

2002

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Ms Katy Gallagher)

## **Medical Practitioners (Maternal Health) Amendment Bill 2002**

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### **A Bill for**

An Act to amend the *Medical Practitioners Act 1930*

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

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1 **1 Name of Act**

2 This Act is the *Medical Practitioners (Maternal Health) Amendment*  
3 *Bill 2002*.

4 **2 Commencement**

5 (1) This Act commences on the day after the *Health Regulation*  
6 *(Maternal Health Information) Repeal Act 2002* commences.

7 (2) If this Act has not commenced within 6 months beginning on the  
8 notification day, it expires at the end of that period.

9 **3 Act amended**

10 This Act amends the *Medical Practitioners Act 1930*.

11 **4 New part 4B**

12 *insert*

13 **Part 4B Abortions**

14 **55A Meaning of *abortion* for pt 4B**

15 In this part:

16 *abortion* means causing a woman's miscarriage by:

- 17 (a) administering a drug; or  
18 (b) using an instrument; or  
19 (c) any other means.

1 **55B Only medical practitioner may carry out abortion**

2 A person who is not a registered medical practitioner must not carry  
3 out an abortion.

4 Maximum penalty: imprisonment for 5 years.

5 **55C Abortion to be carried out in approved medical facility**

6 A person must not carry out an abortion except in a medical facility,  
7 or part of a medical facility, approved under section 55D (1).

8 Maximum penalty: 50 penalty units, imprisonment for 6 months or  
9 both.

10 **55D Approval of facilities**

11 (1) If a medical facility is suitable on medical grounds for carrying out  
12 abortions, the Minister may, in writing, approve the medical facility  
13 or an appropriate part of the medical facility.

14 (2) An approval is a notifiable instrument.

15 *Note* A notifiable instrument must be notified under the *Legislation Act 2001*.

16 (3) The Minister must not unreasonably refuse or delay a request for  
17 approval of a medical facility under subsection (1).

18 **55E No obligation to carry out abortion**

19 (1) No-one is under a duty (by contract or by statutory or other legal  
20 requirement) to carry out or assist in carrying out an abortion.

21 (2) A person is entitled to refuse to assist in carrying out an abortion.

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## Endnotes

### Republications of amended laws

- 1 For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

### Penalty units

- 2 The *Legislation Act 2001*, s 133 deals with the meaning of offence penalties that are expressed in penalty units.

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