

South Australia

# **Criminal Law Consolidation (Medical Termination of Pregnancy) Regulations 2011**

under the *Criminal Law Consolidation Act 1935*

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- 1 Revocation of *Criminal Law Consolidation (Medical Termination of Pregnancy) Regulations 1996*

Legislative history

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### **1—Short title**

These regulations may be cited as the *Criminal Law Consolidation (Medical Termination of Pregnancy) Regulations 2011*.

### **2—Commencement**

These regulations will come into operation on 1 September 2011.

### **3—Interpretation**

In these regulations—

*Act* means the *Criminal Law Consolidation Act 1935*;

*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*;

*legally qualified medical practitioner* means a person registered under the *Health Practitioner Regulation National Law* to practise in the medical profession (other than as a student).

#### **4—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 legally qualified medical practitioner who will be performing the termination and the other legally qualified medical practitioner referred to in that paragraph must complete the appropriate certificate set out in Part A of the form prescribed by Schedule 1 (being the certificate to be completed before an ordinary termination).
- (2) As soon as practicable after a pregnancy is terminated in accordance with section 82A(1)(b) of the Act, the legally qualified medical practitioner who performed the termination must complete the appropriate certificate set out in Part A of the form prescribed by Schedule 1 (being the certificate to be completed following an emergency termination).
- (3) As soon as practicable after a pregnancy has been terminated under paragraph (a) or (b) of section 82A(1) of the Act, the legally qualified medical practitioner who performed the termination must complete the notice set out in Part B of the form prescribed by Schedule 1.
- (4) The legally qualified medical practitioner who performed a termination must ensure that a certificate and notice completed under this regulation in relation to the termination is delivered or posted to the Chief Executive within 28 days of the termination.
- (5) A copy of a certificate and notice completed under this regulation must be retained by the legally qualified medical practitioner who performed the termination for a period of 3 years commencing on the date of the termination.

#### **5—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, provide to the Chief Executive a duly completed notice in the form set out in Schedule 2.

#### **6—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 legally qualified medical practitioner who terminated the pregnancy; or
  - (g) to any other legally qualified medical practitioner 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 subregulation (1)(f) or (g) 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 Chief Executive of statistics, provided that such disclosure does not reveal the identity of any woman who has had a pregnancy terminated or any legally qualified medical practitioner who has performed a termination.

### **7—Prescribed hospitals**

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

### **8—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

### 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 and address of hospital*] on [*date of termination*].

SIGNED (*Doctor who terminated the pregnancy*):

DATE:

### 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 Date of last menstrual period: (*Day, Month, Year*)  
(*If unknown, or uncertain, give clinical estimates in weeks of gestation when pregnancy terminated*)
- 3 Total number of **previous** pregnancies:

RESULT OF PREGNANCY	NUMBER
Live Births	
Still Births	
Spontaneous miscarriages	
Ectopic pregnancies	
Terminations	
- 4 Number of previous terminations in South Australia (1970 or after):  
Year of last termination in South Australia:
- 5 Date of admission to place of termination of pregnancy: (*Day, Month, Year*)
- 6 Date of termination of pregnancy: (*Day, Month, Year*)
- 7 Date of discharge from place of termination of pregnancy: (*Day, Month, Year*)
- 8 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:

- 9 Method of termination: (*Circle one*)

1 Dilatation and curettage	7 Intravenous infusion
2 Hysterotomy—abdominal	8 Vaginal or cervical prostaglandins
3 Hysterotomy—vaginal	9 Dilatation and evacuation
4 Hysterectomy	10 Medical ( <i>specify</i> )
5 Vacuum aspiration	11 Other ( <i>specify</i> )
6 Intra-uterine injection	
- 10 Was sterilisation of the woman undertaken: (*Circle one*)

1 Yes	2 No
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11 Post-operative complications or death prior to date of this notice: *(Circle one)*

- |   |                                     |   |  |
|---|-------------------------------------|---|--|
| 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>      |

12 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 and number of pregnancies terminated)*

SIGNED: *(person responsible for management of hospital)*

DATE:

NAME AND ADDRESS OF SIGNATORY:

## Schedule 3—Prescribed hospitals

Ashford Hospital

The Burnside War Memorial Hospital Incorporated

The following hospital facilities of the Central Adelaide Local Health Network Incorporated:

- The Queen Elizabeth Hospital
- Royal Adelaide Hospital

Central Districts Private Hospital Incorporated

The following hospital facilities of Country Health SA Local Health Network Incorporated:

