

Opinion

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Abortion Review: Embarrassingly Flawed

By Anna Krohn

In February this year, Australia's National Health and Medical Research Council, formally and finally withdrew from sale *An Information Paper on Termination of Pregnancy in Australia*.

The document began its "chequered"¹ life as a report commissioned by the NHMRC which established a localised expert panel to "review the current arrangements for termination of pregnancy services" and to make recommendations that would improve the quality and reduce the "incidence of pregnancy termination."² The expert panel were drawn largely from South Australian tertiary law and women's studies departments and from staff of the public abortion provider unit in Adelaide.

The Consultation document was briefly circulated in its draft form, and quickly attracted over 200 submissions and letters, many of them critical of the Paper's methodology and assumptions. After some controversy the NHMRC quietly withdrew its official endorsement, and the Review was published as an Information Paper in 1996.

The NHMRC's current Chairman, Professor Stephen Leeder, is reported to have found the recent definitive withdrawal of the Paper, an "embarrassment". He added in the same article, somewhat cryptically, that "the topic is highly emotional and ethically sensitive... the lack of clarity that normally surrounds the debate about abortion is not something that leaves the NHMRC untouched either".³

The reasons for this significant move by the NHMRC, and for its mortification, have not been widely reported. Some people have concluded that in the heat of current controversy over the legality of abortion in Western Australia, the Research Advisory Body has retired from the Paper's forthright conclusions, with a severe case of cold feet. The pro-choice author and researcher, Leslie Cannold, in her recent and purportedly, myth-breaking book: *The Abortion Myth*, suggests that the NHMRC has retreated to some rigid pre-existing moral stance.⁴

However the reasons for the withdrawal of the Review are far less conspiratorial and far more embarrassing.

In 1995, in the pages of this publication, Dr Anthony Fisher, bioethics and health law lecturer at Australian Catholic University included in his criticisms of the then Draft

¹Professor S. Leeder in "Errors Cancel Abortion Report" M. Sweet. *Sydney Morning Herald*. 17th February, 1998.

²Forward and Terms of Reference. *Termination of Pregnancy in Australia: A Review of Healthcare Services* (Draft) NHMRC Expert Panel. 1996.

³"Errors Cancel Abortion Report" *ibid*.

⁴Leslie Cannold. *The Abortion Myth: Feminism, Morality, and the Hard Choices Women Make*. Allen and Unwin, Sydney. 1998

Review, *“Perhaps most disturbing for readers of these Notes will be the gay abandon with which scientific research and statistics are treated in the Draft...insupportable claims are made about the rates of abortion and abortion-related deaths in Australia prior to the 1970s”*.⁵

Recent investigation of source material, by the independent Canberra researcher, John Coochey, has uncovered evidence that central conclusions of the Review, are not only unsupportable, but have been built upon the erroneous or muddled use of archival and statistical data.

One of the most glaring errors involves the Paper’s use of a 1937 NH&MRC “estimate”⁶ and a medical history by Dr Edward Shorter⁷ in order to support its claim that: *“There has been a significant reduction in the abortion proportion(from one in three to one in four pregnancies)since the 1930’s... (which is in) contrast to the perception that there has been an increase in the abortion rate since legal liberalisation”*⁸.

The 1937 estimate, does not carry the Paper’s cited figure nor its certainty as to proportions. *“Accurate statistical information on this question (abortion) is extremely difficult to obtain... There were 43,335 births in NSW in 1934, and if the proportion of abortions[including spontaneous, septic and traces of illegal abortions] to births be accepted one in five, there would have been approximately 8,667 abortions during that year”*.⁹ While the Report indicates that “a change in ethical standards” even during the 1930s was leading to a increasing suspicion that some apparently “spontaneous” abortions were in fact induced, the 30% figure cannot be justified.

The Paper also apparently cites evidence given by Professor Lloyd Cox to the South Australian Select Committee 1968 that *“suggests that the number of South Australian women having abortions at that time (1968) may have been 4000 which is comparable to the current [SA] level (estimated to be in the region of 5000) per head of population.”*¹⁰

Revisiting that Select Committee Report, the reader finds that Cox, though vaguely agreeing that “there might be 4,000” abortions (spontaneous and induced) per annum in South Australia, also says: *“In spite of careful observation and of questioning of patients it is often impossible to discover whether an abortion has occurred spontaneously or whether it has been illegally induced. ...out of 677 specimens of abortion examined at the Queen Elizabeth Hospital from April 1965, to March 1967, 417 were classified by Dr S K Nayak as spontaneous abortions with definite pathological causes such as abnormalities of the foetus... 72 cases were septic abortions which may have been spontaneous or illegally induced; 10 cases were induced for medical reasons [and*

⁵ Anthony Fisher, “Opinion: Abortion Services Report - A Missed Opportunity” *Bioethics Research Notes* 7:3 September 1995 p.1

⁶ National Health and Medical Research Council. Report. Second Session, Appendix VII, June 1937.

⁷ Edward Shorter. *A History of Women’s Bodies*. Basic Books. New York. 1984.

⁸ Termination of Pregnancy. *ibid.* p 42.

⁹ Report, 1937, p 26.

¹⁰ Termination of Pregnancy. *ibid.* p 51.

therefore interpreted as being legal], and eight patients admitted to the induction of abortion.”¹¹ Professor Cox also notes to the Committee that “in other countries where abortions are freely performed, the number continues to rise”

Modern Medicare rebate statistics indicate that a steady 20% of pregnancies are lost to spontaneous miscarriage, and there is no suggestion that this rate was any lower in either the 1960s or 1930s. Despite this the Information Paper has blurred together all pregnancy losses in its effort to prove that abortion rates have fallen since legalisation. It also ignores the clear incremental increases in the induced abortion notifications, available with a simple study of successive Annual Reports of the Select Committee to the South Australian Parliament, chaired by Prof. L W Cox (hence titled the Cox Report). The Cox Reports indicate that terminations have risen in that State from 1440 pa in 1970 (6.0 per 1000 women) to 5469 in 1995 (16.8 per 1,000 women).¹² It is significant that South Australia, has a lower per capita rate of abortion than most other Australian states.

There are other errors in the Information Paper which space limitations necessarily preclude us from reviewing here.

No one pretends that it is easy to measure the statistical or ethical dimensions of the termination of pregnancies, nor can such an enormous issue be treated “neutrally”. However, a more careful use of sources is surely a minimum.

The good news is that members of the public have been assured that in the future NHMRC will introduce more stringent and wide ranging “quality control” of its reports and publications.

¹¹ Select Committee. 1968. Ibid. 22.

¹² South Australia. Parliament. *Twenty Sixth Annual Report of the Committee Appointed to examine and report on abortions notified in South Australia for the Year 1995*. p. 12