

REPRODUCTIVE HEALTH CARE REFORM BILL 2019

Schedule of the amendments referred to in the Legislative Council's message of 25 September 2019.

- No. 1 **No. 1 [c2019-124C]**
Page 2, proposed section 1, line 4. Omit all words on that line. Insert instead "This Act is the *Abortion Law Reform Act 2019*."
- No. 2 **No. 1 [c2019-099]**
Page 3, proposed section 5, lines 6 and 7. Omit all words on those lines. Insert instead—
- (2) The medical practitioner may perform the termination on the person only if the medical practitioner has obtained informed consent to the termination from—
 - (a) the person, or
 - (b) if the person lacks the capacity to give informed consent to the termination, a person lawfully authorised to give consent on the person's behalf.
- No. 3 **No. 1 [c2019-175B]**
Page 3, proposed section 6, lines 13 and 14. Omit all words on those lines. Insert instead—
- (a) the specialist medical practitioner, after considering the matters mentioned in subsection (3) and any advice received under subsection (4), considers that, in all the circumstances, there are sufficient grounds for the termination to be performed, and
- No. 4 **No. 2 [c2019-175B]**
Page 3, proposed section 6, lines 16 and 17. Omit all words on those lines. Insert instead—
- medical practitioner who, after considering the matters mentioned in subsection (3), also considers that, in all the circumstances, there are sufficient grounds for the termination to be performed, and
- No. 5 **No. 2 [c2019-099]**
Page 3, proposed section 6, lines 18 and 19. Omit all words on those lines. Insert instead—
- (c) the specialist medical practitioner has obtained informed consent to the termination from—
 - (i) the person, or
 - (ii) if the person lacks the capacity to give informed consent to the termination, a person lawfully authorised to give consent on the person's behalf, and
- No. 6 **No. 3 [c2019-175B]**
Page 3, proposed section 6. Insert after line 33—
- (4) Without limiting subsection (3), the specialist medical practitioner may ask for advice about the proposed termination from a multi-disciplinary team or hospital advisory committee.

No. 7 **No. 4 [c2019-175B]**

Page 3, proposed section 6. Insert after line 44—

Note. This section is intended to reflect the common law position on terminations at the time this Act was enacted, subject to the purposes and requirements of this Act.

No. 8 **No. 1 [c2019-107C]**

Page 4, proposed section 7, line 2. Omit “or 6”.

No. 9 **No. 2 [c2019-107C]**

Page 4, proposed section 7. Insert after line 9—

- (2) Before performing a termination on a person under section 6, a specialist medical practitioner must provide all necessary information to the person about access to counselling, including publicly-funded counselling.

No. 10 **No. 3 [c2019-107C]**

Page 4, proposed section 7, line 11. Insert “or (2)” after “subsection (1)”.

No. 11 **No. 1 [c2019-103D]**

Page 5, proposed section 9. Insert after line 4—

- (4) For the purposes of subsection (3)(a), the first practitioner is taken to have complied with the practitioner's obligations under that paragraph if the practitioner gives the person information approved by the Secretary of the Ministry of Health for the purposes of that paragraph.

Note. The information to be approved by the Secretary is to consist of contact details for a NSW Government service that provides information about a range of health services and resources, including information about medical practitioners who do not have a conscientious objection to the performance of terminations.

No. 12 **No. 1 [c2019-155]**

Page 5. Insert after line 21—

11 Care of person born after termination

- (1) This section applies if a termination results in a person being born.
- (2) Nothing in this Act prevents the medical practitioner who performed the termination, or any other registered health practitioner present at the time the person is born, from exercising any duty to provide the person with medical care and treatment that is—
 - (a) clinically safe, and
 - (b) appropriate to the person's medical condition.

Note. See section 10(3), which provides that this Act does not limit a duty a registered health practitioner has to comply with professional standards or guidelines. See also section 13, which provides that the Secretary of the Ministry of Health may issue guidelines about the performance of terminations at approved health facilities and requires registered health practitioners performing terminations, or assisting in the performance of terminations, to act in accordance with the guidelines.

