



**MAKING A DIFFERENCE—A FRONTIER  
OF FIRSTS**

**WOMEN IN THE WESTERN AUSTRALIAN  
PARLIAMENT 1921–2012**

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and  
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## **CHERYL MAY DAVENPORT**



MLC South Metropolitan Region 22 May 1989–21 May 2001 (ALP). Deputy Chairman of Committees 1993–1996. Shadow Minister 1997–2001. Member several standing committees including Legislation; Delegated Legislation; and Public Administration.

Cheryl Davenport was elected to the Legislative Council in 1989 as one of the Labor team for the South Metropolitan Region and was then re-elected for two further four-year terms. From her perspective, the crowning achievement of her 10 years in the Council was the successful passage in 1998 of her private member's Bill providing for major abortion law reform in Western Australia. The protracted and difficult process by which this was achieved is described in greater detail in her own reflections on the issue. As a backbench member, Cheryl also built up a substantial record of standing committee and party room service and she was a Deputy Chairman of Committees throughout most of her second term in Parliament.

Cheryl was born in Pinjarra on 19 January 1947, daughter of small business proprietor Frederick Herbert (Ted) Crockenberg and Edith May (nee Nelson). Cheryl was educated at North Dandalup Primary School and Pinjarra Senior High School to Junior Certificate level and then completed a Diploma of Business Studies at Underwood Business College in Perth. Almost 25 years later she undertook part-time study at Murdoch University. Between 1964 and 1970 she assisted in her parents' business and was then employed as secretary to the service manager at Wentworth Motors in Subiaco until 1971, and for a further year as an administrative assistant with Pinjarra Motor Service.

During the 1960s her father had three times contested the safe Liberal seat of Murray for the ALP as well as one Legislative Council election, and Cheryl joined the ALP herself in 1968. Between 1971 and 1973 she was secretary of the Mandurah branch before moving to employment in the head office as secretary to the State Secretary of the ALP (WA branch), which position she held, apart from a year's absence on leave, until 1981 when she was appointed electorate officer to Senator Pat Giles. During the next eight years, culminating with her election to Parliament in 1989, she was secretary and then president of the Greenwood–Warwick branch, an ALP trustee from 1983 to 1986, and then state junior vice-president.

The *Hansard* index of speeches over the years indicates that Cheryl spoke much more frequently after 1993 when her party went into Opposition. In her Inaugural Speech in September 1989, she devoted a significant part of her contribution to the Address-in-Reply debate to the question of abortion reform, conceding that few other proposed social reforms:

... have the power to engender so much passion and emotion from the community, church and political parties.<sup>1</sup>

Earlier in the speech she described herself as ‘humble and proud’ to be part of the first Legislative Council to have five women members at the one time (compared with seven in 1999). At the same time she offered a warning to prospective female parliamentary candidates, referring to her problems as a supporting parent in ‘obtaining child support to accommodate the different demands of the work—campaigning, parliamentary sessions and constituent work’ as ‘a real education’.<sup>2</sup> As a strong advocate of affirmative action, she congratulated the ALP ‘for its courage and confidence’ in adopting progressive rules of that type<sup>3</sup> and in September 1994 expressed ‘great pride’ in the decision of the ALP Hobart Conference to provide for 35 per cent of Labor members in Parliament to be women by the year 2002.<sup>4</sup> In the following year, she attempted unsuccessfully to provide for the appointment of a Joint Select Committee on Women in Parliament which would have examined the extent of and the reasons for the impediments to women standing for Parliaments and potential strategies including modifying parliamentary procedures which could be utilised to redress the balance.<sup>5</sup> Three months earlier a similar motion had been moved in the Legislative Assembly by Judyth Watson (q.v.). One setback for Cheryl in her promotion of women within the ALP came prior to the 1998 federal election when she resigned from the Women’s Interests portfolio in the shadow ministry in protest against the failure to select a female candidate for the marginal federal seat of Cowan.

