

House of Representatives

Supplementary Order Paper

Tuesday, 10 March 2020

Abortion Legislation Bill

Proposed amendments

Melissa Lee, in Committee, to move the following amendments:

Clause 12

In *clause 12, new section 183(3)*, after “In this section” (page 14, line 8), insert “and **section 184**”.

In *clause 12*, after *new section 183* (page 14, after line 14), insert:

184 Abortion provided when sought on grounds of discrimination

- (1) A person commits an offence and is liable on conviction to a term of imprisonment not exceeding 7 years if the person provides abortion services to a woman, having a reasonable belief that the abortion services are being sought on the grounds of the sex of the unborn child.
- (2) A person who provides abortion services to a woman commits an offence and is liable on conviction to a fine not exceeding \$10,000 if the person does not inform the woman, both orally and in writing, that abortion services are not permitted on the basis of any of the grounds set out in **subsection (1)**.
- (3) **Subsection (2)** does not apply in a medical emergency.
- (4) The woman is not guilty of an offence under this section.
- (5) In this section,—
medical emergency means that a medical practitioner with relevant expertise has formed a reasonable opinion in good faith that—
 - (a) there is an immediate risk to the life of the woman; and

- (b) it is immediately necessary to carry out the abortion to avert that risk

medical practitioner means a person—

- (a) who is, or is deemed to be, registered under the Health Practitioners Competence Assurance Act 2003 with the Medical Council of New Zealand; and
- (b) who is practising medicine in accordance with his or her scope of practice.

Explanatory note

This Supplementary Order Paper amends the Abortion Legislation Bill by inserting *new section 184* in *clause 12* to prohibit the provision of abortion on the grounds of sex discrimination. These sections introduce penalties associated with contravening the premise of non-discrimination.

For pregnancies of more than 20 weeks' gestation, the Bill makes abortion on the grounds of the sex of the unborn child significantly more accessible than under the current law. International examples of abortions conducted on the basis of discrimination of this kind are common, and present a considerable threat to particular groups in New Zealand, particularly females (who are much more likely to be aborted on the basis of gender than males).

There does not currently exist a framework whereby an abortion can be performed solely on the basis of sex. Frankly, a far greater injustice occurs when an unborn child is aborted on the basis of what and who they are, rather than simply for the fact that they are.

The Bill contains no safeguards to prevent abortions of this kind occurring, and in concert with the greater accessibility to abortion post-20 weeks and the potential for greater screening and knowledge concerning the gender of the unborn child, restrictions must be included to ensure that discrimination of this kind is not allowed. To avoid the risk of discrimination on the basis of sex, this Supplementary Order Paper inserts explicit prohibition. Parliament has done this in other comparable situations, such as in the practice of in-vitro fertilisation, or IVF, where sex selection of an embryo is expressly prohibited except “to prevent or treat a genetic disorder or disease”.