What makes the substantive representation of women possible in a Westminster parliament? The story of RU486 in Australia

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Abstract

This article explores institutional and other factors facilitating the substantive representation of women in parliament. It engages with a range of indicators of substantive representation, including process/responsiveness indicators, legislative/policy outcomes and attitudinal alignment of women representatives and women in the community. It presents an Australian case study of a successful initiative by a cross-party group of women parliamentarians to facilitate access to the abortion drug RU486. It finds that critical mass, critical actors and a critical juncture were important but so was institution-building, particularly the under-studied role of parliamentary groups.

Keywords

abortion politics, institution-building, substantive representation, women parliamentarians

Introduction

In February 2006 a historic event took place in the Australian parliament. Women Senators from four different political parties co-sponsored a successful Bill that lifted a ministerial veto on the importation into Australia of the 'abortion pill' RU486. This was the first time in the 105-year existence of the Australian parliament that such cross-party sponsorship of legislation had occurred. If cross-party cooperation is relatively rare in Westminster parliaments (Mackay, 2008: 127–128), this is particularly the case in Australia, where parliamentary culture is extremely adversarial and party discipline is very strong.

The Therapeutic Goods Amendment (Repeal of Ministerial Responsibility for Approval of RU486) Bill 2005 was co-sponsored by women Senators from each of the two government parties, as well as one from the Labor opposition and one from a minor party.[1] Their actions carried high risk, flying in the face of the 'logic of appropriateness' of Westminster parliaments. Moreover, the

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event took place when the government (unusually) had majorities in both houses and had stopped accepting opposition or minor-party amendments to legislation. It is in any case extremely rare for private members' bills to be successful in Australian parliaments; only 15 had passed into law in the Australian parliament in the century preceding the RU486 Bill.

It is notable that not only was the RU486 Bill co-sponsored by women, but women were also responsible for its passage. Women Senators voted for it (24 votes to three), while a majority of male Senators were opposed (21 in favour, 25 against). Once the battle had been won and the Bill had passed the Senate, the Prime Minister allowed it to pass through the lower house on the voices, without division.

This article explores what enabled this historic breaking of Westminster norms in the interests of the substantive representation of women. It traces the factors that made it possible as well as the institutional norms that made it difficult. In particular, it contributes to what is still a relatively small literature worldwide on the role of gender-focused parliamentary bodies. This literature has pointed to the role of such bodies in supporting critical actors and enabling critical acts by women parliamentarians. The case study here supplies further insights into the potential role of such institution-building in the substantive representation of women and provides the first account of a particular kind of parliamentary body, the parliamentary friendship group.

The research builds on previous research on representation undertaken by the author as inaugural Senate Fellow in the Australian parliament. It uses process-tracing to discover what made possible the unlikely event of cross-party sponsorship of legislation, drawing on a range of sources and using the full client version of the parliamentary search tool Parlinfo. Semi-structured interviews were conducted with the four co-sponsoring Senators, as well as with other Senators and with leaders and chief executive officers of supporting non-governmental organizations (NGOs).[2] The discovery of the role of the parliamentary group in facilitating the cross-party collaboration took place in the course of these interviews and was confirmed in subsequent feedback.

Critical mass, critical actors and the substantive representation of women

Over the past decade, a rich literature has emerged on the complexities and conflicting expectations involved in the parliamentary representation of women. There has been considerable scholarly debate (e.g. Celis and Childs, 2008; Celis et al., 2008; Sawer et al., 2006) over whether, and in what circumstances, the 'descriptive' representation of women, that is, their physical presence, will be associated with the 'substantive' representation of women, defined here as parliamentary interventions and advocacy on behalf of women.

One of the concepts used to link descriptive and substantive representative representation or, rather, to explain why the former does not always give rise to the latter, has been the concept of critical mass. This is a concept borrowed from nuclear physics, referring to the quantity needed to trigger a chain reaction. By analogy it was thought that if women reached 30% of membership of organizations, a qualitative shift might occur in organizational culture that was difficult to achieve while women were still a small minority (Kanter, 1977). In investigating whether numbers alone had this effect in Scandinavian legislatures, Drude Dahlerup concluded that the concept of critical mass was less useful than a focus on critical acts that served to empower women or bring about women-friendly policy change (Dahlerup, 1988, 2006). In recent literature, those identified as performing critical acts, whether individually or collectively, are usually referred to as critical actors (Childs and Krook, 2009: 126–27).