Another issue to which Cheryl gave particular attention encompassed proposals to modify the laws relating to adoption and the rights of adopted children and their biological parents. In a lengthy speech on the Adoption Bill (No 2) 1994 she made reference to her own mother, the daughter of a domestic worker whose aunt and uncle decided to take the baby as their own child:

The secrecy arose in that no-one told my mother who her mother was, and her biological mother was not allowed to acknowledge that she was her mother. My mother did not officially find out who was her mother until she went to get her birth certificate when she was in her mid-20s ... [Moreover] my mother did not want her children to know that she was adopted, and I did not find out until my son was two years old.<sup>6</sup>

In reflecting on this episode, and on her mother’s subsequent anger when she discovered that her children had been told about the adoption, Cheryl reminded the House that:

When legislating we must remember that although we have great sympathy for the relinquishing mothers or the adoptive parents, the child is paramount. This gives rise to a

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<sup>1</sup> *WAPD(LC)*, 6 September 1989, p. 1801.

<sup>2</sup> *Ibid.*, p. 1800.

<sup>3</sup> *Ibid.*, p. 1801.

<sup>4</sup> *WAPD(LC)*, 27 September 1994, pp. 4844–4845.

<sup>5</sup> See *WAPD(LC)*, 7 September 1995, pp. 7821ff.

<sup>6</sup> *WAPD(LC)*, 6 April 1994, pp. 11447–11448.

philosophical argument which may arise in this debate. Children have rights, and adults have rights. It is very difficult to know where those rights begin and end ... In considering the adoptive parents' or relinquishing parents' ability to put in place ... a veto ... the child, who is the innocent party, is not being put first ... Under the basic principles of human rights, in my view, everybody has the right to know where they came from.<sup>7</sup>

Other issues on which she felt strongly included changes to the labour relations laws, Aboriginal reconciliation and the prospects of Australia becoming a republic.

The 1993 Workplace Agreements Bill in her view would have the effect of putting 'the aspirations of working men and women in this State back 100 years' and was designed to bring about 'the vicious destruction of the Western Australian trade union movement as we currently know it'.<sup>8</sup>

Her relationship with the Aboriginal people went back to her experiences at school in Pinjarra:

I saw some fairly horrible incidents in the treatment of Aboriginal children in the classroom by various teachers, which made me very sad. I was often in trouble because I believed in sticking up for others ... I also saw incidents where Aboriginal children received special treatment if they were good at sport ... It is fair to say that my early experiences as a 13 to 15-year-old at high school awakened my political awareness, and I have always believed that somewhere along the way we as a community must move towards a process of reconciliation and try to include Aboriginal people in the community in the same way as non-Aboriginal people.<sup>9</sup>

Finally, her first consciousness of wanting an Australian republic dated from 'the sacking of the Whitlam Government' and from her perspective:

Moving towards a republic is part of the process of Australia identifying its own character, and having confidence in its place in the world. Part of that confidence should be exhibited in this country's having as its head of State an Australian with the sense of the uniqueness of the Australian culture but with a sense of our heritage and an acknowledgement of the important role Britain has played in our heritage ... I hope that the status quo conservatism in Australia can be conquered sufficiently ... so that, in celebrating 100 years of federation in 2001, we can also celebrate a free, independent, republican Australia.<sup>10</sup>

The move towards a republican Australia has been at least temporarily stalled, but Cheryl's retirement from the Legislative Council in May 2001 witnessed her engagement in a range of important roles at the cutting edge of policy which are detailed in the Addendum to her 'Reflections'. Significantly, she raised the need for parliamentarians to prepare themselves for life after Parliament. She had become a Co-Convenor of Emily's List (Australia) and was delighted to witness a steady increase in the number of women members of Parliament. She was soon appointed by new Premier Dr Geoff Gallop to lead the Taskforce on Active Ageing. Later she turned her skills to working voluntarily as Chair of the WA Network of Alcohol and other Drug Agencies. Indeed, in July 2011 she rejoined the paid workforce on a two-year contract to become chief of staff to the Norfolk Island Government Ministry. Cheryl must have realised how she 'made a difference' when, as detailed in her Reflections, she was

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<sup>7</sup> Ibid., 1147–1149.

<sup>8</sup> *WAPD(LC)*, 14 September 1993, p. 3625.

<sup>9</sup> *WAPD(LC)*, 3 May 1995, p. 1831.

<sup>10</sup> *WAPD(LC)*, 17 March 1992, pp. 53–55.

remarkably invited in 1998 to speak to an all party House of Lords Committee to detail the strategy she had employed to achieve abortion legislation reform in Western Australia.

