

NORTHERN TERRITORY OF AUSTRALIA

TERMINATION OF PREGNANCY LAW REFORM REGULATIONS 2017

As in force at 4 August 2022

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 4 August 2022

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 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) the date of birth of the woman who received the termination;
 - (b) whether the woman who received the termination is an Aboriginal person;
 - (c) the region of the usual place of residence of the woman who received the termination;
 - (d) whether a follow up appointment in relation to the termination was arranged;
 - (e) the date the termination was performed or initiated;

- (f) whether the termination was performed or initiated in an emergency situation under section 10 of the Act;
 - (g) the method of termination;
 - (h) the number of gestational weeks at which the termination was performed or initiated;
 - (i) the full name and provider number of:
 - (i) the medical practitioner who performed or initiated the termination or directed the performance or initiation of the termination; and
 - (ii) for a termination performed at more than 24 gestational weeks – any other medical practitioner who was consulted and who assessed the woman prior to the termination;
 - (j) the region where the termination was performed or initiated;
 - (k) for a termination by surgical procedure, or by a combination of both a surgical procedure and use of a termination drug – the name of the premises where the surgical procedure was performed.
- (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.

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;
- (ea) Cox-Daly;
- (f) Darwin;
- (g) East Arnhem;
- (h) Katherine;
- (i) Litchfield;
- (j) MacDonnell;
- (ja) Marrakai-Douglas Daly;
- (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	od = order
app = appendix	om = omitted
bl = by-law	pt = Part
ch = Chapter	r = regulation/rule
cl = clause	rem = remainder
div = Division	renum = renumbered
exp = expires/expired	rep = repealed
f = forms	s = section
Gaz = Gazette	sch = Schedule
hdg = heading	sdiv = Subdivision
ins = inserted	SL = Subordinate Legislation
lt = long title	sub = substituted
nc = not commenced	

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

Termination of Pregnancy Law Reform Legislation Amendment Act 2021 (Act No. 26, 2021)

Assent date	15 December 2021
Commenced	16 December 2021 (s 2)

Termination of Pregnancy Law Reform Amendment Regulations 2022 (SL No. 10, 2022)

Notified	3 August 2022
Commenced	4 August 2022

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

pt 2 hdg	rep Act No. 26, 2021, s 9
r 3	rep Act No. 26, 2021, s 9
r 4	amd No. 17, 2018, r 4
	rep Act No. 26, 2021, s 9
r 8	amd Act No. 26, 2021, s 10; No. 10, 2022, r 4