

2024

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for Health)

Health (Improved Abortion Access) Amendment Bill 2024

Contents

	Page
1 Name of Act	2
2 Commencement	2
3 Legislation amended	2
4 New Health Regulation—sch 1	2
5 Offence—unauthorised supply or administration of abortifacient Section 81 (1) (c)	3
6 Conscientious objection Section 84A (1)	3
7 Section 84A (3)	4
8 Section 84A (4) and (5)	4

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Contents

		Page
9	Regulation-making power New section 196 (2)	5
10	Medicines, Poisons and Therapeutic Goods Regulation 2008 Schedule 1, part 1.5, item 2, column 3, paragraph (d)	5
Schedule 1	New Health Regulation	6

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(Minister for Health)

Health (Improved Abortion Access) Amendment Bill 2024

A Bill for

An Act to amend the *Health Act 1993*, and for other purposes

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

1 **1 Name of Act**

2 This Act is the *Health (Improved Abortion Access) Amendment Act*
3 *2024*.

4 **2 Commencement**

- 5 (1) This Act (other than section 4) commences on the day after its
6 notification day.

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

- 9 (2) Section 4 commences on this Act's notification day.

10 **3 Legislation amended**

11 This Act amends the *Health Act 1993*.

12 *Note* This Act also amends the *Medicines, Poisons and Therapeutic Goods*
13 *Regulation 2008* (see s 10).

14 **4 New Health Regulation—sch 1**

- 15 (1) The provisions set out in schedule 1 are taken to be a regulation made
16 under the *Health Act 1993*, section 196.

- 17 (2) The regulation—

18 (a) is taken to be notified under the [Legislation Act](#) on the day
19 this Act is notified; and

20 (b) commences on the commencement of schedule 1; and

21 (c) is not required to be presented to the Legislative Assembly under
22 the [Legislation Act](#), section 64 (1); and

23 (d) may be amended or repealed as if it had been made under the
24 *Health Act 1993*, section 196.

- 1 (3) This Act is taken to be an amending law for the [Legislation Act](#),
2 section 89 (Automatic repeal of certain laws and provisions) despite
3 this section not being a provision mentioned in section 89 (12),
4 definition of *amending law*.

5 **5 Offence—unauthorised supply or administration of**
6 **abortifacient**
7 **Section 81 (1) (c)**

8 *substitute*

- 9 (c) the person is not—
10 (i) a doctor; or
11 (ii) a nurse practitioner; or
12 (iii) a person prescribed by regulation.

13 **6 Conscientious objection**
14 **Section 84A (1)**

15 *substitute*

- 16 (1) Subject to subsection (2), an authorised person may, on religious or
17 other conscientious grounds (a *conscientious objection*), refuse to
18 provide any of the following services (an *abortion service*):
19 (a) prescribe, supply or administer an abortifacient;
20 (b) carry out or assist in carrying out a surgical abortion.

1 **7 Section 84A (3)**

2 *omit*

3 prescribe, supply or administer an abortifacient, or carry out or assist
4 in carrying out a surgical abortion,

5 *substitute*

6 provide an abortion service

7 **8 Section 84A (4) and (5)**

8 *substitute*

9 (4) However, if an authorised person refuses to provide an abortion
10 service because of a conscientious objection, they must, immediately
11 after refusing—

12 (a) tell the person requesting the abortion service that they refuse to
13 provide the service because of the objection; and

14 (b) either—

15 (i) give the person information about how to locate or
16 contact—

17 (A) a health practitioner who they reasonably believe can
18 provide the abortion service and would not refuse to
19 do so because of a conscientious objection; or

20 (B) a medical facility where they reasonably believe a
21 health practitioner working at the facility can provide
22 the abortion service and would not refuse to do so
23 because of a conscientious objection; or

24 (ii) transfer the person's care to a practitioner or facility
25 mentioned in subparagraph (i) (A) or (B).

- 1 (5) In this section:
2 *authorised person* means—
3 (a) a doctor; or
4 (b) a nurse; or
5 (c) a nurse practitioner; or
6 (d) a person prescribed by regulation for section 81 (1) (c) (iii).

7 **9 Regulation-making power**
8 **New section 196 (2)**

9 *after the note, insert*

- 10 (2) A regulation may apply, adopt or incorporate a law or instrument as
11 in force from time to time.

12 *Note* The text of an applied, adopted or incorporated law or instrument,
13 whether applied as in force from time to time or at a particular time, is
14 taken to be a notifiable instrument if the operation of the [Legislation Act](#),
15 s 47 (5) or (6) is not disapplied (see s 47 (7)).

16 **10 Medicines, Poisons and Therapeutic Goods**
17 **Regulation 2008**
18 **Schedule 1, part 1.5, item 2, column 3, paragraph (d)**

19 *omit*

20 s 93AA

21 *substitute*

22 s 88 (1D)

1 **Schedule 1 New Health Regulation**
2 (see s 4)



Australian Capital Territory

3 **Health Regulation 2024**

4 **Subordinate Law SL2024-**

5 made under the

6 [Health Act 1993](#)

7 **1 Name of regulation**

8 This regulation is the *Health Regulation 2024*.

9 **2 Authorised midwife not prohibited from supplying or**
10 **administering abortifacient—Act, s 81 (1) (c) (iii)**

11 (1) An authorised midwife is prescribed.

1 (2) The [Legislation Act](#), section 47 (6) does not apply to the *National*
2 *Health Act 1953* (Cwlth).

3 *Note* The *National Health Act 1953* (Cwlth) does not need to be notified under
4 the [Legislation Act](#) because s 47 (6) does not apply (see [Legislation Act](#),
5 s 47 (7)).

6 (3) In this section:
7 *authorised midwife*—see the *National Health Act 1953* (Cwlth),
8 section 84 (1).

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 10 April 2024.

2 Notification

Notified under the [Legislation Act](#) on 2024.

3 Republications of amended laws

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

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