

High Price to be paid if abortion reform bid fails

I love Right to Life President Margaret Tighe. After years of dealing with anti-choice activists who pretend their feminists, researchers, and medical ethicists – anything but foot soldiers for God - her straight-talking misogyny is like a breath of fresh air. With Margaret, women who seek abortions know just where they stand.

Take her response to Tuesday's announcement by Labor MP Candy Broad that she will introduce a Private Member's Bill to decriminalise abortion. "If this legislation is passed, wild ducks in Victoria will have more protection than unborn children."

Actually, wild ducks have no legal protection in Victoria, but such comments provide a pithy summary of how Tighe and the tiny minority of Australians who agree with her rate women's capacities as ethical decision makers (if you missed it, we're the sporting shooters from which our fetuses need legal protection). From such disdainful views of women's moral agency flow anti-choice enthusiasms for the perpetuation and enforcement of criminal laws they know don't stop women having abortions, but maximize the shame and pain they experience in doing so.

Some Victorians believe that the current confused system – where the criminal law prescribes jail for women and doctors who “procure miscarriages”, but the common law forgives their felonious behaviour in cases where the abortion is deemed proportional and necessary to prevent serious danger to the women’s life or health - is working just fine.

But they’re wrong. The retention of statutes only rarely enforced makes the law an ass. It also allows anti-choice crusaders wedged at various points in the legal system to prosecute whenever they choose. This is what happened in 1986 to Queensland Drs Peter Bayliss and Dawn Cullen, in 1998 to West Australian Drs Victor Chan and Hoh Peng Lee and to the former head of the ultrasound unit at the Royal Women’s Hospital in Melbourne who was pursued for 6 and one half years by anti-choice Liberal politician Julian McGuaran before finally being cleared last year. And when one doctor is prosecuted the rest get nervous, reducing the services they provide and so undercutting women’s access to timely, professional care.

But love it or hate it, the introduction of Ms Broad's bill has made history of the current legal framework for abortion. Access and equity for women can only go forwards – or backwards – from here. This is because it was one thing for successive parliaments to refuse to debate decriminalization, but would be quite another for the 2007 Victorian Parliament to affirm of the criminality of aborting women and their doctors. Should Ms Broad's attempt to repeal abortion from the criminal code fail, in other words, the costs to women and couples of reproductive age could be devastating. Not only will the stigma attached to abortion increase, but access will likely decline as medicos retreat to their bunkers to await signs of what the renewed legal landscape holds for them and their patients.

Unplanned pregnancy is a fact of life. The World Health Organisation estimates that even if couples contracepted perfectly every time, there would be nearly six million accidental pregnancies every year. At the heart of the debate on repeal is the question of who should decide. When Health Minister Bronwyn Pike insists abortion can't be pulled out of the Crimes Act without something else being put in (rendering the entire descriminalisation project moot in one fell swoop) she stands as one with Margaret

Tighe in assessing politicians, doctors – anyone but the pregnant woman herself - as best qualified to know when an abortion is justified. The Premier and Treasurer Brumby's support for transferring existing common law restrictions to the Health Act is more of the same. As well, they show the government, even at this early stage of the debate, as running scared.

Personally, I wouldn't mind seeing the Premier, Brumby and the supposedly pro-choice Health Minister stand up for women for a change. I mean, what else could they possibly be saying by insisting on the need for legal "safeguards" to prevent "unfettered access" than that the law is the only thing that stops women getting pregnant will-nilly for the sheer pleasure of being able to abort? Not only are such claims insulting and completely clueless about the way women approach the crisis of unplanned pregnancy, they bear no basis in fact. The ACT repealed abortion from the criminal code in 2002 and has reported no change in procedure rates, while countries where abortion is legal and accessible, like Belgium and the Netherlands, enjoy some of the lowest rates in the world.

Like it or not, the position politicians and the public take on repeal reflects their view of women as moral decision-makers. Those in favour trust women's judgment on questions concerning their own bodies and lives, while those against don't.

Whatever your view, the time to express it – to Bracks, Brumby, Pike and most importantly your own MP – is now. Rest assured Miargaret Tighe's crew will.

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