

South Australia

Criminal Law Consolidation (Medical Termination of Pregnancy) Regulations 1996

under the *Criminal Law Consolidation Act 1935*

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Legislative history

1—Short title

These regulations may be cited as the *Criminal Law Consolidation (Medical Termination of Pregnancy) Regulations 1996*.

4—Interpretation

In these regulations, unless the contrary intention appears—

Act means the *Criminal Law Consolidation Act 1935*;

Director-General means the Director-General of Medical Services;

doctor means a legally qualified medical practitioner.

5—Doctor's certificates and notice

- (1) Before any treatment for the termination of a pregnancy in accordance with section 82A(1)(a) of the Act is commenced, the doctor who will be performing the termination and the other doctor referred to in that paragraph must complete a certificate in accordance with the instructions contained in Part A of Schedule 1 (including all other information required by Part A of that Schedule).

- (2) As soon as practicable after a pregnancy is terminated in accordance with section 82A(1)(b) of the Act, the doctor who performed the termination must complete a certificate in accordance with the instructions contained in Part A of Schedule 1 (including all other information required by Part A of that Schedule).
- (3) As soon as practicable after a pregnancy has been terminated under paragraph (a) or (b) of section 82A(1), the doctor who performed the termination must complete a notice in the form set out in Part B of Schedule 1 (including all other information required by Part B of that Schedule).
- (4) The doctor who performed the termination must ensure that a certificate and notice completed under this regulation in relation to the termination is delivered or posted to the Director-General within 14 days of the termination.
- (5) A copy of a certificate and notice completed under this section must be retained by the doctor who performed the termination for a period of three years commencing on the date of the termination.

6—Monthly notification

The chief executive officer of a hospital at which a pregnancy has been terminated during any calendar month must, within 20 days of the end of that month, deliver or post to the Director-General a duly completed notice in the form set out in Schedule 2.

7—Disclosure of information

- (1) A person must not produce a certificate or notice given under these regulations, or disclose any information contained in such a certificate or notice, except—
 - (a) for the purposes of performing official duties—to an officer or employee of the Department of the Minister to whom the administration of the *South Australian Health Commission Act 1976* has been committed; or
 - (b) as required by law; or
 - (c) for the purposes of investigating or prosecuting an alleged offence—to a member of a law enforcement or prosecution authority of the State; or
 - (d) for the purposes of any legal proceedings—to the Court or other tribunal dealing with the proceedings; or
 - (e) to the Medical Board of South Australia for the purpose of enabling the Board to discharge its functions according to law; or
 - (f) to the doctor who terminated the pregnancy; or
 - (g) to any other doctor with the consent, in writing, of the woman whose pregnancy was terminated.
- (2) A person who has been requested to produce a certificate or notice in accordance with paragraphs (f) or (g) of subsection (1) may require the person making the request to complete a statutory declaration verifying the grounds on which the request is made.
- (3) Nothing in this regulation prevents the disclosure by the Director-General of statistics, provided that such disclosure does not reveal the identity of any woman who has had a pregnancy terminated or any doctor who has performed a termination.

8—Prescribed hospitals

The hospitals listed in Schedule 3 are declared to be prescribed hospitals for the purposes of section 82A of the Act.

9—Offences

A person who—

- (a) contravenes or fails to comply with a provision of these regulations; or
- (b) knowingly makes a statement or provides information that is false or misleading in, or in connection with, a certificate or notice given under these regulations,

is guilty of an offence.

Maximum penalty: \$200.

Schedule 1—Doctor's certificates and notice

A copy of this form must be retained by the doctor who performed the termination for a period of three years commencing on the date of the termination. The original form is to be delivered or posted in a sealed envelope *within 14 days of the termination of the pregnancy* to the Director-General of Medical Services, c/- Pregnancy Outcome Unit, Department of Human Services, P.O. Box 6, Rundle Mall, Adelaide, S.A., 5000. The envelope must be clearly marked with the words "STRICTLY CONFIDENTIAL".

PLEASE USE BLOCK LETTERS

Part A—Certificates

NAME, ADDRESS AND QUALIFICATIONS OF DOCTOR WHO PROPOSES TO TERMINATE PREGNANCY OR, IN THE CASE OF AN EMERGENCY TERMINATION, WHO HAS TERMINATED PREGNANCY:.....

NAME, ADDRESS AND QUALIFICATIONS OF OTHER DOCTOR JOINING IN CERTIFICATE FOR ORDINARY TERMINATION OF PREGNANCY:.....

FULL NAME AND ADDRESS OF PREGNANT WOMAN:.....

PREGNANT WOMAN'S STATED PERIOD OF RESIDENCY IN SOUTH AUSTRALIA BEFORE THE DATE OF THIS CERTIFICATE:.....

REASONS FOR UNDERTAKING TERMINATION OF PREGNANCY:.....

