

Termination of Pregnancy Law Reform Act - Summary

Introduction

The *Termination of Pregnancy Law Reform Act 2017* (the Act) was passed in the Northern Territory's Legislative Assembly on 21 March 2017 and commenced on 1 July 2017. The Act intends to enable reasonable, safe and equitable access to termination of pregnancy in the Northern Territory. The Act decriminalised termination of pregnancy and enabled women to undertake early medical terminations in a non-clinical setting.

2021 Amendments to the Act

In 2018 a review was commenced to examine the impact and outcomes of the 2017 Act and the first year of implementation. The review resulted in recommendations to amend the Act to increase access to termination services, reduce administrative processes and to further align to national professional standards and legislation in other jurisdictions. The Act was subsequently amended on 16 December 2021.

Key changes were to:

- remove the requirement for two suitably qualified medical practitioners to assess a woman who is between 14 and 23 weeks gestation;
- increase the gestational upper limit for one medical practitioner performing a termination from 14 weeks to 24 weeks gestation;
- allow terminations after 24 weeks gestation following consultation between two medical practitioners;
- replace the definition of 'suitably qualified medical practitioner' with 'medical practitioner' or similar;
- amend the Termination of Pregnancy Law Reform Regulations 2017 to simplify required information provision; and
- remove the requirement for medical practitioners to verify their credentials to the Northern Territory Chief Health Officer (NT CHO), in addition to fulfilling professional registration requirements.

Key aspects of the Act remain:

- A medical or health practitioner who holds a conscientious objection to terminate a pregnancy is required to inform the woman of this and refer her to another medical practitioner who does not have a conscientious objection within two days.
- The Act creates 'safe access zones' around premises where terminations of pregnancy are performed or where termination services are provided. Conduct which intimidates, harasses, inhibits or deters access is prohibited within the safe access zone.

Regulations

Regulations have been made under the Act, to empower the Chief Health Officer (CHO) in relation to:

1. the setting of standards and guidelines in relation to the performance of a termination of pregnancy or the provision of termination of pregnancy services;
 2. provision of prescribed information by practitioners; and
 3. confidentiality of information relating to the termination of a woman's pregnancy.
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Implications:

- The CHO has approved and set guidelines known as the *NT Clinical Guidelines for Termination of Pregnancy*;
 - All practitioners are required to have regard to their relevant professional standards for example, Therapeutic Goods Authority (TGA) or College; and
 - Penalties do not apply if a medical practitioner does not have regard to professional standards or guidelines, however this may result in disciplinary proceedings should a complaint be raised.
2. The provision of prescribed information by medical practitioners

Implications:

- All medical practitioners who perform a termination of pregnancy must provide the prescribed information regarding each termination of pregnancy performed within the prescribed timeframe;
 - A form has been prepared by the CHO to facilitate this process and is available from the NT Health Termination of Pregnancy website; and
 - Penalties apply for failing to provide the prescribed information in the prescribed time (which is generally 28 days post termination) unless there is a reasonable excuse.
3. Confidentiality of information relating to the termination of a woman's pregnancy

Implications:

- Penalties apply to anyone intentionally disclosing any information about a woman, any termination of pregnancy or associated information, where the person making the disclosure is reckless as to the disclosure.

Northern Territory Clinical Guidelines for Termination of Pregnancy

The Northern Territory Clinical Guidelines for Termination of Pregnancy (the Clinical Guidelines) assist medical practitioners and other healthcare professionals provide care to women requesting termination of pregnancy (a termination). The Clinical Guidelines were updated in 2022 to provide guidance on the implementation of the 2021 amended Act and were adapted from the Queensland Clinical Guidelines:

Termination of Pregnancy (2019). The Guidelines are available from the NT Health, [Termination of Pregnancy webpage](#).

The Clinical Guidelines:

- apply to public, non-government and private providers of termination services provided to a woman in the Northern Territory;
- provide a Northern Territory context for all medical and health practitioners (other than as a student), including Aboriginal and Torres Strait Islander, midwifery, nursing and pharmacy;
- support services, participating in any aspect of the performance of a termination of a woman's pregnancy or termination of pregnancy services; and
- apply to terminations up to and post 24 weeks gestation, whether involving a medical or surgical termination, and whether performed in a hospital or in an out of hospital setting.

The Clinical Guidelines take into account the unique environment and circumstances experienced in the Northern Territory and are intended as a guide. The Clinical Guidelines support and do not replace local protocols and variation from the guidelines may be appropriate when taking into account clinical judgement, knowledge and expertise, medical advice and individual circumstances. Where local protocols are not well established or do not exist the Clinical Guidelines provide suggested regimes for termination of pregnancy services.

Termination of Pregnancy Consumer Information

The following consumer booklets have been produced and are available from the Northern Territory Government [Abortion: Termination of Pregnancy webpage](#).

- Pregnancy Options for Women in the Northern Territory
- Termination of Pregnancy in the Northern Territory

Consumer information is available in:

- languages other than English from the NT Health from the [Termination of pregnancy webpage](#); and
- audio for major NT Aboriginal languages via an email request to WomensHealth.DoH@nt.gov.au.