

FIRST PRINT

## PROCUREMENT OF MISCARRIAGE LIMITATION BILL 1991

NEW SOUTH WALES



### EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The objects of this Bill are:

- (a) to make it an offence for a registered medical practitioner to carry out treatment for the termination of a pregnancy at an abortion clinic or a private hospital; and
- (b) to provide that a registered medical practitioner who is found guilty of that offence is taken to be guilty of professional misconduct.

---

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent.

Clause 3 contains definitions for the purposes of the proposed Act.

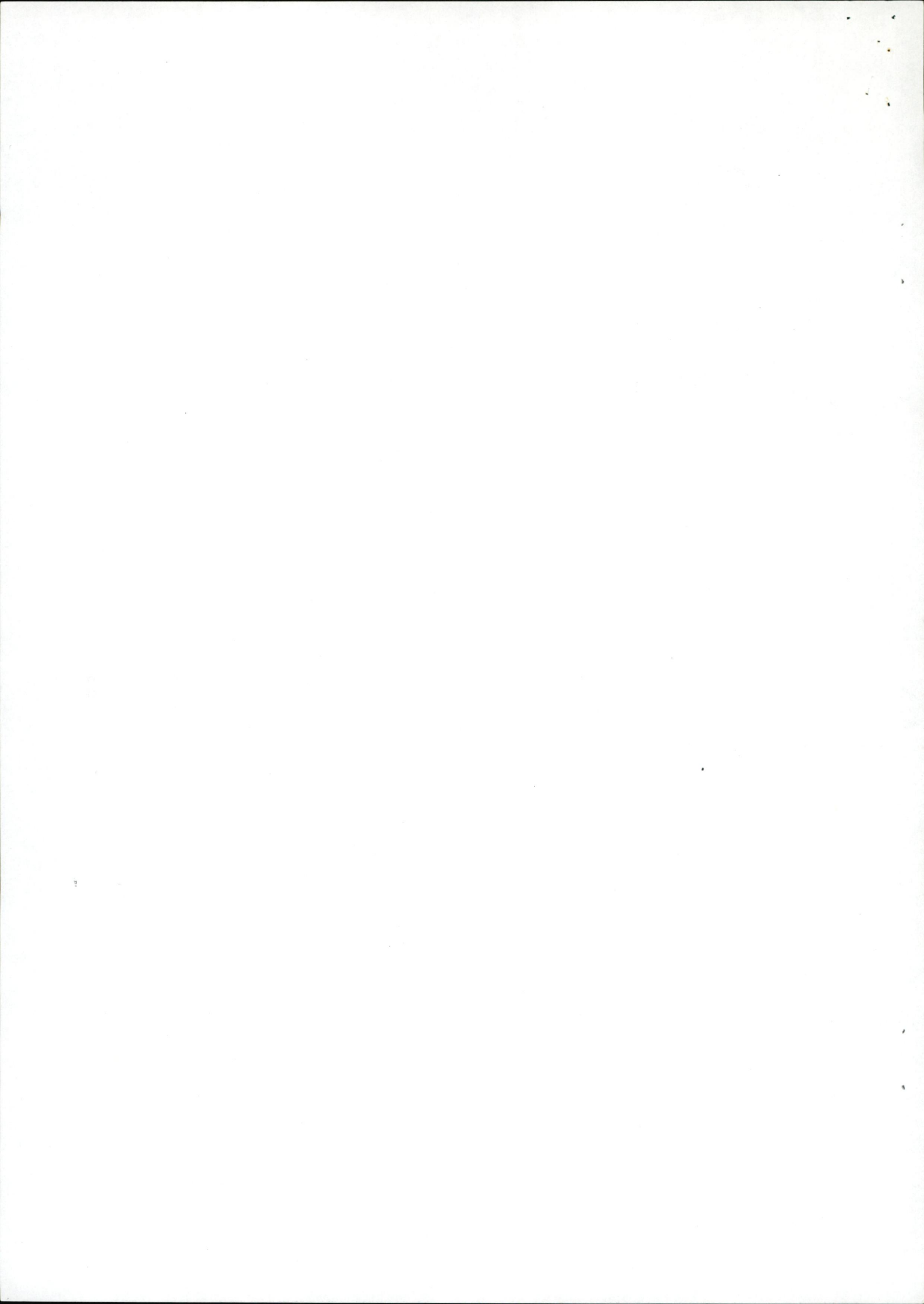
Clause 4 makes it an offence for a registered medical practitioner to carry out treatment for the termination of a pregnancy at an abortion clinic or a private hospital. The maximum penalty for the offence is 50 penalty units (currently \$5,000).

Clause 5 provides that the creation of the new offence under clause 4 does not affect other laws which render treatment for the termination of a pregnancy unlawful.

Clause 6 provides that a registered medical practitioner who is found guilty of an offence under clause 4 is taken to be guilty of professional misconduct.

Clause 7 provides that proceedings for an offence against the proposed Act are to be taken summarily before a Local Court. Any such proceedings may be commenced at any time.

---



FIRST PRINT

**PROCUREMENT OF MISCARRIAGE LIMITATION BILL 1991**

NEW SOUTH WALES



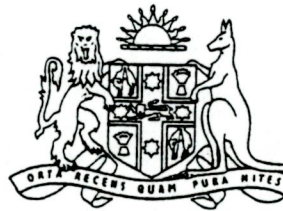
**TABLE OF PROVISIONS**

1. Short title
  2. Commencement
  3. Definitions
  4. Procurement of miscarriage prohibited at private hospitals and abortion clinics
  5. Other criminal laws continue to apply to procurement of miscarriages
  6. Finding of guilt constitutes professional misconduct
  7. Proceedings for offences
-



**PROCUREMENT OF MISCARRIAGE LIMITATION BILL 1991**

NEW SOUTH WALES



No.           , 1991

---

---

**A BILL FOR**

An Act to prohibit the procurement of a miscarriage at abortion clinics  
and private hospitals.

---

---

*Procurement of Miscarriage Limitation 1991*

---

**The Legislature of New South Wales enacts:**

**Short title**

1. This Act may be cited as the Procurement of Miscarriage Limitation Act 1991.

**Commencement**

2. This Act commences on the date of assent.

**Definitions**

3. In this Act:

“**abortion clinic**” means any place, other than a public hospital or a private hospital, where treatment is carried out for the termination of a pregnancy;

“**private hospital**” has the same meaning as in the Private Hospitals and Day Procedure Centres Act 1988;

“**public hospital**” has the same meaning as “hospital” in the Public Hospitals Act 1929;

“**registered medical practitioner**” has the same meaning as in the Medical Practitioners Act 1938.

**Procurement of miscarriage prohibited at private hospitals and abortion clinics**

4. A registered medical practitioner must not carry out treatment for the termination of a pregnancy at an abortion clinic or a private hospital.

Maximum penalty: 50 penalty units.

**Other criminal laws continue to apply to procurement of miscarriages**

5. Section 4 does not render lawful treatment for the termination of a pregnancy if, apart from that section, the treatment would not be lawful.

**Finding of guilt constitutes professional misconduct**

6. A registered medical practitioner who is found guilty of an offence under section 4 is taken to be guilty of professional misconduct.

*Procurement of Miscarriage Limitation 1991*

---

**Proceedings for offences**

7. (1) Proceedings for an offence against this Act are to be dealt with summarily before a Local Court constituted by a Magistrate sitting alone.

(2) Proceedings for an offence against this Act may be commenced at any time.

---

