NORTHERN TERRITORY OF AUSTRALIA
LEGISLATIVE ASSEMBLY

MINUTES OF PROCEEDINGS

Meeting Number 19
Tuesday 21 March 2017

1. MEETING
The Assembly met at 10.00. The Speaker, the Honourable Kezia Purick, presided.

2. PRAYERS

3. VISITORS
The Speaker advised Honourable Members of the presence in the gallery of Year 5/6 students from Howard Springs Primary School accompanied by their teachers, Naomi Rodriquez and Kylie Koeford.

On behalf of all Members the Speaker welcomed the visitors.

4. SPEAKER'S STATEMENT
The Speaker made a statement regarding Harmony Day.

5. TERMINATION OF PREGNANCY LAW REFORM BILL 2017 (SERIAL 15)
Resumption of debate on the question that the Bill be read a second time.

Mrs Finocchiaro, Mr Gunner, Mr Paech.

Paper Tabled: Mr Paech, by leave, tabled an email from Mary Collier re: Media release, NT Abortion Bill – Aboriginal Concern by Margaret Tighe, President, The Right to Life Australia Inc., dated 20 March 2017 (Paper 248).

Mr Wood, Ms Lawler, Mr Kirby, Ms Nelson, Mr Mills, Ms Manison.

Debate suspended.

Suspension of Meeting: The meeting of the Assembly was suspended between 12.00 and 14.00.

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6. NOTICES
The following notice was given:

1. Mr Higgins (Leader of the Opposition) will move on the next General Business Day that this Assembly calls on the Government in the upcoming 2017-2018 Budget to fulfil its election commitments, manage our finances responsibly and govern in the interests of all Territorians.

7. QUESTIONS

14.00 Mrs Finocchiaro to Mr Gunner
14.03 Mr Higgins to Mr Gunner
14.07 Mrs Worden to Mr Gunner
14.10 Mr Sievers to Ms Fyles
14.14 Mrs Finocchiaro to Ms Fyles
14.17 Mr Wood to Ms Manison
14.20 Mr Higgins to Ms Moss

Paper Tabled: Mr Higgins, by leave, tabled Australian Travel Advice for the UK, Canada, Germany and Italy (Paper 249)

14.24 Mr Costa to Ms Manison
14.28 Mr Mills to Mr Gunner
14.32 Mrs Worden to Ms Manison
14.35 Mrs Finocchiaro to Ms Fyles
14.37 Mr Higgins to Mr Gunner
14.40 Ms Uibo to Ms Lawler
14.43 Mr Wood to Mr Vowles
14.47 Mr Paech to Ms Moss

Mrs Lambley pursuant to Standing Order 67, sought precedence to move the following:

That the Assembly censures the Government for failing Territorians by allowing crime to escalate to unacceptably high levels right across the Northern Territory this summer.

Precedence was not granted.

14.55 Mr Kirby to Ms Wakefield.

Ms Fyles (Leader of Government Business) asked that further questions be placed on the Written Question Paper.

8. TERMINATION OF PREGNANCY LAW REFORM BILL 2017 (SERIAL 15): BILL AGREED TO

Resumption of debate on the question that the Bill be read a second time.

Mr Sievers, Ms Purick, Mrs Worden, Ms Wakefield, Mr Collins, Ms Ah Kit, Mr Guyula, Mr McCarthy, Ms Uibo, Ms Moss, Mrs Lambley, Mr McConnell, Ms Fyles.

Question put and passed.

Bill read a second time.

The Assembly resolved to consider the Bill in detail.

Clauses 1 to 3 taken together and agreed to.

Clause 4 read.

Mr Wood moved the following amendment.

CLAUSE 4

Clause 4

insert (in alphabetical order)

abortion means the termination of a pregnancy:

(a) by medical means (the use of a drug or drugs); or

(b) by surgical means (the use of surgical instruments); or

(c) by a combination of medical and surgical means.

approved information, see section 17(1).

hospital, see section 6(2) of the *Medical Services Act*.

Amendment not agreed to.

Mr Wood moved the following amendment.

Clause 4, definition *termination*

omit

a woman's pregnancy.

insert

the life of an unborn human.

Amendment not agreed to.

Clause 4 agreed to.

Clause 5 agreed to.

Clause 6 read.

Mr Wood moved the following amendment.

