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## **Submission to the Inquiry into Transparent Advertising and Notification of Pregnancy Counselling Services Bill 2005**

The main flaw of the Transparent Advertising and Notification of Pregnancy Counselling Services Bill 2005 is that it is too limited in its scope.

The Bill's underlying assumption is that pregnancy support agencies which are *not* directly connected to abortion provision require scrutiny - but that abortion providers who provide counselling and organisations that routinely refer to them do not need to be transparent about their positions and activities in the same way.

If the Senate Community Affairs Committee is serious about transparency and about women's health, it should shift its focus to - or at least include within its current examination – the non-transparent activities of abortion providers across the country.

- **Counselling by Abortion Providers and Family Planning Agencies**

Pregnancy 'counselling' by abortion clinics, along with some family planning and related agencies, has been more concerned with 'appearances and evidentiary matters'<sup>1</sup> than with the genuine needs of women.

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<sup>1</sup> "Two major criticisms can be directed at the present system. First, abortion counselling is not readily available to all women seeking abortions; and second, it could be argued that some of the counselling that is done in the private sector is more concerned with 'appearances' and evidentiary matters than the genuine well-being of the clients...counselling should be independent of the abortion service in both the public and the private sectors". Kerry A. Peterson, 'Abortion Counselling in Australia', *Australian Journal of Sex, Marriage & Family* 6:2 (1985), 93-103. While this reference is somewhat dated, my research gives me no cause to believe this situation has changed significantly.

My own research<sup>2</sup> over many years demonstrates that the services offered by abortion providers and related agencies are often oriented towards securing an abortion decision. Rather than balanced, non-directive counselling and information, women are given advice which minimises the risks of abortion. Too often, abortion providers gave token counselling (where it was provided at all) with the potential negative health outcomes of termination played down<sup>3</sup>.

The women I have interviewed or whose accounts I have received, felt poorly treated in the pre-termination process. Their ambivalence was either dismissed or exploited to secure a 'yes' decision; Requirements for full disclosure which apply to other medical procedures were ignored in regard to information provision for abortion.

Women were denied knowledge of the potential physical and psychological complications of abortion. They were not therefore exercising informed consent. Most women said they were totally unprepared for what they would go through during - and after - the termination. They felt cheated that abortion was presented as something quick and easy and over with when the reality for them was very different.

It is patronising – and dangerous – to deny women information relevant to their future health.

Deeper issues facing women (such as relationship and financial pressures, domestic violence, unsupportive employers, their mixed feelings towards being pregnant) went unexamined, with 'counselling' being more a tick-a-box procedure. Often alternatives were not mentioned, let alone explored.

The experience of these women was that abortion clinic and family planning counsellor were presenting as independent and unbiased, when they actually had a vested financial (and often ideological) interest in abortion. Senator Stott Despoja's Bill does not address this reality.

Sue, whose abortion took place in Adelaide when she was 15, recounts the following experience:

I was sent to the Family Planning Centre for help, well they helped me alright, so much so they had me booked in for an abortion the next day, their reasons were I could not take care of myself let alone a baby. I had no permanent home, and to even think of keeping 'it' was totally selfish on my part. They

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<sup>2</sup> See Tankard Reist, *Giving Sorrow Words: Women's Stories of Grief After Abortion*, Duffy&Snellgrove, NSW, 2000

<sup>3</sup> The risks of abortion to women's health can be found in the research paper 'Women and Abortion: An Evidenced Based Review' by Selena Ewing, published by Women's Forum Australia (2005). The paper is a comprehensive evaluation of the international medical literature on the health impacts of abortion on women.

gave me no options and no information, my rights as a human being were not valid because of who I was, just another stupid teenager who got pregnant. I wanted so much to talk to someone, maybe someone would say don't do it, I will help you through, or maybe you can keep your baby there is help available and there are people who care, but instead I was herded into a room with about 10 other girls like cattle and spoken to like I was a piece of dirt and treated as such.

