



Supplementary Notice Paper

Abortion Legislation Reform Bill 2023 [120-1]

SNP 120, Issue No. 3

Tuesday, 19 September 2023

When in committee on the *Abortion Legislation Reform Bill 2023*:

Clause 8

Hon Kate Doust: To move —

8/8 Page 12, after line 28 — To insert:

202MGA. Care of person born after performance of abortion

- (1) This section applies if the performance of an abortion results in a person being born alive.
- (2) Nothing in this Division prevents the registered health practitioner who performed the abortion, or any other registered health practitioner present at the time the person is born alive, from exercising any duty to provide the person with medical care and treatment that is —
 - (a) clinically safe, and
 - (b) appropriate to the person's medical condition.
- (3) To avoid doubt, the duty owed by a registered health practitioner to provide medical care and treatment to a person born alive as a result of the performance of an abortion is no different than the duty owed to provide medical care and treatment to a person born alive other than as a result of the performance of an abortion.

Hon Kate Doust: To move —

9/8 Page 14, lines 20 to 24 — To delete the lines and insert:

- (b) the medical practitioner or prescribing practitioner (the *unwilling practitioner*) is unwilling to comply with the request, whether for the reason that the unwilling practitioner has a conscientious objection to abortion or for some other reason.

Hon Kate Doust: To move —

10/8 Page 14, line 25 — To delete “refusing” and insert:

unwilling

Hon Kate Doust: To move —

11/8 Page 14, line 28 — To delete “refusing” and insert:

unwilling

Hon Kate Doust: To move —

12/8 Page 15, line 2 — To delete “refusing” and insert:

unwilling

Hon Kate Doust: To move —

13/8 Page 15, line 28 — To delete “refusing” and insert:

unwilling

Hon Kate Doust: To move —

14/8 Page 15, after line 29 — To insert:

- (5) To avoid doubt, this section does not apply to a medical practitioner or prescribing practitioner who would be willing to comply with a request referred to in subsection (1)(a) but is unable to comply with the request because of unavailability or some other reason.

Hon Kate Doust: To move —

15/8 Page 17, after line 5 — To insert:

- (aa) contravenes section 202MEB(1); or
(ab) contravenes section 202MEC(1); or

Hon Wilson Tucker: To move —

32/8 Page 22, line 25 — To delete “the particular” and insert:

subject to subsection (4A), the particular

33/8 Hon Wilson Tucker: To move —

Page 23, after line 4 — To insert:

- (4A) Subsection (4)(f) does not prevent the information specified in the direction from including the information referred to in section 202MPA(2)(a) or (b).

Hon Wilson Tucker: To move —

34/8 Page 23, after line 15 — To insert:

202MPA. Relevant persons must notify Chief Health Officer about performance of abortion for particular reason of sex selection

- (1) This section applies if a relevant person performs an abortion on a person, or becomes aware that an abortion has been performed on a person, for the particular reason of sex selection.
- (2) The relevant person must, within 28 days of performing the abortion or becoming aware that the abortion has been performed (as the case requires), notify the Chief Health Officer of the following —
 - (a) that the abortion was performed for the particular reason of sex selection;
 - (b) whether the abortion was performed —
 - (i) in circumstances where there was a substantial risk that the person born after the pregnancy (but for the performance of the abortion) would suffer a sex-linked medical condition that would result in serious disability to the person; or
 - (ii) in circumstances other than those referred to in subparagraph (i).
- (3) A notice given under subsection (2) must be given in the manner and form approved by the Chief Health Officer.
- (4) The information contained in a notice given to the Chief Health Officer under subsection (2) must meet the requirements set out in section 202MP(3) and (4).
- (5) *The Criminal Code* section 177 does not apply to the obligations of a relevant person under subsection (2).

