

Dangerous Remedy: Bertram Wainer and the struggle for abortion rights

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Directed by Ken Cameron, from a script by Kris Wyld

Dangerous Remedy is an interesting portrayal of the campaign waged during the late 1960s by Dr Bertram Wainer to expose police-controlled abortion protection rackets and establish the legal right to abortion in Australia.

The state-funded Australian Broadcasting Corporation network, however, marketed the 104-minute telemovie as a crime thriller, while screening it in a prime Sunday night viewing slot on November 4. The word “abortion” was not used in the film’s trailers, which meant that most people would have thought it was just another Australian police drama.

Wainer’s fight against the anti-abortion laws brought him into direct conflict with the police and the state Liberal government. In the state of Victoria doctors faced a 15-year jail term for performing abortions.

The doctor and his closest supporters were subjected to ongoing violence and intimidation. This included assassination attempts against Wainer, the fire-bombing of his sister’s home and the mysterious shooting death of Lionel Pugh, a young journalist working with Wainer. The police claimed Pugh committed suicide, but evidence that he had been collecting on the abortion rackets disappeared from his home at the same time as his death.

Dangerous Remedy, loosely based on Wainer’s 1972 book *It Isn’t Nice*, begins with a backyard abortion of a working-class girl that goes horribly wrong. Contacted by the girl’s parents, Wainer (Jeremy Sims) tries to save the young woman but she tragically dies. (Between 1967 and 1971, illegal abortions in New South Wales and Victoria, Australia’s most populous states, were the largest single cause of maternal deaths, with the majority being working class women.)

These early sections of the drama are intercut with scenes depicting an ongoing affair between Victoria Police homicide squad chief Jack Ford (William McInnes)

and Peggy Berman (Susie Porter), a receptionist for gynaecologist Dr Troup (Nicolas Bell), a long-established abortionist. Berman functions as a go-between for the doctor and the police.

Wainer, who was born in 1928 and grew up in Glasgow’s poverty-stricken Gorbals district during the Great Depression, is deeply angered over the fact that safe abortions are available only to the wealthy. He is also outraged when the police raid Troup’s surgery in 1968, seizing files and violating patient-doctor confidentiality. Troup and Berman are both arrested.

Wainer enlists the support of journalist Pugh (Mark Leonard) and his university student girlfriend Jo Richardson (Maeve Dermody) and places newspaper advertisements calling on women to contact him for advice on their rights to abortion. He then publicly accuses the police of running protection rackets with backyard abortionists.

In May 1969, Dr Charles Davidson (Mark Rafferty) is charged with “unlawfully using an instrument” for an abortion. Victorian Supreme Court Justice Clifford Menhennitt rules that a trial should proceed but declares that abortion could be lawful “if necessary to protect the physical or mental health of the woman.” It was the first ruling on the legality of abortion in Australia. Davidson is found not guilty. Despite Menhennitt’s ruling, however, Victoria’s legislation remains unchanged, with the burden of proof for a “lawful” abortion resting on individual doctors.

Wainer decides to organise abortions for three women—including a poor Italian immigrant mother who already has nine children—and challenges the state to prosecute. He is not charged and wins the support of Peggy Berman, who by this time has fallen foul of Ford and the police homicide squad. She provides sworn testimony about the abortion protection rackets.

Dangerous Remedy concludes with a radio broadcaster reporting that the state government has been forced to hold an official investigation into police corruption. The final titles reveal that three senior police officers, including Ford, were charged, found guilty and jailed. This is accompanied by some brief original footage of Wainer speaking.

Notwithstanding Wainer's courageous stand and his establishment of the Fertility Control Clinic in Melbourne in 1972, which offered public access to abortion with no upfront fees, consecutive Labor and Liberal state governments refused to change the law. Abortion was not de-criminalised in Victoria until 2008, more than 20 years after Wainer's death in 1987.

Dangerous Remedy is not without its problems, but overall it is a worthwhile attempt to explain the significance of Wainer's efforts, which remain largely unknown to most young people today.

Jeremy Sims (*Idiot Box, Underbelly*) effectively captures Wainer's stubborn determination, genuine concerns about the working class, and healthy disrespect for the powers that-be. Sims told the *Sydney Morning Herald* that Wainer was "a really strong, interesting, layered, complicated, at times unlikeable character." He clearly understands something of the complexities of this particular doctor and his life.

William McInnes as Ford and others playing leading police officers are not so convincing. They appear trapped in the crime drama genre.

Susie Porter is fine as Peggy Berman but her material is limited. Berman's transformation from a police ally to a participant in Wainer's political campaign is sudden and underdeveloped. Nothing is revealed about her early life as a single mother from a tough working class background who began her life in a Catholic children's home.

According to producer Ned Lander: "We decided to do it as a thriller, a crime story ... to do something that would really engage an audience as a crime story and then broaden it out into a bigger story about social circumstances."

Unfortunately, the "bigger story about social circumstances" is not fully realised. The production is pre-occupied with crime thriller stylings, to the detriment of deeper character and narrative development.

In one discussion with Berman, Wainer explains something of his childhood in Glasgow. But there is too little about the factors that produced Wainer—what made him the fighter for social justice that he was.

A complex figure, Wainer immigrated to Australia aged

21, worked in various jobs before resuming his studies and winning a scholarship to study medicine. After an internship, he joined the Australian army, spending two years in Papua New Guinea before taking charge of Australia's biggest military hospital, in Brisbane, where he treated wounded Australian soldiers from Vietnam.

Wainer quit the military in protest over the Vietnam War in 1966 and established a private practise in Melbourne. The war, he states in his book, was "a bloody, futile, unnecessary sacrifice on the altars of the American-Australia alliance and in defence of large corporate monopolies."

Dangerous Remedy uses documentary footage to provide a sense of the mass opposition to the Vietnam War, but this is just a glimpse of what radicalised Wainer and tens of thousands others during this time. The struggle for abortion rights in Australia was part of a series of struggles on important democratic demands in the 1960s and 1970s. These included the extension of social security benefits to sole parents, "no-fault" divorce law reforms, universal health insurance and broader access to university education.

Wainer recognised class as the main dividing line in society and regarded the struggle for abortion rights as a class question. He wrote in *It Isn't Nice*: "The tragedy of abortion in any society ... is that if you have money and influence, a medically safe operation is not hard to arrange, but if you are poor and desperately need that abortion for the welfare of the rest of the family, then the full weight of the law drives you to the humiliation and dangers of unqualified or self-induced abortion."

Made as a crime story, *Dangerous Remedy* only touches on Wainer's politics and outlook and does not delve into the broader political issues of the time.



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