

PROOF

INFANT LIFE PRESERVATION BILL, 1976

EXPLANATORY NOTE

THE objects of this Bill are—

- (a) To ensure that the State regards all human life as inviolable.
 - (b) To ensure that foetal life has civil rights, which the State has the duty to protect and safeguard no less strongly than those of all other human life.
 - (c) To ensure that there are not two classes of citizens in New South Wales, viz. those already born whose right to life the Law protects and those the unborn—who do not possess such a right.
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PROOF

No. , 1976.

A BILL

For the Preservation of Infant Life.

[Mr HARROLD—2 March, 1976.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

5 **1.** This Act may be cited as the "Infant Life Short
Preservation Act, 1976". title.

2.

Infant Life Preservation.

2. This Act shall commence upon the date of assent of same. Commence-
ment.

3. In this Act, unless the context or subject-matter otherwise indicates or requires— Interpreta-
tion.

- 5 (i) "Prescribed" means prescribed by this Act or by any regulation made thereunder.
- (ii) "Child" means any human foetus from conception to live birth which is not a still-born child.
- 10 (iii) "Still-born child" means any child of twenty weeks gestation or over not born alive and include any child not born alive which weighs at least 400 grammes, but does not include any child which has actually breathed.
- 15 (iv) "Public hospital" means any institution or organisation established for relief of persons and for the care of the aged or infirm or of convalescent or incurable persons or persons suffering from a chronic ailment and so registered.
- 20 (v) "Private hospital" means a building established or used or intended to be established or used for the treatment for fee or reward of patients and so registered.
- 25 (vi) "District Registrar" means any District Registrar, Deputy District Registrar or assistant District Registrar appointed by the Minister.

4. Subject as hereinafter provided—

30 (1) Any person who, with intent to destroy the life of a child capable of being born alive, by any wilful act causes a child to die before it has an existence independent of its mother shall be guilty of a felony offence, provided that no person shall be found guilty of an

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offence under this section, unless it is proved that the act which caused the death of the child was not done in good faith for the purpose only of preventing the death of the mother.

5 (2) For the purposes of this Act evidence that a woman had at any material time been pregnant for a period of twenty weeks or more shall be prima facie proof that she was at that time pregnant of a child capable of being born alive.

10 (3) Whosoever commits any offence under subsection (1) hereof shall be liable to penal servitude for twenty years.

5. (1) Where an abortion is performed by a legally qualified medical practitioner it shall only be lawful if—

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15 (a) The abortion is carried out in a public hospital, or a registered private hospital.

(b) Two legally qualified medical practitioners certify on oath that the abortion is necessary to prevent the death of the mother or to prevent major and irreparable damage to her.

20 (c) The abortion shall be registered by the medical practitioner performing the abortion with the District Registrar within 14 days of its performance together with the grounds on which it was performed and any complications then evident.

25 (d) An abortion shall be registered also by the public hospital or registered by the private hospital where it is carried out.

(2)

35 (a) It shall be an offence punishable by penal servitude for two years, to carry out an abortion in a surgery, clinic, private home, or other unauthorised premises.

(b)

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- 5 (b) It shall be an offence punishable by penal servitude for ten years to carry out an abortion without the certificates of two legally qualified medical practitioners as set out in clause 5, paragraph 1 (b) above.
- (c) It shall be an offence punishable by penal servitude for two years to carry out an abortion without completing the registration required by clause 5, paragraph 1 (c) hereof.
- 10 (d) It shall be an offence punishable by a fine of \$1,000.00 for a public hospital or a registered private hospital to fail to register an abortion carried out on its premises as set out in clause 5, paragraph 1 (d) above.
- 15 6. (a) The Minister shall be entitled to make regulations ^{Regulation fee.} relating to the registration of public hospitals and private hospitals for their suitable equipment for their keeping of adequate medical records and for prescribing their fees.
- 20 (b) It shall be an offence punishable by a fine of \$1,000.00 to charge a fee in excess of that prescribed by regulation by the Minister for Health.
- 25 7. Whosoever refers any person for the purposes of ^{Penalties for un-authorised referrals.} procuring an abortion to any person, hospital, clinic or premises who are not authorised by law to perform abortions shall be guilty of an offence punishable by penal servitude for two years.