



**AUSTRALIAN MEDICAL ASSOCIATION
(SOUTH AUSTRALIA) INC.**

ABN 91 028 693 268

9 September 2021

Hon Vickie Chapman MP
Deputy Premier
Attorney-General
Government of South Australia
E: AttorneyGeneral@sa.gov.au

Dear Attorney-General

Re: Termination of Pregnancy Regulations 2021

Thank you for letter of 27 August 2021 and the accompanying draft Termination of Pregnancy Regulations 2021. AMA(SA) Council and our members have followed with interest the proceedings in relation to the *Termination of Pregnancy Act 2021* since it passed both Houses of Parliament earlier this year and look forward to the commencement of operations when possible.

We have welcomed the opportunity to review the draft Regulations, which we have shared among Council but otherwise kept confidential. In general, AMA(SA) Council approves the Regulations.

However, as a general note we suggest there are areas where the language of these Regulations could be simplified, to align with the move towards 'plain English' in legislation and other government documents, enhancing understanding and removing ambiguity. For example, the Regulations in '6-Provision of information by hospitals etc' were interpreted differently by various members of Council. Some sections – such as the list under Schedule 2 – include questionable phrasing; for example, according to the wording, the 'date of termination' and 'method of termination' refer to the 'termination' of the patient. Some words are missing. While this is a draft, we suggest that the language is reviewed before the draft regulations are distributed to a wider audience.

Other feedback is provided according to nominated areas of the regulations, as below.

6-Provision of information by hospitals etc

We debated whether this Regulation refers to termination through administration of medication, in which case education is needed for medical practitioners to keep track of those terminations performed and to inform the Minister. If so, there may be people who are given medication but do not carry through with the termination; we ask whether there is a regulation to manage this.

It also seems to be saying that if a termination is performed in hospital, both the CEO of the hospital and the medical practitioner must provide the information in Schedule 2 to the Minister. We ask if this is the case, and if so whether it also applies to medical practitioners who give medication for a termination outside a hospital.

Schedule 1 – Prescribed hospitals

We note that Schedule 1 comprises a list of the prescribed hospitals. However, we question whether the Regulations will apply if one of the hospitals closes or changes its name.

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Schedule 2 – Obligation to report information on pregnancy terminations to the Minister

AMA(SA) Council queries whether this list of information applies to medical practitioners and CEOs, or to only one person at a location where terminations take place. In addition, while we commend the collection of data in South Australia over many years, which has been extremely valuable for research, funding and treatment applications, Councillors voiced some concerns about the identifiable detail that the regulations require to be collected and provided to the Minister, particularly in light of the note 5 that enables the Minister to seek any other information. Our overall comment is that confidentiality is of utmost importance and ask whether information such as the person's name and address can be de-identified without losing valuable medical information. AMA(SA) asks that the use of any information about terminations – at the individual level or in relation to the type or numbers of procedures performed – must not be used to contradict or 'water down' the intentions of the Act in ensuring terminations remain a women's health issue.

Other matters

We note from your letter of 27 August 2021 that Regulations relating to the possible extension of the authority to administer a termination drug beyond certified medical practitioners will be the matter of further consideration. We look forward to the opportunity to review any draft regulations when they are developed.

We also note that information about terminations for doctors to distribute to patients who are considering termination will be developed and approved by you outside the regulations. AMA(SA) Council would appreciate the opportunity to review this information, to ensure it meets the needs of patients and doctors, including those medical practitioners who have conscientious objections to termination of pregnancy.

Thank you again for the opportunity to comment on these Regulations, and, belatedly, for your work in finally decriminalising abortion in this state. Should you wish to discuss the points raised in this letter, please contact me via EA Mrs Claudia Baccanello on 8361 0109 or at claudia@amasa.org.au.

Yours sincerely



Dr Michelle Atchison
President