

House of Representatives

Supplementary Order Paper

Tuesday, 2 November 2004

Care of Children Bill

Proposed amendments

Murray Smith, in committee, to move the following amendment:

Clause 37

To insert, after subclause (1) (after line 2 on page 35), the following subclauses:

- (1A) Despite **subsection 37(1)** and subject to **subsections 37(1B) and (1C)** no certifying consultant may authorise the termination of the pregnancy of a female child under the age of 16 years unless the certifying consultant has either—
 - (a) received written confirmation from a medical practitioner (including another certifying consultant) that the practitioner has personally notified a guardian of the child (or other person authorised to consent to medical, surgical, or dental procedures in respect of the child) of the child's desire to terminate the pregnancy; or
 - (b) personally notified any such guardian or other person of the child's desire to terminate the pregnancy.
- (1B) If the female child expresses a desire that the notification required by **subsection 37(1A)** not be given, and if the certifying consultant considers that a serious risk of physical abuse or other similar circumstance exists that warrants such notification being dispensed with, then—
 - (a) the certifying consultant may make an application to any Judge of the District Court or the Family Court for the dispensation of notification and, upon being satisfied that notification ought to be dispensed with, the Judge may make an order accordingly, and
 - (b) the certifying consultant must immediately refer the matter to a Social Worker or to the police or to both.

- (1C) Upon the making of an order for the dispensation of notification, the certifying consultant and any other certifying consultant may authorise the termination of the pregnancy.
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