

2002

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Mrs Vicki Dunne)

Maternal Health Legislation Amendment Bill 2002

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Maternal Health Legislation Amendment Bill 2002

A Bill for

An Act to amend the *Health Regulation (Maternal Health Information) Act 1998* and the *Crimes Act 1900*

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 **Part 1 Preliminary**

2 **1 Name of Act**

3 This Act is the *Maternal Health Legislation Amendment Act 2002*.

4 **2 Commencement**

5 This Act commences on a day fixed by the Minister by written
6 notice.

7 *Note 1* The naming and commencement provisions automatically commence on
8 the notification day (see *Legislation Act 2001*, s 75).

9 *Note 2* A single day or time may be fixed, or different days or times may be
10 fixed, for the commencement of different provisions (see *Legislation*
11 *Act 2001*, s 77 (1)).

12 *Note 3* If a provision has not commenced within 6 months beginning on the
13 notification day, it automatically commences on the first day after that
14 period (see *Legislation Act 2001*, s 79).

1 **Part 2** **Health Regulation (Maternal**
2 **Health Information) Act 1998**

3 **3 Act amended—pt 2**

4 This part amends the *Health Regulation (Maternal Health*
5 *Information) Act 1998*.

6 **4 Section 7 heading**

7 *substitute*

8 **7 No abortion in certain circumstances**

9 **5 Section 7 (1) (a) and (b)**

10 *substitute*

11 (a) the woman has been provided with advice and information, and
12 offered the opportunity of referral for counselling, under
13 section 8; and

14 (b) statements to that effect have been completed under section 9.

15 **6 Section 8 heading**

16 *substitute*

17 **8 Advice etc for woman considering abortion**

18 **7 Section 8 (1)**

19 *omit*

20 a medical practitioner shall

21 *substitute*

22 a competent person must

Section 8

8 New section 8 (4)*insert*

(4) For this section:

associated—someone is *associated* with an abortion provider if the person—

(a) performs, or assists in the performance of, abortions; or

(b) is employed by someone mentioned in paragraph (a).

competent person means—

(a) for subsection (1) (a)—a doctor who is not associated with an abortion provider; and

(b) for subsection (1) (b), (c), (d) and (e)—someone who is not associated with an abortion provider and is—

(i) a doctor; or

(ii) a nurse; or

(iii) a registered psychologist under the *Psychologists Act 1994*; or

(iv) a social worker.

social worker means a member of the Australian Association of Social Workers or someone recognised by the association as eligible to be a member.**9 Section 9 heading***substitute***9 Declaration about advice etc to woman**

10 Section 9 (1)*substitute*

- (1) If the advice, offer of the opportunity of referral to counselling or information mentioned in section 8 is provided to a woman under the section, the woman and the person who provided the advice, offer or information may jointly make a declaration in writing to that effect, stating the date and time.

1 **Part 3** **Crimes Act 1900**

2 **11 Act amended—pt 3**

3 This part amends the *Crimes Act 1900*.

4 **12 Procuring own miscarriage**
5 **Section 44**

6 *omit*

7 10 years

8 *substitute*

9 1 month

10 **13 New section 45A**

11 *insert*

12 **45A Coercing woman to have abortion**

13 A person must not coerce a woman to have an abortion.

14 Maximum penalty: imprisonment for 10 years.

Endnote

Republications of amended laws

1 For the latest republication of amended laws, see www.legislation.act.gov.au.