz had attended a meeting of the Parliamentary Health Committee. She had been concerned for months about the legislation which was being prepared, and had frequently been in touch with Children by Choice and with Janet Irwin, expressing her alarm at each new move.

The meeting considered a discussion on the "Unborn Child Protection Act" paper brought forward by Sir William Know, the Health Minister. Most of the members of that committee had strong sympathies, if not membership, of the Right to Life Association – Peter McKechnie, Don Lane, Norman Scott-Young, Tony Bourke, Bob Moore. Sir William attended that meeting with the Parliamentary draftsman, an unusual occurrence. Mrs Kyburz was the only dissenting voice at that meeting on proposals to outlaw abortion. She saw these men "playing at God with the lives of women". However, it appeared that Sir William and the supporters of the Bill thought they were on a political winner.

The meeting concluded, after about five hours, at 1 a.m., with vast majority support for details of the legislation which was very similar to the recently passed restrictive abortion legislation in New Zealand.

Mrs Kyburz was distraught. Parliament sat until 3 a.m. but she knew she had to be at the Joint Party meeting at 9 o'clock that day. It is understood that members of the Coalition parties who do not state their objections at such a meeting must remain silent once a Bill reaches the Chamber. She knew that the only way she could stop the Bill was to have an all-out media campaign. She had no time to consult with other colleagues. She contacted the ABC programme AM and was interviewed by Peter Cave. The fiery interview, which leaked the details of the proposed Bill, was broadcast around Australia at 8 a.m. on 16 April, 1980. No longer could the electorate ignore the issue. Women's groups from around Australia were horrified and rang Mrs Kyburz to express their support.

The Joint Party meeting, however, was preoccupied with other matters, despite the importance of the abortion Bill. A physical confrontation between the Hon. Russel Hinze and Mr Bruce Bishop threatened the party-room, and Mrs Kyburz was physically in the middle. She rushed from the room, overwrought at the viciousness of the incident, and in tears at the thought that the Bill might be 'rubber stamped', through lack of time for debate. Her rush from the party room received front-page publicity in Brisbane's afternoon newspaper, The Telegraph, and phones began ringing from media around Australia. Although the

party room fight had nothing to do with the legislation, Mrs Kyburz seized this opportunity for further publicity on the abortion Bill. The Parliamentary switchboard went mad. Mrs Kyburz called a press conference in the Parliamentary media room. Dozens of journalists attended. That night she appeared nationally on Willesee at 7, and on the ABC's Nationwide. Media coverage was given, not just in Queensland but throughout the country. There was a large and spontaneous picket outside Parliament House.

In the next few days Mrs Kyburz was shunned by most members of the House for her disloyalty. Her electorate office at Sunnybank Hills was inundated with supportive and abusive calls. The opposition to her stand appeared formidable. Surprisingly, Right to Life lobbying in her electorate stopped after her burst of publicity when she made her opinion against the Bill crystal clear. Previously she had received dozens of printed cards each week from Right to Life members. They now turned their efforts towards the vacillators in parliament and those in marginal electorates.

The Health Committee met again the following week, made some minor amendments including a name change ("The Pregnancy Termination Control Bill"), and the Bill was finally brought to the Joint Party meeting. At no point did the Premier, Mr Joh Bjelke-Petersen, acknowledge the sponsorship of the Bill, yet he was determined to force it through. There were Joint Party meetings morning, noon and night to get the Bill through to the Parliamentary stage – it was legislation by exhaustion.

Clauses providing for the searching of doctors' files evoked fears about doctors' reaction to the Bill. Despite a high-powered report to the contrary presented to the meeting, there was to be no allowance for abortion if tests showed a child would be abnormal. Women pregnant following rape or incest would also be denied an abortion. Penalties harsher than those provided for in existing legislation, including imprisonment for women and doctors, were included in the Bill. People were incensed.

In the two week period following the announcement of the Bill, all members were swamped with thousands upon thousands of letters supporting or opposing it, from all over Queensland and from many parts of Australia. While many came from activists in the organised groups, the vast majority came from the community at large, who were stirred to action. The organisational wings of the political parties realised the disruptive effect the debate was having in Queensland. The Bill was a hot potato. National Party President Sir Robert Sparkes was active in attempting to have the legislation dropped.