*Reflections by the Member on Her Parliamentary Career*

*(These Reflections were written in 1999)*

In May 1989 I took my seat in the Legislative Council of Western Australia having been elected to the South Metropolitan Region in February of that year. Despite advice from various colleagues I decided that having been elected I was going to make a difference.

During 1989 the Federal Parliament was debating a Bill to remove access to Medicare for women who had surgical abortions. Even though abortion in this State was illegal, no woman or doctor had been charged or convicted for procuring an abortion in several decades. A blind eye was turned to the fact that the law was being broken but the irony was in the medical rebate for the procedure. First trimester abortions were done at two private clinics and later, more complex terminations were carried out at King Edward Memorial Hospital (KEMH) for Women.

On 6 September 1989, and with the gallery full of activist supporters, I told the Legislative Council:

Women and doctors risk prosecution and severe penalties as long as the law remains as it is. A conservative Government or police commissioner could change the situation virtually overnight if they decided that the law as it stands must be observed. Neither the women nor the medical personnel should have to put themselves at risk like this.<sup>11</sup>

The Speech was made during debate on the Address-in-Reply which is a response to the Governor's Speech to the Opening of Parliament so obviously it was a consciousness raising exercise. It certainly raised media interest at the time.

Then came the challenge to work out a strategy to change the law and devise the mechanisms to steer the reform through the Parliament. Over the next two years a significant amount of work, including drafting suitable legislation as well as lobbying politicians, was carried out in collaboration with pro-choice organisations.

Labor was in Government and I was convinced that this issue was a positive one in an electoral sense despite the fact that abortion law reform is one of only two issues in Labor policy which is subject to an individual conscience vote for MPs.

The numbers did seem to be there across the various political parties in 1991 when I took the issue to the Labor Caucus to seek permission to introduce a private member's Bill into the Legislative Council.

In hindsight I now realise that I didn't understand how determined opponents were to prevent the Bill from ever seeing the light of day. The Caucus debate began at a seminar in York but was not voted upon until the following Tuesday at the normal Caucus meeting. My 'anti-

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<sup>11</sup> WAPD(LC), 6 September 1989, p. 1802.

choice' colleagues lobbied those MP's who were pro-choice in marginal seats convincing them they could be beaten by a Right to Life Campaign run against them at the 1993 Election.

Labor was also coping at that time with the fallout from the WA Inc Royal Commission making politicians extremely nervous. I was defeated on the voices in the Caucus and was therefore unable to proceed with the Bill. My assessment now is that even had I proceeded the Bill would most probably have met defeat. Politicians would have been heaved electorally. Additionally, there was no imminent threat to women's access!

Labor lost Government in early 1993. In the new Parliament as a political party we went through a series of Leaders of the Opposition and the time to try again just didn't seem right.

After the 1996 election I took on responsibility as Shadow Spokesperson for Women's Interests. I met with the relevant pro-choice organisations on abortion law reform in order to determine whether the time was opportune to raise the issue on the basis that the numbers were potentially available in each House depending on the crafting of the Bill.

I also spoke in mid 1997 to my parliamentary leader Dr Geoff Gallop who, although a pro-choice advocate, was not particularly keen to see any push that might make access for women to abortion less easy. He did provide me with a paper he had read entitled 'Abortion In and Out of the Courts' by Helen Pringle, a political science Lecturer at the University of New South Wales. In the article essentially her argument was that, as there had been no successful criminal prosecutions for procuring an abortion since 1971 in Australia, there was little need for pro-choice activists to be concerned about women or doctors being prosecuted. Pringle did say, however, in the summary of her paper:

... there does seem to be one political task that is of some importance and urgency, which is to ensure that the legal position is widely and clearly enunciated—whatever one's views of its merits or drawbacks.<sup>12</sup>

Proceeding on that basis I worked with a number of pro-choice women lawyers, ALRA and my colleague Jim McGinty, MLA, (who prepared the original agreed draft of an amendment Bill which read):

Section 201a

Notwithstanding the provisions of Sections 199, 200 and 201, a person who is a medical practitioner is not criminally responsible for performing, in good faith and with reasonable care and skill, a surgical or medical procedure with the intent to procure the miscarriage of a woman, if they honestly and reasonably believe there is a danger to the woman's physical and mental health or there are economic and/or social consequences if a miscarriage is not procured and neither shall the woman who consents to such surgical or medical procedure be criminally responsible.<sup>13</sup>

What this proposed Bill did was to pick up both the 1969 Davidson ruling of Justice Menhennitt in Victoria and the 1971 Wald ruling by Justice Levine in New South Wales as well as include the word 'medical' to cover the use of the 'morning after pill' and RU486 (were it ever to be approved for use in Australia).

