



Australian Capital Territory

Health (Improved Abortion Access) Amendment Act 2024

A2024-30

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Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

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Australian Capital Territory

Health (Improved Abortion Access) Amendment Act 2024

A2024-30

An Act to amend the *Health Act 1993*, and for other purposes

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

1 Name of Act

This Act is the *Health (Improved Abortion Access) Amendment Act 2024*.

2 Commencement

- (1) This Act (other than section 4) commences on the day after its notification day.

Note The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](#), s 75 (1)).

- (2) Section 4 commences on this Act's notification day.

3 Legislation amended

This Act amends the *Health Act 1993*.

Note This Act also amends the *Medicines, Poisons and Therapeutic Goods Regulation 2008* (see s 10).

4 New Health Regulation—sch 1

- (1) The provisions set out in schedule 1 are taken to be a regulation made under the *Health Act 1993*, section 196.
- (2) The regulation—
 - (a) is taken to be notified under the [Legislation Act](#) on the day this Act is notified; and
 - (b) commences on the commencement of schedule 1; and
 - (c) is not required to be presented to the Legislative Assembly under the [Legislation Act](#), section 64 (1); and
 - (d) may be amended or repealed as if it had been made under the *Health Act 1993*, section 196.

- (3) This Act is taken to be an amending law for the [Legislation Act](#), section 89 (Automatic repeal of certain laws and provisions) despite this section not being a provision mentioned in section 89 (12), definition of *amending law*.

**5 Offence—unauthorised supply or administration of abortifacient
Section 81 (1) (c)**

substitute

- (c) the person is not—
- (i) a doctor; or
 - (ii) a nurse practitioner; or
 - (iii) a person prescribed by regulation.

**6 Conscientious objection
Section 84A (1)**

substitute

- (1) Subject to subsection (2), an authorised person may, on religious or other conscientious grounds (a *conscientious objection*), refuse to provide any of the following services (an *abortion service*):
- (a) prescribe, supply or administer an abortifacient;
 - (b) carry out or assist in carrying out a surgical abortion.

7 Section 84A (3)

omit

prescribe, supply or administer an abortifacient, or carry out or assist in carrying out a surgical abortion,

substitute

provide an abortion service

8 Section 84A (4) and (5)

substitute

- (4) However, if an authorised person refuses to provide an abortion service because of a conscientious objection, they must, immediately after refusing—
- (a) tell the person requesting the abortion service that they refuse to provide the service because of the objection; and
 - (b) either—
 - (i) give the person information about how to locate or contact—
 - (A) a health practitioner who they reasonably believe can provide the abortion service and would not refuse to do so because of a conscientious objection; or
 - (B) a medical facility where they reasonably believe a health practitioner working at the facility can provide the abortion service and would not refuse to do so because of a conscientious objection; or
 - (ii) transfer the person’s care to a practitioner or facility mentioned in subparagraph (i) (A) or (B).

(5) In this section:

authorised person means—

- (a) a doctor; or
- (b) a nurse; or
- (c) a nurse practitioner; or
- (d) a person prescribed by regulation for section 81 (1) (c) (iii).

**9 Regulation-making power
New section 196 (2)**

after the note, insert

(2) A regulation may apply, adopt or incorporate a law or instrument as in force from time to time.

Note The text of an applied, adopted or incorporated law or instrument, whether applied as in force from time to time or at a particular time, is taken to be a notifiable instrument if the operation of the [Legislation Act](#), s 47 (5) or (6) is not disapplied (see s 47 (7)).

**10 Medicines, Poisons and Therapeutic Goods
Regulation 2008
Schedule 1, part 1.5, item 2, column 3, paragraph (d)**

omit

s 93AA

substitute

s 88 (1D)

Schedule 1 New Health Regulation

(see s 4)



Australian Capital Territory

Health Regulation 2024

Subordinate Law SL2024-

made under the

[Health Act 1993](#)

1 **Name of regulation**

This regulation is the *Health Regulation 2024*.

2 **Authorised midwife not prohibited from supplying or administering abortifacient—Act, s 81 (1) (c) (iii)**

(1) An authorised midwife is prescribed.

- (2) The [Legislation Act](#), section 47 (6) does not apply to the *National Health Act 1953* (Cwlth).

Note The *National Health Act 1953* (Cwlth) does not need to be notified under the [Legislation Act](#) because s 47 (6) does not apply (see [Legislation Act](#), s 47 (7)).

- (3) In this section:

authorised midwife—see the *National Health Act 1953* (Cwlth), section 84 (1).

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 10 April 2024.

2 Notification

Notified under the [Legislation Act](#) on 9 July 2024.

3 Republications of amended laws

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

I certify that the above is a true copy of the Health (Improved Abortion Access) Amendment Bill 2024, which was passed by the Legislative Assembly on 25 June 2024.

Clerk of the Legislative Assembly

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