

2002

LEGISLATIVE ASSEMBLY OF THE AUSTRALIAN CAPITAL
TERRITORY

Maternal Health Legislation Amendment Bill 2002

EXPLANATORY MEMORANDUM

CIRCULATED BY THE AUTHORITY OF
VICKI DUNNE MLA

Maternal Health Legislation Amendment Bill 2002

Explanatory Memorandum

OUTLINE

The purpose of this Act is to amend the *Health Regulation (Maternal Health Information) Act 1998*, which provides a legislative basis for the provision of prescribed information to women contemplating an abortion. The amendments ensure that the person providing information to a woman considering an abortion is appropriately qualified and is in no way associated with the provider of an abortion.

The Bill also amends the *Crimes Act 1900* to reduce the penalties that a woman might face if she undergoes an unlawful abortion. It also creates a new offence of coercing a woman to have an abortion.

CLAUSE NOTES

Part 1

Clauses 1 and 2 are formal requirements. They refer to the short title and specify when the Act will commence.

Part 2 amends the *Health Regulation (Maternal Health Information) Act 1998*.

Clause 4 amends the heading of section 7 of *Health Regulation (Maternal Health Information) Act 1998*.

Clause 5 amends section 7 of *Health Regulation (Maternal Health Information) Act 1998* to specify that an abortion cannot be performed unless a woman is first

- provided with advice, information and the opportunity for counselling in accordance with section 8 of the Act; and
- has completed a statement in accordance with section 9 of the Act.

Clause 6 amends the heading of section 8 of *Health Regulation (Maternal Health Information) Act 1998*.

Clause 7 amends section 8 of the Act and deletes the term “medical practitioner” and replaces it with “competent person”.

Clause 8 inserts a new section 8(4) which specifies definitions for the purpose of section 8 of *Health Regulation (Maternal Health Information) Act 1998*.

“**associated**” for the purpose of the section is someone who performs or assists at an abortion or is an employee of someone who performs or assists at an abortion.

“competent person” for the purpose of the section is a doctor in subsection 1(a) and for the purposes of subsections 1(b), (c), (d) and (e) can be either:

- a doctor;
- a nurse
- a psychologist or
- a social worker

Clause 9 amends the heading of section 9 of *Health Regulation (Maternal Health Information) Act 1998*.

Clause 10. amends section 9 to specify that a woman considering an abortion and the competent person, established in section 8(1), must complete a declaration that the advice, offer of counselling and information has been provided in accordance with section 8.

Part 3 amends the *Crimes Act 1900*.

Clause 12 changes the maximum penalty for a breach of section 44 from 10 years imprisonment to 1 month imprisonment.

Clause 13 inserts a new section 45A of the Crimes Act and creates a new offence of coercing a woman to have an abortion.

FINANCIAL IMPLICATIONS

This Act has no financial implications for the Territory.