The normal public apathy was being dispelled and the tide of public opinion was turning against the Bill. Few issues had the potential to affect people so deeply, whether they came from the country or the city, were married or unmarried, rich or poor. Everyone related to the issues raised – pregnancy, sexuality and human relationships – and few families have not had to face the dilemma of unwanted pregnancy. The growing torrent of opposition took the Government by surprise.

The Bill was tabled in Parliament by Sir William Knox on 29 April. Debate was restricted to 20 minutes per member. Not until after the debate were copies of the Bill available, although early drafts had been widely leaked and photocopied beforehand. Opposition members crossed the floor and the first reading was passed, 49 to 16, against the clamour of protestors outside Parliament

on some points yet voted for it on both divisions. A few months later she lost her seat in the State election.

Parliament had planned to rise early in May. However, the furore caused the session to be extended. One backbencher, Mr Col Miller, a staunch supporter of the Bill, was swayed by the argument that Parliament should not be making such laws without consulting the people. He conducted a 'referendum' in his electorate of Ithaca. The results, which were formally scrutinised by members of Right to Life and Children by Choice, came out overwhelmingly against the Bill. Mr Miller changed his vote, in stark contrast to the patently undemocratic 'conscience' vote on which the Bill was to be decided, regardless of the wishes of the electorate. This was a rare example of democracy in action in Queensland, and in marked contrast to the attitude of Dr Lockwood (Toowoomba North), who said on 21 May in the second reading debate, "*Electorates send members to this House to vote according to their informed opinion and according to their consciences. They are not paid to canvas their electorates.*"

Five days after the public meeting, on 20 May, debate resumed on the second reading. Pickets opposing the Bill continued outside Parliament. Lobbying had been so successful that by the next day the Bill was disowned by the Government. It was now a private member's Bill sponsored by Sir William Knox. In spite of the convention of the Cabinet solidarity, Dr Llew Edwards, who was overseas, gave Liberal ministers permission for a free vote. The debate was heated, as these quotes from Hansard show:-

*"It seems that from all surveys undertaken, between 4 and 6% of the population is against abortion on any ground. I must label these people as fundamentalist barbarians". (Mrs Kyburz)*

*"...the group of marchers in the Labor Day parade. If the women who took part in that march are the type of women who wish to represent this State, then we want them to have abortions because we would not want their issues. Most of the women who are against this Bill are just man-hating women. Most of them cannot even get a man". (Mr Frawley, Caboolture)*

*"I speak on this Bill in the full knowledge that in my 14 years in this Parliament no other issue has caused as much community concern or comment...The reality, as I see it, is that no matter what law we pass here today or in the future it will have no effect whatsoever on the number of abortion performed on women in this State". (Mr Kaus, Mansfield)*

*"It does not represent the wishes of the majority of Queenslanders and it certainly does not represent the wishes of the overwhelming majority of Queensland. It represents only the views of a very small group who believe that they are the sole repositories of truth, life, justice and morality". (Mr Gygar, Stafford)*

*"I am prepared to stand and be judged at the next election, but again let me say that I do not believe in or approve of abortion on demand, no do I approve of legislation that makes every woman a*

*would-be liar and every doctor a possible criminal should he consider an abortion to be necessary. I believe that this is a personal matter between the doctor and the women".* (The Hon. Norm Lee, Yeronga)

People opposing and supporting the Bill filled the gallery throughout the debate. Neither side knew what the outcome would be until the final vote. At 11.35 p.m. on 21 May, the gallery stood to watch the count. Nineteen Government members crossed the floor, including four Cabinet ministers. Two National Party members moved to the back of the chamber and abstained. One Labor member crossed the floor.<sup>15</sup> The Bill was defeated 40:35.

## Chapter 10

### It (*Still*) Isn't Nice

Two years after the defeat of the Pregnancy Termination Control Bill where do Queensland women stand? How effective was their political action and what did they achieve? Their situation with regard to abortion was different from that of women in other States. Following the Levine and Menhennet rulings in New South Wales and Victoria, and the continued operation of a number of well established abortion clinics, there was no urgent pressure for legislation to further liberalise or repeal abortion laws. South Australia had liberalised its laws in the wake of the 1967 Abortion Act. Women and doctors in Western Australia had taken matters into their own hands and established liberal abortion practice without legislative change.