Despite scholarly reservations, the idea of critical mass remains politically attractive and has been widely deployed in campaigns to increase the representation of women in public decision-making. In UN policy documents and national action plans, it has been suggested that once women move beyond token numbers they will be in a position to influence workplace culture and policy agendas. In the case examined in this article, critical mass was indeed a necessary although not sufficient condition for achieving a positive outcome. If women had not constituted 35.5% of Senators, the Bill would have been lost, as a majority of male Senators voted against it. As I shall examine later, the fact that the Senate is elected by proportional representation, although in other respects it is a Westminster upper house, was another relevant factor both in the achievement of critical mass and in the possibility of cross-party work. Another concept helpful in illuminating this case study is that of a 'critical juncture' (Curtin, 2008; Krook and Mackay, 2011). In this case, the critical juncture was a brief window of opportunity within an electoral cycle.

Turning to substantive representation itself, various indicators have been devised to show whether it has occurred. These include using public opinion data to test whether representatives reflect the preferences of women voters (see Campbell et al., 2009). Another approach is to use process indicators, such as the degree of interaction between descriptive representatives and organized women outside the legislature (Dovi, 2002: 735–738; Waylen, 2008). Yet another indicator of substantive representation is the taking up of issues that have their genesis in the agenda-setting and policy-framing of organized women's movements (Mackay, 2006: 182; Sawer, 2006: 104–105). As we shall see, the case of RU486 satisfies all these different indicators and, hence, can be classified as an act of substantive representation of women.

Overlapping with the indicators of substantive representation are the range of factors 'beyond numbers' that have been identified as facilitating parliamentary advocacy and interventions on behalf of women. These include the strength of women's movement mobilization in society at large and the linkages between women parliamentarians and women's movement organizations (Carroll, 2002; Sawer, 2000; Tremblay, 1998). As we have noted, women's movements are a source of women-centred policy frames as well as raising the political salience of priorities relating to gender equality; they may also provide affirmation of the value of speaking out on such issues, as we shall see occurring during this case study.

While increased attention has been paid to the role of institutional supports for the substantive representation of women, particularly the role of women's policy agencies or statutory commissions, one relatively neglected area of investigation has been the contribution of parliamentary institutions with a mandate to focus on issues of gender equality. Such institutions include standing committees/commissions on gender equality, cross-party caucuses of women parliamentarians and single-party women's caucuses. In some cases, they include women's parliaments (Piscopo, 2011).

Some research has been initiated by the Inter-Parliamentary Union (IPU) and the International Institute for Democracy and Electoral Assistance (IDEA), both of which have been important sources of support for gender-focused parliamentary institutions (e.g. Gonzalez and Sample, 2010; IPU, 2007). There have also been pioneering studies of the Liberal Party women's caucus and the Standing Committee on the Status of Women in Canada (Grace, 2011; Steele, 2002) and of cross-party women's caucuses in Africa and Timor Leste (Costa et al., 2011).

It has been argued that the institutional mandates of such bodies provide leverage beyond that of individual parliamentarians, who may have conflicting accountabilities. They are also seen as serving as an 'alternative reference group' for women politicians, validating different norms and providing personal support networks (Githens, 2003: 43; Grey and Sawer, 2005: 186), while for women in the community, they may provide accessible avenues through which to participate in the legislative process.

One type of parliamentary institution yet to be investigated in terms of its role in the substantive representation of women is the parliamentary friendship group. Such cross-party bodies are commonly found in Westminster parliaments. They are officially recognized bodies within parliaments but are not created under standing orders like parliamentary committees or commissions. In the Australian parliament, parliamentary friendship groups must be approved by the Presiding Officers, be open to all Senators and MPs, and have a minimum of 10 members, all of whom must be parliamentarians (Register of Parliamentary Friendship Groups for the 43rd Parliament, 2011). They serve as an alternative reference point to party adversarialism, being based on norms of cross-party work.

As we shall see, it was trust built up within one such parliamentary group, the Parliamentary Group on Population and Development, that contributed to the successful cross-party intervention on RU486. This case suggests that further research is merited on the potential role of parliamentary groups in substantive representation, in addition to work on other gender-focused parliamentary institutions such as caucuses and standing committees. One aspect of gender-focused parliamentary institutions is that men may play a significant role in the substantive representation of women through them. This can be seen both in this case study and in the 2011 election of a male chair by the Committee on Women's Rights and Gender Equality of the European Parliament.

The genesis of the RU486 Bill: Abortion politics in Australia

The case that is the subject of this study begins with political contingency. In 1996, a newly elected conservative federal government (a Coalition government of Liberal and National Parties) wished to privatize part of the publicly owned telecommunications corporation. However, the Australian Senate is elected by the Single Transferable Vote (STV) form of proportional representation; the government does not usually have a majority in this chamber and did not on this occasion. One opponent of the sale was an Independent Senator with strong Catholic beliefs, Senator Brian Harradine from Tasmania. In order to obtain his vote, the government agreed to his demand that abortifacients such as RU486 be classified as 'restricted goods' and that ministerial approval be required for their importation rather than the normal drug approval process. He successfully moved an amendment to the Therapeutic Goods Act to this end, with the support of both government and opposition.