CLAUSE 6

Clause 6(1)(b)

omit

drug;

insert

drug.

Amendment not agreed to.

Mr Wood moved the following amendment.

Clause 6(1)(c)

omit

Amendment not agreed to.

Clause 6 agreed to.

Mr Wood moved the following amendment.

NEW CLAUSES 6A AND 6B

After Clause 6

insert

6A Counselling and informed consent

(1) A suitably qualified medical practitioner may perform a termination under this Act on a woman only if:

(a) the termination is performed not less than 5 days after the woman first requested the termination from a suitably qualified medical practitioner; and

(b) the woman, since first requesting the termination, has obtained a certificate of counselling from a suitably qualified counsellor who is independent from each of the following:

(i) each health practitioner involved, or proposed to be involved, in the performance of the termination;

(ii) the premises for performing terminations proposed to be used for the termination;

(iii) the person who, or entity that, owns or operates the premises mentioned in subparagraph (ii); and

(c) the medical practitioner has provided the approved information to the woman and has informed the woman:

(i) of the risks associated with terminations; and

(ii) of the alternatives to termination; and

(d) the woman affirms that she:

(i) understands the risks associated with terminations; and

(ii) has been informed of the alternatives to termination; and

(iii) has had explained to her the procedure involved, the risk of complications and the possible effects of the termination on her, and has had her questions in relation to these matters answered; and

(iv) provides her consent freely and without coercion; and

(v) has been supplied with a list of the providers of support services for women seeking a termination.

(2) A person commits an offence if:

(a) the person performs a termination on a woman; and

(b) the person knows that the requirements of subsection (1) have not been complied with.

Maximum penalty: Imprisonment for 3 years.

(3) In this section:

certificate of counselling means a certificate supplied by a suitably qualified counsellor confirming that the counsellor has consulted with the woman and has:

(a) informed the woman of the various alternatives to termination; and

(b) counselled the woman concerning any needs she may have in respect of any of the following:

(i) domestic violence;

(ii) housing and support services;

(iii) mental health;

(iv) pregnancy counselling and support services;

(v) psychological, social, emotional, physical or health distress; and

(c) supplied the woman with a list of providers, registered under the Regulations, of various support services for women seeking terminations including:

(i) health services; and

(ii) domestic violence support services; and

(iii) housing and support services; and

(iv) mental health support services; and

(v) pregnancy counselling and support services; and

(vi) other support services.

suitably qualified counsellor means a person who is one of the following:

(a) a general practitioner;

(b) a psychologist;

(c) a psychiatrist;

(d) a credentialed counsellor.

6B Follow-up

A suitably qualified medical practitioner who performs a termination on a woman must:

(a) conduct a follow-up consultation with the woman between 3 and 7 days after the termination, or as near to that timeframe as is practicable in the woman's circumstances; and

(b) consider whether the woman has any ongoing healthcare counselling or welfare needs including in respect of:

(i) housing and support services; and

(ii) mental health; and

(iii) psychological, social, emotional, physical or health distress; and

(c) take reasonable steps, or make reasonable enquiries or referrals, to seek to address those needs.

New Clauses 6A and 6B not agreed to.

Clause 7 and 8 taken together and agreed to.

Clause 9 read.

Mr Wood moved the following amendment.

CLAUSE 9

Clause 9(b)

omit

section 7.

insert

section 7; and

Amendment not agreed to.

Mr Wood moved the following amendment.

After clause 9(b)

insert

(c) the termination is performed in a hospital.

Amendment not agreed to.

Clause 9 agreed to.

Mr Wood moved the following amendment.

NEW CLAUSE 9A

After clause 9

insert

9A Determining weeks of pregnancy

(1) This section applies if a suitably qualified medical practitioner is determining the number of weeks for which a woman has been pregnant.

(2) The practitioner must make the enquiries, and perform or cause to be performed the medical examinations and tests, that a reasonably prudent medical practitioner, knowledgeable about the case and the medical conditions involved, would consider necessary to make an accurate determination of the matter.

Amendment not agreed to.

Clause 10 agreed to.

Clause 11 read.

Mr Wood moved the following amendment.

CLAUSE 11

Clause 11

Invite defeat

Amendment not agreed to.

Mr Wood moved the following amendment.

NEW CLAUSE 11

After clause 10

insert

11 Conscientious objection

A person is not under any duty to terminate or assist in terminating a woman's pregnancy, or to dispose of or assist in disposing of an aborted foetus, if the person has a conscientious objection to doing so.

