

LEGISLATIVE ASSEMBLY

ABORTION LAW REFORM BILL 2008

(Amendments and New Clauses to be moved by Mr Merlino, Member for Monbulk in substitution for Amendments previously circulated)

1. Clause 3, after line 17 insert—
 "**Health Minister** means the Minister for the time being administering the **Health Services Act 1988**";
2. Clause 3, before line 18 insert—
 "**prescribed public hospital** means a public hospital that is approved by the Health Minister under section 9";
3. Clause 5, line 12, omit "the medical practitioner".
4. Clause 5, line 13, before "reasonably" insert "the medical practitioner".
5. Clause 5, lines 15 to 18, omit all words and expressions on these lines and insert—
 "(b) the abortion is performed at a prescribed public hospital; and
 (c) the medical practitioner has received written approval to perform the abortion from the termination review panel of the prescribed hospital constituted in accordance with this section."
6. Clause 5, lines 19 to 21, omit "the abortion is appropriate in all the circumstances, a registered medical practitioner" and insert "to give approval to perform an abortion, the termination review panel".
7. Clause 5, lines 23 and 24, omit "physical , psychological and social" and insert "physical or psychological".
8. Clause 5, after line 24 insert—
 "(3) The termination review panel of a prescribed public hospital must consist of—
 (a) the registered medical practitioner who is to perform the abortion;
 and
 (b) the senior obstetrician of the hospital or his or her nominee; and
 (c) a neonatologist; and
 (d) a senior midwife; and
 (e) a foetal monitoring expert; and
 (f) an specialist in foetal ultrasound; and

(g) a geneticist.

- (4) A termination review panel may co-opt other registered medical practitioners with the skills and expertise necessary to assist the panel in making assessments and giving approvals under this section.

Example

A neurologist or a psychiatrist."

9. Clause 8, omit this clause.

NEW CLAUSES

10. Insert the following New Clauses to follow clause 7—

"A Conscientious objection

- (1) A registered health practitioner is not under a duty to refer a woman to any person for an abortion.
- (2) No person is under a duty (by contract or by statutory or other legal requirement) to perform, assist in or witness the performance of an abortion, or to perform or assist in performing work involving foetal material from an abortion or to dispose of or assist in the disposal of an aborted foetus.
- (3) A person must not subject another person to any detriment or discrimination in employment, promotion, academic assessment or otherwise merely because the other person refuses or declines to perform, assist in or witness the performance of an abortion, or to dispose or assist in the disposal of, an aborted foetus or to carry out work affected by or related to the performance of an abortion.
- (4) A health care provider is not required to allow the performance of abortions on its premises and must not be subjected to any disadvantage for refusing to do so.
- (5) In this section *health care provider* includes a public hospital, a private hospital, a denominational hospital, a day procedure centre and a public health service within the meaning of the **Health Services Act 1988** and a pharmacist.
- (6) In this section, a reference to performing an abortion includes a reference to the administration or supply of a drug to cause an abortion.

B Approval of hospitals

The Health Minister may approve a public hospital within the meaning of the **Health Services Act 1988** where abortions may be performed in accordance with section 5."