

House of Representatives

Supplementary Order Paper

Tuesday, 10 March 2020

Abortion Legislation Bill

Proposed amendment

Hon Nicky Wagner, in Committee, to move the following amendment:

New clause 6AA

After *clause 6* (page 5, after line 2), insert:

6AA Section 4 replaced (Administering of contraceptives to mentally subnormal females)

Replace section 4 with:

- 4 Administration of contraceptives to persons without capacity to make or communicate decisions**
- (1) A medical practitioner may administer contraceptives to a person who, for any reason, lacks the capacity to make or communicate decisions, provided the administration of contraceptives is consistent with the promotion and protection of the welfare of the person.
 - (2) A parent or guardian of a person under 18 years may consent on their behalf to the administration of contraceptives if—
 - (a) the person, for any reason, lacks the capacity to make or communicate decisions; and
 - (b) the administration of contraceptives is consistent with the promotion and protection of the welfare of the person.
 - (3) Nothing in this section limits the powers and duties of a welfare guardian appointed under the Protection of Personal and Property Rights Act 1988 when consenting to medical treatment on behalf of a person over 18 for whom the welfare guardian is acting.

Explanatory note

This Supplementary Order Paper (**SOP**) amends the Abortion Legislation Bill. The current wording of section 4 of the Contraception, Sterilisation, and Abortion Act 1977 refers to “mentally subnormal females”. The purpose of this SOP is to update section 4 with more appropriate wording, and improve alignment of that section with other legislation. This is not intended to change the policy of the current section.