

LEGISLATIVE ASSEMBLY

Reproductive Health Care Reform Bill 2019

First print

Proposed amendments

- No. 1 **Terminations at less than 20 weeks**
Page 3, proposed section 5, line 3. Omit “not more than 22 weeks”. Insert instead “less than 20 weeks”.
- No. 2 **Terminations at less than 20 weeks**
Page 3, proposed section 5, line 5. Omit “not more than 22 weeks”. Insert instead “less than 20 weeks”.
- No. 3 **Professional standards and guidelines**
Page 3, proposed section 5. Insert after line 5—
 (2) In performing the termination, the medical practitioner must comply with any applicable professional standards or guidelines.
- No. 4 **Terminations at 20 or more weeks**
Page 3, proposed section 6, line 6. Omit “22 weeks”. Insert instead “20 or more weeks”.
- No. 5 **Terminations at 20 or more weeks**
Page 3, proposed section 6, lines 7 and 8. Omit “more than 22 weeks”. Insert instead “20 or more weeks”.
- No. 6 **Terminations at 20 or more weeks**
Page 3, proposed section 6, lines 9–25. Omit all words on those lines. Insert instead—
 (a) the medical practitioner considers, in accordance with reasonable medical judgment, the termination is necessary to save the person’s life or the life of another foetus, and
 (b) the termination is performed in a hospital with a neonatal intensive care unit, and
 (c) so far as is compatible with saving the person’s life or the life of the other foetus, every effort is made to deliver the foetus alive, and
 (d) if a live child is born, the child must be given the same neonatal care as would be given to any other child born at the same stage of pregnancy and in the same medical condition.

-
- (2) Subsection (1)(b) does not apply if, in an emergency, it is not practicable to transfer the person to a hospital that has a neonatal intensive care unit.
 - (3) In performing the termination, the medical practitioner must comply with any applicable professional standards or guidelines.

No. 7 **Terminations at 20 or more weeks** [*only to be moved if amendment No. 6 does not succeed*]
Page 3, proposed section 6, line 22. Omit “more than 22 weeks”. Insert instead “20 or more weeks”.

No. 8 **Terminations on children under 16 years of age**
Page 3. Insert after line 25—

7 Reporting about requests for terminations on children under 16 years of age

- (1) If a medical practitioner is asked to perform a termination on a child under 16 years of age, the medical practitioner must report the request to the Secretary of the Department of Communities and Justice.
- (2) The report to the Secretary must—
 - (a) be given as soon as practicable after the request for the termination is made, and
 - (b) be given whether or not the termination is performed, and
 - (c) include the name of the child and that a termination was requested.

No. 9 **Counselling and informed consent**
Page 3. Insert before line 26—

8 Counselling and informed consent required before termination performed

- (1) A medical practitioner must, before performing a termination on a person, ensure that the person—
 - (a) has been offered the opportunity to receive counselling, and
 - (b) has given informed consent to the performance of the termination.
- (2) Subsection (1) does not apply if, in an emergency, it is not practicable to comply with the requirements provided for in that section.
- (3) In this section—
informed consent means consent given freely, voluntarily and in writing.

No. 10 **Criminal offences**
Page 8, proposed Schedule 2.1[2], line 9. Omit “**by unqualified persons**”.

No. 11 **Criminal offences**
Page 8, proposed Schedule 2.1[2], line 10. Omit “**performed by unqualified person**”.

No. 12 **Criminal offences**
Page 8, proposed Schedule 2.1[2]. Insert after line 16—

- (3) A medical practitioner who performs a termination other than in accordance with the *Reproductive Health Care Reform Act 2019* commits an offence.
Maximum penalty—7 years imprisonment.

No. 13 **Criminal offences**
Page 9, proposed Schedule 2. Insert after line 2—

[4] Section 545B Intimidation or annoyance by violence or otherwise

Insert after section 545B(1)—

- (1A) For the purposes of subsection (1), if a person is convicted of offence under that subsection involving any of the following circumstances the maximum penalty is 7 years imprisonment—
- (a) using intimidation or annoyance to compel a person to have a termination performed,
 - (b) using intimidation or annoyance as a consequence of a person abstaining from having a termination performed.

[5] Section 545B(2)

Insert in appropriate order—

termination has the same meaning as in section 82.

No. 14 **Public health**

Page 9, proposed Schedule 2. Insert after line 10—

2.3 Public Health Act 2010 No 127

[1] Schedule 1 Scheduled medical conditions

Insert the following definition after the definition of *still-birth*—

termination has the meaning given in the *Reproductive Health Care Reform Act 2019*.

[2] Schedule 1 Scheduled medical conditions

Insert “Termination” after “Sudden Death Infant Syndrome” in the matter relating to “Category 1”.