The only votes against the Harradine amendment came from minor-party Senators, who cited the representations made by women's organizations such as the National Council of Women and the Australian Women's Health Network. This was not a conscience vote for the major parties, so all the major-party women Senators voted for it, although one Labor woman Senator raised strong objections in the Second Reading Debate. Critics outside the parliament commented that this was a deal made by male party leaders at the expense of women's options. By contrast, when anti-abortionists in Austria tried to use RU486 to reopen the issue of abortion in 1998–1999, all political parties, even the most Catholic, said 'yes' to the drug (Köpl, 2001: 30–33).

Abortion has been generally available in Australia for the last 30 years and is covered by Australia's health insurance scheme, Medicare. All survey data, such as those from the Australian Election Studies and the large Australian Survey of Social Attitudes (AuSSA), show that overwhelming majorities of Australians support women's right to choose – for example, 81% in 2003. While male and female support for abortion is similar overall, women are much more likely than men to 'strongly agree' to the right to choose, and women of childbearing age even more so (AuSSA, 2003).

A major consequence of the import restriction imposed in 1996 was that despite public opinion favouring the right to choose, only surgical abortion was available in Australia and not medical abortion. Professional medical opinion became increasingly critical of this situation, particularly with the accumulating evidence from years of use of RU486 in other countries. It was a professor of obstetrics and gynaecology at a North Queensland university campus, Professor Caroline de Costa, who began campaigning to lift the ban on RU486. In 2005, she published an article in the *Medical Journal of Australia*, highlighting the plight of women in rural Australia unable to access terminations even when medically indicated (de Costa, 2005, 2007). On the day the article was published, the Australian Medical Association and the Royal Australian and New Zealand College of Obstetricians and Gynaecologists issued supporting statements.

De Costa had become convinced of the need for chemical abortion by the distances of Far North Queensland. Abortion services were only available in one town in a region extending 1000 kilometres from north to south and 800 kilometres from east to west. The significance of the issue for women in rural Australia was to be an important factor in winning support from women in the government parties who held rural seats. Outside parliament, the Rural Doctors Association also became an important player in the campaign.

While medical opinion was mobilizing in favour of RU486, the 2004 federal election was seen by many as confirming the growing power of a religious Right in Australian politics (Maddox, 2005; Warhurst, 2007). The Coalition (Liberal–National Party) government had an unprecedented number of senior figures with strong religious views and had benefited from an exchange of electoral preferences with Family First, a new party with a Pentecostal base. Significantly, while surveys indicated that the vast majority of the Australian population supported the right to choose, one exception was Liberal and National Party candidates for the federal parliament. For example, in 2001, only 30% of Liberal and National Party candidates were pro-choice (Betts, 2004: 26).

After the 2004 election, conservative politicians were increasingly outspoken over the number of abortions taking place in Australia. Minister for Health Tony Abbott had already expressed his belief that the practice of abortion had been reduced to a question of the mother's convenience and that the 'fact' (later shown to be wrong) that 100,000 Australian women chose to destroy their unborn babies every year was a national tragedy (Abbott, 2004: 5). Other vocal opponents of abortion in the federal parliament, including the Health Minister's Parliamentary Secretary, mooted a range of legislative measures to make access to abortion more difficult, including restriction of Medicare funding. Given evidence of continuing community support for abortion and outspoken opposition by women in his own party, the Prime Minister closed down this particular debate. However, the Minister for Health continued with his own initiatives such as increased funding for pro-life pregnancy counselling services.

Women Senators' anger at such attempts to set the agenda on reproductive health by what they labelled the 'God squad' was part of the background to the cross-party work of women in 2005–2006. But as well as inspiring cross-party work by women, the salience of religion in politics is also an impediment. There is a strong Catholic influence within the Right of the Australian Labor Party, epitomized by the power of the Catholic leadership of the Shop, Distributive and Allied Employees Association (SDA). The SDA is now the largest trade union affiliated to the Labor Party and dominates its powerful Right faction. Women Senators who have gained pre-selection with SDA backing are expected to follow the SDA line on issues such as abortion.

Women Senators become critical actors

Although, as we have already noted, cross-party women's caucuses have become important in developing democracies, there are relatively few precedents for cross-party cooperation among women in older democracies with strong party systems. Indeed, 'cross-party cooperation among women MPs is usually considered suspicious' (Dahlerup, 2006: 518). There are exceptions, such as the cross-party alliances among women that occurred in the Finnish parliament in the 1990s on issues such as prostitution and gender equality policies (Holli and Kantola, 2005: 63). But there do not seem to be any examples internationally of the co-authoring of a private member's bill by women in both government and non-government parties as occurred in Australia in 2006.

