

June 13 2006

The Senate Community Affairs Legislation Committee
Parliament House
Canberra ACT 2600

By fax to : 02 6277 5829

**SUBMISSION ON THE TRANSPARENT ADVERTISING AND NOTIFICATION OF
PREGNANCY COUNSELLING SERVICES BILL 2005**

The Christian Democratic Party in Western Australia wishes to have the following comments recorded with regard to the above Bill.

Validity of Bill

The Australian Constitution does not appear to contain any powers which would allow the Commonwealth to pass this legislation.

No relevant matters have been referred by the States to the Commonwealth, no electronic advertising is likely to occur and few if any of the counseling agencies would be corporations. Consequently, nothing in Sec 51 and 52 of the Constitution could be relied upon to give the Commonwealth power to legislate this Bill

Misleading Advertising

The Bill states that one of its objects is "to prohibit misleading and deceptive... advertising of pregnancy counseling services."

The Bill fails to fulfill this object by requiring fuller disclosure by one of two categories of counseling agencies.

Pregnancy counseling agencies that do not provide referrals for abortion are obligated to state in their advertisements that their services do not provide referrals for termination of pregnancy. On the other hand, agencies that provide such referrals are not requested to advertise that they do.

This additional level of disclosure required by one category of agencies is unfair and discriminatory.

Non directive counselling

Nowadays most behavioural scientists doubt that non directive counseling is achievable. This is so because counselors usually come to sessions with their own views and their own expectations of what a reasonable person should do.



Consequently, allowing agencies who provide referrals for abortion on request to be classified as 'non directive counseling agencies' is misleading and totally inappropriate.

Family Planning Associations have a history of providing referrals for abortion and certainly do not adopt a "non directive approach".

We note also that under sec 10, the Bill requires disclosure of whether an agency is either "non directive" or refuses to provide referrals for abortion before any grant of financial assistance may be received from the Commonwealth. The Bill is not clear as to what use will be made of this information. Under sec 11, the Bill authorizes the Governor-General to make regulations with regard to this Bill. Should regulations be made to provide lesser financial assistance to agencies that refuse to provide referrals for abortion, the Bill will discriminate further against these agencies, restrict their numbers for lack of financial resources and fail in its object of providing "full choice" of services

The Christian Democratic Party believes that the Commonwealth has no power to pass the Bill; the Bill is socially divisive and certainly does nothing to reduce the all time high abortion rate in Australia.

The Christian Democratic Party recommends that this Bill be rejected in its entirety.


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