# TABLE OF PROVISIONS

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The Parliament of Victoria enacts:

PART 1—PRELIMINARY

1 Purposes

The main purposes of this Act are—

(a) to reform the law relating to abortion; and
(b) to regulate health practitioners performing abortions; and
(c) to amend the Crimes Act 1958—

(i) to repeal the provisions relating to abortion; and
(ii) to abolish the common law offences relating to abortion; and
(iii) to make it an offence for an unqualified person to perform an abortion; and
(iv) to amend the definition of serious injury to include the destruction of a foetus other than in the course of a medical procedure.

2 Commencement

This Act commences on the day after the day on which it receives the Royal Assent.
3 Definitions

In this Act—

*abortion* means intentionally causing the termination of a woman's pregnancy by—

(a) using an instrument; or

(b) using a drug or a combination of drugs; or

(c) any other means;

*registered health practitioner* means—

(a) a registered health practitioner within the meaning of the *Health Professions Registration Act 2005*;

(b) a person registered under the Health Practitioner Regulation National Law to practise a health profession (other than as a student);

*registered medical practitioner* means a person registered under the Health Practitioner Regulation National Law to practise in the medical profession (other than as a student);

*registered nurse* means a person registered under the Health Practitioner Regulation National Law to practise in the nursing and midwifery profession as a nurse or as a midwife (other than as a student);

*registered pharmacist* means a person registered under the Health Practitioner Regulation National Law to practise in the pharmacy profession (other than as a student);
regulated health profession means—

(a) regulated health profession within the meaning of the Health Professions Registration Act 2005;

(b) a health profession within the meaning of the Health Practitioner Regulation National Law;

woman means a female person of any age.
PART 2—ROLE OF REGISTERED HEALTH PRACTITIONERS

4 Termination of pregnancy by registered medical practitioner at not more than 24 weeks

A registered medical practitioner may perform an abortion on a woman who is not more than 24 weeks pregnant.

5 Termination of pregnancy by registered medical practitioner after 24 weeks

(1) A registered medical practitioner may perform an abortion on a woman who is more than 24 weeks pregnant only if the medical practitioner—

(a) reasonably believes that the abortion is appropriate in all the circumstances; and

(b) has consulted at least one other registered medical practitioner who also reasonably believes that the abortion is appropriate in all the circumstances.

(2) In considering whether the abortion is appropriate in all the circumstances, a registered medical practitioner must have regard to—

(a) all relevant medical circumstances; and

(b) the woman's current and future physical, psychological and social circumstances.

6 Supply or administration of drugs by registered pharmacist or registered nurse—at not more than 24 weeks

A registered pharmacist or registered nurse who is authorised under the Drugs, Poisons and Controlled Substances Act 1981 to supply a drug or drugs may administer or supply the drug or drugs to cause an abortion in a woman who is not more than 24 weeks pregnant.
7 Supply or administration of drugs by registered pharmacist or registered nurse—more than 24 weeks

(1) A registered medical practitioner may, in writing, direct a registered pharmacist or registered nurse, who is employed or engaged by a hospital, to administer or supply a drug or drugs to cause an abortion in a woman who is more than 24 weeks pregnant only if the medical practitioner—

(a) reasonably believes that the abortion is appropriate in all the circumstances; and

(b) has consulted at least one other registered medical practitioner who also reasonably believes that the abortion is appropriate in all the circumstances.

(2) In considering whether the abortion is appropriate in all the circumstances, a registered medical practitioner must have regard to—

(a) all relevant medical circumstances; and

(b) the woman's current and future physical, psychological and social circumstances.

(3) A registered pharmacist may administer or supply a drug or drugs to cause an abortion in a woman who is more than 24 weeks pregnant only if the pharmacist is employed or engaged by a hospital and only at the written direction of a registered medical practitioner.

(4) A registered nurse may administer or supply a drug or drugs to cause an abortion in a woman who is more than 24 weeks pregnant only if the nurse is employed or engaged by a hospital and only at the written direction of a registered medical practitioner.
Part 2—Role of Registered Health Practitioners

Abortion Law Reform Act 2008
No. 58 of 2008

s. 8

(5) In this section hospital means a public hospital, private hospital or day procedure centre within the meaning of the Health Services Act 1988.

8 Obligations of registered health practitioner who has conscientious objection

(1) If a woman requests a registered health practitioner to advise on a proposed abortion, or to perform, direct, authorise or supervise an abortion for that woman, and the practitioner has a conscientious objection to abortion, the practitioner must—

(a) inform the woman that the practitioner has a conscientious objection to abortion; and

(b) refer the woman to another registered health practitioner in the same regulated health profession who the practitioner knows does not have a conscientious objection to abortion.

(2) Subsection (1) does not apply to a practitioner who is under a duty set out in subsection (3) or (4).

(3) Despite any conscientious objection to abortion, a registered medical practitioner is under a duty to perform an abortion in an emergency where the abortion is necessary to preserve the life of the pregnant woman.

(4) Despite any conscientious objection to abortion, a registered nurse is under a duty to assist a registered medical practitioner in performing an abortion in an emergency where the abortion is necessary to preserve the life of the pregnant woman.
1. General Information

Minister's second reading speech—
Legislative Assembly: 19 August 2008
Legislative Council: 12 September 2008

The long title for the Bill for this Act was "A Bill for an Act to reform the law relating to abortion, to amend the Crimes Act 1958 and for other purposes."

The Abortion Law Reform Act 2008 was assented to on 22 October 2008 and came into operation on 23 October 2008: section 2.
2. Table of Amendments

This Version incorporates amendments made to the Abortion Law Reform Act 2008 by Acts and subordinate instruments.

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<th>Abortion Law Reform Act 2008, No. 58/2008</th>
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<td>S. 12 on 22.10.09: s. 12</td>
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<tr>
<th>Statute Law Amendment (National Health Practitioner Regulation) Act 2010, No. 13/2010</th>
<th>Assent Date: 30.3.10</th>
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<tr>
<td>Commencement Date:</td>
<td>S. 51(Sch. item 1) on 1.7.10: s. 2(2)</td>
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3. **Explanatory Details**

No entries at date of publication.