The issue on which cross-party cooperation by women parliamentarians has been most visible in both Australia and other Westminster countries such as Canada has been that of reproductive rights (Haussman, 2001: 81–84). One reason is that conscience votes, also known as 'free votes', are traditionally granted on abortion and related issues. Hence, cross-party cooperation, however much against the grain of Westminster adversarialism, does not usually involve crossing the floor on a party vote. The closest forerunner to the events in the Australian Senate in 2006 occurred at the sub-national level in Australia in 2001. In that year, cross-party work by women in the Tasmanian parliament, supported by 'People for Choice', resulted in successful abortion law reform. All 11 women in the two houses of the Tasmanian parliament participated in the drafting of a private member's bill, which was then put forward by the female Health Minister.

In the Australian Senate, the increased presence of women together with anger at agenda-setting on reproductive health matters by the religious Right were to be relevant to the emergence and success of cross-party work by women Senators. Another relevant factor was the political culture of the Senate, usually regarded as less adversarial than the lower house and reflecting more the kind of culture associated with 'consensus democracies' based on proportional representation. The lower house is elected from single-member electorates and displays all of the characteristics of Westminster majoritarianism, as contrasted with the kind of negotiation required in an upper house where minority parties or independents hold the balance of power. Nonetheless, this contrast between majoritarianism and modified majoritarianism (Lijphart, 1999) should not be taken too far, given overriding Westminster norms of party behaviour.

The number of women in the Senate has increased to critical-mass levels thanks to a favourable electoral system (STV) and the adoption by the Labor Party of enforceable quotas in 1994. After the 2004 federal election, women constituted 35.5% of Senators, although they were unevenly distributed across the parties, making up 46% of Labor but only 24% of Liberal Senators (the Liberal and National parties do not use quotas, regarding them as patronizing to women).

Moreover, most of the Labor women Senators were members of a feminist organization supporting 'progressive' women candidates. Since its establishment in 1996, EMILY's List has provided career resources such as campaign support and mentoring to endorsed Labor women candidates committed to the right to choose and other gender equity issues. It serves as a significant institutional support for feminist parliamentary interventions and as a feminist network for Labor women and their supporters (Sawer, 2006).

The Senate electoral system has also enabled the representation of minor parties in which women occupy leadership positions. The timing of the creation of 'post-materialist' parties such as the Australian Democrats and the Greens meant that they lacked much of the institutionalized gender bias of the older parties. They were created after the arrival of second-wave feminism, were based on participatory principles and were welcoming to women. It was the female-led Democrats, with their long familiarity with legislative amendments, who initiated the RU486 intervention in

2005 by tacking an amendment onto a government bill and refusing to withdraw until the Prime Minister had provided facilities for a separate private member's bill.

Three out of the four Green Senators after the 2004 election were also women.[3] The Greens brought to parliament a background in community protest and 'dissent events'. As the Second Reading debate began on the RU486 Bill, one of the Green Senators was wearing a T-shirt distributed by the Young Women's Christian Association (YWCA): 'Mr Abbott, Get your rosaries off my ovaries'.

For two of the women Senators who co-sponsored the RU486 Bill and two of those who organized the numbers, this was a significant opportunity to make their mark before their departure from parliament. Liberal Senator Judith Troeth had become one of the 'small l' Liberals expressing open dissent from government policies on refugee issues and was nearing the end of her political career. Democrat Leader Lyn Allison was unlikely to be re-elected due to the collapse of her political party. Senator Ruth Webber, the 'numbers person' for the Bill in the Labor caucus had lost pre-selection and so was in her last term in the Senate. Government Whip, Senator Jeannie Ferris, who played a similar role on the Liberal side, was about to retire.[4]

But it was not only those with 'nothing to lose' who joined the campaign. Senator Fiona Nash was at the start of her political career and a member of the most conservative of the established political parties, the rural-based Nationals. When the Prime Minister agreed to a private member's bill on RU486 it was on the condition that it was introduced by a government member. Feeling strongly on the issue, Senator Fiona Nash agreed to be its sponsor but promptly consulted the more experienced Allison. Three days later, the cross-party Bill was ready, co-sponsored by four women Senators. Nash came under heavy pressure from front-bench colleagues to drop her sponsorship. Yet, despite a threat to her pre-selection, she persisted and later became her party's Deputy Leader in the Senate.

