

HOUSE OF REPRESENTATIVES

Supplementary Order Paper

Tuesday, the 13th Day of December 1977

CONTRACEPTION, STERILISATION, AND ABORTION BILL

Proposed Amendments

Rt. Hon. Mr ROWLING, in Committee, to move the following amendments:

Clause 17 (1): To add to the subclause on page 13 the following paragraphs:

- (l) To receive and consider reports submitted to it in accordance with section 30A of this Act:
- (m) To conduct investigations in accordance with section 30B of this Act:
- (n) To make orders in accordance with section 30c of this Act.

Proposed clauses 30A to 30D: To insert on page 20, after clause 30, the following clauses:

30A. Reports on abortions—(1) Every registered medical practitioner who performs an abortion shall, within 1 month thereafter, forward to the Supervisory Committee a report stating—

- (a) The ground on which the abortion was sought; and
- (b) The ground on which he agreed to perform the abortion; and
- (c) A summary of the relevant medical details.

(2) No such report shall give the name or address of the patient.

(3) Any such report may relate to one or to more than one case.

(4) Every registered medical practitioner who fails to comply with subsection (1) of this section, or contravenes subsection (2) of this section, commits an offence and is liable on summary conviction to a fine not exceeding \$1,000.

30B. Supervisory Committee may conduct investigations—

(1) Where the Supervisory Committee believes, after studying any reports submitted to it under section 30A of this Act, that any registered medical practitioner may be applying or interpreting the provisions of the abortion law in a manner that is inconsistent with the practice of the medical profession in general, it may investigate the matter.

(2) For the purposes of any such inquiry, the Supervisory Committee shall be deemed to be a Commission of Inquiry under the Commissions of Inquiry Act 1908, and, subject to the provisions of this Act and of any regulations made under this Act, the provisions of that Act shall apply accordingly.

30c. Supervisory Committee may take disciplinary action—

(1) If, after conducting any such investigation and giving the practitioner concerned an opportunity to be heard, the Supervisory Committee is satisfied that the practitioner is applying or interpreting the provisions of the abortion law in a manner that is inconsistent with the practice of the medical profession generally—

(a) It may draw the matter to the attention of the practitioner, and warn him that if he fails to conform to the practice of the profession in this regard, the Supervisory Committee may take action against him in accordance with paragraph (b) of this subsection; and

(b) If the Supervisory Committee is satisfied that the practitioner, having been warned in accordance with paragraph (a) of this subsection, has thereafter failed to conform to the practice of the profession, it may order the medical practitioner, in writing, not to perform an abortion for such period not exceeding 10 years as the Supervisory Committee may specify, or unless the order is sooner revoked in accordance with section 30d of this Act.

(2) Every registered medical practitioner who acts in contravention of an order made under subsection (1) (b) of this section commits an offence and is liable on summary conviction to imprisonment for a term not exceeding 6 months or a fine not exceeding \$1,000.

(3) Nothing in subsection (2) of this section shall apply to the performance of an abortion by a medical practitioner who believes that abortion is immediately necessary to save the life of the patient or to prevent serious permanent injury to her physical or mental health.

30d. Appeal to Medical Council—(1) Every registered medical practitioner in respect of whom an order is made under section 30c (1) (b) of this Act may, within 28 days after the making of the order, appeal to the Medical Council of New Zealand against the making of the order.

(2) Subject to the provisions of this section, the provisions of Part III of the Medical Practitioners Act 1968, to the extent that they are applicable and with the necessary modifications, shall apply to and in respect of such cases.

(3) On any such appeal the Council may confirm, revoke, or vary the order as it thinks fit.

EXPLANATORY NOTE

The amendments provide for a means of control and supervision to try to ensure that medical practitioners performing abortions apply the law consistently.

Clause 17: The amendments catalogue the new functions conferred on the Supervisory Committee by *clauses 30A to 30D*.

Clause 30A requires every practitioner who performs an abortion to submit a report on the case to the Supervisory Committee.

Clause 30B empowers the Committee to investigate the matter if it believes that any practitioner may be applying or interpreting the law in a manner that is inconsistent with the practice of the medical profession generally.

Clause 30C empowers the Committee, after conducting an investigation, to warn the practitioner if it believes that he is out-of-step with the general practice in this regard. If it then considers that he has failed to heed such a warning, it may prohibit him from performing any abortion for a period not exceeding 10 years.

Clause 30D gives the practitioner a right of appeal to the Medical Council of New Zealand against the order, and the Council is empowered to confirm, revoke, or amend the order.