- Coober Pedy Hospital and Health Services
- Eastern Eyre Health and Aged Care—Cowell Hospital
- Eastern Eyre Health and Aged Care—Cleve District Health and Aged Care

- Eastern Eyre Health and Aged Care—Kimba District Hospital and Health Service
- Balaklava and Riverton Health Service—Balaklava
- Balaklava and Riverton Health Service—Riverton
- Barossa Area Health Services—Tanunda
- Barossa Area Health Services—Angaston
- Bordertown Memorial Hospital
- Ceduna District Health Services
- Cummins and District Memorial Hospital
- Coorong Health Service—Meningie and Districts Memorial Hospital and Health Services
- Coorong Health Service—Tailem Bend District Hospital
- Eudunda Hospital
- Gawler Health Service
- Hawker Memorial Hospital
- Kangaroo Island Health Service
- Kapunda Hospital
- Kingston Soldiers' Memorial Hospital
- Leigh Creek Health Service
- Lower North Health Service—Burra Centre
- Lower North Health Service—Clare Centre
- Lower North Health Service—Snowtown Centre
- Loxton Hospital Complex
- Mallee Health Service—Karoonda Hospital
- Mallee Health Service—Lameroo District Health Service
- Mallee Health Service—Pinnaroo Soldiers' Memorial Hospital
- The Mannum District Hospital
- Mid North Health—Booleroo Centre District Hospital and Health Services
- Mid North Health—Jamestown Hospital and Health Services
- Mid North Health—Orroroo District Hospital
- Mid North Health—Peterborough Soldiers' Memorial Hospital and Health Service
- Mid West—Elliston Hospital
- Mid West—Streaky Bay Hospital
- Mid West Health—Wudinna Hospital
- Millicent and District Hospital and Health Service
- Mount Barker and Districts Health Service

- Mount Gambier and District Health Service
- The Murray Bridge Soldiers' Memorial Hospital
- Naracoorte Health Service
- Northern Adelaide Hills Health Service—Gumeracha Hospital
- Northern Adelaide Hills Health Service—Mount Pleasant Hospital
- Oodnadatta Health Service
- Penola War Memorial Hospital
- Port Augusta Hospital and Regional Health Service
- Port Broughton District Hospital and Health Service
- Port Lincoln Health Services
- Port Pirie Regional Health Service
- Quorn Health Services
- Renmark Paringa District Hospital
- Riverland Regional Health Service—Berri campus
- Riverland Regional Health Service—Barmera campus
- Roxby Downs Health Service
- South Coast District Hospital (Victor Harbor)
- Southern Flinders—Crystal Brook District Hospital
- Southern Flinders—Gladstone Community Health Centre
- Southern Flinders—Laura and District Hospital
- Strathalbyn and District Health Service
- Tumby Bay Hospital and Health Services
- Waikerie Health Services
- Woomera Health Service
- Whyalla Hospital and Health Services
- Yorke Peninsula Health Service—Maitland Centre
- Yorke Peninsula Health Service—Minlaton
- Yorke Peninsula Health Service—Northern Yorke (Wallaroo)
- Yorke Peninsula Health Service—Yorke town Hospital

Flinders Private Hospital

Glenelg Community Hospital Incorporated

The Memorial Hospital

North Eastern Community Hospital Incorporated

The following hospital facilities of the Northern Adelaide Local Health Network  
Incorporated:

- Lyell McEwin Hospital
- Modbury Hospital

Saint Andrews Hospital Incorporated

The following hospital facilities of the Southern Adelaide Local Health Network  
Incorporated:

- Flinders Medical Centre
- Noarlunga Health Services
- Repatriation General Hospital

Southern Districts War Memorial Hospital Incorporated

Stirling and Districts Hospital Incorporated

Wakefield Hospital Incorporated

Western Hospital

The Women's and Children's Hospital facility of the Women's and Children's Health  
Network Incorporated

## **Schedule 4—Revocation of *Criminal Law Consolidation (Medical Termination of Pregnancy) Regulations 1996***

### **1—Revocation of *Criminal Law Consolidation (Medical Termination of Pregnancy) Regulations 1996***

The *Criminal Law Consolidation (Medical Termination of Pregnancy) Regulations 1996* are revoked.

## 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
2011	206	<i>Gazette 25.8.2011 p3705</i>	1.9.2011: r 2