

# TRANSPARENT ADVERTISING AND NOTIFICATION OF PREGNANCY COUNSELLING SERVICES BILL 2005

## SUBMISSION TO SENATE COMMITTEE

BY M. A. HAMMET,

- 1. There appear to be a number of serious flaws in the Bill. From a drafting viewpoint, the Bill is riddled with defects. I wonder, indeed, if the drafter(s) seriously believe in there being any prospect of the Bill being passed....whether, in other words, this isn't just an ideological gambit or public flag-waving exercise. On the other hand, the proposer of the bill holds a most responsible position...and thus the bill has to be responded to sincerely on the footing that it has been offered to this Legislative Chamber in good faith.**
  
- 2. It appears to be aimed at stopping the free approach and interaction between pro-life:**
  - pray-ers and**
  - street-side counsellors and**
  - volunteer counsellors manning pregnancy help-line telephone services**

**and pregnant women and girls who seek help in regard to their pregnancies.**

- 3. It is not clear how much verbal communication between the targeted pro-lifers and those who listen to them may be caught in the intended operation of the Bill. While it seems that written material is the main target (of the Bill), I believe it also can be read so as to comprehend spoken words in the said interactions of the above pro-lifers. If this is so, the Bill represents a grave and unwarranted and unprecedented and unjustified interference with the right of free speech. And, of course, any legislation ought to be free of uncertainty /ambiguity (and this is especially so of any criminal /penalty legislation.)**
  
- 4. A very large number of ideas or conceptual principals and words and terms in the Bill, which are key to any operation and efficacy it may be intended to have, are not clearly presented /delineated and not defined. I would list the following in that category:**
  - advertisement**
  - form of advertisement**
  - notice**
  - service**
  - counselling**
  - referral(s)**
  - referral(s) for termination of pregnancy**
  - material**

- **notification material**
- **raising the child**
- **adoption**
- **misleading or deceptive**
- **nature of the services (provided)**

**5. Where a number of words are given definition in Section 3 of the Bill, the definition Section, reference is made to and the "definition" is grounded on words of the same word-root as the word being defined. An glaring example of this repeated practice, in my respectful view, is to define "advertise" as including "every form of advertisement" –where no clue is provided as to what makes some written (or even spoken) word or material (however it may be broadcast) into an advertisement or what constitutes an "advertisement" for purposes of the Bill. And, to cap off this remarkable drafting ineptitude, the Bill has to rely on a kind of 'Clayton's-offence' type drafting device to get a hold on the activity or behaviour it is purporting to target and prohibit, being alleged "misleading" and "deceptive" behaviour in the promotion and provision of certain services. By Section6(3), material is "taken to be" or deemed to be offensive to the Bill, even if there is in fact no deception or misleading of anyone by anyone involved.**

**M. A. HAMMET.**