



Catholic Social Services
Australia

Senate Community Affairs Legislation Committee

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

A Submission by Catholic Social Service Australia
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Senate Community Affairs Legislation Committee

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Introduction

Catholic Social Services Australia appreciates the opportunity to have the Senate Community Affairs Legislation Committee consider our submission to its Inquiry into the Transparent Advertising and Notification of Pregnancy Counselling Services Bill 2005. Catholic Social Services Australia is an agency of the Australian Catholic Bishops Conference. Catholic Social Services Australia is one of the largest networks of non-government social service agencies in Australia. Our services provide a wide range of assistance to people in every state and territory. Some of our services are funded by Commonwealth and State and Territory Governments but some are also funded by Church resources or by client fees.

For more than a century, Governments of all persuasions have worked in partnership with the Catholic Church in Australia to provide a wide range of education, health and social services to the Australian community. Catholic hospitals, schools and social services are an integral part of the fabric of Australian society. The Church's services are available to all, regardless of faith or value systems. Catholic agencies do not hide their Catholic ethos. People using such services are aware that they are Catholic institutions and of their underlying values system. In the section entitled "Beliefs", Catholic Social Services Australia Code of Ethics¹ states that Catholic Social Services Australia;

"supports the sanctity and dignity of human life from the moment of its conception until death."

We believe it would be beneficial to Australian society if the underlying values systems of all service providers were equally transparent.

¹ Available at www.catholicsocialservices.org.au

This submission addresses:

- The rationale for the Bill
- Facts about pregnancy counselling
- Particular concerns arising from specific sections of the Bill
- Issues regarding counselling in general and pregnancy counselling in particular.

Rationale for the Bill

In its objects, the Bill is described as;

“A Bill for an Act to prohibit misleading or deceptive advertising or notification of pregnancy counselling services.....”

Prima facie this is a laudable objective. However, as outlined below, the current draft of the Bill is itself misleading and likely to cause more problems than it solves. Prior to becoming law, the Bill would require considerable redrafting.

In its reference of the Bill to this Committee, it is noted that;

“The reason for referral of the Billis 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.”

It is noted, however, that the Bill as drafted requires transparent advertising from government funded services, and does appear to preclude services with a limited range of services from receipt of government funds unless they breach this requirement. We would be gravely concerned if agencies that did not provide direct referral to termination services, and disclosed this appropriately, were subsequently precluded from receipt of government funding.

Facts about pregnancy counselling

In Australia, much of the debate about pregnancy in general and pregnancy counselling in particular is predicated upon whether one is “pro-choice” or “pro-life” (or one of the other euphemisms for either of those philosophical positions) as if these were simple determinations to make. The Second Reading Speech for this Bill articulates concerns regarding barriers to referral to termination services, but does not address barriers to the other pregnancy options identified. The approach of this Bill ignores the high professional standards of many pregnancy counsellors and their agencies and also ignores the fact that most pregnancy counselling is entirely unrelated to abortion.

For example, some pregnancy counselling might principally be about assisting people to get pregnant. Natural Family Planning Program, an agency of the Catholic Church, is by this Bill’s definition a “pregnancy counselling” organisation that assists people planning pregnancy with natural family planning methods. By another definition it is a “fertility education service” providing fertility advice to women and their partners. If the current Bill became law, this organisation would have to advertise the self evident fact that it does not refer people for abortions. It seems likely that many other organisations would also be inadvertently caught in the net cast by this legislation.

Government funding for Pregnancy Counselling Services supports a vast range of services. The Committee will have access to up to date statistics regarding such funding. For example, funding for family planning for 2005 appears² to be:

Program	Funding
FPA’s (through PHOFAs)	\$15,400,000
SHFPA (national peak body for FPA’s)	\$100,165
Working Womens' Health (women of ethnic backgrounds)	\$113,867
Australian Episcopal Conference of the Catholic Church	\$918,826
Australian Federation of Pregnancy Support Services	\$245,580
Total FPP Grant	\$16,784,380

² Analysis of Senate Estimates provided by Natural Family Planning Program

From these figures it will be noted that the majority of funding is received by organisations that could be regarded as “pro-abortion”. The \$918,826 for the Australian Episcopal Conference of the Catholic Church is for Natural Family Planning Program described above.

Catholic agencies also provide a range of direct pregnancy counselling services from a range of other funding sources, which include both State/Territory government programs and Church based funding, including a range of services offered by the 60 members of Catholic Social Services Australia. These agencies include many Centacare agencies offering various services in each of the 29 Australian diocese.

