

SUBMISSION TO THE SENATE COMMUNITY AFFAIRS COMMITTEE

**Inquiry into Transparent Advertising and Notification
of Pregnancy Counselling Services Bill 2005**

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FOREWORD: A COMMUNITY MOVEMENT WORTHY OF RESPECT

As a family doctor I have supported Pregnancy Counselling services for many years – and served on the Management Committee of a major Queensland service some 15 years ago. I completed a counselling course with this service as a medical student and found its quality to exceed that provided during our medical course. These services have been run by a mix of professionals and trained volunteers with remarkable dedication and selflessness for over a quarter century, helping thousands of women and their partners. They are an unusual example of vibrant civil society, and are worthy of respect, not cheap shots from petty legislation like this.

SUMMARY OF WHY THE BILL SHOULD BE REJECTED:

- The Bill neglects the essential limitation of pregnancy counsellors – that they are not medically qualified to refer for a medical procedure like abortion.
- This Bill shows a lack of understanding of the nature of pregnancy counselling, which can be professional and non-directive even where the counsellor has deeply held moral views in either direction.
- It should be rejected because of these errors of understanding, but it should also be rejected because of the doubtful nature of its motivation: the Bill is a clumsy and distasteful attempt to suppress community groups who are sincerely motivated to provide alternatives to abortion. The use of legislation to suppress the views and activities of a community group to whom the author of the legislation is philosophically opposed, is a degradation of Parliament.

1. FIRST ERROR OF UNDERSTANDING: NO COUNSELLING SERVICE, WHETHER PRO OR ANTI-ABORTION, IS QUALIFIED TO REFER FOR A MEDICAL PROCEDURE

Given that any referral for the procedure of abortion is a medical decision, based on relevant medical history and examination, all non-medical counselling services (whether pro-life or pro-abortion) should be required to state that they cannot refer for abortion.

This is the first basic misunderstanding evident in this Bill – about the division of responsibility between medical services and non-medical counselling services.

Is the framer of this Bill not aware that only medically qualified people can refer for the medical procedure of abortion?

That is completely overlooked in this Bill, yet it is a fact essential to the safety of the patient, just as with any referral for a surgical procedure. It shows lack of understanding to think that a non-medical counsellor can play doctor and claim to “provide referrals to termination of pregnancy services where requested”.

Any pro-abortion counselling service which claims to be able to refer for abortion has stepped beyond their professional bounds, and is guilty of false advertising.

By all means require every counselling service, unless staffed by medical professionals, to state the obvious - that “This service does not provide referrals for terminations of pregnancy”. This will be true regardless of the philosophical position of the organization regarding the morality of abortion.

But to single out those with a pro-life motivation as being required to make this disclaimer, which applies equally to all counselling services, is illogical and shows ignorance of the role of counselling versus the role of medical assessment and referral.

Worse than illogical, given the well known position of the framer of this Bill, this regulation appears to be an abuse of law to intimidate a community group to whom Senator Stott-Despoya is implacably opposed. That debases the essential impartiality of Law.

2. SECOND ERROR OF UNDERSTANDING: ‘NON-DIRECTIVE’ COUNSELLING IS IN FACT FULLY COMPATIBLE WITH NOT REFERRING FOR ABORTION

There is a repeated false distinction in the Bill between:

- (i) a pregnancy counselling service which does not provide referrals for terminations of pregnancy; or*
- (ii) a non-directive pregnancy counselling service.*

What basis is there for the assumption that these two services are incompatible, or opposites? I know professional social workers and qualified counsellors who are ‘non-directive’ in their broad process of counselling, but who obviously do not refer for terminations because they are not medical professionals. I have beside my desk two brochures for pregnancy support services: both are staffed only by professional counsellors or social workers whom I know and respect, both offer comprehensive non-directive counselling of all options (even though they personally undertake this work in the hope that their counselling will provide space for women to consider alternatives to abortion). Both brochures state plainly:

- (a) Our service “is professional and confidential and does not include referrals for abortion.”

