

A Submission on the
to the
Senate Community Affairs Legislation Committee
regarding
Transparent Advertising and Notification of Pregnancy
Counselling Services Bill 2005

on behalf of

Catholic Women's League Australia Inc
National Bioethics Working Party
By

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About Catholic Women's League Australia Inc (CWLA Inc)

CWLA Inc is a national, non-government and non-profit organization of women who believe in "promoting the spiritual, cultural, intellectual and social development of women" and who demonstrate a commitment to the dignity of women, the value of all human life and the maintenance of a caring and compassionate society.

Introduction

The members of CWLA Inc care about, care for and support pregnant women and mothers. This support is available through members' own efforts as well as through various church and other social agencies.

CWLA Inc supports in principle transparent advertising and notification of pregnancy counselling services, indeed, truth in advertising in relation to all types counselling services, including pregnancy counselling, accessed by the people of Australia who have need of such services. Members believe that all women in Australia ought to be safeguarded from misleading and confusing advertising and information.

Legislation to achieve truth in advertising would generally be supported by CWLA Inc members, however because the issues discussed below, CWLA Inc recommends to the Senate Community Affairs Legislation Committee that this proposed Bill be rejected.

Discussion of the Bill

In Part 1—Preliminary, 3 definitions, there is the term 'non-directive counselling service'. This *"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".

This definition of non-directive pregnancy counselling contains exclusions with respect to counselling services that do not refer for termination of pregnancy, and seems to be based on confusion regarding counselling services in general, and not just pregnancy counselling. Non-directive counselling is a term used in the behavioural sciences and usually refers to a specific approach to therapy. Non-directive counselling encourages the person to share his or her problems with the counsellor. Through listening, the counsellor affirms the patient's worth and allows him or her to take the time to express his or her thoughts. It is often used in areas such as 'genetic counselling'.

Miesfeldt and Jameson in Harrison's Internal Medicine (current - online) note that counselling is generally offered in a nondirective manner, so that patients learn to understand how their values factor into a particular decision. Nondirective counselling is particularly appropriate when there are no data demonstrating a clear benefit associated with a particular intervention.

In discussing non-directive counselling, the Health Department has stated, "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 nondirective counselling is being provided." (Senate Community Affairs Legislation Committee, Budget Estimates 1 June 2006. Department of Health and Ageing).

The objective of non-directive counselling in relation to pregnancy counselling is to encourage and permit the woman to explore her feelings about her current condition before coming to a decision about her subsequent options.

In Part 1—Preliminary, 3 – *"and will provide referrals to termination of pregnancy services where requested"* is superfluous to the rest of this section – *"service that offers counselling,*

information services, referrals and support on all three pregnancy options". There is concern and confusion about this terminology. Does it mean 'referral' in the sense of one health provider to another such as in medical or nursing areas?

In response to Senator Stott Despoja's question, "Will the helpline be providing a counselling service or a referral service or indeed both services?" Mr Stuart replied that, "it will be providing a counselling and information service. With regard to the word 'referral', doctors refer. They say, 'I think you need X.' 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**". (My emphasis). He went on to respond to the Senator's next question, "Will the services and information be available to women who are proceeding with their pregnancy, women who are choosing to terminate their pregnancy or women who are completely confused about what they want to do?" by saying, "It means being able to provide information about all available services." CWLA Inc notes that Mr Stuart's responses fit with its concept of counselling.

If 'referral' is meant to refer to a medically instigated process that the Government could limit non-directive counselling services to medical practitioners and to prohibit advertising of all other 'non-directive' pregnancy counselling.

In Part 1—Preliminary, 3 the statement, "*pregnancy counselling service means a counselling service that has as its purpose, or one of its purposes, the provision of advice or information services to women and their support persons regarding options in relation to pregnancy, childbirth or termination of pregnancy.*" Could replace or be part of, "non-directive counselling service."

In Part 1—Preliminary, 4- Objects.

