

South Australia

Criminal Law Consolidation (Medical Termination of Pregnancy) Variation Regulations 2008

under the *Criminal Law Consolidation Act 1935*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Criminal Law Consolidation (Medical Termination of Pregnancy) Variation Regulations 2008*.

2—Commencement

These regulations will come into operation on 1 July 2008.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *Criminal Law Consolidation (Medical Termination of Pregnancy) Regulations 1996*

4—Variation of regulation 4—Interpretation

Regulation 4, definition of *Director-General*—delete the definition and substitute:

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*;

5—Variation of regulation 5—Doctor's certificates and notice

Regulation 5(4)—delete "Director-General" and substitute:

designated Chief Executive

6—Variation of regulation 6—Monthly notification

Regulation 6—delete "Director-General" and substitute:

designated Chief Executive

7—Variation of regulation 7—Disclosure of information

- (1) Regulation 7(1)(a)—delete "Department of the Minister to whom the administration of the *South Australian Health Commission Act 1976* has been committed" and substitute:

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

- (2) Regulation 7(3)—delete "Director-General" and substitute:

designated Chief Executive

8—Substitution of Schedules 1 to 3

Schedules 1 to 3—delete the Schedules and substitute:

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)

- 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;

- 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

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 26 June 2008

No 197 of 2008

HEACS/08/277