
c2017-032B
The Hon Adam Searle

LEGISLATIVE COUNCIL

Abortion Law Reform (Miscellaneous Acts Amendment) Bill 2016

First print

Proposed amendments

No. 1

Offences relating to abortion

Page 3, Schedule 1.1 [1], lines 3 and 4. Omit all words on those lines. Insert instead:

[1] Section 82 Administering drugs etc to herself by woman with child

Omit the section.

[2] Section 83 Abortion

Omit "Whosoever". Insert instead "Any person who is not a registered medical practitioner who".

[3] Section 83

Omit "unlawfully" wherever occurring.

[4] Section 83

Omit "woman". Insert instead "other person".

[5] Section 83

Omit "her miscarriage". Insert instead "that other person's miscarriage (referred to in this section as *carrying out an abortion*)".

[6] Section 83

Omit "ten". Insert instead "5".

[7] Section 83 (2)–(5)

Insert at the end of section 83:

- (2) Any registered medical practitioner who carries out an abortion on premises that have not been approved by the Minister for Health, by order in writing, as suitable for performing abortions is liable to a maximum penalty of 50 penalty units or imprisonment for 6 months, or both.
- (3) Proceedings for an offence under subsection (2) are to be dealt with summarily before the Local Court.

(4) Nothing in this section abrogates the right that a person has at common law to consent to or refuse any medical treatment, including the carrying out of an abortion.

(5) To avoid doubt:

(a) a person is not under any obligation under this section to carry out or assist in carrying out an abortion, and any contractual, professional or other legal obligation purporting to impose such a requirement is invalid, and

(b) a person is entitled to refuse to assist in carrying out an abortion.

Note. Clause 8 of Schedule 3 abolishes any rule of common law that creates an offence in relation to procuring a woman's miscarriage and provides that, accordingly, a registered medical practitioner is not prevented from carrying out an abortion by any such rule.

[8] Section 84 Procuring drugs etc

Omit the section.

No. 2 **Offences relating to abortion**

Page 3, Schedule 1.1 [2], line 6. Omit "sections 82 and 83". Insert instead "section 82".

No. 3 **Offences relating to abortion**

Page 3, Schedule 1.1 [3]. Insert after line 11:

(2) Accordingly, a registered medical practitioner is not prevented from carrying out an abortion (within the meaning of section 83) by any such common law rule.

No. 4 **Offences relating to abortion**

Page 3, Schedule 1.2, line 14. Omit all words on that line. Insert instead:

Omit "82, 83, 84," from clause 2 of Table 1. Insert instead "83 (1),".