- (b) “All our counselling services are free, professional and confidential and do not include referrals for abortion”.

There is no secret about that, and never has been. To require such services to pay for extended entries in the White Pages, and to exclude them from the Emergency Pages, is an insult. To threaten them with huge fines if they fail to comply is an ugly abuse of law.

No matter how long and how selflessly these volunteer services have met a genuine need in the community, with dedication recognised in the Australian honours list in some cases, these people and their organizations are now to be insulted and suppressed by Senator Stott-Despoya’s unreasonable Bill.

3. THE PETTINESS OF THE BILL – ATTEMPTING TO SUPPRESS PHONE-BOOK ADVERTISING OF PRO-LIFE COUNSELLING SERVICES

The motivation of this muddle-headed regulation about ‘non-directive’ counselling seems to be to automatically prohibit any organization from mention in the 24 hour Emergency help directory, a vital way in which they publish their service, if they come from a pro-life position and do not refer for abortion – as per No. 7 (see underlined passages):

7 Requirement for telephone service providers to list a non-directive pregnancy counselling service

Telephone carriage service providers providing alphabetical public number directories in accordance with clause 9 of the *Carrier Licence Conditions (Telstra Corporation Limited) Declaration 1997* **may only include non-directive pregnancy counselling services on the 24 hour health and help call pages** of each alphabetical public number directory.

(Where non-directive is defined as:)

non-directive pregnancy counselling service means a service that offers counselling, information services, referrals and support on all three pregnancy options being

(a) raising the child; or (b) adoption; or (c) termination of pregnancy

and will provide referrals to termination of pregnancy services where requested.

Having by this trick excluded such services from the 24 hour Emergency Page, an entirely unreasonable requirement is then made of pro-life services in order to cut them out of the White Page entries also. The requirement for notifications in the White Pages, see underlined passage below, is fanciful – such entries do not allow for mini-essays on the nature of the service.

6 Requirements for advertising or notification of pregnancy counselling services

(1) A person that advertises or notifies a pregnancy counselling service that does not provide referrals for terminations of pregnancy must include in the advertising or **notification material a statement that “This service does not provide referrals for terminations of pregnancy” or a like statement.**

It is impracticable to imagine that such a sentence can be placed under the White pages listing for a ‘pregnancy help’ service. And it surely lacks proportion to wish to punish such an omission with 10,000 penalty units. And above all, as mentioned in the first point, above, all counselling services that are not medical whether pro or anti-abortion - must acknowledge that they cannot refer for abortion. But that fact is overlooked, in order to find a means of suppressing pro-life services.

SUMMARY OF WHY THE BILL SHOULD BE REJECTED:

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- This Bill shows a lack of understanding of the nature of pregnancy counselling, which can be professional and non-directive even where the counsellor has deeply held moral views in either direction.
- It should be rejected because of these errors of understanding, but it should also be rejected because of the doubtful nature of its motivation: the Bill is a clumsy and distasteful attempt to suppress community groups who are sincerely motivated to provide alternatives to abortion. The use of legislation to suppress the views and activities of a community group to whom the author of the legislation is philosophically opposed, is a degradation of Parliament.

AFTERWORD: ONE CONTRUCTIVE SUGGESTION FOR THE PROPOSED NATIONAL COUNSELLING SERVICE:

TO OVERCOME COUNSELLING BIAS IN EITHER DIRECTION, A HEALTH DEPARTMENT BOOKLET OF AUTHORITATIVE, IMPARTIAL INFORMATION IS REQUIRED.

Given the reality of counselling in such a morally charged atmosphere – that information will tend to be skewed in both directions, either to minimise or maximise the dangers of abortion – it would be valuable for the Health Department to oversee an evidence-based and impartial ‘Information Booklet’ of risks associated with both abortion, adoption and continuing pregnancy. This would be required material for use by any organisation receiving Government funding for counselling.

Thank you for the opportunity to contribute to the Committee’s deliberations on this Bill.

Yours sincerely,

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