

## HOUSE OF REPRESENTATIVES

## Supplementary Order Paper

Thursday, the 13th Day of October 1977

CONTRACEPTION, STERILISATION, AND ABORTION BILL

*Proposed Amendments*

Mr HUNT, in Committee, to move the following amendments:

*Clause 4:* To insert in line 19 on page 6, after the words "is mentally subnormal", the words "and it is considered in the best interest of the female to do so".

*Clause 12:* To insert on page 10, after subclause (2), the following subclause:

(2A) Without limiting subsection (1) of this section, every registered medical practitioner who performs an operation of sterilisation on any person who lacks the capacity to consent thereto shall, within 7 days thereafter, give written notice of the operation to the person who gave consent on behalf of the patient.

To insert in line 10 on that page, after the words "with subsection (1)", the words "or subsection (2A)".

*Proposed clause 37A:* To insert on page 23, after clause 37, the following clause:

**37A. Special provisions where patient mentally sub-normal**—In any case where the patient lacks the capacity to consent, by reason of any mental incapacity, to an abortion, the persons charged, under section 37 of this Act, with determining whether to authorise the abortion shall, before determining the case, consult with a registered medical practitioner or other person believed by them to be qualified and experienced in the field and able to make an assessment of the patient's condition and the likely effect on it of the continuance of the pregnancy or an abortion.

*Proposed clause 48B:* To insert in Part I on page 27, before clause 49, the following clause:

**48B. No contraception, sterilisation, or abortion without consent**—(1) Notwithstanding anything in this Act or in any other enactment, no person shall—

- (a) Administer any contraceptive to any other person; or
- (b) Subject to an order of the Court under section 10 of this Act, perform an operation of sterilisation on any other person; or

(c) Perform an abortion on any other person—without the written consent of that other person, or (where that person lacks the capacity to consent) the written consent of his parent or guardian or any other person acting in the place of his parent.

(2) Nothing in subsection (1) 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 and that it is not practicable to obtain consent.

(3) Every person who administers any contraceptive or performs an operation of sterilisation or performs an abortion in contravention of subsection (1) 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 \$1000.

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#### EXPLANATORY NOTE

*Clause 4:* The amendment provides that a contraceptive may only be administered under the authority of this clause where it is believed to be in the best interest of the patient.

*Clause 12:* The amendment provides that, where an operation of sterilisation is performed on any person who is incapable of giving consent to the operation, the doctor who performs the operation must give notice of the operation to the person who consented to it on behalf of the patient.

*Clause 37A:* The clause provides that, where an abortion is sought in respect of a patient who lacks the mental capacity to give consent, the persons charged with determining whether or not to authorise the abortion must consult with a person with knowledge in the field to assess the woman's condition and the likely effect on it of the continuance of the pregnancy or an abortion.

*Clause 48B:* This prescribes a general rule that no person may administer to or perform on any other person any contraceptive or any operation of sterilisation or abortion without consent.

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