

FIRST PRINT

**PUBLIC HOSPITALS (CONSCIENTIOUS OBJECTION)  
BILL 1992**

NEW SOUTH WALES



**EXPLANATORY NOTE**

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

The object of this Bill is to allow a medical practitioner or nurse to decline to provide or take part in the provision of medical or nursing services at a public hospital if he or she has a conscientious objection on the grounds of moral or religious belief.

This will not apply to treatment or care which is called for in an emergency situation.

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Clause 1 specifies the short title of the proposed Act.

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

Clause 3 defines "public hospital" and other terms used in the proposed Act.

Clause 4 provides that a medical practitioner or nurse who has a conscientious objection to the provision of a particular service has no duty to provide or take part in providing the service at a public hospital. However, the clause does not apply to emergency treatment and care.

Clause 5 requires a medical practitioner or nurse who claims to have a conscientious objection to register that objection with each public hospital at which he or she might be called upon to provide the service involved. Registration is evidence that the person has the conscientious objection but failure to register is not of itself evidence that the person does not have a conscientious objection.

Clause 6 provides that the proposed Act binds the Crown.

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**PUBLIC HOSPITALS (CONSCIENTIOUS OBJECTION)  
BILL 1992**

NEW SOUTH WALES



No.     , 1992

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**A BILL FOR**

An Act to provide for conscientious objection by medical practitioners  
and nurses on the grounds of moral or religious belief.

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*Public Hospitals (Conscientious Objection) 1992*

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

**Short title**

1. This Act may be cited as the Public Hospitals (Conscientious Objection) Act 1992.

**5 Commencement**

2. This Act commences on the date of assent.

**Definitions**

3. In this Act:

10 “conscientious objection” means an objection on the grounds of moral or religious belief;

“medical practitioner” means a registered medical practitioner;

“nurse” means an accredited nurse as defined in the Nurses Act 1991;

“public hospital” means:

15 (a) a hospital under the control of an area health service constituted under the Area Health Services Act 1986; or

(b) a hospital or separate institution mentioned in the Second, Third or Fifth Schedule to the Public Hospitals Act 1929.

**20 Right to conscientious objection at public hospitals in non-emergency situations**

4. (1) Despite any provision made by or under any other Act or other law:

25 (a) a medical practitioner has no duty arising under contract or otherwise to provide or take part in the provision of any medical treatment or service in a public hospital if he or she has a conscientious objection to the treatment or service; and

30 (b) a nurse has no duty arising under contract or otherwise to provide or take part in the provision of any nursing treatment or service in a public hospital if he or she has a conscientious objection to the treatment or service.

(2) This section does not apply to any treatment or service that is required because of, or arises from, an emergency situation.

*Public Hospitals (Conscientious Objection) 1992*

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**Registration of conscientious objection**

5. (1) A medical practitioner or nurse who claims to have a conscientious objection to providing or taking part in the provision of any treatment or service has a duty to register that claim with each public hospital at which he or she is likely to be called upon to provide or take part in the provision of that treatment or service. 5

(2) A person registers such a claim with a hospital by giving written notice of it to the chief executive officer of the hospital.

(3) Registration of a claim of conscientious objection is evidence that the person has the conscientious objection claimed. However, the fact that a person has not registered a claim to having a conscientious objection is not evidence that the person does not have such an objection. 10

**Act binds Crown**

6. This Act binds the Crown.

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C.056  
Govt.

LEGISLATIVE COUNCIL

PUBLIC HOSPITALS (CONSCIENTIOUS OBJECTION) BILL 1992

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Amendments to be moved in Committee

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Page 3, clause 5, lines 9-12. Omit all words on those lines,  
insert instead:

(3) Registration of a claim of conscientious  
objection creates a rebuttable presumption that the  
person has the conscientious objection claimed.



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