

LEGISLATIVE ASSEMBLY

Reproductive Health Care Reform Bill 2019

First print

Proposed amendments

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No. 1 **Informed consent at not more than 22 weeks**

Page 3, proposed section 5. Insert after line 5—

- (2) The medical practitioner may perform the termination only if the person has given informed consent to the termination.
- (3) However, subsection (2) does not apply if, in an emergency, it is not practicable to obtain the person's informed consent.

No. 2 **Informed consent after 22 weeks**

Page 3, proposed section 6, line 13. Omit all words on that line and insert instead—

performed, and

- (c) the medical practitioner has obtained the person's informed consent to the termination.

No. 3 **Meaning of informed consent**

Page 7, proposed Schedule 1. Insert after line 5—

*informed consent*, in relation to a termination performed by a medical practitioner, means consent to the termination given—

- (a) freely and voluntarily, and
- (b) in accordance with any guidelines applicable to the medical practitioner in relation to the performance of the termination.

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- No. 1      **Specialist medical practitioner to perform termination after 22 weeks**  
Page 3, proposed section 6, line 7. Insert “specialist” before “medical practitioner”.
- No. 2      **Specialist medical practitioner to perform termination after 22 weeks**  
Page 3, proposed section 6, line 9. Insert “specialist” before “medical practitioner”.
- No. 3      **Specialist medical practitioner to perform termination after 22 weeks**  
Page 3, proposed section 6, line 11. Insert “specialist” before “medical practitioner” wherever occurring.
- No. 4      **Specialist medical practitioner to perform termination after 22 weeks**  
Page 3, proposed section 6, line 15. Insert “specialist” before “medical practitioner”.
- No. 5      **Specialist medical practitioner to perform termination after 22 weeks**  
Page 3, proposed section 6, line 19. Insert “specialist” before “medical practitioner”.
- No. 6      **Emergency terminations after 22 weeks**  
Page 3, proposed section 6, line 21. Insert “, whether or not a specialist medical practitioner,” after “medical practitioner”.
- No. 7      **Requirements for termination after 22 weeks**  
Page 7, proposed Schedule 1. Insert after line 15—  
    *specialist medical practitioner*, in relation to the performance of a termination, means—  
    (a) a medical practitioner who, under the Health Practitioner Regulation National Law, holds specialist registration in obstetrics and gynaecology, or  
    (b) a medical practitioner who has other expertise that is relevant to the performance of the termination, including, for example, a general practitioner who has additional experience or qualifications in obstetrics.

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- No. 1      **Terminations after 22 weeks to be performed only at approved public health facilities**  
Page 3, proposed section 6(1)(b), line 13. Omit “performed.”. Insert instead—  
performed, and  
    (c) 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.
- No. 2      **Terminations after 22 weeks to be performed only at approved public health facilities**  
Page 3, proposed section 6. Insert before line 14—  
    (2) To remove any doubt, subsection (1)(c) 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.
- No. 3      **Terminations after 22 weeks to be performed only at approved public health facilities**  
Page 3, proposed section 6. Insert after line 25—  
    (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. 4      **Approval of health facilities for terminations after 22 weeks**  
Page 6. Insert after line 1—  
    **11 Approval of health facilities for terminations after 22 weeks**  
    The Secretary of the Ministry of Health may approve a hospital, or other  
    facility the Secretary considers appropriate, as a facility at which terminations  
    may be performed on persons who are more than 22 weeks pregnant.

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No. 5 **Approval of health facilities for terminations after 22 weeks**

Page 6. Insert before line 2—

**11 Guidelines about performance of terminations at approved health facilities**

- (1) The Secretary of the Ministry of Health may issue guidelines about the performance of terminations at approved health facilities.
- (2) If the Secretary issues guidelines under subsection (1), a registered health practitioner performing a termination, or assisting in the performance of a termination, must perform the termination in accordance with the guidelines.

No. 6 **Approval of health facilities for terminations after 22 weeks**

Page 7, proposed Schedule 1. Insert after line 5—

*approved health facility* means a hospital or other facility approved under section 11.

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No. 1 **Requirement for information about counselling**

Page 3. Insert after line 25---

**7 Requirement for information about counselling**

- (1) Before performing a termination on a person under section 5 or 6, a medical practitioner must—
  - (a) assess whether or not it would be beneficial to discuss with the person ~~and the person's partner~~ accessing counselling about the proposed termination, and
  - (b) if, in the medical practitioner's assessment, it would be beneficial and the person ~~or the person's partner~~ is interested in accessing counselling, provide all necessary information to the person ~~or the person's partner~~ about access to counselling, including publicly-funded counselling.
- ~~(2) Subsection (1) applies in relation to a person's partner only if the partner attends consultations the person has with the medical practitioner.~~
- (3) A medical practitioner may, in an emergency, perform a termination on a person without complying with subsection (1).

~~No. 2 **Termination to be performed in accordance with professional standards and guidelines**~~

~~Page 3. Insert before line 26~~

~~**7 Termination to be performed in accordance with professional standards and guidelines**~~

~~In performing a termination under section 5 or 6, a medical practitioner must comply with any professional standards or guidelines that apply to medical practitioners in relation to the performance of terminations.~~

Ms Eleni Petinos moved, That the amendment be amended by leaving out:

- (1) The words “and the person’s partner” in paragraph (1) (a).
- (2) The words “or the person’s partner” wherever occurring in paragraph (1) (b).
- (3) Paragraph (2).

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**Proposed amendment**

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**No. 1 Conscientious objection**

Page 4, proposed section 8, lines 10-18. Omit all words on those lines. Insert instead—

the performance of a termination on the person, the practitioner must, without delay—

- (a) give information to the person on how to locate or contact a medical practitioner who, in the first practitioner's reasonable belief, does not have a conscientious objection to the performance of the termination, or
- (b) transfer the person's care to—
  - (i) another registered health practitioner who, in the first practitioner's reasonable belief, can provide the requested service and does not have a conscientious objection to the performance of the termination, or
  - (ii) a health service provider at which, in the first practitioner's reasonable belief, the requested service can be provided by another registered health practitioner who does not have a conscientious objection to the performance of the termination.

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No. 1      **Professional conduct or performance**

Page 4, proposed section 9, line 21. Omit all words on this line. Insert instead “**Professional conduct or performance**”.

No. 2      **Professional conduct or performance**

Page 4, proposed section 9. Insert after line 33—

- (3) This Act does not limit any duty a registered health practitioner has to comply with professional standards or guidelines that apply to health practitioners.



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Proposed amendment to Member for Mulgoa's amendment c2019-046A

No. 1

**Gender selection**

In the Member for Mulgoa's Amendment No. 1 omit all words from "Page 3". Insert instead—

Page 6. Insert before line 2—

**11 Review in relation to gender selection**

- (1) The Secretary of the Ministry of Health must, within 12 months after the commencement of this section—
  - (a) conduct a review of the issue of whether or not terminations are being performed for the purposes of gender selection, and
  - (b) prepare, and give to the Minister, a report about the review.
- (2) The Minister must provide the report to the Presiding Officer of each House of Parliament.
- (3) A copy of a report provided to the Presiding Officer of a House of Parliament under subsection (2) must be laid before that House within 5 sitting days of that House after it is received by the Presiding Officer.

(2/4/19)

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(1) Notes that this House opposes terminations being performed for the sole purpose of gender selection.

Moved. L. Williams