Another government member, Dr Sharman Stone, promoted to the ministry just before debate on the Bill, risked her hard-won promotion. She represented a rural seat in the lower house and received considerable media coverage for a letter to the Parliamentary Secretary to the Minister for Health asking that the ban on RU486 be lifted. Like the North Queensland professor of obstetrics who sparked off the debate, Stone was particularly concerned with the plight of women in rural and regional Australia. When the government stalled on allowing a conscience vote, Stone announced that she would cross the floor in its absence. Feminist email networks generated messages of support for critical acts such as this to ensure that the actors knew their efforts were appreciated (e.g. Ausfem-Polnet, 13 October 2005). While their interventions were not so radical, two women cabinet ministers also risked their ministerial colleague's wrath when they voted for a bill reducing his power (Farr and Rehn, 2006).

Senator Claire Moore, the Labor co-sponsor of the RU486 Bill, was not at the end of her career but had strong links to women's advocacy organizations, which, as we have seen, are one of the best predictors of feminist interventions by women parliamentarians (Carroll, 2002). Moore was a co-convenor of EMILY's List and Deputy Chair of the Parliamentary Group on Population and Development (see later) at the time of the RU486 Bill.

Since these critical actors were present in the federal parliament, why did their successful cooperation and intervention have to wait until 2006, given that the RU486 restriction had been in place for a decade? As early as March 2001, the Australian Democrats had attempted to amend an earlier Therapeutic Goods Bill to remove the RU486 restriction but had not attracted support from other parties, despite an explicit appeal to Labor women Senators. One answer relates to timing – 2001 was an election year, when party competition is at its most intense, making cross-party work more difficult. The 2005–2006 intervention was much better timed in terms of the election cycle.

In relation to timing, however, it is important to note how short the window of opportunity (or critical juncture) was to be. When women Senators attempted to maintain the momentum of their

Figure 1. Co-sponsoring Senators, left to right: Lyn Allison (Democrats), Judith Troeth (Liberal), Fiona Nash (Nationals), Claire Moore (Labor). © Andrew Taylor, Fairfax Syndication.

RU486 legislation, there were mixed results. They succeeded with a cross-party proposal for a Senate inquiry into gynaecological cancers and the bringing forward of a Gardasil vaccination programme for girls. However, they were unable to obtain party support for a co-sponsored bill on truth in advertising in pregnancy counselling.[5] The time for such initiatives had passed with the approach of the next federal election. The Labor Party, for example, did not want to jeopardize solidarity within its own ranks over the issue. It has been noted here that timing is important not just in relation to the electoral cycle, but also in relation to the career stage of individual politicians, although at least one was prepared to risk her advancement to the ministry over RU486.

Institutional support: The Parliamentary Group on Population and Development and the Australian Reproductive Health Alliance

The unprecedented success of the RU486 cross-party intervention by women in the federal parliament cannot be explained only in individual terms by reference to critical actors, or by reference to timing and critical junctures. Another vital factor was the institution-building that had taken place inside and alongside parliament. As already noted, EMILY's List members in the federal parliament provided a solid core of support for the RU486 Bill and some of the key players in the Labor caucus.

Two other bodies, also dating from the mid-1990s, had been established to promote the landmark agenda adopted by the 1994 UN International Conference on Population and Development (ICPD) in Cairo. The Cairo conference was notable for achieving the adoption of population policies centred on reproductive health and gender equality, particularly access to education and choice. Since the Cairo conference, the religious Right had become more strongly organized at the

international level, so that the formation of support bodies was a defensive as much as a promotional exercise. The Parliamentary Group on Population and Development in the Australian parliament was created in 1995, at a time when similar parliamentary groups were being established in countries all over the world to support the Cairo Programme of Action. They were part of the international advocacy network seeking to defend and carry forward the gains made at Cairo.

In general, parliamentary groups can certainly promote substantive representation in term of responsiveness, as can be seen from the mission of the 'Parliamentary Friends of LGBTI Australians' in the Australian parliament. This group seeks to provide 'feedback for Senators and Members on the opinions and concerns of LGBTI (Lesbian, Gay, Bisexual, Transgender and Intersex) community groups and a forum to meet and interact with LGBTI community groups' (Register of Parliamentary Friendship Groups for the 43rd Parliament, 2011). While there are also Parliamentary Friends of Multiculturalism and of groups with different disabilities, the only parliamentary group specifically dedicated to gender equality is the Parliamentary Group on Population and Development.

The Parliamentary Group on Population and Development has a government chair assisted by opposition and minor-party parliamentarians. Its mission is to 'support the empowerment of women and girls through a commitment to gender equality and the advancement of women as set out in the ICPD Programme of Action and reaffirmed by the Millennium Development Goals'. Its objectives pointedly include the advocacy and promotion of 'evidence-based policies and legislation'. The Parliamentary Group has had some very energetic chairs, including Liberal parliamentarian Dr Mal Washer, who was the most dedicated and outspoken male supporter of the RU486 Bill.

