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.
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
   2 Hysteroscopy—abdominal
   3 Hysterectomy—vaginal
   4 Hysteroscopy
   5 Vacuum aspiration

6 Intra-uterine injection
7 Intravenous infusion
8 Cervical progestagen infusion
9 Dilatation and evacuation
10 Other (specify)
### Schedule 1—Doctor's certificates and notice

<p>| | |</p>
<table>
<thead>
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| 11 | Was sterilisation of the woman undertaken? *(Circle one)*
| Yes | No |
| 12 | Post-operative complications or death prior to date of this notice: *(Circle)*
| None | 5 Perforation of or trauma to body of uterus
| Sepsis | 6 Anaesthetic complication |
| Haemorrhage—intra-operative | 7 Other *(specify)* |
| Haemorrhage—post-operative | 8 Maternal death *(specify cause)* |
| 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:
Doctor performing termination:
Doctor supporting termination:
Section of Act: | LGA | Postcode:

### 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:

<table>
<thead>
<tr>
<th>Name of Medical Practitioner</th>
<th>Number of Pregnancies Terminated</th>
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<tbody>
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</table>

Signed: *(Person responsible for management of hospital)*

Date: 

Name: 

Address: 

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**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;
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

<table>
<thead>
<tr>
<th>Year</th>
<th>No</th>
<th>Reference</th>
<th>Commencement</th>
</tr>
</thead>
<tbody>
<tr>
<td>2004</td>
<td>143</td>
<td>Gazette 1.7.2004 p2416</td>
<td>1.7.2004: r 2</td>
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Provisions varied

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

<table>
<thead>
<tr>
<th>Provision</th>
<th>How varied</th>
<th>Commencement</th>
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<tbody>
<tr>
<td>rr 2 &amp; 3</td>
<td>omitted under Legislation Revision and Publication Regulations 2002</td>
<td>1.7.2004</td>
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<tr>
<td>r 4</td>
<td>designated Chief Executive inserted by 197/2008 r 4</td>
<td>1.7.2008</td>
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<td>Director-General deleted by 197/2008 r 4</td>
<td>1.7.2008</td>
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<tr>
<td>r 5</td>
<td>varied by 197/2008 r 5</td>
<td>1.7.2008</td>
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<tr>
<td>r 6</td>
<td>varied by 197/2008 r 6</td>
<td>1.7.2008</td>
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</tbody>
</table>

Legislative history

| r 7 | varied by 172/2000 r 3                                      | 6.7.2000 |
|     | varied by 197/2008 r 7(1)                                  | 1.7.2008 |
|     | 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