



AUSTRALIAN CAPITAL TERRITORY

Medical Practitioners (Maternal Health) Amendment Act 2002

Act 2002 No 26

An Act to amend the *Medical Practitioners Act 1930*

*Notified under the Legislation Act 2001 on 9 September 2002
(see www.legislation.act.gov.au)*

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

1 Name of Act

This Act is the *Medical Practitioners (Maternal Health) Amendment Act 2002*.

2 Commencement

- (1) This Act commences on the day after the *Health Regulation (Maternal Health Information) Repeal Act 2002* commences.
- (2) If this Act has not commenced within 6 months beginning on the notification day, it expires at the end of that period.

3 Act amended

This Act amends the *Medical Practitioners Act 1930*.

4 New part 4B

insert

Part 4B Abortions

55A Meaning of *abortion* for pt 4B

In this part:

abortion means causing a woman's miscarriage by:

- (a) administering a drug; or
- (b) using an instrument; or
- (c) any other means.

55B Only medical practitioner may carry out abortion

A person who is not a registered medical practitioner must not carry out an abortion.

Maximum penalty: imprisonment for 5 years.

55C Abortion to be carried out in approved medical facility

A person must not carry out an abortion except in a medical facility, or part of a medical facility, approved under section 55D (1).

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

55D Approval of facilities

- (1) If a medical facility is suitable on medical grounds for carrying out abortions, the Minister may, in writing, approve the medical facility or an appropriate part of the medical facility.
- (2) An approval is a notifiable instrument.
Note A notifiable instrument must be notified under the *Legislation Act 2001*.
- (3) The Minister must not unreasonably refuse or delay a request for approval of a medical facility under subsection (1).

55E No obligation to carry out abortion

- (1) No-one is under a duty (by contract or by statutory or other legal requirement) to carry out or assist in carrying out an abortion.
- (2) A person is entitled to refuse to assist in carrying out an abortion.

Endnotes

Republications of amended laws

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

Penalty units

- 2 The *Legislation Act 2001*, s 133 deals with the meaning of offence penalties that are expressed in penalty units.

[Presentation speech made in Assembly on 15 May 2002]

I certify that the above is a true copy of the Medical Practitioners (Maternal Health) Amendment Bill 2002 which was passed by the Legislative Assembly on 21 August 2002.

Clerk of the Legislative Assembly

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