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3 March 2023

§ 9(2)(a)

By email: § 9(2)(a)

Ref: H2023020070

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 (the Ministry of Health) on 10 February 2023 for information regarding abortion services.

As you were advised in our response to OIA H2023019631 on 13 February 2023, Manatū Hauora responds to all official information requests made in good faith in accordance with the requirements of the Act. However, the language and tone of your request leads us to question whether your request has been made in good faith. On 13 February 2023 Manatū Hauora provided you with further rationale as to why we have been led to question whether your previous request with similar wording had been made in good faith. You were advised, *the wording “killing an unborn child in” adds no value or context to the information being requested, however indicates hostility towards pharmacists who dispense mifepristone and misoprostol for the purpose of a medical abortion.* More information on requests deemed vexatious and not in good faith due to offensive language can be found on the Ombudsman website here: www.ombudsman.parliament.nz/resources/requests-information-deemed-vexatious-and-not-good-faith-due-offensive-language.

However rather than refuse your request as frivolous or vexatious at this stage, we are providing a response in line with section 13 of the Act. For future requests, we invite you to consider submitting requests in more appropriate terms. If you choose not to, we will consider whether it is necessary to refuse your request as frivolous or vexatious under section 18(h) of the Act. Each part of your request is responded to below.

What are the professional consequences for a registered medical practitioner, a midwife, or a practice nurse who refuse to be involved in the killing of an unborn child, breaches section 14 [b] of the Abortion Legislation Act 2020 by refusing to provide a woman seeking an abortion with information on “how to access the contact details of another person who is the closest provider of the service requested?”

What are the professional consequences for a registered pharmacist who refuses to dispense a prescription for mifepristone and misoprostol to facilitate an early medical abortion and breaches section 14 [b] of the Abortion Legislation Act 2020 by refusing to provide a woman seeking an abortion with information on “how to access the contact details of another person who is the closest provider of the service requested?”

Section 15 of the Contraception, Sterilisation, and Abortion Act 1977 outlines the requirements for an employer to accommodate a conscientious objection.

It is important to note that a conscientious objection does not override a health practitioner or pharmacist's professional and legal duty to provide prompt and appropriate medical assistance to any person in a medical emergency (including a surgical emergency).

Moreover, health practitioners and pharmacists are bound by their relevant code of ethics as determined by their regulatory body.

If a health practitioner (including doctors, nurses, midwives) or pharmacist refuses to advise the person seeking abortion services:

- (a) of their conscientious objection; and
- (b) how to access the contact details of another person who is the closest provider of the service requested

then they can be referred to their regulatory body or the Health and Disability Commissioner.

Further, a complaint can be sent to Manatū Hauora about the practitioner or pharmacist for investigation or referral to the appropriate agency.

For more specific information regarding pharmacists, please refer to our previous response to you (H2023019631 refers).

I trust this information fulfils your request. 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



Ruihua Gu
Acting Group Manager, Quality Assurance and Safety
Regulatory Services | Te Pou Whakariterite Ratonga