

NORTHERN TERRITORY OF AUSTRALIA

TERMINATION OF PREGNANCY LAW REFORM REGULATIONS 2017

As in force at 4 July 2018

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 4 July 2018

TERMINATION OF PREGNANCY LAW REFORM REGULATIONS 2017

Regulations under the *Termination of Pregnancy Law Reform Act 2017*

Part 1 Preliminary matters

1 Citation

These Regulations may be cited as the *Termination of Pregnancy Law Reform Regulations 2017*.

2 Commencement

These Regulations commence on the commencement of the *Termination of Pregnancy Law Reform Act 2017*.

Part 2 Suitably qualified medical practitioners

3 Credentials for suitably qualified medical practitioners

The CHO may set the credentials required for suitably qualified medical practitioners.

4 Verification of credentials of suitably qualified medical practitioners

- (1) The CHO may verify the credentials of a medical practitioner for the purpose of confirming the medical practitioner as a suitably qualified medical practitioner.

Note for subregulation (1)

The CHO may delegate the power mentioned in subregulation (1) under section 69 of the Public and Environmental Health Act 2011.

- (2) A medical practitioner must provide true and accurate information to the CHO for the purpose mentioned in subregulation (1).

- (3) A person commits an offence if:
- (a) the person intentionally gives information to the CHO for the purpose mentioned in subregulation (1); and
 - (b) the information is misleading and the person has knowledge of that circumstance.

Maximum penalty: 100 penalty units.

- (4) A person commits an offence if:
- (a) the person intentionally gives a document to the CHO for the purpose mentioned in subregulation (1); and
 - (b) the document contains misleading information and the person has knowledge of that circumstance.

Maximum penalty: 100 penalty units.

- (6) Subregulation (4) does not apply if the person, when giving the document:
- (a) draws the misleading aspect of the document to the attention of the CHO; and
 - (b) to the extent to which the person can reasonably do so – gives the CHO the information necessary to remedy the misleading aspect of the document.

- (7) If the credentials of a medical practitioner cannot be verified for the purpose mentioned in subregulation (1), the CHO must provide written notice to the practitioner advising:
- (a) that the practitioner's credentials could not be verified; and
 - (b) that the practitioner is not permitted to perform terminations other than in emergency situations; and
 - (c) the actions that must be performed by the practitioner in order for the practitioner's credentials to be verified.

- (8) The CHO may review the verification of the credentials of a suitably qualified medical practitioner at intervals not exceeding 2 years.

- (9) In this regulation:

misleading information means information that is misleading in a material particular or because of the omission of a material particular.

Part 3 Standards and guidelines

5 Standards

- (1) The CHO may, by *Gazette* notice, declare that a document applies as a standard in the Territory, or a specified part of the Territory, relating to the performance of terminations.
- (2) The declaration of the standard must:
 - (a) specify if the standard applies to the whole of the Territory or part of the Territory; and
 - (b) describe the subject matter of the standard; and
 - (c) specify the date on which the standard applies in the Territory or part of the Territory (which may not be earlier than the date of the notice); and
 - (d) specify the place where, and the times when, a person may inspect or purchase a copy of the standard.

6 Guidelines

- (1) The CHO may set guidelines relating to the policies, procedures and requirements involved in the performance of terminations.
- (2) The CHO must, by *Gazette* notice, give notice of making the guidelines.
- (3) The notice must:
 - (a) describe the subject matter of the guidelines; and
 - (b) specify the date on which the guidelines take effect (which may not be earlier than the date of the notice); and
 - (c) specify the place where, and the times when, a person may inspect or purchase a copy of the guidelines.

7 Inspection and purchase of copies of standards and guidelines

The CHO:

- (a) must make available copies of standards under the Act for inspection or purchase by members of the public; and
- (b) must make available copies of guidelines under the Act for inspection or purchase by members of the public.

Part 4 Reporting requirements

Division 1 Reports to CHO

8 Prescribed information

- (1) For section 17 of the Act, the following information is prescribed:
- (a) for a termination performed at not more than 14 weeks pregnant, using a termination drug:
 - (i) the date of birth of the woman who received the termination; and
 - (ii) the number of gestational weeks at which the termination was performed; and
 - (iii) the date the termination was initiated; and
 - (iv) the location where the termination was initiated; and
 - (v) the region of the usual place of residence of the woman who received the termination; and
 - (vi) the full name and provider number of the suitably qualified medical practitioner who performed the termination or directed the performance of the termination; and
 - (vii) whether a follow up appointment in relation to the termination was arranged;
 - (b) for a termination performed at not more than 14 weeks pregnant, by surgical procedure:
 - (i) the date of birth of the woman who received the termination; and
 - (ii) the number of gestational weeks at which the termination was performed; and
 - (iii) the date the termination was performed; and
 - (iv) the name of the premises where the termination was performed; and
 - (v) the location where the termination was performed; and
 - (vi) the region of the usual place of residence of the woman who received the termination; and

- (vii) the full name and provider number of:
 - (A) the suitably qualified medical practitioner who performed the termination; or
 - (B) if the termination was performed in an emergency situation under section 10 of the Act – the medical practitioner who performed the termination; and
- (viii) whether a follow up appointment in relation to the termination was arranged;
- (c) for a termination performed at more than 14 weeks pregnant:
 - (i) the method of termination; and
 - (ii) the date of birth of the woman who received the termination; and
 - (iii) the number of gestational weeks at which the termination was performed; and
 - (iv) the date the termination was performed; and
 - (v) the name of the premises where the termination was performed; and
 - (vi) the location where the termination was performed; and
 - (vii) the region of the usual place of residence of the woman who received the termination; and
 - (viii) the full name and provider number of:
 - (A) the suitably qualified medical practitioner who performed the termination; and
 - (B) the suitably qualified medical practitioner who was consulted and who assessed the woman prior to the termination in accordance with section 9(a) of the Act; or
 - (C) if the termination was performed in an emergency situation under section 10 of the Act – the medical practitioner who performed the termination; and
 - (ix) whether a follow up appointment in relation to the termination was arranged.

