

South Australia

# Termination of Pregnancy Regulations 2022

under the *Termination of Pregnancy Act 2021*

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Legislative history

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### 1—Short title

These regulations may be cited as the *Termination of Pregnancy Regulations 2022*.

### 2—Commencement

These regulations come into operation on the day on which the *Termination of Pregnancy Act 2021* comes into operation.

### 3—Interpretation

In these regulations—

*Act* means the *Termination of Pregnancy Act 2021*.

### 4—Prescribed hospitals

The hospitals listed in Schedule 1 are prescribed for the purposes of the definition of *prescribed hospital* in section 3 of the Act.

### 5—Annual report

For the purposes of section 20(2)(b) of the Act, the following information (including data and statistics) relating to terminations performed in the calendar year is prescribed:

- (a) the number of terminations;
- (b) the number of terminations that result in complications or adverse outcomes for the pregnant person;

- (c) the different methods of terminations used and the number of terminations performed using each method;
- (d) for a termination performed on a person who is more than 22 weeks and 6 days pregnant—the circumstances under section 6(1) of the Act relating to the performance of the termination;
- (e) the locations in the State of terminations performed and the regions of the State in which the persons on whom those terminations were performed ordinarily reside.

## 6—Provision of information by hospitals etc to Chief Executive

- (1) If a pregnancy is terminated at a hospital or private day procedure centre during a month, the chief executive officer of that hospital or private day procedure centre (as the case requires) must, within 20 days of the end of the month, provide the information specified in Schedule 2 to the Chief Executive.
- (2) A registered health practitioner who performs a pregnancy termination during a month (other than a termination referred to in subregulation (1)) must, within 20 days of the end of the month, provide the information specified in Schedule 2 to the Chief Executive.
- (3) For the purposes of section 19(2)(e) of the Act, information provided to the Chief Executive under this regulation may be disclosed in statistical form, provided that such disclosure does not reveal the identity of any person who has had a termination or any registered health practitioner who has performed a termination.
- (4) In this regulation—

*Chief Executive* has the same meaning as in section 19 of the Act.

## 7—Transitional provision

Pursuant to section 21(3)(d) of the Act, information obtained under regulations made under section 82A(4)(b) of the *Criminal Law Consolidation Act 1935* (as in force immediately before the repeal of that section by Schedule 1 clause 3 of the Act) will be taken to be information provided under regulation 6 (and, to avoid doubt, section 19 of the Act applies to that information).

## Schedule 1—Prescribed hospitals

- Flinders Medical Centre
- Lyell McEwin Hospital
- Women’s and Children’s Hospital
- The Queen Elizabeth Hospital
- Royal Adelaide Hospital
- Pregnancy Advisory Centre
- Ashford Hospital
- Burnside War Memorial Hospital
- Calvary North Adelaide Hospital

- North Eastern Community Hospital
- Ceduna District Health Services
- Clare Hospital
- Crystal Brook and District Hospital
- Gawler Health Service
- Jamestown Hospital and Health Service
- Kangaroo Island Health Service
- Kapunda Hospital
- Loxton Hospital Complex
- Mount Barker District Soldiers' Memorial Hospital
- Mount Gambier and Districts Health Service
- Murray Bridge Soldiers' Memorial Hospital
- Naracoorte Health Service
- Port Augusta Hospital and Regional Health Service
- Port Lincoln Health and Hospital Service
- Port Pirie Regional Health Service
- Riverland General Hospital
- Southern Fleurieu Health Service
- Waikerie Health Services
- Wallaroo Hospital and Health Services
- Whyalla Hospital and Health Service

## **Schedule 2—Obligation to report information on pregnancy terminations to Chief Executive**

- 1 Name and address of hospital, private day procedure centre or other place:
- 2 Patient details:
  - (i) name, date of birth and address;
  - (ii) date of termination;
  - (iii) hospital or clinic patient medical record number;
  - (iv) if admitted to a hospital or private day procedure centre for the termination—date of admission and date of discharge;
  - (v) in relation to the registered health professional who performed the termination—their profession and if relevant, their field of speciality practice;
  - (vi) method of termination;
  - (vii) if the termination was performed exclusively by administering or prescribing a drug (and without the use of surgery)—whether the termination was successful (if known);

- (viii) complications (if known) associated with the termination;
  - (ix) if admitted for treatment in connection with the termination following the termination—details of treatment and clinical outcomes associated with that treatment;
  - (x) gestation of foetus at time of termination (*weeks and (if known) plus days*);
  - (xi) whether a genetic or congenital anomaly test was performed and the outcomes of any test;
  - (xii) if consultation of a second medical practitioner in respect of a termination performed on a person who is more than 22 weeks and 6 days pregnant did not occur in the circumstances set out in section 6(3) of the Act—that fact;
  - (xiii) whether information about counselling was provided to the patient.
- 3 Any other information determined by the Minister.

## Legislative history

### Notes

- 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](http://www.legislation.sa.gov.au).

### Principal regulations

Year	No	Reference	Commencement
2022	47	<i>Gazette 23.6.2022 p1929</i>	7.7.2022: r 2