Issues arising from sections of the Bill

As noted, the Bill in its current draft is inadequate. Examples include:

Section 3 Definitions includes;

“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”.

This definition is so broad that it would include all medical practitioners, hospitals and many other services including, for example, Natural Family Planning Program described above. This definition may also capture school based counselling and other similar services in a variety of settings. If this Bill became law, all of these organisations would have to declare in all advertising material or publications whether or not they will provide referrals to termination of pregnancy services where requested. This would appear to be far too broad a definition to differentiate specialist pregnancy counselling services in any meaningful way and is entirely impractical.

Section 3 Definitions also includes

“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”

The Bill provides no definition of what might constitute a “referral to termination of pregnancy services where requested”, this is a difficult area. Whilst Catholic agencies do not refer directly to termination services, and are committed to making this clear to prospective clients, they will refer women seeking information related to abortion to medical professionals and qualified care, or further specialised counselling. Clearly best practice principles require medical decisions to be made involving medical professionals not solely within non-medical counselling services. Thus, direct referral to a medical procedure, such as termination, is inappropriate when it emanates from a non-medical counselling service.

Arguably, this Bill could require pregnancy counselling services, which may not be in possession of all the relevant medical and other facts, to refer directly to termination services when an intermediate step, such as referral to a General Practitioner better placed to deal with medical and mental health concerns, may be more appropriate.

This definition combines the Bill’s problematic definition of pregnancy counselling with a definition of non-directive counselling that is far more specific and narrow than the generally accepted professional definition of non-directive counselling. The Bill is, at best, misleading and, at worst, deceptive.

Attributed to Carl Rogers, non-directive counselling is designed to allow the individual in emotional turmoil to talk out problems and resolve difficulties with a minimum of direction being provided by the person serving as counsellor. It is a widely used counselling technique. It is inappropriate to limit the definition of non-directive counselling in the way proposed in the Bill. It seems to imply that counselling that offers support and referrals for the three options mentioned will always be “non-directive” and that counselling that fails or refuses to offer some or all of these services will always be directive. This does not reflect the reality of professional counselling.

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

“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."

Given the proposed definitions of pregnancy counselling and non-directive pregnancy counselling services in the Bill, this Section would prohibit the listing of Catholic hospitals and similar services in the health and help call pages of the Telephone Directory.

Issues regarding counselling in general and pregnancy counselling in particular

The focus upon whether a pregnancy counselling service is pro or anti abortion implicit in this Bill demeans the professional standards of counselling provided in many services, and required in services that are members of Catholic Social Services Australia. The Bill also fails to acknowledge the diverse range of services provided by pregnancy counselling services and the complex nature of such counselling. As such, the Bill fails to improve regulation of pregnancy counselling and ensure the counselling provided by Government-funded pregnancy counselling services is objective and (genuinely) non-directive.

Modern, professional counselling services deliver services within quality frameworks that can be audited. Catholic Social Services Australia members subscribe to a variety of industry-recognised quality frameworks, bound together by a framework such as the Integrated Quality and Business Management system, or IQBM. As in many industries, such quality frameworks serve a range of purposes. Amongst other things, they make explicit the values that underpin services, they articulate processes for the supervision of professional counsellors, and they articulate processes to deal with ethical challenges. These frameworks have, for a long time, facilitated the process of partnership with governments that allow the provision of professional services (whether in education, health or social services) by faith based and other similar services.

In addition, the professional psychologists, counsellors and social workers employed in Catholic Social Services Australia agencies, are frequently members of relevant professional associations and will be guided and governed by an additional layer of professional standards. Counsellors are encouraged to maintain their professional standards through various professional development and supervision processes. To suggest that legislation is required in order to restrict or expand the "non-directive" practice of these professionals is to undermine the professionalism of such associations.

Professional practice is, generally, best left to relevant professional bodies and associations with appropriate oversight and support from legislation. Determining professional conduct in parliament and defining professional conduct in legislation is unlikely to adequately meet the stated objectives of the Bill. Whilst Catholic Social Services Australia supports the notion of transparency in advertising and promotional material, this Bill will not achieve this goal.

Summary

The notion of transparency in organisational values for all agencies involved in pregnancy counselling is supported by Catholic Social Services Australia but is not achieved by this Bill. This Bill, as currently drafted, is inadequate as its core concern is referral to abortion. If it became law it would not achieve its stated objective, but it would result in considerable disruption to many professional services that currently assist people considering pregnancy or who are already pregnant.

The Bill needs to be either substantially redrafted to address its many deficiencies or to be rejected.

Catholic Social Services Australia would be pleased to provide any additional information that may assist the Inquiry.