Cathy, from Sydney, wrote of her experience with a family planning counsellor:

The lady who met me there [at the local Family Planning Service] treated me as rudely as anyone could treat someone, there was no caring or concern in her manner. No options were presented to me. She said I was stupid to get pregnant and as I was 18 and at university she 'presumed I wanted an abortion'. I remember asking about the difference between local and general anaesthetic and she said 'have [a] local as then you will know it has happened and never make this mistake again.' Her negative and unsupportive attitude is something I will always remember. I asked her at the time about other options, and she said 'do you want to finish uni?'; I said 'of course' and she replied 'well you can't have a child'...I don't remember making the decisions just that this is what I was expected to do, from the little information I had been told it seemed there would be no support and no future for me if I was to have the child...The whole period of time was like I had left 'me' in a box somewhere and this ghost of a figure walked around and went to have an abortion. I felt so distant from the experience.

Sam, from Melbourne, also felt her emotional needs were not properly addressed in the pre-termination process:

I had to stumble through a system which was not supportive of my emotional needs, and I certainly did not make an informed decision. At no stage did (they) discuss the alternatives, or the procedure, possible effects or how I felt for that matter...when I made it to the clinic I had to go through "counselling", which was basically me justifying why I wanted an abortion. This wasn't really counselling at all, and my guess was it was to satisfy some legal requirement ...no professional created an opportunity for me to discuss anything, really...no one that I came across ever said to me, why is this happening to you, what is wrong, why have you had more than one abortion, what can we do about it?

Jasmine, also from Melbourne, was given a pamphlet but no counselling: "I was nine weeks pregnant. There was no counselling offered, just a leaflet telling me that I might feel a little upset, but that it was hormonal and would pass..."

Kerry, who was a teenager at the time of the abortion, felt put down in the counselling process: "The counsellor who saw me a few minutes before the procedure was rude to me, treating me with no compassion, talking to me as though I was a slut and a brat."

Linda, from NSW, described her experience of counselling:

I walked into the clinic and was taken to a room for a pregnancy test to confirm my situation. Next I went to another room which was supposed to be the counselling room. I say "supposed" because I was only in there a matter of minutes and the 'counsellor' did most of the talking. I wasn't encouraged to reveal my deepest feelings about my situation. She asked if this is what I wanted to do. I said I didn't know. She said 'well you are here so it must be.'

A South Australian woman wrote:

I was not prepared for what I would feel. There was no information on emotional effect of the operation. There was some clinical explanation and the whole process was presented as not as complex as it has been. Given what I know now, I would not have gone ahead with it. Now I know what downs feel like. I feel very empty. My life is black and unhappy.

Marie, also from S.A wrote:

I resent not being told that having an abortion had after effects...I haven't been or felt the same. I now suffer anxiety with bad panic attacks...I suffer depression, It's a struggle facing each day. I have been out of work over a year and a half...I just feel apathetic about life...[I am] immobilised...I can't sleep...

Lee from Sydney, in a letter to the abortion clinic counsellor, wrote:

I now know that for me to have an abortion without...being sure, was a disaster for me. I had no 'answer' afterwards to the part of me that wanted it...Your biased, one-eyes approach did not se3rve me well. And now I must live with it, not you.

Genevieve, from Canberra, also felt pressured by the abortion clinic counsellor into having an abortion she didn't really want:

This counsellor's approach was rushed and unsympathetic...I felt that I was a nuisance and even said to her that I had better go because I could see that I was holding her up from something (she sat on the edge of her seat and often looked at her watch). [she] seemed surprised about my reluctance to proceed with the abortion...She asked me 'What are you afraid of?'

Genevieve had cancelled two appointments. Before the next appointment, she spent four hours walking around the clinic, confused, her mind battered by conflicting thoughts, incapable of making a decision.

