

LEGISLATIVE ASSEMBLY

ABORTION LAW REFORM BILL 2008

(Amendments and New Clauses to be moved by Mr Clark)

1. Clause 1, page 2, line 4, after "destruction of" insert "or serious injury to".
2. Clause 3, after line 17 insert—

"child in need of protection means a child in need of protection for the purposes of the *Children, Youth and Families Act 2005*;

custodial parent means a parent with whom a child regularly or normally lives and includes a legal guardian;

foetus includes an embryo, zygote or other distinct human entity from the point of conception;"
3. Clause 4, line 5, omit "A registered" and insert "Subject to sections 8 and 10, a registered".
4. Clause 5, line 10, omit "A registered" and insert "Subject to sections 8 and 10, a registered".
5. Clause 6, line 28, omit "A registered" and insert "Subject to sections 9 and 11, a registered".
6. Clause 7, line 4, omit "A registered" and insert "Subject to sections 8 and 10, a registered".
7. Clause 10, after line 9 insert—

"foetus includes an embryo, zygote or other distinct human entity from the point of conception;"
8. Clause 10, page 8, line 5, after "destruction" insert "or serious injury".

NEW CLAUSES

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

"A Additional requirements on medical practitioners in respect of women under the age of 17 years

A registered medical practitioner must not perform an abortion on, or give a direction under section 7 in respect of, a woman who is under the age of 17 years unless—

 - (a) a custodial parent of the woman has given written consent to the abortion; or

- (b) the registered medical practitioner has notified a custodial parent of the woman of the intention to perform the abortion and 72 hours have elapsed since the notification was given; or
- (c) the Children's Court has ordered that the consent or notification of a custodial parent of the woman is not required.

B Additional requirements on pharmacists and nurses in respect of women under 17 years

A registered pharmacist or registered nurse must not administer or supply a drug or drugs under section 6 to a woman who is under the age of 17 years unless—

- (a) a custodial parent of the woman has given written consent to the abortion; or
- (b) the registered pharmacist or registered nurse has notified a custodial parent of the woman of the intention to administer or supply the drug and 72 hours have elapsed since the notification was given; or
- (c) the Children's Court has ordered that the consent or notification of a custodial parent of the woman is not required."

10. Insert the following new clauses to precede clause 8—

"C Additional requirements on medical practitioner in respect of women under 17 years in need of protection

A registered medical practitioner must not perform an abortion on, or give a direction under section 7 in respect of, a woman who is under the age of 17 years unless—

- (a) the registered medical practitioner has considered whether the woman may have suffered sexual abuse or is otherwise a child in need of protection; and
- (b) the registered medical practitioner either—
 - (i) does not believe on reasonable grounds that the woman is a child in need of protection and has included a statement, signed by the medical practitioner, to that effect in the woman's medical file; or
 - (ii) has made a report under section 183 or 184 of the **Children, Youth and Families Act 2005** of the medical practitioner's belief that the woman is a child in need of protection and 72 hours have elapsed since the making of the report.

D Additional requirements on pharmacists and nurses in respect of women under 17 years in need of protection

A registered pharmacist or registered nurse must not administer or supply a drug or drugs under section 6 to a woman who is under the age of 17 years unless—

- (a) the registered pharmacist or registered nurse has considered whether the woman may have suffered sexual abuse or is otherwise a child in need of protection; and
- (b) the registered pharmacist or registered nurse does not believe on reasonable grounds that the woman is a child in need of protection and has included a statement, signed by the registered pharmacist or registered nurse, to that effect in the records relating to the administration or supply of the drug or drugs.

E Requirement to take tissue sample if abortion performed on woman under the age of 17 years in need of protection

- (1) This section applies if—
 - (a) a registered medical practitioner performs an abortion on a woman who is under the age of 17 years; and
 - (b) the medical practitioner made a report referred to in section 10(b)(ii) in relation to the woman.
- (2) The registered medical practitioner must, in accordance with any guidelines issued by the Minister for the purposes of this section—
 - (a) take a tissue sample from the foetus that is sufficient for the purposes of forensic testing to determine the identity of the father of the foetus; and
 - (b) keep the tissue sample until the earlier of the following—
 - (i) the day that is 6 months after the day the abortion is performed;
 - (ii) the sample is given to a member of the police force at the request of that member."