For all the Senators involved in the RU486 Bill except Senator Nash, it was the networking and trust created through the Parliamentary Group that paved the way for further cross-party work. It was at the time of Independent Senator Brian Harradine's valedictory speech in 2005 that women parliamentarians at a meeting of the Parliamentary Group started swapping stories and decided that they should do something to undo his anti-abortion legacy. Harradine had been responsible not only for the restriction on RU486, but also for halting the sizeable family-planning component of Australia's aid programme and bringing about big cuts in this area. In these discussions, his legacy was linked to the level of maternal mortality in the region.

Later, in 2005, it was at a meeting of the Parliamentary Group that all the elements of the RU486 campaign came together. It was held a week after the headlines over Professor de Costa's article in the *Medical Journal of Australia*. North Queensland-based Labor Senator Jan McLucas arranged for de Costa to speak at the meeting, which was to launch the UN Population Fund's annual 'State of the World Population' report. Also present at the meeting were almost all of those who were to become critical actors in the subsequent campaign: women politicians of the Parliamentary Group and NGO representatives from Reproductive Choice Australia (RCA), Children by Choice and the Australian Reproductive Health Alliance (ARHA).

ARHA was the extra-parliamentary body established to promote the undertakings made by the Australian government at the Cairo conference. US philanthropic foundations and the UN Population Fund were providing support for the creation of such bodies in donor countries. Its mission was to conduct public information campaigns and provide a secretariat for the Parliamentary Group. Australia, being a developed country, has generally not benefited from overseas donors in the development of institutions to promote gender equality, but this was one exception. Overseas philanthropic and UNFPA funding enabled the employment of staff well beyond the capacity of most feminist advocacy organizations; in 2006 it had around 10 staff.

The establishment of ARHA was very timely given the change of government in 1996 and the new influence of conservative Christians inside the government and holding the balance of power in the Senate. As already noted, an Independent Senator holding the balance of power was able to pursue

anti-choice agendas both within the overseas development assistance programme and domestically in Australia. ARHA was able to dedicate at least one person to servicing the Parliamentary Group, furnished it with a well-designed website and prepared research material for submissions and speeches.[6]

When work on the co-sponsored RU486 Bill got under way in earnest in late 2005, ARHA provided crucial back-up, including the commissioning of a poll on RU486 by leading polling company Newspoll. It found only 21% of Australians to be opposed to the availability of the drug. Despite the Christmas holidays, ARHA, in conjunction with RCA (see later), quickly produced a briefing document countering the misinformation being circulated by pro-life groups.

Copies of *RU486/Mifepristone: A Factual Guide to the Issues in the Australian Debate* (ARHA and RCA, 2006), with its attractive cover photos of mothers and babies, were sent to parliamentarians and journalists and were carried into the chamber by Senators when parliament resumed. ARHA also promptly bought up internet domain names beginning with RU486 to pre-empt the newly formed coalition, Australians Against RU486.

Divergent elements of the constituency 'women'

The two major advocacy groups outside parliament involved in the campaign over RU486 were the professionalized ARHA, somewhat constrained by its charitable status, and the feminist pro-choice coalition RCA, which lacked this constraint. The service provider, Sexual Health and Family Planning Australia, which has considerable overlaps in membership with feminist advocacy bodies, also joined in the campaign to counter misinformation about Mifepristone.

RCA was formed in order to create a strong national presence to counter the continuing threats to abortion rights being voiced by the federal Health Minister. Because abortion is basically a matter for State and Territory governments within Australia's federal system, NGO organizing over abortion at the national level has been somewhat intermittent. RCA was launched at Parliament House in Canberra in June 2005 with many politicians attending to signal their support for what was to be a significant political base for the work done inside parliament.

RCA represented some 20 organizations, including State-based pro-choice coalitions and long-established advocacy organizations such as Children by Choice, Women's Electoral Lobby and the Australian Women's Health Network. Like most feminist advocacy organizations, RCA lacked money, but the relatively resource-rich ARHA was able to provide assistance to boost its internet presence.

RCA did have experienced lobbyists such as Cait Calcutt of Children by Choice, and talented writers such as Dr Leslie Cannold, who had ready access to opinion pages and wrote many 'op-ed' pieces during the campaign. Both campaigned continuously during the months leading up to the passage of the Bill. Another resource acquired by RCA was a close relationship with the new online campaign organization GetUp! founded a few months before (inspired by the American MoveOn). GetUp! has more members than all the Australian political parties combined and its big electronic petition on RU486 received much media coverage when it was presented to the Bill sponsors outside Parliament House. The petition was tabled during the debate, presenting an alternative perspective to the many hand-written letters prepared after church services.

