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HOUSE OF REPRESENTATIVES

Supplementary Order Paper

Wednesday, 6 December 1989

CONTRACEPTION, STERILISATION, AND ABORTION AMENDMENT BILL

Proposed Amendments

MARGARET AUSTIN, in Committee, to move the following amendments:

Proposed clause 2A: To insert on page 2, after clause 2, the following clause:

2A. Meaning of counselling—The principal Act is hereby amended by inserting, after section 2, the following section:

“2A. (1) For the purposes of this Act, ‘counselling’, in relation to any female considering an abortion, includes counselling on—

- “(a) Her difficulties and anxieties in deciding whether to continue with the pregnancy or to have an abortion; and
- “(b) The nature of the operation and the likelihood of complete recovery or possible resulting illness; and
- “(c) A biological understanding of the fetus; and
- “(d) The appropriate help that may be available to her if she continues with the pregnancy or if she has an abortion,—

provided by 2 approved counselling services in accordance with subsection (2) of this section.

“(2) In every particular case the following provisions shall apply in respect of the provision of counselling by the 2 approved counselling services:

- “(a) The approved counselling services shall be independent of one another:
- “(b) One approved counselling service shall give counselling on abortion, including coping with the consequences of abortion:
- “(c) The other approved counselling service, which shall be independent of any institution, clinic, or other place in which abortions are performed, shall give counselling on—
 - “(i) The alternatives to abortion, including coping with the consequences of continuing with the pregnancy; and
 - “(ii) Post-abortion distress.”

Clause 4, proposed section 32: To insert on page 3, after the proposed subsection (1), the following proposed subsections:

“(1A) Notwithstanding anything in subsection (1) of this section (and without limiting the right of any registered medical practitioner to refer any patient to an approved counselling service for counselling on alternatives to abortion, whether she

is expressly seeking an abortion or not), the woman's own doctor shall not proceed under subsection (2) of this section unless—

“(a) The woman's own doctor is satisfied that she has received from an approved counselling service counselling on the alternatives to abortion; or

“(b) The woman's own doctor has supplied her with the information referred to in section 35 of this Act, and not less than 48 hours after receiving that information she has told the doctor that she does not wish to receive counselling.

“(1B) Except in a case where an abortion is sought on a ground specified in paragraph (b) or paragraph (d) of section 187A (1) of the Crimes Act 1961, or where there are reasonable grounds for believing that the pregnancy is the result of sexual violation, the woman's own doctor shall also give her sufficient documentary information on the matters specified in paragraphs (b) and (c) of section 2A (1) of this Act to enable her to make an informed consent to any abortion.”

Clause 4, proposed section 33: To add on page 5 the following proposed subsections:

“(7) Notwithstanding any of the preceding provisions of this section but subject to subsection (8) of this section, no decision to issue or to refuse to issue a certificate authorising the performance of an abortion shall be made unless each of the medical practitioners is satisfied that, not less than 48 hours earlier, the female in respect of whom the abortion is to be performed received the information specified in section 32A (1B) of this Act.

“(8) Subsection (7) of this section does not apply where the abortion is sought on a ground specified in paragraph (b) or paragraph (d) of section 187A (1) of the Crimes Act 1961 or there are reasonable grounds for believing that the pregnancy is the result of sexual violation.”

Proposed clauses 4A: To insert on page 6, after clause 4, the following clause:

4A. Counselling—The principal Act is hereby amended by repealing section 35, and substituting the following section:

“35. It is the duty of every medical practitioner who is consulted in respect of any case where an abortion may be under consideration to satisfy himself or herself that the female concerned has received counselling, and, if she has not, to give her full and balanced information on the purposes and content of counselling to enable her to decide whether or not she wishes to receive counselling.”