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<sup>12</sup> Helen Pringle, 'Abortion in and out of the courts', *Current Affairs Bulletin*, Apr/May 1996, p. 31.

<sup>13</sup> Unpublished Bill entitled Criminal Code Amendment Bill 1998 prepared to secure the addition of a new Section 201A to the Western Australian Criminal Code.

By November 1997 I had alerted some pro-choice colleagues in the Parliament of my intent and the Amendment Bill was ready to be taken to the Labor Caucus. It was agreed that I should wait until Parliament resumed after the Christmas recess so as not to give the Right to Life groups the opportunity to mount a campaign.

However, at the end of January 1998 our worst fears were realised when Dr Victor Chan and his colleague Dr Hoh Peng Lee were advised from the office of the Director of Public Prosecutions that they were to be charged on 10 February.

Given the very clear message coming from the Western Australian community via opinion polling, the medical profession and women of all ages, the question was whether I should proceed with the prepared amendment Bill or opt for a repeal Bill removing the abortion sections 199–201 from the Criminal Code (a position Labor had adopted as Party Policy in 1971).

The four weeks prior to the Parliament re-convening were the busiest of my life! Because this would be a conscience vote not a party vote, I had to ensure that the numbers were there to deliver the reform. I needed to identify three conservative MPs who would support my position to offset the three Labor anti-choice MPs in the Upper House. As well I had to ascertain the position of conservative MPs in the Legislative Assembly in order to determine which form any Bill should take. I had full and frank discussions with the Western Australian Attorney General Peter Foss, an ally, but whose vote I chose not to count at this point due to his Cabinet responsibilities.

The Government then decided to proceed with its own Bill (based incidentally on my November amendment Bill which I had shared with the Attorney General to which he added the provision of informed consent). This was all done openly and above board by the Attorney who informed me before the Government went public. By the weekend of 7 March prior to the resumption of Parliament I was faced with a difficult decision. I was lobbied intensely over the weekend by the medical profession, women and conservative MPs to proceed with repeal.

On Monday, 9 March I met with my key pro-choice colleagues Jim McGinty and Diana Warnock and then with Dr Gallop and it was at this point that I finally took the decision to proceed with the repeal Bill, which I then announced at a Press Conference. I received notice from the Government that because of the urgency surrounding the issue I would be granted permission to suspend standing orders to introduce and complete the First Reading and immediately deliver the Second Reading Speech.

At 4.30 pm on Tuesday, 10 March 1998 the historical debate began in the Western Australian Parliament which culminated with the realisation of my goal to reform the Western Australian abortion laws.

Suddenly I was catapulted from being a little known backbench MP onto the state, national and international stage. The requests from television, radio and print journalists seemed to be endless. I had done minimal television during my career and so had to become an expert overnight. It was incredibly important to the pro-choice campaign that I utilise the media opportunities. Friends on the east coast of Australia have since told me how they often awoke to my dulcet tones on the ABC news or *AM* program!

I was also interviewed by New Zealand Television, BBC Radio and the *Straits Times* from Malaysia. During the latter stages of the debate SBS *Insight* spent a week in Western Australia filming with my family, friends, colleagues, supporters, opponents and myself. The program was subsequently televised in June—it was a fitting end to a lengthy campaign.

The three and half months that the legislation took to complete were some of the most torrid but also the most interesting the Western Australian Parliament has experienced. Space is not available for me to describe the intricacies of the debate; suffice to say that it changed many relationships across and within the political parties, and provided some of the best and worst verbal contributions within the Parliament for many years.

At 3.28 am on Wednesday, 21 May 1998—the ninth anniversary of my taking my seat in the Legislative Council of Western Australia—the ‘Davenport’ Bill completed its tortuous passage. It had been substantially amended from the form in which it began life on 10 March.