Opposition to the RU486 Bill came from one pro-choice feminist constituency – radical feminists opposed to chemical abortion as part of a more general opposition to new reproductive technologies. Renate Klein was one of the founders of the Feminist International Network of Resistance to Reproductive and Genetic Engineering (FINRRAGE) in the 1980s. She was a co-author of the 1991 book *RU486: Misconceptions, Myths and Morals*, and long-time opponent of the use of women's bodies as sites for medical experimentation and corporate profits. Even before the Bill

was introduced, she was addressing parliamentarians on the 'no' case; she wrote to all Senators and Members as well as providing a submission and giving evidence when the Bill reached the committee inquiry stage. She argued that RU486 had adverse effects on women, like many of the products of the pharmaceutical industry. Klein, together with Sheila Jeffreys and Susan Hawthorne, were the most prominent continuing representatives of radical feminism in Australia; they made some vigorous interventions on the feminist e-list Ausfem-Polnet, but theirs was very much a minority viewpoint.

Much broader opposition came from the Right to Life organizations in existence since the 1970s and a more purpose-built organization, Australians Against RU486, headed by a former press secretary of Minister Abbott. There were some 4000 submissions to the Senate Inquiry into the Bill, many of them letters or submissions opposing the Bill. This has been characteristic of law reform relating to abortion, where church networks have tended to operate much more effective write-in campaigns than pro-choice organizations.

Another new organization, Women's Forum Australia, had also come into being in 2005, describing itself as an 'independent women's think tank'. Its founding director was Melinda Tankard Reist, a high-profile pro-life campaigner, author of *Giving Sorrow Words: Women's Stories of Grief After Abortion*, and a former advisor to Senator Brian Harradine, responsible for the ban on RU486.[7] Following trends in the US, there has been a shift in Australian pro-life discourse to give it a more feminist flavour. This is signalled by a focus on the harm to women of abortion rather than the rights of the foetus (Cannold, 2002; Rose, 2011).

The meaning of the RU486 experience for the Senators involved

All of the Senators involved in the RU486 Bill found the process an empowering one, and all except one (subject to the greatest pressure from conservative party colleagues) were committed to maintaining the momentum by joining in new cross-party initiatives. One Senator, from the conservative side of politics and without direct experience of the women's movement, was particularly impressed by the experience of this collective work, with no one person seeking to take the credit.

Another Senator, this time with women's movement experience, suggested that it was those with a community background who were more likely to see the advantages of cross-party work to achieve results on issues. Those whose whole career had been in party-related work ('party hacks') were more likely to see other parties as the enemy and fail to see the point of cross-party work, for which credit would have to be shared. This Senator also emphasized the role of EMILY's List in ensuring a guaranteed number of votes that could be counted on by the Bill's co-sponsors.

The RU486 debate was like other debates involving the substantive representation of women, in terms of the introduction of deeply personal experiences into parliamentary debate. In her Second Reading Speech, Senator Lyn Allison, Leader of the Australian Democrats, made the following statement:

> it is galling to listen to the men – and it is mostly men – who have such contempt for women who terminate unwanted pregnancies, who have neither compassion nor understanding of the huge and, for many, daunting task of taking an embryo the size of a grain of rice to adulthood … Women are fully human. We can be trusted to make reproductive health decisions for ourselves or to share those decisions with those we trust. An estimated one in three women have had an abortion, and I am one of them. (Allison, 2006: 95)

All federal parliamentarians received an avalanche of material from Right to Life organizations, including confronting images of aborted foetuses. This was counterproductive, persuading a couple of parliamentarians to switch to support of the Bill in reaction to the 'over-the-top' methods. Nonetheless, it was personally distressing for the Bill co-convenors, who included a practising Catholic (Senator Moore) and a very new Senator (Senator Nash). In response to such pressures, the women Senators adopted various strategies to help protect each other.

The Senators themselves saw the passage of the Bill as a historic breakthrough. Success was particularly gratifying as some had been warned by colleagues that they were bound to fail, and that they might set back the right to choose by years. The breakthrough resulted in newspaper headlines such as 'Win gives scope for parliamentary sisterhood' (Dodson and Peatling, 2006; Summers, 2006). The women Senators were widely acclaimed for standing up for women and making a difference at last. There had been some disillusion over the silence of the increased number of women in parliament over measures with disproportionate impact on women. Indeed, they had been described as 'political eunuchs' by a former head of the federal Office of the Status of Women (Summers, 2003: 199–224). This was akin to the reaction to the 'Blair Babes' in the UK when they failed to speak out against cuts to lone-parent benefit (Childs, 2004: 6).

