



Queensland

Reproductive Rights Health Youth Bill 2008

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2008

A Bill

for

**A Youth Act to decriminalise the practice of abortion in
Queensland and to establish an institute to provide health care
for, and education on, sexual health**

[s 1]

The Parliament of Queensland enacts—	1
Part 1 Preliminary	2
1 Short title	3
This Youth Act may be cited as the <i>Reproductive Rights Health Youth Bill 2008</i> .	4 5
2 Commencement	6
This Youth Act commences on a day to be fixed by proclamation.	7 8
3 Definitions	9
In this Youth Act—	10
<i>abortion</i> means the termination of a pregnancy which is either spontaneous, when it is also known as miscarriage, or induced, when it is a deliberate termination of a pregnancy.	11 12 13
<i>emergency postcoital contraception</i> means an oral contraceptive administered after sexual intercourse to prevent conception, which is not designed to be a primary contraception method.	14 15 16 17
<i>Governor in Council</i> means a specific group of senior State Government Ministers who, in consultation with the Governor of Queensland, provide formal approval of certain decisions of the Cabinet and individual Ministers.	18 19 20 21
<i>informed consent</i> means consent given voluntarily by a person able to understand fully the benefits and potential risks of their decision.	22 23 24
<i>medical practitioner</i> means a practitioner registered by the Medical Board of Queensland.	25 26
<i>RHI</i> see section 5(1).	27

<i>RHIEP</i> see section 17(1).	1	
<i>safe sexual activity</i> means the use of contraceptive devices and protection methods to prevent the spread of sexually transmitted infections.	2 3 4	
<i>sexual safety</i> means strategies designed to prevent unwanted sexual activity or sexual assault.	5 6	
<i>termination</i> means the termination of a pregnancy.	7	
Part 2	Decriminalisation	8
4	Repeal of ss 224 and 225 of the Criminal Code 1899	9
	Sections 224 and 225 of the <i>Queensland Criminal Code 1899</i> are repealed.	10 11
Part 3	Reproductive Health Institute	12 13
5	Reproductive Health Institute	14
(1)	This section establishes the Reproductive Health Institute (the <i>RHI</i>) as an organisation independent from the government to oversee abortion procedures in the State.	15 16 17
(2)	The RHI will consist of doctors, psychologists, psychiatrists and social workers.	18 19
(3)	The RHI will examine all abortion procedures available in the State and make an analysis of the effectiveness of each procedure.	20 21 22

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- (4) The RHI will be responsible for presenting to the Health Minister and Attorney-General a summary of all matters relating to abortion in the State. 1
2
3
- (5) Each member of the RHI must aim to ensure that the abortion procedure is kept safe and monitored and that all persons undergoing the procedure have safe facilities available and programs to help with health before and after the procedure. 4
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6
7
- 6 Management board** 8
- (1) The RHI will be administered and supervised by a management board. 9
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- (2) The management board will consist of— 11
- (a) a chair appointed by the Governor in Council who must be a doctor with at least 5 years experience since admission; and 12
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14
- (b) 5 additional members appointed by the Governor in Council from the following occupations— 15
16
- (i) medical practitioner; 17
- (ii) psychiatrist; 18
- (iii) psychologist; 19
- (iv) legal practitioner; 20
- (v) social worker. 21
- 7 Functions** 22
- (1) The RHI is responsible for— 23
- (a) supervising the performance of terminations by medical practitioners; and 24
25
- (b) considering applications for termination in accordance with section 5; and 26
27
- (c) providing reports to the Minister for Health and Attorney-General on the number and types of terminations performed. 28
29
30

8	Approval to perform termination	1
	A person under the age of 16 who does not have parental consent to have a termination may seek consent from the management board.	2 3 4
9	Funding of the institute	5
	The Minister for Health and Attorney-General will provide funds to the RHI to allow the proper performance of its functions.	6 7 8
10	Notification of abortions to the institution	9
	(1) Medical practitioners are required to complete and provide a notification form to the RHI within 14 days of performing an abortion.	10 11 12
	(2) The information in the prescribed form to be completed by the medical practitioner must include—	13 14
	(a) the age of the person; and	15
	(b) the postcode of the person’s place of residence; and	16
	(c) the type of abortion performed; and	17
	(d) the number of weeks the person was pregnant at the time of termination.	18 19
11	Appointment of members of the sexual education program	20 21
	The RHI will approve and appoint all members involved in the State-wide sexual education program RHIEP.	22 23

[s 12]