DIAGNOSIS (Primary condition *must* be specified)

Certificate to be completed before an ordinary termination

We certify that in the case of the woman named above (whom we have each personally examined) termination of pregnancy is justified under section 82A(1)(a) of the *Criminal Law Consolidation Act 1935* on the following grounds:

- *1 The continuance of the pregnancy would involve greater risk to the life of the pregnant woman than if the pregnancy were terminated.
- *2 The continuance of the pregnancy would involve greater risk of injury to the physical or mental health of the pregnant woman than if the pregnancy were terminated.
- *3 There is a substantial risk that, if the pregnancy were not terminated and the child were born, the child would suffer from such physical or mental abnormalities as to be seriously handicapped.

(*Circle the appropriate number*)

SIGNED DATE

SIGNED DATE

Certificate to be completed following an emergency termination

I certify that in the case of the woman named above (whom I have personally examined) termination of pregnancy was justified under section 82A(1)(b) of the *Criminal Law Consolidation Act 1935* on the following grounds:

- *4 Termination of the pregnancy was immediately necessary to save the life of the pregnant woman.
- *5 Termination of the pregnancy was immediately necessary to prevent grave injury to the physical or mental health of the pregnant woman.

(*Circle the appropriate number*)

SIGNED DATE

Part B—Notice to be completed following termination of a pregnancy

The pregnancy to which the above certificate relates was terminated at—

.....
(Name of hospital)

.....
(Address of hospital)

on
(Date of termination)

Signed Date
(Doctor who terminated the pregnancy)

Information relating to the termination

[To be completed by the doctor who performed the termination.]

1 Date of birth of woman: (day, month, year)

2 Marital Status: (Circle one)

(a) Never married

(b) Married

(c) De facto

(d) Widowed

(e) Divorced or separated

(f) Not known

3 Date of last menstrual period: (Day, Month, Year)

(If unknown, or uncertain, give clinical estimates in weeks of gestation when pregnancy terminated)

4 Total number of previous pregnancies:

RESULT OF PREGNANCY

NUMBER

Live births

Still births

Spontaneous miscarriages

Ectopic pregnancies

Terminations

5 Number of previous terminations in South Australia (1970 or after)

Year of last termination in South Australia

6 Date of admission to place of termination of pregnancy: (Day, Month, Year)

7 Date of termination of pregnancy: (Day, Month, Year)

8 Date of discharge from place of termination of pregnancy: (Day, Month, Year)

9 Grounds for termination of pregnancy:

(a) Medical condition of woman (specify)

Obstetric Disease

Non-obstetric disease

(b) Suspected medical condition of foetus (specify)

Genetic disorder

Non-genetic disorder

If account has been taken of the woman's actual or reasonably foreseeable environment, indicate reasons:

10 Method of termination: (Circle one)

1 Dilatation and curettage

2 Hysterotomy—abdominal

3 Hysterotomy—vaginal

4 Hysterectomy

5 Vacuum aspiration

6 Intra-uterine injection

7 Intravenous infusion

8 Cervical prostaglandin instillation

9 Dilatation and evacuation

10 Other (specify)

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Schedule 1—Doctor's certificates and notice

- 11 Was sterilisation of the woman undertaken: *(Circle one)*
1 Yes 2 No
- 12 Post-operative complications or death prior to date of this notice: *(Circle)*
- | | |
|---------------------------------------|---|
| 1 None | 5 Perforation of or trauma to body of uterus |
| 2 Sepsis | 6 Anaesthetic complication |
| 3 Haemorrhage— <i>intra-operative</i> | 7 Other <i>(specify)</i> |
| 4 Haemorrhage— <i>post-operative</i> | 8 Maternal death <i>(specify cause)</i> |
- 13 If readmitted or transferred:
Place of transfer.....
Date of readmission/transfer: *(Day, Month, Year)*
- Date of second discharge: *(Day, Month, Year)*
- Reason for readmission/transfer

Official use only

Residency in South Australia:	1 less than specified time	2 more than specified time
Hospital where termination performed:		Date of receipt of notification:
Doctor performing termination:		LGA
Doctor supporting termination:		Postcode:
Section of Act:		

Schedule 2—Monthly notification by hospital

1 Name of hospital

2 Month to which this notice relates: (month and year).....

3 Total number of pregnancies terminated during the month

4 Number of pregnancies terminated by individual doctors during the month:

Name of Medical Practitioner	Number of Pregnancies Terminated
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....

Signed.....
(Chief Executive Officer of hospital)

Date

Name

Address.....

Notes
 The original notice is to be completed by the chief executive officer of the hospital and delivered or posted in a sealed envelope, within 20 days of the end of the month to which the notice relates, to the Director-General of Medical Services, c/- Pregnancy Outcome Unit, Department of Human Services, P.O. Box 6, Rundle Mall, Adelaide, S.A., 5000. The envelope must be clearly marked with the words "STRICTLY CONFIDENTIAL".