(2) In this regulation:

gestational weeks means the number of weeks of a woman's pregnancy as determined by a medical practitioner.

initiated means the point in relation to performing a termination, at which a termination drug is first administered to the woman.

location means a town or a suburb of a city.

method of termination means any of the following:

- (a) termination by surgical procedure;
- (b) termination by use of a termination drug;
- (c) termination by a combination of both means mentioned in paragraphs (a) and (b);
- (d) termination by a means other than a means mentioned in paragraph (a) or (b).

region means one of the following regions in the Territory:

- (a) Alice Springs;
- (b) Barkly;
- (c) Belyuen;
- (d) Central Desert;
- (e) Coomalie;
- (f) Darwin;
- (g) East Arnhem;
- (h) Katherine;
- (i) Litchfield;
- (j) MacDonnell;
- (k) Palmerston;
- (l) Roper Gulf;
- (m) Tiwi Islands;
- (n) Victoria Daly;

- (o) Wagait;
- (p) West Arnhem;
- (q) West Daly.

9 Prescribed time for providing information

For section 17 of the Act, the following times are prescribed for providing the information prescribed by regulation 8:

- (a) for a termination by surgical procedure – within 28 days after the performance of the termination;
- (b) for a termination by use of a termination drug – within 28 days of the medical practitioner's last consultation with the woman in relation to the termination;
- (c) for termination by a combination of both a surgical procedure and by use of a termination drug – within 28 days after the performance of the termination;
- (d) for termination by a means other than a surgical procedure or by use of a termination drug – within 28 days of the medical practitioner's last consultation with the woman in relation to the termination.

10 Medical practitioner to provide information to CHO

- (1) A medical practitioner who performs or directs the performance of a termination must provide to the CHO the information prescribed by regulation 8 in the approved form and within the time prescribed by regulation 9.

Maximum penalty: 20 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.
- (3) It is a defence to a prosecution for an offence against subregulation (1) if the defendant has a reasonable excuse.

Division 2 Other reporting requirements

11 Approved forms

- (1) The CHO may approve forms for these Regulations.
- (2) The CHO must publish an approved form in a way decided by the CHO (for example, on the internet).

12 Disclosure of confidential information

- (1) A person commits an offence if:
- (a) the person obtains confidential information through:
 - (i) acting or assisting in any way in connection with the performance of a termination; or
 - (ii) being present at a place where a confidential matter is evident or being discussed; or
 - (iii) the administration of the Act and these Regulations; and
 - (b) the person intentionally engages in conduct; and
 - (c) the conduct results in the disclosure of the confidential information and the person is reckless in relation to that result.

Maximum penalty: 100 penalty units.

- (2) Strict liability applies to subregulation (1)(a).

- (3) Subregulation (1) does not apply if:

- (a) the person discloses the confidential information:
 - (i) with the consent of the person to whom the information relates; or
 - (ii) for legal proceedings arising out of the operation of the Act; or
 - (iii) for public health information – in a statistical form that does not identify:
 - (A) the woman to whom the information relates; or
 - (B) the medical practitioner who provided the information; or
 - (C) the premises for performing terminations to which the information relates; or
- (b) the confidential information is otherwise available to the public.

Note for subregulation (3)

In addition to the circumstances mentioned in subregulation (3), a person who discloses confidential information will not be criminally responsible for an offence if the disclosure is justified or excused by or under a law (see section 43BE of the Criminal Code).

(4) In this regulation:

confidential information means any information that relates to a confidential matter.

confidential matter means a matter which includes any of the following:

- (a) details regarding a termination, including:
 - (i) any personal details of a woman receiving a termination; and
 - (ii) any circumstances (medical, psychological or social) relating to a termination; and
 - (iii) any personal or professional details of a person involved in the performance of a termination;
- (b) details of any advice provided to a woman in relation to anything under the Act.

ENDNOTES

1**KEY**

Key to abbreviations

amd = amended
 app = appendix
 bl = by-law
 ch = Chapter
 cl = clause
 div = Division
 exp = expires/expired
 f = forms
 Gaz = Gazette
 hdg = heading
 ins = inserted
 lt = long title
 nc = not commenced

od = order
 om = omitted
 pt = Part
 r = regulation/rule
 rem = remainder
 renum = renumbered
 rep = repealed
 s = section
 sch = Schedule
 sdiv = Subdivision
 SL = Subordinate Legislation
 sub = substituted

2**LIST OF LEGISLATION*****Termination of Pregnancy Law Reform Regulations (SL No. 20, 2017)***

Notified	29 June 2017
Commenced	1 July 2017 (r 2, s 2 <i>Termination of Pregnancy Law Reform Act 2017</i> (Act No. 7, 2017) and Gaz S38, 28 June 2017)

Termination of Pregnancy Law Reform Amendment Regulations 2018 (SL No. 17, 2018)

Notified	4 July 2018
Commenced	4 July 2018

3**GENERAL AMENDMENTS**

General amendments of a formal nature (which are not referred to in the table of amendments to this reprint) are made by the *Interpretation Legislation Amendment Act 2018* (Act No. 22, 2018) to: rr 1 and 4.

4**LIST OF AMENDMENTS**

r 4 amd No. 17, 2018, r 4