

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*;

designated Chief Executive means the Chief Executive of the administrative unit of the Public Service that is, under the relevant Minister, responsible for the administration of the *Health Care Act 2008*;

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 designated Chief Executive 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 designated Chief Executive 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 administrative unit of the Public Service that is, under the relevant Minister, responsible for administration of the *Health Care Act 2008*; 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 designated Chief Executive 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 3 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 Chief Executive, Department of Health (Pregnancy Outcome Unit), 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	(d) Widowed
(b) Married	(e) Divorced or separated
(c) De facto	(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	6 Intra-uterine injection
2 Hysterotomy—abdominal	7 Intravenous infusion
3 Hysterotomy—vaginal	8 Cervical prostaglandin instillation
4 Hysterectomy	9 Dilatation and evacuation
5 Vacuum aspiration	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.....
(Person responsible for management of hospital)
Date

Name

Address.....
.....

Notes

The original notice is to be completed by the person responsible for the management 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 Chief Executive, Department of Health (Pregnancy Outcome Unit), 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

The Blackwood and District Community Hospital Incorporated

The Burnside War Memorial Hospital Incorporated

Central Districts Private Hospital Incorporated

The following hospital facilities of the Central Northern Adelaide Health Service Incorporated:

- Lyell McEwin Health Service;
- Modbury Hospital;
- The Queen Elizabeth Hospital;
- Royal Adelaide Hospital

The following hospital facilities of Country Health SA Hospital Incorporated:

- Angaston District Hospital;
- Balaklava Soldiers Memorial District Hospital;
- Barmera Hospital;
- Berri Hospital;
- Booleroo Centre District Hospital & Health Service;
- Bordertown Memorial Hospital;
- Burra Hospital;
- Clare Hospital;
- Cleve District Health and Aged Care;
- Cowell Community Health and Aged Care;
- Crystal Brook and District Hospital;
- Cummins District and Memorial Hospital;
- Elliston Hospital;
- Eudunda Hospital;
- Gawler Health Service;
- Gumeracha District Soldiers Memorial Hospital;
- Hawker Memorial Hospital;
- Jamestown Hospital & Health Service;
- Kangaroo Island Health Service;
- Kapunda Hospital;
- Karoonda and Districts Soldiers' Memorial Hospital;
- Kimba District Health and Aged Care;
- Kingston Soldiers' Memorial Hospital;
- Lameroo District Health Services;

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Schedule 3—Prescribed hospitals

- Loxton Hospital Complex;
- The Mannum District Hospital;
- Meningie & Districts Memorial Hospital and Health Services;
- Millicent and District Hospital and Health Services;
- Mt Barker District Soldiers' Memorial Hospital;
- Mt Gambier and Districts Health Service;
- Mount Pleasant District Hospital;
- The Murray Bridge Soldiers' Memorial Hospital;
- Naracoorte Health Service;
- Northern Yorke Peninsula Health Service;
- Oodnadatta Health Service;
- Orroroo and District Health Service;
- Penola War Memorial Hospital;
- Peterborough Soldiers' Memorial Hospital and Health Service;
- Pinnaroo Soldiers' Memorial Hospital;
- Port Augusta Hospital;
- Pt Lincoln Health Services;
- Pt Pirie Regional Health Service;
- Quorn Health Services;
- Renmark Paringa District Hospital;
- Riverton District Soldiers Memorial Hospital;
- Roxby Downs Health Service;
- Snowtown Hospital;
- South Coast District Hospital;
- Strathalbyn & Districts Health Service;
- Streaky Bay Hospital;
- Tanunda War Memorial Hospital;
- Tumby Bay Hospital and Health Services;
- Waikerie Health Services;
- The Whyalla Hospital & Health Service;
- Woomera Community Hospital

Flinders Private Hospital
Glenelg Community Hospital Incorporated
Harwin Private Hospital
Hindmarsh Hospital Incorporated
Hutt Street Private Hospital

Keith and District Hospital Incorporated

Kiandra Private Hospital

The Memorial Hospital Incorporated

North Eastern Community Hospital Incorporated

The Northern Community Hospital Incorporated

The following, depending on the way in which the entity known as the *Repatriation General Hospital* is constituted:

- Repatriation General Hospital Incorporated;
- Repatriation General Hospital as a hospital facility of Southern Adelaide Health Service Incorporated

The following hospital facilities of Southern Adelaide Health Service Incorporated:

- Flinders Medical Centre;
- Noarlunga Health Services

Southern Districts War Memorial Hospital Incorporated

St. Andrews Hospital Incorporated

Stirling and Districts Hospital Incorporated

The Vales Private Hospital

Wakefield Hospital Incorporated

Western Community Hospital Incorporated

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

Legislative history

Notes

- 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.

Revocation of regulations

The *Criminal Law Consolidation (Medical Termination of Pregnancy) Regulations 1996* were revoked by Sch 4 cl 1 of the *Criminal Law Consolidation (Medical Termination of Pregnancy) Regulations 2011* on 1.9.2011.

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

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

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 4		
designated Chief Executive	inserted by 197/2008 r 4	1.7.2008
<i>Director-General</i>	<i>deleted by 197/2008 r 4</i>	<i>1.7.2008</i>
r 5		
r 5(4)	varied by 197/2008 r 5	1.7.2008
r 6	varied by 197/2008 r 6	1.7.2008

r 7		
r 7(1)	varied by 172/2000 r 3	6.7.2000
	varied by 197/2008 r 7(1)	1.7.2008
r 7(3)	varied by 197/2008 r 7(2)	1.7.2008
Sch 1	varied by 172/2000 r 4	6.7.2000
	substituted by 197/2008 r 8	1.7.2008
Sch 2	varied by 172/2000 r 5	6.7.2000
	substituted by 197/2008 r 8	1.7.2008
Sch 3	varied by 143/2004 r 4	1.7.2004
	varied by 235/2005 r 4	10.11.2005
	substituted by 197/2008 r 8	1.7.2008

Historical versions

1.7.2004

10.11.2005