Schedule 3—Prescribed hospitals

- Ashford Community Hospital Incorporated
- Balaklava and Riverton Districts Health Service Incorporated
- Barossa Area Health Services Incorporated
- Blackwood and District Community Hospital Incorporated
- Booleroo Centre District Hospital and Health Services Incorporated
- Bordertown Memorial Hospital Incorporated
- Burnside War Memorial Hospital Incorporated
- Burra Clare Snowtown Health Service Incorporated
- Central Districts Private Hospital Incorporated
- Central Eyre Peninsula Hospital Incorporated
- The following facilities of the Central Northern Adelaide Health Service Incorporated:
 - (a) Lyell McEwin Health Service;
 - (b) Modbury Hospital;

(c) The Queen Elizabeth Hospital;

(d) Royal Adelaide Hospital

Central Yorke Peninsula Hospital Incorporated
Cleve District Hospital Incorporated
Cowell District Hospital Incorporated
Crystal Brook District Hospital Incorporated
Cummins and District Memorial Hospital Incorporated
Elliston Hospital Incorporated
Eudunda Hospital Incorporated
Flinders Private Hospital
Gawler Health Service Incorporated
Glenelg Community Hospital Incorporated
Great Northern War Memorial Hospital Incorporated
Gumeracha District Soldiers' Memorial Hospital Incorporated
Harwin Private Hospital
Hindmarsh Hospital Incorporated
Hutt Street Private Hospital
The Jamestown Hospital and Health Service Incorporated
Kangaroo Island General Hospital Incorporated
Kapunda Hospital Incorporated
Karoonda and District Soldiers' Memorial Hospital Incorporated
Keith and District Hospital Incorporated
Kiandra Private Hospital
Kimba District Hospital Incorporated
Kingston Soldiers' Memorial Hospital Incorporated
Lameroo District Hospital Incorporated
Loxton Hospital Complex Incorporated
Mannum District Hospital Incorporated
Memorial Hospital Incorporated
Meningie and Districts Memorial Hospital Incorporated
Millicent and District Hospital and Health Service Incorporated
Mount Barker District Soldiers' Memorial Hospital Incorporated
Mount Gambier and Districts Health Service Incorporated
Mount Pleasant District Hospital Incorporated
The Murray Bridge Soldiers' Memorial Hospital Incorporated
Naracoorte Health Service Incorporated
North Eastern Community Hospital Incorporated
Northern Community Hospital Incorporated
Northern Yorke Peninsula Regional Health Service Incorporated
Onkaparinga District Hospital Incorporated
Orroroo and District Health Service Incorporated
Penola War Memorial Hospital Incorporated
Peterborough Soldiers' Memorial Hospital and Health Service Incorporated
Pinnaroo Soldiers' Memorial Hospital Incorporated
Port Augusta Hospital and Regional Health Services Incorporated
Port Lincoln Health and Hospital Services Incorporated
Port Pirie Regional Health Service Incorporated
Quorn and District Memorial Hospital Incorporated
Renmark and Paringa District Hospital Incorporated

Repatriation General Hospital Incorporated

Riverland Regional Health Service Incorporated

South Coast District Hospital Incorporated

The following facilities of the Southern Adelaide Health Service Incorporated:

(a) the Flinders Medical Centre;

(b) the Noarlunga Health Services

Southern Districts War Memorial Hospital Incorporated

Southern Yorke Peninsula Health Service Incorporated

St. Andrews Hospital Incorporated

Stirling and Districts Hospital Incorporated

Strathalbyn and District Soldiers' Memorial Hospital and Health Services

Streaky Bay Hospital Incorporated

Tumby Bay Hospital and Health Services Incorporated

The Vales Private Hospital

Waikerie Hospital and Health Services Incorporated

Wakefield Hospital Incorporated

Western Community Hospital Incorporated

The Whyalla Hospital and Health Services Incorporated

The Women's and Children's Hospital facility of the Children, Youth and Women's Health Service Incorporated

Legislative history

Notes

- Variations of this version that are uncommenced are not incorporated into the text.
- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of these regulations (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Legislation revoked by principal regulations

The *Criminal Law Consolidation (Medical Termination of Pregnancy) Regulations 1996* revoked the following:

Abortion Regulations 1970

Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
1996	193	<i>Gazette 29.8.1996 p835</i>	1.9.1996: r 2
2000	172	<i>Gazette 6.7.2000 p58</i>	6.7.2000: r 2
2004	143	<i>Gazette 1.7.2004 p2416</i>	1.7.2004: r 2
2005	235	<i>Gazette 10.11.2005 p3933</i>	10.11.2005: r 2
2008	197	<i>Gazette 26.6.2008 p2724</i>	1.7.2008: r 2

Provisions varied

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
<i>rr 2 & 3</i>	<i>omitted under Legislation Revision and Publication Regulations 2002</i>	<i>1.7.2004</i>
r 7		
r 7(1)	varied by 172/2000 r 3	6.7.2000
Sch 1	varied by 172/2000 r 4	6.7.2000
Sch 2	varied by 172/2000 r 5	6.7.2000
Sch 3	varied by 143/2004 r 4	1.7.2004
	varied by 235/2005 r 4	10.11.2005

Historical versions

1.7.2004