



New South Wales

# Abortion Law Reform (Sex Selection Prohibition) Amendment Bill 2021

## Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

## Overview of Bill

The object of this Bill is to amend the following Acts—

- (a) the *Abortion Law Reform Act 2019* to prohibit the performance of terminations on persons for the purposes of sex selection,
- (b) the *Assisted Reproductive Technology Act 2007* to prohibit the provision of assisted reproductive technology treatment for the purposes of sex selection,
- (c) the *Health Practitioner Regulation (Adoption of National Law) Act 2009* to provide that the performance of terminations on persons for the purposes of sex selection amounts to professional misconduct of a registered health practitioner,
- (d) the *Health Care Liability Act 2001* to void approved professional indemnity insurance for a registered health practitioner to the extent the insurance provides cover for the performance of a termination on a person for the purposes of sex selection.

## Outline of provisions

**Clause 1** sets out the name, also called the short title, of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on the day that is after 3 months from the date of assent to the proposed Act.

## **Schedule 1      Amendment of Abortion Law Reform Act 2019 No 11**

**Schedule 1[1]** inserts proposed section 11A to prohibit a registered health practitioner from performing, or assisting in the performance of, a termination on a person for the purposes of sex selection.

**Schedule 1[2] and [3]** make consequential amendments.

## **Schedule 2      Amendment of Assisted Reproductive Technology Act 2007 No 69**

**Schedule 2[1]** inserts proposed section 29A to make it an offence for an ART provider providing ART treatment, within the meaning of the *Assisted Reproductive Technology Act 2007*, to use a gamete or an embryo, or to perform the treatment in a particular way, with the purpose of producing or attempting to produce a child of a particular sex.

**Schedule 2[2]** requires the Minister to conduct a review of proposed section 29A as soon as possible after 2 years after the commencement of the section. The Minister must table a report on the outcome of the review in each House of Parliament within 3 years after the commencement of the proposed section.

## **Schedule 3      Amendment of Health Practitioner Regulation (Adoption of National Law) Act 2009 No 86**

**Schedule 3** provides that the performance of terminations on persons for the purposes of sex selection amounts to professional misconduct of a registered health practitioner.

## **Schedule 4      Amendment of Health Care Liability Act 2001 No 42**

**Schedule 4** voids approved professional indemnity insurance to the extent the insurance provides cover for the performance of a termination on a person for the purposes of sex selection.