I collapsed in sheer exhaustion. I told her that I had been outside for hours. I cried hysterically curled over with my head in my hands on my knees. I said that 'I feel like I'm depriving my child of life.' Our conversation was cut short by the doctor. The pressure was on. I stopped crying in disbelief when the counsellor told me that if I was going to abort then I would have to do it right

now. The counsellor said 'Look, I'll give you five minutes to think about it and when I come back, I want your answer.' I couldn't believe it. Now I was going into a state of panic and shock. I could now barely speak...The counsellor glared at me, sighed a deep sigh and impatiently said 'Look, they're all waiting for you, you know'... They seemed angry at me. They were sick of me and in the end I weakly obeyed their commands...

Dianna from NSW felt "duped and lied to".

I wanted to drive to my ex-GP and yell 'you horrible bastard' and ask him why didn't he tell me, prepare me, warn me. I did not give informed consent, the GP violated my body and my mind.

Little has been done to change these shoddy practices, which were further exposed by a former Melbourne abortion clinic nurse, Laurel Guymer, who described the pressure applied to certain women to 'choose' abortion. Guymer, then a midwife in her 30's, told me she would help women who were crying and clearly did not want to go through with the abortion, to dress and leave the clinic. She was castigated by her colleagues for allowing the woman to leave the clinic.

Ellen won an out of court settlement in 1998 for psychological trauma suffered following an abortion at Melbourne's Royal Women's Hospital. (She had returned home and delivered a dead baby into a toilet). Any committee concerned about the treatment of women should take heed of her comments:

I felt cheated by a system which was trying to sweep me under the... carpet by concealing the facts...they act by desensitising a very sensitive issue. Anxiously you enter their system in a state emotionally unable to make a clear decision, guidance is needed not some medical magic you come in pregnant and go home un-pregnant. Women are not machines you can clear of a mechanical fault, we have emotions and needs which have to be addressed by the medical profession ... I shall suffer the emotional distress for the rest of my life an ironic twist on a decision which was meant to make my situation easier.

Australian women who contributed to my second book, *Defiant Birth: Women Who Resist Medical Eugenics*, also reported being subjected to severe pressure to terminate where there was a suspected foetal abnormality.<sup>4</sup>

It is wrong to omit the activities of abortion providers from any attention in this Bill. With Family Planning agencies receiving close to \$15m annually<sup>5</sup> in Federal Government funding and pregnancy support agencies only receiving,

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<sup>4</sup> See for example the story of Alison Streeter, *Defiant Birth: Women Who Resist Medical Eugenics* (Spinifex Press, 2006), p224-229

<sup>5</sup> Community Affairs Legislation Committee Examination of Additional Estimates 2005-2006 Additional Information Received, Volume 1Health and Ageing Portfolio, May 2006

\$300,000<sup>6</sup>, the scrutiny of only the latter would appear imbalanced.

For a decade up until two years ago, Sexual Health and Family Planning ACT owned Canberra's abortion clinic (until it was bought out by the international abortion clinic chain Marie Stopes International). Many women were not aware that "Reproductive Healthcare Services" was an abortion clinic. One woman, a contributor to *Giving Sorrow Words*, was unhappy with the counselling she received at RHS. She was referred to Family Planning - where she was allocated the same counsellor.

The Planned Parenthood clinic at Bowen Hills in Brisbane, which operates as an abortion clinic, cites the "nature of business" in its business registration as "Family Planning Advice."<sup>7</sup> Most people would agree that there is a significant difference between providing "advice" and performing terminations.

Women should be apprised of the connections between abortion providers and family planning agencies. Across Australia a number of directors of Family Planning and related agencies are prominent abortion activists. Some have worked in abortion clinics.

- **Impact of Abortion on Women**

There were other significant findings to emerge from *Giving Sorrow Words*.

Firstly, significant numbers of women grieve after abortion – they suffer psychological trauma which is not properly acknowledged in broader society and for which effective, professional treatment is rarely available and difficult to access.

Simone from Melbourne wrote: "I lost my spirit, the core of my being...life and love within has left me instead there is an emptiness, a nothingness, a lifelessness...there is now just misery and a void".

Julie from NSW wrote of the "deep inner pain" she experienced daily following an abortion in 1993.

