

**SUBMISSION on "Transparent Advertising and Notification of Pregnancy  
Counselling Services Bill 2005"**

**Submitted by Queensland Right to Life**

We would like to present our submission in four sections:

1. Discussion of counselling Vs referral services.
2. Application of the above to "pro-life" counselling services.
3. Discussion on misleading advertising.
4. Abortion as Public Policy

**Counselling Vs Referral**

The Bill refers in Definitions section 3 to a meaning of non-directive pregnancy counselling that includes three so-called "options" and also includes "referrals to termination of pregnancy services where requested"

However, the counselling and referral processes are normally distinct and necessarily separate processes.

In a recent Senate Community Affairs Legislation Committee, Budget Estimates of 1-6-2006, answering questions posed by the mover of this Bill, Sen. Stott-Despoja, the public servants made it quite clear that from the Federal government point of view "Counselling is really about the process of supporting decision-making and ensuring that the counsellor assists the client to explore their feelings in relation to the issue. The issue of what happens once the client has made the decision and whether there is ongoing referral is a different issue from whether non-directive counselling is being provided" (response by Ms. Smith)

Later on, Mr Stuart, another public servant said that "we require them (Pregnancy Help Australia) to provide non-directive counselling. We do not require them to provide referral, and we do not require them to provide referral to particular places."

Mr. Stuart had previously stated, in reference to a question on the government's future pregnancy help line that "With regard to the word "referral", doctors refer...In the context of a non-directive counselling approach, you do not really say to someone, "I think you need X' You counsel and assist the person to decide what the person thinks they need, and then you provide information about their options."

We have quoted these exchanges to elaborate on the government's view of what non-directive counselling means from the point of view of receiving funding, and justifying their continuing funding. Although Senator Stott-Despoja was able to demonstrate that Pregnancy Help Australia (and by inference other similar groups) held an unapologetically firm anti-abortion position (by refusing to refer for abortion), this was in fact held as irrelevant in the definition of "non-directive counselling."

### Application of the Above to "Pro-life" Counselling Services

Governments at both federal and state level support the operation of (pregnancy) counselling organisations with both pro- and anti-abortion philosophies. In Queensland, the current Labour government has regularly funded the pro-abortion referral group Children by Choice for about \$250,000 annually. Children by Choice is not specifically a counselling agency, but it offers 'counselling' according to their philosophy that abortion should be freely available. The organisation Family Planning Australia, although not solely a pregnancy counselling agency, has a stated pro-abortion philosophy, and attracts both state and federal funding. These organisations are not being addressed by this Bill which seems to be compiled with the sole point of attacking pro-life pregnancy counselling groups with the aim of depriving them of funding unless they are willing to refer for abortion.

The philosophical approach of different groups will naturally colour the way in which information on pregnancy "options" especially abortion is offered. Each type of group can offer general information on adoption or aspects of pregnancy in a similar manner, but they will most likely approach abortion in a dissimilar manner. Pro-abortion groups will tend to gloss over, if not ignore, descriptions of abortion, usually describing abortion as "removing tissue" and will also neglect much discussion on complications of abortion. This is clear both from their own literature supplied to clients, and self-reporting from clients. Anecdotal reports from women also indicate that many, especially teenage mothers were told they were too young to be mothers, couldn't be expected to cope with a child, would miss out on school or careers etc. This also does not fit into the nature of non-directive counselling.

Pro-life groups will not be shy about answering questions on abortion, but this does not make them any more directive or biased than the pro-abortion groups. They have a different focus and are supported in their philosophy and action by a significant proportion of the population. Many of their workers are volunteers, and existed for many years before any type of funding was made available. There are other types of pro-life pregnancy counselling which are more directive, but if they are self-supporting they do not fall within the government's funding ambit, but may be affected by the sections on advertising as discussed below.

### Discussion on Misleading Advertising

One of the stated purposes of this Bill is to prohibit "misleading or deceptive" advertising of pregnancy counselling services. Advertising is intended in its widest meaning as 'every form of advertisement or notice' and includes listing, description, or publication in telephone directories, Yellow Pages and similar outlets.

The basis for this attempt at policing advertising is the presumption that any counselling group that does not specifically state that it does not refer to abortion clinics is being 'deceptive' or "misleading". It also implies that there is only one acceptable form of counselling, one that must involve willingness to refer to abortion clinics, or be forced by law to admit that they do not. This is simply nonsense, and is in fact a breach of freedom of speech.

There is also the fact that, in Queensland at least, no one requires a certificate or 'referral' of any sort by law or by precedent to access an abortion clinic. The locations of abortion clinics are well-advertised in the telephone book. Individuals or organisations with a conscientious position against abortion should not be obliged to assist others to acquire one. Doctors are not so obligated-why should others be?

It is also unreasonable to expect a service to advertise what they don't provide. In her second reading speech on the 23rd June, 2005, Senator Stott-Despoja stated that most pregnancy counselling agencies normally don't fall under the Trade Practices Act as they don't charge for services. This Bill would essentially make pregnancy counselling agencies subject to the same provisions regarding misleading advertising, yet the Trade Practices Act itself does not require organisations to state in their advertising what they don't supply.

### Abortion as Public Policy

As stated previously, this Bill attempts to put in place a position that the only legitimate type of pregnancy counselling is one that also serves as an abortion referral agency. Another aspect is, however, that it is all public money that is being used, so it would seem fair that organisations and people who do not share a pro-abortion philosophy be fairly represented in spending decisions.

In 2005, Queensland Right to Life commissioned an opinion poll among Australians on abortion to be conducted by Market Facts. A total of 1200 people over the age of eighteen were taken, of which 225 were from Queensland. The poll was commissioned in support of the recent debate over the number of abortions in Australia, the amount of counselling available to women in distress, and access to alternatives. This debate culminated in the decision on the part of the Federal government to commence a pregnancy telephone help line, and other initiatives through Medicare. The questions were relevant to the debate, but the official results were only available to us late last year. I have set down below the findings relevant to this submission.

1. Believe that abortion involves the taking of human life-Yes 54% No 34%
2. Believe that abortion can harm a woman's physical and/or mental health-Yes 79% No 12%
3. Believe that a woman should receive free independent counselling before abortion-Yes 95% No 2%
4. Support conscientious objection provisions for doctors and nurses-Yes 73% No 15%
5. Support abortion for non-medical, that is for financial or social reasons Yes 39% No 51%

(taken from "What Australians Really Think About Abortion"2006 Market Facts (QLD) Pty. Ltd)

There is sufficient evidence above to indicate that Australians are not all of one mind on abortion, nor even convicted of its safety. The initiative of the Federal government to spend public money to allow more access to information and awareness is not consonant with this Bill that seeks to control policy on what constitutes valid pregnancy counselling.

### Conclusion

We believe that this Bill should be rejected as serving no useful purpose. There is no demonstrated need for it. There is no evidence that the targeted pregnancy counselling is in fact being deceptive or misleading in any way except one that the Bill's mover is obviously hostile towards. Her opinion is not shared by a significant number of people, and the Bill does not serve the purpose of the counselling initiatives soon to be in place.