Hon Wilson Tucker: To move —

35/8 Page 23, line 21 — To insert after “202MP(6)”:

or 202MPA(2)

Hon Kate Doust: To move —

16/8 Page 23, after line 26 — To insert:

- (ba) preparing and providing to the Minister reports under section 202MS(1);

Hon Wilson Tucker: To move —

36/8 Page 24, line 8 — To delete “202MP(6); or” and insert:

202MP(6) or 202MPA(2); or

Hon Wilson Tucker: To move —

37/8 Page 24, line 12 — To delete “202MP(6),” and insert:

202MP(6) or 202MPA(2),

Hon Kate Doust: To move —

17/8 Page 24, after line 26 — To insert:

202MS. Annual report

- (1) In each calendar year, the Chief Health Officer must prepare and provide to the Minister a report in relation to health services provided in the immediately preceding calendar year in connection with the performance of abortions under Division 2.
- (2) Subject to subsection (3), the report must contain —
 - (a) demographic and clinical information in relation to each abortion performed under Division 2 in the immediately preceding calendar year, including —
 - (i) the age of the person on whom the abortion was performed; and
 - (ii) the gestational age of the foetus;
 and
 - (b) other information (including data and statistics) of a kind prescribed by the regulations or determined by the Minister.
- (3) A report prepared under this section —
 - (a) must only contain information that meets the requirements set out in section 202MP(3) and (4); and
 - (b) without limiting paragraph (a), must not refer to the particular age of a person on whom an abortion was performed but to an age category including a range of not less than 5 years (for example, under 15 years of age, 15 to 19 years of age, and so on); and
 - (c) without limiting paragraph (a), must not refer to the particular gestational age of the foetus but to an age range (for example, 9 weeks or less, 10 to 13 weeks, and so on).
- (4) The Minister must cause a copy of a report provided to the Minister under this section to be laid before each House of Parliament within 12 sitting days of the House after the day on which the report is provided.

Hon Nick Goiran: To move —

20/8 Page 24, after line 26 — To insert:

202MS. Annual Report

- (1) The Chief Health Officer must, by 30 June each year, provide the Minister with a report about abortions performed in the preceding calendar year.
- (2) A report under subsection (1) —
 - (a) can only be statistical or summary information; and
 - (b) cannot include any particulars from which it may be possible to ascertain —
 - (i) the identity of a person on whom an abortion has been performed; or
 - (ii) the identity of a person who has performed, or has assisted in the performance of, an abortion on a person.
- (3) A report under subsection (1) must include the following information about an abortion —
 - (a) the age category of the person on whom the abortion was performed (for example, under 16 years of age);
 - (b) a clinical estimate of the gestational age range of the unborn baby, at the date on which the abortion was performed (for example, up to 9 weeks, between 10 and 13 weeks, between 14 and 19 weeks, between 20 and 22 weeks, from 23 weeks);
 - (c) the type of place at which the abortion was performed (for example, a public or private hospital or a private health facility);
 - (d) if the abortion was performed on a person who was more than 23 weeks pregnant — the class of reason for the abortion having been performed (for example, an emergency to save the person's life, an emergency to save another unborn baby, unborn baby with a lethal abnormality, unborn baby with a non-lethal abnormality);
 - (e) the health profession of each registered health practitioner who performed, or assisted in the performance of, the abortion, including whether the practitioner holds specialist registration under the *Health Practitioner Regulation National Law (WA) Act 2010* and, if so, the practitioner's specialty;
 - (f) the method used to perform the abortion (for example, vacuum, vacuum and medication, medication only, dilatation and curettage, dilatation and evacuation);
 - (g) whether there were complications arising from or following upon the performance of the abortion on the person, including whether the person died as a result of the performance of the abortion or the complications;
 - (h) whether the performance of the abortion resulted in a live birth;
 - (i) other information (including data and statistics) of a kind prescribed by the regulations or determined by the Minister.
- (4) The Minister must cause a copy of the report provided to the Minister under this section to be laid before each House of Parliament within 12 sitting days of the House after the day on which the report is provided to the Minister.

