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10 May 2023

§ 9(2)(a)

Ref: H2023023402

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 11 April 2023 for information regarding abortions. Each part of your request is responded to below:

*What defines a late term abortion?*

There is no definition for a late term abortion. However, the Contraception, Sterilisation and Abortion Act 1977 (the Act) places differing criteria on abortions over 20 weeks. This is cited in section 11 of the Act which notes:

#### **Provision of abortion services to women more than 20 weeks pregnant**

(1) A qualified health practitioner may only provide abortion services to a woman who is more than 20 weeks pregnant if the health practitioner reasonably believes that the abortion is clinically appropriate in the circumstances.

(2) In considering whether the abortion is clinically appropriate in the circumstances, the qualified health practitioner must—

(a) consult at least 1 other qualified health practitioner; and

(b) have regard to—

(i) all relevant legal, professional, and ethical standards to which the qualified health practitioner is subject; and

(ii) the woman's—

(a) physical health; and

(b) mental health; and

(c) overall well-being; and

(iii) the gestational age of the fetus.

The New Zealand Aotearoa Abortion Clinical Guideline provides more detail on the practical considerations for abortions over 20 weeks.

*How many abortions have there been in the past 5 years amongst women who are between 20-29 and 30-40 weeks gestation, listed by year and indications where stated?*

Before the passing of the Abortion Legislation Act 2020, the Abortion Supervisory Committee (ASC) had oversight of abortion services, set standards of care and was responsible for annual reporting on abortion-related information.

On 24 March 2020, responsibility for abortion services in Aotearoa moved from the Abortion Supervisory Committee to Manatū Hauora. As addressed within the Annual Report 2021, abortion procedures reported before and following 24 March 2020 were combined to supply final reporting data for the 2020 calendar year. A link to the Annual Report can be found here: [www.health.govt.nz/system/files/documents/publications/abortion\\_services\\_aotearoa\\_new\\_zealand\\_and\\_annual\\_report\\_2021\\_8\\_oct.pdf](http://www.health.govt.nz/system/files/documents/publications/abortion_services_aotearoa_new_zealand_and_annual_report_2021_8_oct.pdf).

Accordingly, Manatū Hauora does not hold data for years preceding 2020, but can direct you to review Annual Reports conducted by ASC: [www.justice.govt.nz/tribunals/abortion-supervisory-committee/annual-reports/](http://www.justice.govt.nz/tribunals/abortion-supervisory-committee/annual-reports/).

Manatū Hauora is able to respond to the portions of your request relating to the years 2020 and 2021. In order to protect the privacy of individuals involved with the service, Manatū Hauora will suppress specific numbers where very low abortion procedures are observed. Therefore, the number of abortion procedures occurring between 20-29 and 30-40 weeks of gestation are withheld under section 9(2)(a) to protect the privacy of natural persons. Manatū Hauora is able to release data categorised as procedures reported at 20 weeks or more.

During 2020, 125 abortion procedures were reported at 20 weeks gestation or more. During 2021, 104 abortion procedures were reported at 20 weeks gestation or more.

Data relating to the year 2022 will be published in the upcoming Annual Report due to be published in October 2023.

There is no legislative requirement to collect information regarding indication for abortion at any gestation. It is a clinical conversation between the pregnant person and their health practitioner. Manatū Hauora does not hold information regarding indication for abortion at any gestation. Therefore, this part of your request is refused under section 18(g) of the Act.

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](mailto: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](http://www.health.govt.nz/about-ministry/information-releases/responses-official-information-act-requests).

Nāku noa, nā



Clare Perry

**Deputy Director-General  
Regulatory Services | Te Pou Whakariterite Ratonga**