Impact: Debate and Law on Abortion in Australia

On Friday 30 June, 2000, Dr Lach De Crespigny was sacked from Melbourne’s Royal Womens Hospital. This followed an open public ethics forum at the Royal Women’s Hospital which Lach De Crespigny and I organized, with the support of the Medical Director, Dr Glenn Bowes, discussing the ethical issues around late termination of pregnancy, focusing on a recent, complicated case at the hospital. It was attended by over 100 staff.

This is a synopsis of our contribution to public debate and law change.

Monday 3 July: The Age page-1 headline story, ‘Hospital calls in Coroner’, reported that the RWH ‘… has suspended three medical staff over a possible late-term abortion performed on a suicidal forty year-old woman. The termination, performed at thirty-two weeks gestation earlier this year, was referred to the State Coroner. It is believed to be the first case involving a possible late-term abortion to be examined in a Victorian court.’

The Australian headline story: ‘Three suspended over late termination’ on page 3, leading with, ‘Melbourne’s Royal Women’s Hospital has suspended three senior medical staff and asked the state coroner to investigate the suspected abortion of a 7-month-old fetus.’ The Victorian Health Minister, John Thwaites, said ‘… he had been told of the situation and was satisfied … appropriate action has been taken by the hospital in relation to these investigations.’

These were the beginnings of 6 ½ years of investigations accompanied by intense national media coverage and ultimate law change in 2008.
On Tuesday 4 July The Age page-1 headline announced, ‘Doctors endorse dwarf abortion.’ The paper quoted from a survey of obstetricians that we had conducted: 78% of obstetricians supported abortion for dwarfism at thirteen weeks while 14 per cent supported it at twenty-four weeks. Among specialist obstetricians in ultrasound practice and geneticists, however, there was unanimous support for access to abortion for achondroplastic dwarfism at thirteen weeks and 70 per cent support at twenty-four weeks.

‘It is time for Australian hospital management to support doctors when they are making these decisions,’ Professor Savulescu said.’

Together with Australia’s foremost health law expert, Prof Loane Skene, I wrote an opinion piece in the Age. We noted that the Medical Practitioners Board of Victoria had issued a report in 1998 on late termination of pregnancy that recognised that late termination may be necessary because of delay in diagnosis or of severe illness in the mother. In addition, the Ethics Committee of the Royal College of Obstetricians and Gynaecologists in England, in 1998, stated that more than 100 terminations of pregnancy were performed after twenty-four weeks in England in 1996. It recognised that a termination had become a ‘standard management option in tertiary referral centres for serious abnormalities diagnosed after twenty-four weeks.’ We also argued that it was time to urgently clarify the law in relation to late termination: ‘The uncertainty in the law poses a real quandary for doctors. We know that abortion and child destruction is sometimes lawful, but we cannot be sure when. The need for urgent clarification of the law is obvious.’

I spoke on late-abortion in Melbourne at the 11th World Congress on Ultrasound in Obstetrics and Gynecology, October 2001. Articles on my lecture appeared the next
day in the *Australian* (Push to ease law for late abortion), *The Age* (‘Late abortions OK, most doctors agree) and the *Herald Sun* (Abortion concern) covered this lecture the next morning.

This lead to an intense public debate (When some twisted statistics become a damned lie Angela Shanahan, *The Australian* 30 November).

In 2007 the Victorian government asked the Victorian Law Reform Commission to put proposals to modernise the abortion law to make it clear and widely understood.

With De Crespigny, we conducted a market research poll of Australian attitudes to early and late abortion, in various contexts. De Crespigny employed the prestigious and influential market research firm Crosby-Textor. Mark Textor was to join us a co-author reporting our findings in the *Medical Journal of Australia*.

De Crespigny contributed to the Victorian Law Reform processes at both formal and informal meetings and together we presented a formal written submission, in part based on large survey of Australian opinion.

Abortion law was reformed and decriminalized in Victoria in 2008. We believe we had an influence on this process. We have continued to work for law reform across Australia to create clear, consistent laws that allow women to ethically access abortion appropriately.

**Articles in refereed journals:**


Practical Ethics Web Site: http://www.practicalethics.ox.ac.uk/abortion_attitudes.html


Other contributions:


de Crespigny L, Savulescu J. Adding Chaos to Sorrow. Herald Sun Thursday 26th August 2004 pg 20

de Crespigny L. Comment on ‘A right not to be born’ JME on line Oct 27 2004

de Crespigny L, Savulescu J Abbott urged to think again. Open Letter to Tony Abbott Sunday Herald Sun 7 Nov 2004

de Crespigny L, Australian abortion laws: Do they pose a ‘health hazard’? O & G Vol 7 No1 Autumn, 2005

Plus response to letter:
de Crespigny L, Vote no cure for abortion laws. Sydney Morning Herald February 20, 2006

de Crespigny, L. A child unborn Herald-Sun November 20, 2006


De Crespigny, L. Real scenarios raise support for abortion Newcastle Herald Saturday July 31, 2010


ASUM Annual Scientific Meeting 2006 Ethics of late-abortion

Lachlan de Crespigny An ethical and legal framework for termination of pregnancy The Fetus as a Patient, Melbourne 2009


We were interviewed for over 50 articles published in the press.

As a result of our work, faDe Crespigny had 4 major profile type interviews about the case and the sequelae:

Abortion case a Kafkaesque nightmare Kate Legge The Australian 26 March 2005

32 weeks. 5 ½ years by Julie-Anne Davies The Bulletin December 18, 2007 p42-46

COMPASS: The Decision ABC TV Sunday October 26 2008
http://www.abc.net.au/compass/s2402645.htm