I am tormented...I've lost self-esteem, inner peace, find it very difficult to find joy anywhere in life, am always depressed. I'm taking Luvox and use alcohol...and marijuana to cope with the pain of living. I always feel sad and ashamed...He or she would have started school next week.

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<sup>6</sup> Media Release, Minister for Health and Ageing, November 4, 2005

<sup>7</sup> Business Name Extract For QLD For Organisation Number BN4906111. Business Name Extract For QLD For Organisation Number BN4906111. Search conducted by Access Business Information extracted 26 May 2006.

Jane from S.A wrote:

I...silently apologise to the child I lost. The pain and grief continues because there is no acknowledgment of death, except in my heart...The shadow of my lost little girl or boy will always follow me.

The most common abortion after-effects experienced by the contributors included uncontrolled crying, dreaming of babies, grief reactions on the date the baby would have been born, fantasising about the baby, wondering if it was a boy or a girl, depression and anger. The more severe psychological responses included eating disorders, self-harm, drug and alcohol abuse and suicide attempts.

I have documented the cases of a significant number of women who suffered physical side effects, ranging from heavy bleeding sometimes for months, to infection and incompetent cervixes. Many required a second procedure to remove "retained products of conception." My book cites a number of cases where women have suffered brain damage and even death after supposedly "safe" abortions.<sup>8</sup>

In 2004, I documented the case of 16-year-old "Sarah" from Queensland, who required emergency life-saving treatment after an abortion at the Planned Parenthood clinic in Bowen Hills, Brisbane, performed by Dr Neil Hart in the clinic owned by Dr David Grundmann.

"Sarah" suffered a severed fallopian tube, a fist-sized hole in her uterus needing 200 stitches, a torn bladder and bowel and had three inches of intestine emerging from her body when she arrived at hospital. Body parts – including the baby girl's head - had to be removed. Sarah's mother said her daughter had not been warned of any possible side effects from the procedure.<sup>9</sup>

The doctor who treated Sarah said at the time that rarely a week went by when he didn't treat a woman arriving at the hospital where he worked, from abortion clinics. He cited pain, excessive bleeding, infections, perforated cervixes and bladders, ruptured uteruses and severed fallopian tubes and said he couldn't count how many times he'd removed retained fetal parts from women.<sup>10</sup>

Baby Jessica was aborted at 32-weeks gestation by Dr Lachlan De Crespigny, a Melbourne obstetrician, who injected potassium chloride into her heart before labour was induced at Royal Women's Hospital. There was a

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<sup>8</sup> *Giving Sorrow Words*, p.275-277

<sup>9</sup> Tankard Reist, 'One mum's nightmare won't go away', Canberra Sunday Times, November 14, 2004, p30

<sup>10</sup> Tankard Reist, 'Take a look at late-term abortions', The Australian, November 3, 2004, p15

suspicion the baby had dwarfism. Serious questions have been raised about the management of the case of the mother who was driven by shame and social stigma to request the termination.<sup>11</sup> The case is under examination by the Medical Practitioners Board of Victoria.

Baby J was born alive after an abortion at 22 weeks performed in a Darwin Private Hospital. She lived for 80 minutes. It is doubtful her mother was told a possible 'side-effect' of the procedure could be a crying baby.<sup>12</sup> A more recent case involved a young Sydney woman who, after being administered abortion drugs to terminate her pregnancy at 23-weeks, delivered a live baby boy into a toilet. He died five hours later. It is alleged the abortion doctor did not inform the woman of the risks of this procedure, nor warn her of the possibility of a live birth.<sup>13</sup>

However abortionists who leave women dead, maimed or psychologically injured do not appear to be the concern of those behind the "transparency" bill. While the activities of a small number of pregnancy support agencies seems to warrant legislative control, horrendous cases of maltreatment of women by abortion providers go un-noted.

