

LEGISLATIVE COUNCIL

ABORTION LAW REFORM BILL 2008

(New Clauses to be proposed in Committee by MR KAVANAGH)

NEW CLAUSES

1. Insert the following New Clause to follow clause 5—
 - "A Prohibition on partial birth abortion**
 - (1) A registered medical practitioner must not perform a partial birth abortion.
Penalty: 500 penalty units.
 - (2) In this section *partial birth abortion* means the intentional killing of a foetus during vaginal delivery."

2. Insert the following New Clauses to precede clause 6—
 - "B Care for foetus**
A foetus that is born alive has all the rights of a child regardless of whether the foetus was born during or after an attempted abortion.
 - C Pain relief for foetus**
A medical practitioner who performs an abortion, or who gives a direction to perform an abortion, must ensure that all reasonable steps are taken to ensure that the abortion is conducted without causing pain to the foetus."

3. Insert the following New Clause to follow clause 7—
 - "D Termination Review Panels**
 - (1) A registered medical practitioner must not perform an abortion on a woman who is more than 24 weeks pregnant unless—
 - (a) the abortion is performed in a prescribed public hospital; and
 - (b) the medical practitioner has received written approval to perform the abortion from the termination review panel of the approved hospital.
 - (2) 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) a specialist in foetal ultrasound; and

(g) a geneticist.

(3) 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.

(4) The Minister for Health may approve a public hospital, within the meaning of the **Health Services Act 1988**, as a prescribed public hospital for the purposes of this section."

4. Insert the following New Clause to follow clause 8—

"E Protection from requirement to participate in abortion

(1) Despite anything to the contrary in any contract, agreement or arrangement or in any other Act or law, no person, hospital, health institution or other institution or service is under a duty to participate in the performance of any abortion.

(2) No person, including an employer or prospective employer, may deny to any person, including a prospective employee, any employment, right, title, privilege, benefit, accommodation, goods or services because the second person will not participate in the performance of any abortion or render any assistance, directly or indirectly, for the performance of an abortion."