



# Abortion Law Reform

## Questions and answers

**This question and answer sheet has been prepared for health practitioners including those working in general practice and local health districts.**

### **What is the *Abortion Law Reform Act 2019*?**

In New South Wales, termination of pregnancy is governed by the *Abortion Law Reform Act 2019*, which amended the Crimes Act 1900 to repeal the provisions of that Act relating to termination of pregnancy and to abolish the common law offences relating to termination of pregnancy.

The *Abortion Law Reform Act 2019* ensures termination of pregnancy is treated as a health issue rather than a criminal issue. The Act:

- establishes a health centered approach for termination of pregnancy
- supports a woman's right to health, including reproductive health and autonomy
- provides clarity and safety for registered health practitioners providing terminations of pregnancy.

### **What do the changes mean for health practitioners in NSW?**

The *Abortion Law Reform Act 2019* allows a medical practitioner to undertake a termination on a woman who is not more than 22 weeks pregnant.

A termination of pregnancy on a person who is more than 22 weeks pregnant may be performed by a specialist medical practitioner provided that the medical practitioner:

- considers that, in all the circumstances, there are sufficient grounds for the termination to be performed, and
- has consulted with another specialist medical practitioner who also considers that, in all the circumstances, there are sufficient grounds for the termination to be performed.

The specialist medical practitioner may consult with a multidisciplinary advisory group or hospital advisory committee, where they identify a need.

A termination of pregnancy on a person who is more than 22 weeks pregnant must, except in an emergency, be performed in certain public hospitals or other facilities approved by the Health Secretary. Certain ancillary services can be performed in other places.

The Act also recognises that registered health practitioners such as a medical practitioner, nurse, midwife, pharmacist or Aboriginal health practitioner, or another registered health practitioner prescribed by the regulations, may assist in the performance of a termination of pregnancy by a medical practitioner. This means that a pharmacist can assist a termination by dispensing medication prescribed by a medical practitioner.

### **What happens if a health practitioner has a conscientious objection to termination of pregnancy?**

Any registered health practitioner who is asked to advise about termination of pregnancy, or perform, assist in, or advise on a termination of pregnancy, and who has a conscientious



objection to termination of pregnancy must inform the person who made the request that they have a conscientious objection to the performance of a termination of pregnancy and in a timely fashion.

In addition, if a registered health practitioner is asked to perform a termination, or advise about the performance of a termination, the practitioner must, without delay:

1. give information to the woman on how to locate or contact a medical practitioner whom they believe does not have a conscientious objection to the performance of the termination; or
2. transfer the woman's care to another registered health practitioner, or health service provider, who can provide the requested service and does not have a conscientious objection to the performance of the termination.

A medical practitioner who has a conscientious objection may meet the requirement on giving information to the woman by providing the woman with the details of a NSW Health supported information service.

This service is able to provide information about medical practitioners who do not have a conscientious objection to the performance of termination; as well as general information and support services for reproductive and sexual health.

Information on this service can be downloaded to give to patients [here](#). Health professionals can direct women to contact **1800 131 231** for information on termination of pregnancy service providers.

## Do women have to attend counselling before having a termination of pregnancy?

Under the Act, women seeking termination of pregnancy prior to 22 weeks gestation are not required to attend counselling but may wish to do so. Medical practitioners are required to assess whether counselling would be beneficial. Most providers will offer counselling services that women can use before and after the procedure.

For terminations of pregnancy after 22 weeks, the specialist medical practitioner must provide

information to the woman about access to counselling, including publicly-funded counselling. This requirement does not apply in an emergency.

## What information is available to women who are considering a termination of pregnancy?

The NSW Pregnancy Options Helpline on **1800 131 231** provides free, unbiased and confidential information on pregnancy options including termination of pregnancy service providers in NSW.

For more information, women can:

- Talk to their local doctor
- Contact the local Women's Health Centre
- Contact the local Aboriginal Medical Service
- Contact the Family Planning NSW Talkline on 1300 658 886 or go to [www.fpnsw.org.au/talkline](http://www.fpnsw.org.au/talkline)
- Read Family Planning NSW resources:
  - [Pregnant? Working through your options](#)
  - [Pregnancy Options \(for culturally and linguistically diverse people\)](#)
  - [Unplanned pregnancy-abortion](#)
- Go to [www.childrenbychoice.org.au](http://www.childrenbychoice.org.au)
- Talk to a social worker at the local hospital.

## What services are available for women who are unsure if they want a termination?

**Non-directive pregnancy counselling** is a form of counselling based on the understanding that, in many situations, people can resolve their own problems. There are a number of services that offer unbiased and non-judgmental pregnancy options counselling services to women, their partners and significant others.

The counsellor will:

- Provide a safe and confidential space for the woman to talk about her pregnancy concerns
- Talk about pregnancy options and available services



- Provide unbiased, evidence-based information.

GPs can refer women to health practitioners who offer non-directive pregnancy counselling, with a signed and dated letter. Medicare rebates are available for up to three sessions of counselling per patient, per pregnancy. This service is only available to women who are pregnant or have been pregnant in the last 12 months.

### **What information do health practitioners need to record about a termination of pregnancy?**

In accordance with s15 of the Abortion Law Reform Act 2019, a termination of pregnancy must be notified to the Ministry of Health within 28 days. Information provided to the Ministry of Health must not include any particulars that would allow a woman to be identified. To download the notification form, go to [www.health.nsw.gov.au/pregnancyoptions](http://www.health.nsw.gov.au/pregnancyoptions)