Part 4	RHI clinics	1
12	Establishment	2
	The RHI is responsible for establishing reproductive health clinics throughout the State.	3 4
13	Application	5
	Reproductive health centres must be established throughout the State and in all major public hospitals.	6 7
14	Staff	8
	(1) Reproductive health centres must consist of the following staff members—	9 10
	(a) male and female doctors;	11
	(b) representatives of different cultures of Australia;	12
	(c) male and female counsellors;	13
	(d) psychiatrists as well as psychologists;	14
	(e) police liaison officers for cases of sexual abuse incidents.	15 16
	(2) Employees must be appointed by the RHI management board.	17
15	Information for patients	18
	Patients must receive information on—	19
	(a) programs about sexual reproduction; and	20
	(b) programs about exercising safe sexual activity; and	21
	(c) programs on sexual safety; and	22
	(d) support programs with all information on the benefits and negatives of their reproductive choice; and	23 24
	(e) referral to a counsellor.	25

16	Support services	1
(1)	Doctors must inform patients of the health consequences of a termination, both physical and mental, before a procedure.	2 3
(2)	Patients must give informed consent, meaning—	4
(a)	they have been informed of the health issues, are of sound mind and are aged over 16; or	5 6
(b)	they have been informed of the health issues and approved by the RHI management board.	7 8
(3)	Doctors must report anyone they do not believe to be capable of giving informed consent to the RHI management board before the procedure.	9 10 11
(4)	Counselling services are to be recommended by doctors both before and after the procedure which—	12 13
(a)	are not mandatory;	14
(b)	will be for a maximum of 6 visits and paid for by Queensland Health;	15 16
(c)	are to be performed only by a qualified psychologist or psychiatrist.	17 18
(5)	Counselling services will also be offered to those who do not present with Post Abortion Shock Syndrome immediately but do so in the future.	19 20 21
Part 5	Reproductive Health Institute Education Program	22 23
17	Establishment	24
(1)	The Reproductive Health Institute Education Program (the <i>RHIEP</i>) is to be established.	25 26
(2)	Members of the RHIEP will be appointed and employed by the RHI management board.	27 28

[s 18]

18	Application	1
(1)	The education program will tour all State senior schools.	2
(2)	All State senior school students will be required to attend the RHIEP program when it is at their school.	3 4
19	Staff	5
	The RHIEP must consist of the following staff—	6
(a)	at least 1 male and 1 female doctor;	7
(b)	at least 1 male and 1 female psychiatrist;	8
(c)	at least 1 male and 1 female police officer.	9
20	Requirements	10
(1)	The RHIEP must educate students on the following sexual and social issues—	11 12
(a)	personal safety;	13
(b)	safe sexual activity;	14
(c)	sexuality and puberty;	15
(d)	self-protection skills and support networks;	16
(e)	bullying;	17
(f)	reproductive rights;	18
(g)	safe partying;	19
(h)	sexual assault;	20
(i)	sexual well being.	21
(2)	The RHIEP must education students on the following development issues—	22 23
(a)	stereotypes;	24
(b)	healthy relationships;	25
(c)	gender and sexuality;	26
(d)	defining stages of relationships.	27

Part 6	Reproductive drugs	1
21	RU486	2
	The drug RU486, which is used as an early term abortion treatment method, will be regulated so that—	3 4
	(a) RU486 is to be available to patients as an alternative to surgical abortion; and	5 6
	(b) if a patient expresses interest in RU486, it is recommended that surgical abortion is chosen as a treatment as opposed to RU486 by the relevant health official; and	7 8 9 10
	(c) all health risks in relation to the use of RU486 as an abortion method shall be illustrated to the patient by the health official prescribing the treatment; and	11 12 13
	(d) on treatment with the RU486 drug, it is mandatory that the patient visit the doctor for an update on their medical condition and to determine the success of the treatment; and	14 15 16 17
	(e) treatment with RU486 must be done in conjunction with the drug prostaglandin which improves the safety of the procedure; and	18 19 20
	(f) psychological counselling before and after the treatment is to be offered.	21 22
22	Emergency postcoital contraception	23
	The following changes in relation to emergency postcoital contraception will be made under this legislation—	24 25
	(a) all emergency postcoital methods, if they meet the required safety standards as defined by the medical board instigated by this legislation, shall be available for all persons;	26 27 28 29

[s 23]

	(b) there will be no requirement for parental permission nor age limit upon the treatments mentioned in paragraph (a);	1 2 3
	(c) all health risks in relation to these emergency treatments shall be illustrated to the individual;	4 5
	(d) psychological counselling before and after the treatment is to be offered to the patient;	6 7
23	Oral contraceptive pill	8
	Use of the combined oral contraceptive pill, often known as the pill, will be subject to the following—	9 10
	(a) requirements for parental consent to receive the pill will be removed;	11 12
	(b) health risks in relation to use of the combined oral contraceptive pill must be illustrated to the individual;	13 14
	(c) psychological counselling before and after the treatment will be offered to the patient.	15 16
24	Other reproductive drugs	17
	Other drugs with the ability to terminate pregnancy or influence reproductive health will be considered by the QRHI management board as they are developed and will be recommend for use on the basis of suitability and health risks.	18 19 20 21