Amendment not agreed to.

Mr Wood moved the following amendment.

NEW CLAUSE 13A

After clause 13, in Part 2

insert

13A No duty to participate in termination unless to save life

Except when necessary to save the life of a pregnant woman as mentioned in section 13, no person, hospital, health institution or other institution is under a duty, whether by contract, statutory duty or other legal requirement, to participate in the performance of a termination.

Amendment not agreed to.

Clause 14 read.

Mr Wood moved the following amendment.

CLAUSE 14

Clause 14(1), penalty clause

omit, insert

Maximum penalty: 50 penalty units or imprisonment for 6 months.

Amendment not agreed to.

Mr Wood moved the following amendment.

Clause 14(3)

omit

Amendment not agreed to.

Mr Wood moved the following amendment.

Clause 14(4)

omit, insert

(4) In this section:

prohibited conduct means harassing, hindering, intimidating, interfering with, threatening or obstructing a person, including by recording the person by any means without the person's consent and without a reasonable excuse, that may result in deterring the person from:

(a) entering or leaving premises for performing terminations; or

(b) performing, or receiving, a termination at premises for performing terminations.

Amendment not agreed to.

Ms Fyles moved the following amendment.

Clause 14(3)

omit

subsection (4)(b)

insert

conduct mentioned in subsection (4), definition ***prohibited conduct***, paragraph (b)

Amendment agreed to.

Mr Wood moved the following amendment.

PART 4

Part 4, heading

omit, insert

Amendment not agreed to.

Clause 14 agreed to.

Clause 15 and 16 taken together and agreed to.

Clause 17 read.

Mr Wood moved the following amendment.

CLAUSE 17

Clause 17

Invite defeat

Amendment not agreed to.

Mr Wood moved the following amendment.

NEW CLAUSES 17 AND 17A

After clause 16, in Part 4

insert

17 Ministerial consultative committee

(1) The Minister must establish a consultative committee to advise the Minister about information (the ***approved information***) to be given to women who are contemplating a termination.

(2) The members of the committee are to be persons with appropriate knowledge and experience in providing medical information, counselling and support services to pregnant women.

17A Reports to CHO

(1) A medical practitioner who performs or directs the performance of a termination under this Act must provide to the CHO:

(a) the following information within the time prescribed by regulation:

(i) the number of terminations performed by the medical practitioner;

(ii) the reasons for which terminations were performed;

(iii) the ages of the women concerned;

(iv) the number of weeks, determined in accordance with section 9A, for which the women had been pregnant at the time of the termination;

(v) the number of women who had previously had a termination; and

(b) the additional information prescribed by regulation, within the time prescribed.

(2) The medical practitioner must ensure reports provided under subsection (1) do not contain information that could identify a woman on whom a termination has been performed.

Amendment not agreed to.

Remainder of Bill taken together and agreed to.

Question put.

The Assembly divided:

Ayes 20	**Noes 4**
Ms Ah Kit	Mr Guyula
Mr Collins	Mr McCarthy
Mrs Finocchiaro	Mr Mills
Ms Fyles	Mr Wood
Mr Gunner	
Mr Higgins	
Mr Kirby	
Mrs Lambley	
Ms Lawler	
Mr McConnell	
Ms Manison	
Ms Moss	
Ms Nelson	
Mr Paech	
Ms Purick	

Mr Sievers
Ms Uibo
Mr Vowles
Ms Wakefield
Mrs Worden

Motion agreed to.

Bill as amended agreed to.

On the motion of Ms Fyles (Minister for Health) the Bill was read a third time and passed to be a proposed law.

9. ADJOURNMENT

Ms Fyles (Leader of Government Business) moved that the Assembly adjourn.

Ms Moss, Ms Manison, Ms Uibo, Ms Nelson.

The Assembly adjourned at 20.48 until 22 March 2017 at 10.00.

DEEMED PAPER

Pursuant to Standing Order 239 the following paper was deemed to have been tabled:

OmbudsmanNT Report:

Report to Attorney-General and Minister for Justice Compliance by Northern Territory Police Force with *Surveillance Devices Act*, December 2016 (Paper 250).

ATTENDANCE

All Members attended the meeting.

MICHAEL TATHAM
Clerk of the Legislative Assembly