(a) Is appropriate as is (d).

(b) Is it necessary or even appropriate in advertising – even ethical advertising - that all available services or 'Full choice' be acknowledged and documented or is it reasonable to foresee that someone accessing 'Pregnancy Counselling Service' or 'Pregnancy Help Line' may have an expectation that they will be informed of the full range of services when they call?

Object (c) 'improve public health' is commendable, but there is no evidence in the Bill how this would be achieved, particularly in view of recent research reported by Fleming and Ewing in June 2005, that indicates that there is strong community support for a reduction in abortion numbers without restricting access and that 87% believe it would be a good thing if the number were reduced.

The research further indicated there was *near unanimous support for serious consideration of all the alternatives before choosing abortion*. Sixty one percent to 74% of Australians feel positively towards women who choose alternatives to abortion, only 28% are positive towards women who choose to have an abortion. This is an indication that there is a recognition that not enough is being done to inform and support pregnant women (and fathers, of course), to provide education, and offer financial and other types of support when the choice is made to continue the pregnancy. The data also highlighted that 98% percent think that women should be advised of any health risks involved in abortion before choosing an abortion. Overall the respondents are concerned about the physical health of women who desire termination, and they are not keen on an approach, which stigmatises women as criminals for choosing abortion. Although supportive of legal access to abortion, Australians are deeply ambivalent about the morality of abortion,

Part 2—Misleading advertising or notification.

5. Misleading advertising or notification of pregnancy counselling services. This section is fair.

6. (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". What is a 'like statement'?

Previous comment has been made about 'referral' to an abortion provider (termination) versus the provision of information about all possible available services. The focus is on ensuring that all women have the opportunity to make fully informed decisions in a supportive and non-judgmental environment free of pressure should abortion yet this statement can serve to increase the anxiety and apprehension of the woman (and her support person). This part of the 6(1) is not necessary.

The organization, Pregnancy Help Australia, currently receives Federal Government funding and rather than exploiting "vulnerable women to further their own undisclosed agenda of discouraging women from choosing abortion" as indicated by the organization, GetUp, Pregnancy Help Australia's charter indicates that it provides,

- free, non-directive counselling 24 hours per day 7 days per week for women, their partners and their families when they are experiencing any pregnancy issue including grief following pregnancy loss, through its agencies.
- support to individual agencies which offer positive choices for pregnant women, their partners and their families through non-directive counselling, education, action and services.

It is true that Australian women deserve protection from deceptive and misleading advertising and information. CWLA Inc believes that Pregnancy Counselling Services should not be seen as exclusively medical services or abortion providers. Pregnant women need to be able to explore non-medical options. Women who may want to continue a pregnancy deserve to have access to a range of support services.

Summary

The reason for referral of the Bill provided in the Selection of Bills proposal is to examine the adequacy of the legislation in improving regulation of pregnancy counselling, and ensure the counselling provided by Government-funded pregnancy counselling services is objective, non-directive, and includes information on all three pregnancy options. (Senate Community Affairs Committee). It is unfortunate that it could be assumed that this Bill has been proposed because there is a supposition that pro-life pregnancy counselling is misleading and deceptive.

Because of -

- the confusion regarding nomenclature in the Bill,
- the definition of 'non-directive counselling',
- the restriction of telephone listing,
- the presumption that anti-abortion means anti choice
- the uncertainty regarding the relationship between the Commonwealth and States in this matter (Section 3 – 'person')
- the lack of evidence regarding the improvement of 'public health' and
- the apparent intent to ensure that all counselling services for pregnant women include referral for terminations',

CWLA Inc urges the Senate to reject the Bill as it stands

References.

Fleming, J & Ewing, S. (2005) Give Women Choice: Australia Speaks on Abortion.

Miesfeldt, Susan & Jameson, Larry. (online accessed 15/6/06). Harrison's Internal Medicine. Part 3. Genetics and Disease