- (3) To avoid doubt, the duty owed by a registered health practitioner to provide medical care and treatment to a person born as a result of a termination is no different than the duty owed to provide medical care and treatment to a person born other than as a result of a termination.

No. 13 **No. 1 [c2019-159]**

Page 7, proposed section 13, line 6. Omit “**at approved health facilities**”.

No. 14 **No. 2 [c2019-159]**

Page 7, proposed section 13, line 8. Omit “at approved health facilities”.

No. 15 **No. 5 [c2019-175B]**

Page 7, proposed section 13. Insert after line 8—

- (2) Without limiting subsection (1), the guidelines may include information about matters relevant to the role of multi-disciplinary teams and hospital advisory committees in relation to the performance of terminations, including the following—
 - (a) the operation of multi-disciplinary teams or hospital advisory committees,
 - (b) the assistance a multi-disciplinary team or hospital advisory committee may provide about a termination to a medical practitioner.

No. 16 **No. 1 [c2019-123]**

Page 7. Insert after line 11—

14 Medical practitioners to provide information about terminations

- (1) A medical practitioner who performs a termination must, within 28 days after performing the termination, give the Secretary of the Ministry of Health the information about the termination decided by the Secretary.
- (2) The information must be given in the way decided by the Secretary including, for example, by using a form approved by the Secretary for the purposes of subsection (1).
- (3) Information provided by a medical practitioner to the Secretary under this section must not include any particulars which would allow a person on whom a termination was performed to be identified.

No. 17 **No. 3 [c2019-159]**

Page 7, proposed section 14, line 12. Omit “**Review in relation to gender selection**”. Insert instead “**Terminations for sex selection**”.

No. 18 **No. 4 [c2019-159]**

Page 7, proposed section 14. Insert before line 13—

- (1) This Parliament opposes the performance of terminations for the purpose of sex selection.

- No. 19 **No. 5 [c2019-159]**
Page 7, proposed section 14, line 16. Omit “purposes of gender”. Insert instead “purpose of sex”.
- No. 20 **No. 6 [c2019-159]**
Page 7, proposed section 14. Insert before line 18—
(2) The report must include recommendations about how to prevent terminations being performed for the purpose of sex selection.
- No. 21 **No. 7 [c2019-159]**
Page 7, proposed section 14. Insert after line 22—
(4) To avoid any doubt, the guidelines that may be issued under section 13 may include guidelines, about the performance of terminations, that prevent terminations being performed for the purpose of sex selection.
- No. 22 **No. 8 [c2019-159]**
Page 7, proposed section 15, lines 23–25. Omit all words on those lines.
- No. 23 **No. 6 [c2019-175B]**
Page 8, proposed Schedule 1. Insert before line 7—
hospital advisory committee means a committee established by—
(a) a statutory health organisation, within the meaning of the *Health Services Act 1997*, or
(b) an approved health facility.
- No. 24 **No. 7 [c2019-175B]**
Page 8, proposed Schedule 1. Insert before line 16—
multi-disciplinary team means a group of registered health practitioners and other health professionals, from diverse fields of practice, who work together in a coordinated way to deliver comprehensive care to a patient in a way that addresses as many of the patient’s needs as practicable.
- No. 25 **No. 1 [c2019-147]**
Page 10, proposed Schedule 2.1. Insert after line 2—
[4] Section 545B Intimidation or annoyance by violence or otherwise
Insert after section 545B(1)—
(1A) To avoid any doubt, for the purposes of subsection (1)—
(a) a person who uses intimidation to coerce a person to have a termination performed, including for the purposes of sex selection, is taken to have used intimidation to compel the person to have the termination, and
(b) a person who uses intimidation to coerce a person to not have a termination performed is taken to have used intimidation to prevent the person having the termination.
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