It formally became LAW on 26 May despite the efforts of the anti-choice forces who, in a last ditch stand, petitioned the Governor to try and prevent the Act’s proclamation!

During these months of stress, tension, worry and also joy, it had never once occurred to me to quit! This was a major objective I sought election to the Parliament to achieve, and thanks to the support and commitment of many people, over many years, I was successful.

#### POSTSCRIPT

In early August, 1998 I had the very great privilege of being invited to address an all party Committee of the House of Lords at Westminster to share the tactics of my achievement. The pro-choice British MPs having a few months earlier launched their own ‘Voice for Choice’ campaign to amend the 1967 Act were very keen to hear of my victory.

#### *Addendum to Reflections*

*(These Reflections were written in 2012)*

Following my retirement from Parliament in May 2001 I have spent the past 10 years, I’m pleased to say, continuing to make a difference in a range of different areas—encouraging women to seek public office, facilitating and contributing to the development of public policy on ‘Active Ageing’; Work–Life Balance for public sector health workers; and Child Care; Volunteering through serving as Chair of the WA Network of Alcohol and other Drug Agencies (WANADA) and participating as a member of the Board of Outcare (Inc), an organisation assisting and supporting ex-prisoners, prisoners and their families rehabilitate; and this past year I returned to the paid workforce as Chief of Staff to the Government of Norfolk Island.

I was privileged to serve as Co-Convenor of Emily’s List (Australia) jointly with the former Premier of Victoria, Joan Kirner, AM, from 1999 to 2004 in fundraising, training and mentoring Labor women who had been pre-selected to contest Federal, State and Territory Elections. As a foundation member of the organisation since its inception in 1996 I’m delighted to say that the number of serving Labor women in the Parliaments around Australia has increased significantly in those 15 years and it’s fantastic that Australia’s first elected

woman Prime Minister, Julia Gillard, Premier Anna Bligh, Queensland, Premier Lara Giddings, Tasmania, Chief Minister Katy Gallagher, ACT, plus many women ministers around the nation are also Emily's List members.

Having been one of only five women elected to the WA Legislative Council in 1989 I am very proud that my successor Hon Sue Ellery, MLC, is now the Leader of the Opposition and one of those 47 per cent of women now serving the people of Western Australia. As it should be, we are now taking advantage of the knowledge and experience of the other half of Western Australia's population.

I was particularly pleased and thrilled when towards the end of 2001 the then Premier of Western Australia, Dr Geoff Gallop, appointed me to lead a Taskforce on Active Ageing. The taskforce of 18 participants was drawn from Government and non-government organisations as well as experts in the field of ageing. Its goal was to develop a policy strategy with recommendations aimed at the well-aged within the rapidly ageing Western Australian community. The work coincided in 2002 with the United Nations Year of the Older Person and I was afforded the opportunity to participate in a range of conferences in Spain around the UN celebrations. During this period I was able to forge a link with the World Health Organization's Ageing and Life-course Unit which agreed to work with my taskforce to guide our deliberations, adding credibility and up-to-date thinking to the report presented to Government in April 2003. It placed Western Australia at the forefront of the debate on ageing at that time.

I had opportunities through this work to share my knowledge at international forums in Australia and Singapore and to disseminate this policy statewide and interstate.

In 2006 I was appointed Chair of a tri-partite Advisory Committee on Work–Life Balance Creating Family Friendly Work-places by the then Minister for Health and Attorney General, Hon Jim McGinty. This work was at the cutting edge of policy development in both attracting and retaining a world class public sector health workforce.

The committee sought to provide an evidence-based approach showing the need for more flexibility in the workplace as it related to the delivery of essential health services in hospitals and the wider health field in general. Serious challenges lay ahead for the WA public sector health workforce as it grappled with both an ageing population and an ageing workforce to deliver services given its remoteness within both Australia and the world.

During those years the committee revealed that the average age of the WA public sector nursing staff was 53 years, proving that nurses were not returning to work post maternity leave. Evidence collected showed that this was due to a lack of flexibility in the workplace—in fact, it became clear that many nursing workplaces were operating just the same as they always had, which is contrary to the way young childbearing families now intend to balance their work and family lives, unlike it was in past eras. Competition with a booming mining sector was already proving a significant challenge for public sector recruitment and retention statewide for the health workforce.