In Queensland the political process and progress was different. There was a reluctant but gradual awakening in the community to the needs of women for safe abortion services owing to the work of some dedicated women. Eventually people began to realise that Queensland women were denied services which were readily available in other parts of Australia and indeed throughout the world. The radical women expressed and highlighted the anger and frustration felt by many. Only one doctor kept on pointing out publicly the valid clinical and public health reasons for abortion services. It was ten years before growing community awareness and feeling had a tangible political effect.

Historically for some reason society has adopted a judgemental and punitive attitude towards women seeking abortion. The women who seek it are made to feel guilty and are pathetically grateful for any help they get from counselling and referral agencies and doctors. They are prepared to share their basically medical problem with non-medical people, and the doctors refer women to these agencies in a quite uncharacteristic way. The pressure for improved facilities for dealing with unwanted pregnancies has not come, as it should have, from the medical profession. Doctors continue to opt out, but are prepared to campaign vigorously and publicly for other health facilities such as coronary care, spinal injury, or renal transplant units. The people who need these facilities are often the victims of risk taking behaviour, such as smoking, dangerous sport or driving, analgesic abuse. The community and the medical profession do not sit in judgement on these victims of 'accidents'.

The unwanted pregnancy is often an accident associated with that pleasurable activity, sexual intercourse. The taking of a risk of the making of a mistake by women, or experiencing contraceptive failure, is not in these same circumstances so readily forgiven. Women must defend their right to be less than perfect in these matters. It does seem that it is their sexuality which is so strongly disapproved.

In spite of the defeat of the Pregnancy Termination Control Bill in 1980 and the survival of the Fertility Control Clinic in Queensland the women of Queensland, especially country women, still have great difficulty, enormous expense and pleading to go through if they wish to terminate an unwanted pregnancy. Some come to Brisbane or Tweed Heads from as far afield as Weipa, Mr Isa and even Papua New Guinea. Second trimester abortions have to be done in Sydney. Queensland women must have an inalienable right to be decide on the number and spacing of their children as recommended in the United Nations



Human Rights Charter. They should be supported in this by a concerned medical profession and State Health Department whose commitment to preventative health care is obviously questionable. The ball must surely now be in the doctors' court. Until every Queensland woman who needs an abortion has ready access to safe services funded in the same way as any other surgical or medical procedure, and with legal restraints relating only to due professional care and informed consent, the battle has not been won.

What gains were made by the defeat of the Pregnancy Termination Control Bill? There is an increased awareness of women's needs; women are more comfortable and feel less guilt if they decide to have an abortion; the fight to retain limited abortion rights was successful; the Fertility Control Clinic survived but no new clinics have been established; many of the women who took part in the campaign realised that Sisterhood would be converted into real political power.

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June 1982<sup>16</sup>

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- <sup>1</sup> Pregnancy Termination Control Bill
  - <sup>2</sup> Queensland Abortion Law
  - <sup>3</sup> Levine Ruling, New South Wales, 1971
  - <sup>4</sup> United States Supreme Court Ruling
  - <sup>5</sup> Royal Commission on Human Relationships
  - <sup>6</sup> Children by Choice Quarterly Report
  - <sup>7</sup> Denack Inquiry, 1974
  - <sup>8</sup> Mrs Justice Lane's Report (United Kingdom)
  - <sup>9</sup> University of Queensland Doctors' Survey
  - <sup>10</sup> Children by Choice Statistics Table
  - <sup>11</sup> McNair Anderson Survey, 1977
  - <sup>12</sup> Activity Leading to Pregnancy Termination Control Bill
  - <sup>13</sup> Menhennet Ruling, Victoria 1969
  - <sup>13a)</sup> Letters and Statements to ABC March/April/1979
  - <sup>14</sup> Unborn Child Protection Act
  - <sup>15</sup> How LNP's voted – Pregnancy Termination Bill 1980
  - <sup>16</sup> Summary of History of Fare Policy made available to current members of CbyC – April 1979