

N.Z. ASSOCIATION OF SOCIAL WORKERS (INC).

P.O. Box 276,

WELLINGTON

5 October 1977.

To all Members of Parliament

CONTRACEPTION STERILIZATION AND ABORTION BILL

Notes and comments prepared by members of the New Zealand Association of Social Workers on the draft legislation at present before the House.

COUNSELLING SERVICES

This Association would support the initiation of a counselling service, staffed by appropriately qualified persons, which would be freely available to women seeking an abortion and their families, or on the request of a woman's professional consultants.

We are concerned that counsellors should be professionally qualified, skilled and experienced social work practitioners, as such a service should involve staff with knowledge and skill of a high order.

We do not see the lay counsellor as having the necessary experience and skill required to undertake the following tasks which we see implicit in the counselling role:-

- 1) To help the woman decide for herself whether she really wants and abortion, or whether the decision is being forced on to her by outside circumstances.
- 2) To ensure that she knows what the actual procedure involves.
- 3) To explore other alternatives. This will often involve assessment of family support, requiring some marital or family therapy. It will also involve knowledge on the part of the counsellor of appropriate community facilities and their availability - benefit entitlement and the criteria for receipt of benefit - availability of day care and its cost - volunteer help - pregnancy support groups. The counsellor must also be familiar with provisions relating to foster care, adoption and its legal procedures, together with a knowledge of the availability of adoptive parents.
- 4) Counselling also includes the provision for continuing support should the decision be made not to proceed with the abortion so that feelings of anger, frustration and depression can be dealt with should they arise.
- 5) Where an abortion is undertaken, counselling services will be needed to help the woman -

- a) avoid excessive guilt, anxiety and regret.
- b) deal with feelings of loss and its associated mourning processes.
- c) recognise more serious problems and accept referral to appropriate help.
- d) devise some general benefit from an otherwise negative situation.
- e) look at why the need for the abortion occurred and obtain the practical help and/or emotional support needed to avoid such situations arising again.

It can be appreciated that in a number of cases the need for the involvement of a counsellor would be long term and we see as essential that an adequate number of professional people are available on this basis should their services be requested.

The Association believes that counselling should be undertaken by a person who is independent of any decision making body and we therefore disagree with the proposal in Section 35(2)(b) of the Bill, i.e. "Every counselling service should be directed by an experienced and professional trained social worker who may or may not be the Counselling Supervisor of the Panel."

Clause 7 - Sterilisation

Although the definition of mentally subnormal is that used in the Mental Health Act 1958, it is not considered appropriate that this condition be diagnosed solely by medical practitioners. In sub-clause (6) it is stated that a registered medical practitioner should give "his professional assessment of the patients social adjustment and intellectual capacity." The assessment of a persons intellectual capacity is a highly skilled procedure requiring specialised training which is not included in the education of doctors. Only psychologists are qualified to make this assessment and it is therefore recommended that the Bill be amended accordingly. It is suggested that this could best be done by providing in Clause 8 for the patient to be examined by a psychologist and a medical practitioner and having the proviso in sub-clause (6) apply to the psychologist. That is, if the psychologist who examines the patient is not convinced that he is mentally subnormal, the Court shall accept his decision as the one which guides it.

Clause 9 - Appointment of Counsel

It is recommended that there should be a right of appeal on behalf of the patient against the decision of the Court.

Clause 14 - Supervisory Committee

The ultimate authority should be in the hands of the Director General of Health rather than a Supervisory Committee which is open to

political influence in its proposed form. If some kind of Committee is needed, then it should be associated with the Health Department not the Justice Department, as this is a health issue. Omission or amendment of Clause 14 would necessitate amendments to Clause 15 and many others. Some of the powers given to the Supervisory Committee would need to be given specifically to the Director General of Health, while others would be covered by existing legislation.

Clause 32 - Panels

The N.Z.A.S.W. advocates the removal of the Panel system from the draft legislation and has already presented material to the Petitions Committee on this subject. The Association has considered all along that the decision to have an abortion should be that of the woman alone, but in the event of this not being acceptable at the present time, then the most humane method, in our view is a system which involves the woman and her G.P. and perhaps the operating doctor. We would support the amendments proposed by Mr Gair in this respect.

Clause 54 - Grounds for Abortion

The N.Z.A.S.W. firmly believes that rape should be included in the grounds for abortion and that this should not be dependent on the woman making a complaint to the Police. The amendment proposed by Mr Jonathan Hunt M.P. is in line with the Association's view on this matter.

The N.Z.A.S.W. also considers that socio-economic factors form an integral part of mental and physical health and should therefore constitute grounds for abortion. It is the interaction of current events and past experiences that contribute to mental health.

Clause 56 - Human Development and Relationships Courses

The N.Z.A.S.W. fully supports this clause. Courses and studies in human development and relationships should aim to prepare children for the physical and emotional changes that develop at puberty, and facilitate the growth of healthy and responsible attitudes to their sexuality. Parents should be afforded the opportunity to participate in such programmes or to withdraw their child from such courses if they so wish.

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CONCERN REGARDING THE ULTIMATE EFFECT OF CONTRACEPTION
RILISATION AND ABORTION BILL IS NOTED =

ARTHUR J FAULKNER MP FOR ROSKILL +

15 OCT 1977

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