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AUSTRALIA**

HOUSE OF REPRESENTATIVES

ABORTION FUNDING ABOLITION BILL 1992

EXPLANATORY MEMORANDUM

(Circulated by authority of the

Member for Macquarie, Mr A P Webster, MP)



ABORTION FUNDING ABOLITION BILL 1992

OUTLINE

This Bill proposes to remove the current entitlement to payment of a medicare benefit under the *Health Insurance Act 1973* in respect of certain medical services which result in an abortion. The Bill recognises, however, two cases where the entitlement to medicare benefit should be preserved. The first case is where the procedure resulting in the abortion has been carried out to avert the death of the pregnant person concerned, while the second case is where the procedure resulting in the abortion has been carried out for a different purpose entirely and the medical practitioner does not know, and has no reasonable expectation, that an abortion would occur.

NOTES ON CLAUSES

Short Title

Clause 1 Subclause (1) provides for the Act to be cited as the *Abortion Funding Abolition Act 1992*.

Subclause (2) identifies the *Health Insurance Act 1973* as the Principal Act.

Commencement

Clause 2 Provides that the Act is to commence 6 months after the day on which it receives the Royal Assent.

- This will enable any necessary administrative arrangements to be put in place by the Health Insurance Commission before the legislation takes effect.

Insertion of new section 19C

Clause 3 Subclause (1) inserts a new section 19C in the Principal Act.

- The new section provides that medicare benefit is not payable in respect of any medical service to which item 274, 275 or 6469 of the Table of medical services relates UNLESS the claim for a medicare benefit is accompanied by a certificate signed by the medical practitioner concerned, in the form set out in Schedule 1AA.

Subclause (2) provides that the denial of medicare benefits in the circumstances outlined in new section 19C will apply only in respect of abortion procedures performed after the commencement of the new section, that is to say, more than 6 months after the day the Bill receives the Royal Assent.

New Schedule 1AA

Clause 4 Inserts a new Schedule 1AA in the Principal Act after Schedule 1.

- The new Schedule sets out the matters to be covered by a medical practitioner's certificate of the kind referred to in new section 19C. In essence, the practitioner must certify that procedures which resulted in the abortion were undertaken either because a failure to do so would have caused the death of the pregnant person or because those procedures were undertaken for another reason entirely, without knowledge, or reasonable expectation, that an abortion would occur.
- The Bill does not provide a penalty for false certification since section 128A of the Principal Act already covers the case.