The women involved, both inside and outside parliament, certainly felt empowered by the success of the Bill, and proceeded immediately to embark on other interventions. But, as we have seen, a second cross-party bill on pregnancy counselling did not gain support. Party rooms did not regard cross-party initiatives, however worthy, as offering a 'win' for the party. A cross-party initiative on sex education also ran aground. The window of opportunity in the electoral cycle had passed, with the approach of another federal election and the hardening of party lines.

It was unclear whether the success achieved on RU486 could be repeated outside the reproductive health area. Most cross-party work by women parliamentarians in Australia has been issue-specific; either connected to abortion law reform or to other women's health issues. So while one might predict that women parliamentarians will take joint action if there is a threat to the accessibility or public funding of abortion, broader cooperation to achieve the substantive representation of women is more difficult to envisage. The presence of critical mass and critical actors is likely to be overwhelmed by political polarization and strong party discipline.

Conclusion

The passage of the co-sponsored RU486 Bill was widely viewed as a win for women. Apart from the policy outcome, the campaign involved mutual recognition and close interaction between women inside and outside parliament advocating the right to choose, so it satisfied the process and responsiveness indicators of substantive representation. It also demonstrated an alignment between the attitudes of women representatives and those of women in the community, as revealed by public opinion research, so it satisfied this indicator. Some feminists in the community lobbied against the Bill, but they were a small minority of the women organizing behind a collective identity as women.

In terms of the 'how' question, this case study confirms that critical mass, critical actors and a critical juncture are important, but that institution-building also plays a crucial role in making substantive representation possible. The case study showed the significance of a range of institutional supports, both inside and outside parliament. These included NGOs that were much more professionalized than in the past, bridging the gap between community and professionalized

politics and providing the resources needed for parliamentarians to be effective on an issue, including opinion-polling. But the key contribution of this study is to draw attention to the role of gender-focused parliamentary institutions, in this case a parliamentary group. The Parliamentary Group on Population and Development provided a safe space for politicians to meet across party lines and to relate to an external constituency, enabling the growth of networking and trust. It was able to exercise leverage beyond that possible for individuals, however committed those individuals might be.

I have provided evidence that parliamentary institutions can be an enabling factor for feminist interventions and important to answering the 'how' question concerning substantive representation. Such parliamentary institution-building has an independent significance for the carrying forward of agendas after critical actors have moved on. However, as Fiona Mackay (2009) reminds us, attempts to nest institutional innovation within broader political structures with long-established norms and dynamics will always be fragile. In Westminster countries, the strength of existing traditions of adversarial political conduct is likely to overwhelm the cooperative behaviours and community responsiveness fostered in new institutional spaces like parliamentary groups.

For this and other reasons, research on gender-focused parliamentary institutions must encompass the crucial question of sustainability. While institutional research has often focused on questions of 'stickiness' or path dependency, when we turn to institutions created by or in response to the women's movement, the question of sustainability moves to centre stage. Whether these institutions are located within parliament, the bureaucracy or the women's service sector, the dangers of mainstreaming, streamlining or other forms of disappearance are very real. So attention to the role of gender-focused institutions in supporting critical actors and enabling critical acts needs to be accompanied by attention to how such institutions can be sustained over time as well as at many levels in a globalizing world.

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Notes

1. The four women Senators co-sponsoring the Bill were Senator Fiona Nash (Nationals), Senator Judith Troeth (Liberals), Senator Claire Moore (Labor) and Senator Lyn Allison (Leader, Australian Democrats).
2. Interviews were conducted with eight Senators from five parties in March/April 2007 at Parliament House, Canberra. Interviews were also conducted with spokeswomen for the Australian Reproductive Health Alliance (ARHA), Reproductive Choice Australia (RCA) and Women's Electoral Lobby (Australian Capital Territory). Unreferenced narrative in this article is based on these interviews, which were politically sensitive and granted on a non-attributable basis.
3. By 2011, women comprised six of the nine Green Senators.
4. In the event, she died of cancer in 2007, before her term came to an end.

5. The Pregnancy Counselling (Truth in Advertising) Bill 2006 was co-sponsored by Senator Stott Despoja (Australian Democrats), Senator Judith Troeth (Liberals), Senator Carol Brown (Labor) and Senator Kerry Nettle (Greens).
6. In 2011 the role of servicing the Parliamentary Group was transferred from ARHA to CARE Australia, due to ARHA's increased financial problems.
7. Copies of *Giving Sorrow Words* were distributed to all Members of the Tasmanian Parliament at the time of abortion law reform there in 2001.

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