

PARLIAMENT OF VICTORIA

**Health Legislation Amendment (Conscientious
Objection) Bill 2022**

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PARLIAMENT OF VICTORIA

Introduced in the Council by Fiona Patten

Health Legislation Amendment (Conscientious Objection) Bill 2022

A Bill for an Act to amend health legislation in relation to contraception, abortion, and voluntary assisted dying services provided by publicly funded denominational hospitals and for other purposes.

The Parliament of Victoria enacts:

Part 1—Preliminary

1 Purpose

The purpose of this Act is to—

5

- (a) amend the **Health Services Act 1988** in relation to contraception, abortion, and voluntary assisted dying services provided by denominational hospitals; and

(b) make related amendments to the **Abortion Law Reform Act 2008** and the **Voluntary Assisted Dying Act 2017**.

2 Commencement

5

This Act comes into operation on 1 July 2023.

Part 2—Amendment of Health Services Act 1988

3 Definitions

5 In section 3(1) of the **Health Services Act 1988**
insert the following definition—

"registered health practitioner means a person
registered under the Health Practitioner
Regulation National Law to practise a health
profession (other than as a student);".

10 **4 New Part 2B inserted**

After Part 2A of the Principal Act insert—

"Part 2B—Obligation to provide certain services

15 **17AAB Denominational hospitals must provide certain services**

- (1) Despite anything to the contrary in this Act or any other Act, a denominational hospital—
- 20 (a) must provide advice and services for or relating to voluntary assisted dying; and
 - (b) in the case of a denominational hospital that provides gynaecological, obstetrics or neonatal services—must provide advice and services for or relating to—
 - 25 (i) contraception; and
 - (ii) the supply of contraceptives; and
 - (iii) medical and surgical abortion; and

- 5
- (c) in the case of a denominational hospital that provides emergency services— must provide advice and services for or relating to—
- (i) contraception; and
- (ii) the supply of contraceptives.
- 10
- (3) The mandatory advice and services are required in addition to any other advice or service provided by the denominational hospital.
- 15
- (4) A denominational hospital must not direct or otherwise cause a registered health practitioner employed or engaged by the denominational hospital to refuse to provide mandatory advice and services on the basis of a conscientious objection.
- 20
- (5) This section does not affect a registered health practitioner's right to refuse to provide mandatory advice and services because the registered health practitioner has a conscientious objection to the advice or service.
- 25
- (6) In this section—
- mandatory advice and services* means the advice and services a denominational hospital must provide under subsection (1)."

Part 3—Amendment of Abortion Law Reform Act 2008

5 Obligations of registered health practitioner who has conscientious objection

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At the foot of section 8 of the **Abortion Law Reform Act 2008** insert the following note—

"Note

See also section 17AAB of the **Health Services Act 1988**".

Part 4—Amendment of Voluntary Assisted Dying Act 2017

6 Conscientious objections of health practitioners

5 At the foot of section 7 of the **Voluntary Assisted Dying Act 2017** insert the following note—

"Note

See also section 17AAB of the **Health Services Act 1988**".

Part 5—Repeal of amending Act

7 Repeal of this Act

This Act is **repealed** on 1 July 2024.

Note

5

The repeal of this Act does not affect the continuing operation of the amendments made by it (see section 15(1) of the **Interpretation of Legislation Act 1984**).

Endnotes

1 General information

See www.legislation.vic.gov.au for Victorian Bills, Acts and current authorised versions of legislation and up-to-date legislative information.