

# **Criminal Code (Medical Treatment) Amendment Bill 2009**

## **Explanatory Notes for Amendments to be moved during consideration in detail by the Honourable Cameron Dick MP, Attorney-General and Minister for Industrial Relations**

### **Title of the Bill**

Criminal Code (Medical Treatment) Amendment Bill 2009

### **Objectives of the Amendments**

The amendment clearly identifies that the Act amends the Criminal Code.

The amendment will remove any doubt that section 282 does not excuse a person from criminal responsibility for performing a surgical operation upon a mother of an unborn child, intending to adversely affect an unborn child, unless the operation is to preserve the mother's life.

### **Achievement of the Objectives**

The objective is achieved by the insertion of a new clause IA and by amending section 282 (4) as inserted by clause 2 of the Bill.

### **Estimated Cost for Government Implementation**

Nil

### **Consistency with Fundamental Legislative Principles**

The amendment does not raise any fundamental legislative principles.

## **Consultation**

The Deputy Leader of the Opposition.

## **Notes on Provisions**

*Clause 1* inserts a new clause 1 A which provides that the Act amends the Criminal Code.

*Clause 2* amends section 282 (4) as inserted by clause 2 of the Bill by the insertion of a definition of 'surgical operation' which provides that for subsection (1)(a) the term does not include a surgical operation intended to adversely affect an unborn child.

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