

-c2019-129D
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LEGISLATIVE COUNCIL

Reproductive Health Care Reform Bill 2019

Second print

Proposed amendment

No. 1 **Termination after 22 weeks**

Page 3, proposed section 6, lines 10–44. Omit all words on those lines. Insert instead—

6 Termination after 22 weeks

- (1) A specialist medical practitioner may perform a termination on a person who is more than 22 weeks pregnant if—
 - (a) the specialist medical practitioner is satisfied there is a serious danger to the life, physical health or mental health of the person in accordance with section 7, and
 - (b) the specialist medical practitioner has consulted with another specialist medical practitioner and the other specialist medical practitioner is also satisfied there is a serious danger to the life, physical health or mental health of the person in accordance with section 7, and
 - (c) the specialist medical practitioner has ensured that, if the person was interested in accessing counselling as referred to in section 8, the person has had the opportunity to access the counselling, and
 - (d) the specialist medical practitioner has obtained informed consent to the termination from—
 - (i) the person, or
 - (ii) if the person lacks the capacity to give informed consent to the termination, a person lawfully authorised to give consent on the person's behalf, and
 - (e) the termination is performed at—
 - (i) a hospital controlled by a statutory health organisation within the meaning of the *Health Services Act 1997*, or
 - (ii) an approved health facility.
- (2) To remove any doubt, subsection (1)(e) does not require that any ancillary services necessary to support the performance of a termination be carried out only at the hospital or approved health facility at which the termination is, or is to be, performed.
- (3) In an emergency, a medical practitioner may perform a termination on a person who is more than 22 weeks pregnant, without complying with subsection (1), if the medical practitioner considers it necessary to perform the termination to—

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- (a) save the person's life, or
 - (b) save another foetus.
- (4) In this section—
- ancillary services* means—
- (a) tests or other medical procedures, or
 - (b) the administration, prescription or supply of medication, or
 - (c) another treatment or service prescribed by the regulations.

No. 2 **Serious danger to life, physical health or mental health of pregnant person during pregnancy**

Page 4. Insert before line 1—

7 Serious danger to pregnant person's life, physical health or mental health

- (1) For the purposes of section 6(1)(a) or (b), a specialist medical practitioner may be satisfied there is a serious danger to the life, physical health or mental health of a pregnant person if—
 - (a) the specialist medical practitioner honestly believes on reasonable grounds the termination is necessary to save the person from serious danger to the person's life, physical health or mental health, which continuing the pregnancy would cause, and not merely the normal dangers of pregnancy and childbirth, and
 - (b) the specialist medical practitioner honestly believes on reasonable grounds that, in all the circumstances, the danger of the termination is not out of proportion to the serious danger to the person's life, physical health or mental health, and
 - (c) in considering whether there is a serious danger to the person's mental health, the specialist medical practitioner has considered an independent assessment of the person's mental health by—
 - (i) a medical practitioner who, under the Health Practitioner Regulation National Law, holds specialist registration in psychiatry, or
 - (ii) a person registered under the Health Practitioner Regulation National Law to practise in the psychology profession, other than as a student.
- (2) For the purposes of deciding under subsection (1)(a) whether the termination is necessary to save the pregnant person from serious danger to the person's physical health or mental health, the specialist medical practitioner may consider—
 - (a) the person's medical, economic and social circumstances, and
 - (b) the impact the pregnancy would have on the person's health during the pregnancy if the pregnancy were not terminated.