

Never, Ever, Again... Why Australian Abortion Law Needs Reform

Caroline de Costa

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The delight of this book stems from the authorial skills of Professor Caroline de Costa. She is a renaissance woman, a scholar, clinician, historian and novelist and she brings all these skills to her review of the impact of laws restricting abortion in Queensland. As an experienced author she makes the topic immediately relevant by starting with a personal story, that of a young woman, Tegan Leach, 21, from Cairns, who in October 2010 faced a criminal trial charged with conducting an illegal abortion on herself under Section 225 of the Queensland Criminal Code. Such a charge had not been laid in Queensland since the abortion laws were consolidated in 1899 and Professor de Costa provides compassionate insight into this case. She attended the trial in which Ms Leach and her boyfriend, Sergei Brennan, were acquitted on October 14. The jury did in 1 hour what parliament had been unable to achieve in more than a century.

This is an eminently readable scholarly work, informative about the drivers for abortion, the consequences of its illegal status and current practice in Australia. The wide scope of the book provides an easily accessible account of the history of laws restricting abortion in Queensland, with reference also to other states in Australia and the pivotal trial in the UK that resulted in the first judicial ruling on the scope of a lawful abortion made by Mr Justice Macnaghten in 1938 in the UK in the Bourne trial.

The Macnaghten ruling was fundamental to subsequent judicial rulings in trials against doctors of charges of unlawful abortion in Victoria (1969), NSW (1975) and Queensland (1986) so there is value in understanding the circumstances in which the case came about and the ruling was made. Gynaecologist Aleck Bourne was an eminent member of his profession, a consultant at St Mary's Hospital and a graduate from Cambridge. He was motivated to do a test case in abortion, in part, by a sense of social justice and, in part, in response to criticism by his colleagues when he had performed an abortion previously. He was thus primed to accept the referral from one of the few women in medicine at the time, Dr Joan Malleon, of a 15-year-old child, pack raped by three members of the Royal Horse Guards. The consequences of his determination to test the law in London in 1938 were reflected in the Cairns Courthouse in 2010 and the jury took less than an hour to dismiss the charges in both trials.

Two of the most compelling chapters detail the instances of death and damage caused by restrictive abortion laws in Queensland. Case descriptions are in the dry language of the police, lawyers, coroners and court officials delegated to enquire into the deaths of women who had undergone illegal abortion. De Costa quotes from these records, and with her novelist's ear weaves the stories of the lives of those involved – distraught husbands, mystified parents, bereaved children, and of course of

the women who died. It takes the persistence of an historian, the eye of the clinician and the wordsmithing of a novelist to bring these tales out from the Archives into public view. They are part of the untold story of women in this country, our mothers and grandmothers and their mothers and grandmothers who did what they had to when they had no option, and died in the doing.

For those with a greater interest in current access to abortion de Costa reviews the role of Children by Choice in organizing abortion access for Queensland women when it was not available in their state. This is a grand account of citizens' action in the face of government and police obduracy. CBC, as they are known, advertised their services, and made group bookings with abortion clinics over the border in NSW, and with airlines to get the women there. In the process they made a mockery of laws prohibiting abortion and kept thousands of Queensland women out of the records of the Coroner's Court.

Citizens' action was also behind the introduction of the medical abortion medication, mifepristone, into New Zealand. In this case, the action was led by doctors who formed their own company, Istar, to market mifepristone after established drug companies refused to do so. Istar, we are told, was the Babylonian goddess of love, fertility – and war. The New Zealand experience is relevant as Professor de Costa has led the way in Australia in introducing mifepristone into clinical practice and she documents the steps taken to bring this about. Mifepristone is currently imported only by individual doctors licenced by the Therapeutic Goods Administration to do so although it has the capacity to transform the administration of early abortion, particularly in rural and regional areas where abortion services do not exist. De Costa points out that it and the companion medication, misoprostol, are cheap drugs and that any medical service or doctor who can manage a spontaneous abortion can manage a medical abortion.

Mifepristone has other therapeutic uses, including management of spontaneous abortion and foetal death *in utero*, as emergency contraception and even as a daily contraceptive pill. Studies are continuing in its use for Cushing's syndrome, meningiomas, ectopic pregnancy, and uterine fibroids and this book provides insight into its introduction into Australia and the struggle invoked by its use as an abortifacient.

Whoever thought that a book about abortion could be as engaging and sustaining and forward looking as this one? It took a novelist, clinician and dogged campaigner to write it.

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