Another major finding of *Giving Sorrow Words* was that very often, women were not exercising any "free choice" when it came to abortion. On many occasions, abortion providers were complicit in facilitating the coercion of partners and families, or failed to screen out women who were being pressured into abortion against their will. Mary, 23, from Melbourne is an example of a woman bullied and harassed into undergoing termination:

I was in the abortion I was crying my eyes out, saying over and over that I did not want the abortion. I was desperate; I knew it was impossible for me to stand up to my boyfriend on my own, but I thought that this 'counsellor' could support me and perhaps help him to see reason. Instead, she sided with him completely. I now had not one, but two people vigorously haranguing me; I was saying over and over that I wanted to have the baby, but the two of them just bulldozed over me completely. I felt cornered. I was sitting down, and they were both standing over me. I had once received training in how to close a sale, and I felt that this 'counsellor' must have been to the same sales training seminars. ...I just sat there and wept. I was never asked how I felt, or what I wanted. Nor was I offered any advice as to what resources were available to single mothers...Whilst I was still crying my eyes out, an appointment was made for my abortion to be carried out the following week...My heart, and my spirit, were utterly broken. I was so grief-stricken that I thought I could never go on living.

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<sup>11</sup> Tankard Reist 'No amount of hand-wringing can bring dead babies back after an abortion', On Line Opinion, September 22, 2004

<sup>12</sup> Dennis Schultz, 'Doctor slammed over abortion', The Age (<http://www.theage.com.au/news/20000411/A61127-2000Apr10.html>), April 12, 2000

<sup>13</sup> David King and Dan Box, 'Abortion doctor to stand trial' The Australian, November 26, 2005; Monica Nye, 'Counselling should have been sought before failed abortion', AAP, August 10, 2005



Susan wrote: “I felt that my ‘choice’ was not a choice at all – abortion turned out to be a very handy and socially acceptable solution to a ‘problem’ my parents and partner wanted nothing to do with.

The decision to have an abortion is often made under conditions of reduced freedom. Women who find themselves pregnant in difficult circumstances, often feel abandoned by a society which fails to provide the support she required to continue her pregnancy. There is no doubt that had this support been forthcoming, most of women I have come into contact with through writing this book would have decided to give birth to their babies.

- **Women Need Abortion Alternatives and Pregnancy Support**

Most pregnancy support agencies provide positive support and alternatives for women through practical and material aid, referral to other agencies for welfare, legal, educational and other support, apprising women of their rights to child support and other entitlements. This support is often not found elsewhere. Abortion providers do not provide services to assist women to continue their pregnancies and, in many cases, do not refer to such services. They should be transparent about this.

I wonder whether supporters of the Bill have thought about where women are to go if pregnancy support services are no longer permitted to advertise in the White Pages because they don't refer for abortion? These services are the only ones offering 24-hr access. Many women appreciate being able to contact services outside a restricted time of 9 to 5. Some women contact these agencies to talk about their negative feelings after abortion – they don't wish to contact an abortion provider to do this.

In any event, a woman doesn't need a referral from any agency to receive an abortion. And many pregnancy support agencies already advise women that they don't provide referrals because they are not medically equipped to do so.

- **Conclusion**

The focus of this ideologically-motivated Bill shouldn't be on the pregnancy support agencies which provide positive support and alternatives to women (support often not being found elsewhere). Rather, scrutiny should be levelled at the operations of too many abortion providers who fail to disclose risks and alternatives and, in more serious cases, leave women physically and psychologically damaged. Any legislation should address the false and misleading advertising of abortion providers which infer they offer counselling without doing so – or influencing women not to have counselling at all by charging additional fees for it - who claim to canvass all pregnancy options but don't, or which claim to provide non-directive counselling then push women in the direction of abortion.

Recent research shows 86 percent of Australians think that counselling should be separate from the abortion provider. Only two percent said abortion clinics were the best source of advice for women considering abortion.<sup>14</sup> Senator Stott Despoja's Bill does nothing to address the concerns of the majority of Australians.

If this committee is genuinely concerned about abuses of women's health and the lack of care shown to women, it should begin with the practices of abortion providers.

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<sup>14</sup> J Fleming & S Ewing, Give Women Choice: Australia Speaks on Abortion, Southern Cross Bioethics Institute, April 2005