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16 August 2022

§ 9(2)(a)

By email: § 9(2)(a)
Ref: H2022009014

Tēnā koe § 9(2)(a)

Response to your request for official information

Thank you for your request under the Official Information Act 1982 (the Act) to Manatū Hauora (Ministry of Health) on 30 July 2022 for information regarding a Voice for Life article. You requested:

*“...Is this article accurate? Namely,
Was a healthy baby born alive as a result of a failed late term abortion?
Did it struggle to breath for two hours before passing away, with no medical intervention?
Is this a common occurrence?
What has been the latest term abortion performed to date?”*

Under section 20 of the Contraception, Sterilisation, and Abortion Act 1977, abortion providers must submit non-identifiable patient data and details of the abortion procedures provided within one month of the procedure occurring. Providers must ensure the data provided to Manatū Hauora is complete and accurate. None of the notifications Manatū Hauora has received matches the situation outlined in the article you have referenced. From 22 weeks of pregnancy, an injection to stop the foetal heart occurs before an abortion. Therefore, it is very unlikely that a live birth occurs after an intended abortion.

In the event of a live birth, however, it is no longer considered an abortion and there is a requirement to provide appropriate care in the same way as for any other baby. This is a complex matter and the care that is appropriate in the circumstances will depend on the clinical assessment. Appropriate care will be determined by the health practitioner in accordance with relevant standards and best practice guidance, and in consultation with the parent(s) and whānau.

Health professionals are bound by several acts, codes and, standards including the Health Practitioners Competence Assurance Act 2003, and the Health and Disability Commissioner Act 1994 and the ethical standards set by their profession’s responsible authority (e.g., the Medical Council, Nursing Council, and the Midwifery Council). Hospitals also set out their own clinical guidelines regarding resuscitation and lifesaving care of neonates. Anyone who is not satisfied with the care they have received from a health professional or service can lodge a complaint with the Health and Disability Commissioner at: www.hdc.org.nz/making-a-complaint/make-a-complaint-to-hdc.

The latest term abortion performed was at 36 weeks due to a foetal anomaly and the mother was under the care of the Maternal Fetal Medicine team.

Under section 28(3) of the Act, you have the right to ask the Ombudsman to review any decisions made under this request. The Ombudsman may be contacted by email at: info@ombudsman.parliament.nz or by calling 0800 802 602.

Please note that this response, with your personal details removed, may be published on the Manatū Hauora website at: www.health.govt.nz/about-ministry/information-releases/responses-official-information-act-requests.

Nāku noa, nā

A handwritten signature in black ink, appearing to read 'Emma Prestidge', written in a cursive style.

Emma Prestidge
**Group Manager, Quality Assurance and Safety
Regulatory Services**