Employment of a childcare expert to develop a model of care that could be built and operated successfully in new and re-modelled health campuses like the new Fiona Stanley, Rockingham, Swan District and Port Hedland Hospitals was undertaken, launched by the

Minister, approved by the then Director General only to be ignored by the State Health Executive Forum (SHEF) in its future plans.

On return from leave in November 2008 I was informed that SHEF had decided that the work of the advisory committee was complete and the committee should disband. This is a classic example of bureaucratic power over necessary political decisions required to deal with policy change that's time has arrived. Issues of an ageing workforce and being ill-prepared for the numbers of graduating women doctors and other allied health professionals seeking to enter the workforce remain to be tackled.

The mining boom continues to suck skilled and unskilled workers to its ranks and is now creating labour shortages in a public sector unable to compete with the significantly higher salary packages offered by the mining sector. So the public sector trains them, retains them until child rearing begins and it is then so inflexible it's unable to retain them on return to work. Such glaring failure to address the need for change makes it uncompetitive and the more flexible and wealthier private sector reaps the benefit!

During 2010–11 I turned my skills to working voluntarily as Chair of the WA Network of Alcohol and other Drug Agencies—the peak organisation that represents the 95 affiliated service delivery agencies delivering much-needed rehabilitation across Western Australia. I also joined the Board of Outcare Inc, which is the NGO working with prisoners, ex-prisoners and their families, offering support in a significant variety of ways. I thoroughly enjoyed being able to utilise my political negotiating skills and contacts to help both organisations progress policy and devise appropriate advocacy strategies to help deliver positive results for the two organisations.

In July 2011 I rejoined the paid workforce on a two-year contract to become Chief of Staff to the Norfolk Island Government Ministry. Norfolk Island has been a self-governing Australian External Territory for over 30 years. It currently faces a range of economic and social challenges due in part to the impact of the global financial crisis, but also confronts the serious downturn in tourism—the island's most significant industry. For a community of 1 800 permanent residents this small island is doing it tough!

The Australian Government, in partnership with the Norfolk Island Government, is assisting by taking on responsibility for some services which have for 30 years been funded by the Norfolk Island Government. A Road Map Reform program partnership with the Commonwealth has recently been designed and has commenced helping to build the island's long-term sustainability.

This remote Australian community in the South Pacific closer to New Caledonia than Brisbane is stunningly beautiful with its Convict World Heritage sites and Pitcairn History and presents a challenge in which I am immersed and which I am mostly enjoying.

Finally I wanted to share my thoughts about one of the most confronting and complex challenges I faced as a woman in her mid-50s when the realisation 'hit' that I no longer need work on average 50–60 hours per week as I had for decades. A feeling of lacking relevance and being no longer required to serve came as a shock, as I had been comfortable with my decision to leave Parliament. What eventually emerged some years later was that I had failed to prepare myself for the future after such a full working life. I ultimately sought help and was

diagnosed with ‘mild’ clinical depression for which I needed treatment for a number of months. This was a significant lesson to be learned.

The adjustment took time and patience to overcome and I thank my family and close friends for their love and support.

On leaving Parliament in 2001, I intimated in my Valedictory Speech that I intended to spend time travelling and living in Italy, attempting to learn the Italian language which I did for most of 2005. It was a wonderful experience and I have returned a number of times to continue my love affair with the magic of Italy and its people.

I was also fortunate to be travelling in the United States and got to witness first-hand the historic 2008 election when Democrat Barack Obama became the first African–American President. I have been afforded some fantastic opportunities throughout my life, many as a result of my political experience, for which I am truly grateful

I was incredibly proud when in 2002 I was awarded an Honorary Doctorate by Curtin University of Technology for my contribution to women’s health, equity and social justice. I believe that I have continued that commitment in supporting the election of women legislators, along with my achievements in policy development, fields of voluntary service and my current political work.

In concluding my contribution, I acknowledge the life of Edith Cowan, a woman of courage and commitment who paved the way for so many of us who have succeeded her. It is fitting that in this ninetieth anniversary year of her election, this book should serve as an important historical tribute to her memory. I am sure that she would have been as delighted and proud as I that Western Australia’s Parliament will be the first Parliament to reach equality in the very near future.