

NORTHERN TERRITORY OF AUSTRALIA
MEDICAL SERVICES AMENDMENT ACT 2006

Act No. 33 of 2006

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NORTHERN TERRITORY OF AUSTRALIA

Act No. 33 of 2006

AN ACT

to amend the *Medical Services Act*

[Assented to 3 November 2006]
[Second reading 31 August 2006]

The Legislative Assembly of the Northern Territory enacts as follows:

1. Short title

This Act may be cited as the *Medical Services Amendment Act 2006*.

2. Commencement

This Act commences on the day on which, but immediately after, the *Criminal Reform Amendment Act (No. 2) 2006* commences.

3. Act amended

This Act amends the *Medical Services Act*.

4. Amendment of section 4 (Application)

Section 4, after "This Act"

insert

(other than section 11)

5. New section 11

After section 10

insert

11. Medical termination of pregnancy

(1) It is lawful for a medical practitioner to give medical treatment with the intention of terminating a woman's pregnancy if:

- (a) after medically examining her, the practitioner reasonably believes she has been pregnant for not more than 14 weeks; and
- (b) after medically examining her, the practitioner and another medical practitioner are of the opinion, formed in good faith:
 - (i) the continuance of the pregnancy would involve greater risk to her life or greater risk of harm to her physical or mental health than if the pregnancy were terminated; or
 - (ii) there is a substantial risk that, if the pregnancy were not terminated and the child were born, the child would be seriously handicapped because of physical or mental abnormalities; and
- (c) the treatment is given in a hospital; and
- (d) when giving the treatment, the practitioner reasonably believes she has been pregnant for not more than 14 weeks; and
- (e) the appropriate person consents to the giving of the treatment.

(2) At least one of the medical practitioners required to form an opinion mentioned in subsection (1)(b)(i) or (ii) must be a gynaecologist or obstetrician unless it is not reasonably practicable in the circumstances to get a gynaecologist or obstetrician to examine the woman.

(3) It is lawful for a medical practitioner to give medical treatment with the intention of terminating a woman's pregnancy if:

- (a) after medically examining her, the practitioner:
 - (i) reasonably believes she has been pregnant for not more than 23 weeks; and
 - (ii) is of the opinion termination of the pregnancy is immediately necessary to prevent serious harm to her physical or mental health; and

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- (b) when giving the treatment, the practitioner reasonably believes she has been pregnant for not more than 23 weeks; and
 - (c) the appropriate person consents to the giving of the treatment.
- (4) It is lawful for a medical practitioner to give medical treatment with the intention of terminating a woman's pregnancy if:
- (a) the treatment is given or carried out in good faith for the sole purpose of preserving her life; and
 - (b) the appropriate person consents to the giving of the treatment.
- (5) The appropriate person for giving consent to medical treatment under subsection (1), (3) or (4) is:
- (a) the woman if she:
 - (i) is at least 16 years of age; and
 - (ii) is otherwise capable in law of giving the consent; or
 - (b) each person having authority in law apart from this subsection to give the consent if the woman:
 - (i) is under 16 years of age; or
 - (ii) is otherwise incapable in law of giving the consent.
- (6) A person is not under any duty to terminate or assist in terminating a woman's pregnancy, or to dispose of or assist in disposing of an aborted foetus, if the person has a conscientious objection to doing so.
- (7) This section does not relieve a medical practitioner, in giving medical treatment with the intention of terminating a woman's pregnancy, from liability to give the treatment:
- (a) with professional care; and
 - (b) otherwise according to law.
- (8) In this section:
- "hospital" includes a private hospital for which a licence is in force under the *Private Hospitals and Nursing Homes Act*;
- "medical treatment" includes surgery;

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"woman" includes any female.
