

PUBLIC HEALTH ACT 2016 (WA)

Sections 202MP and 202MQ

**CHIEF HEALTH OFFICER [PROVISION OF ABORTION
INFORMATION] DIRECTIONS (No.2) 2024**

On 27 March 2024, the *Abortion Legislation Reform Act 2023 (WA)* (the Reform Act) came into effect in Western Australia. The Reform Act, amongst other things, creates a new framework relating to the performance of abortion under the *Public Health Act 2016 (WA)*.

New section 202MP of the *Public Health Act* enables the Chief Health Officer to, for a purpose referred to in section 202MQ, direct a relevant person to give to the Chief Health Officer such demographic or clinical information about abortions performed under Part 12C Division 2 of the *Public Health Act* as is specified in these directions.

I, Dr Andrew Robertson, the Chief Health Officer, make the following direction.

PREAMBLE

1. The purpose of these directions is to require relevant persons to provide demographic and clinical information about abortions to the Chief Health Officer, to enable the recording, use and disclosure of the information by the Chief Health Officer for a purpose referred to in section 202MQ of the *Public Health Act*.

CITATION

2. These directions may be referred to as the Chief Health Officer (Provision of Abortion Information) Directions (No.2) 2024.

COMMENCEMENT

3. These directions shall take effect from 27 March 2024 and shall remain in force until otherwise amended or revoked.

REVOCATION

4. The Chief Health Officer (Provision of Abortion Information) Directions 2024 signed on 16 January 2024 are revoked.

DIRECTIONS

5. Subject to clauses 5 and 6, a **relevant person** who **performs an abortion** under Part 12C Division 2 of the *Public Health Act* must provide **abortion information** to the Chief Health Officer via the **approved submission method**, within the **approved timeframe**.
6. The abortion information provided by a relevant person pursuant to clause 4 of these directions must not include **excluded information**.
7. Where two or more relevant persons are involved in the performance of same abortion for the patient, the relevant persons will come to an agreement as to who of those relevant persons will provide the abortion information to the Chief Health Officer under clause 4, and keep a record of this agreement.

DEFINITION

8. **Abortion information** means the information that is only statistical or summary information and is listed in Schedule 1 of this Direction.
9. **Approved submission method** means the provision of abortion information via the electronic form (the Abortion Notification eForm) managed by the Department of Health, Western Australia and accessible via the webpage: Notification of abortion (termination of pregnancy).
10. **Approved timeframe** means within 14 calendar days of the performance of the abortion.
11. **Excluded information** means any information excluded by virtue of:
 - (a) section 202MP(3)(b) of the *Public Health Act*; and
 - (b) section 202MP(4) of the *Public Health Act*.
12. **Performs an abortion** is as defined under section 202MB of the *Public Health Act*.
13. **Relevant person** means a medical practitioner and prescribing practitioner as defined under the *Public Health Act*.

DATED this *25th* day of *March*, 2024



Dr Andrew Robertson
CHIEF HEALTH OFFICER

SCHEDULE 1 – Abortion information

| Row | Abortion information |
|-----|---|
| 1. | Date when abortion was performed in the format [DD/MM/YYYY]. |
| 2. | <p>Age range of pregnant patient, with the ranges being:</p> <ul style="list-style-type: none"> • Less than 15 years • 15 to 19 years • 20 to 24 years • 25 to 29 years • 30 to 34 years • 35 to 39 years • 40 to 44 years • 45 years or older |
| 3. | <p>Region of residence of pregnant patient, with the regions being:</p> <ul style="list-style-type: none"> • WA metropolitan – East • WA metropolitan – North • WA metropolitan – South • WA country – Kimberley • WA country – Pilbara • WA country – Midwest • WA country – Wheatbelt • WA country – Goldfields • WA country – Southwest • WA country – Great Southern • Not within WA |
| 4. | <p>Gestational age range of pregnancy, with the ranges being:</p> <ul style="list-style-type: none"> • Up to 9+0 weeks • 9+1 to 13+6 weeks • 14+0 to 19+6 weeks • 20+0 to 23+0 weeks • 23+1 weeks or more |

| | |
|----|---|
| 5. | Reason for abortion, with the reasons being: <ul style="list-style-type: none"> • Fetal abnormality • Medical condition (maternal and/or fetal) • Other |
| 6. | Method of abortion, with the methods being: <ul style="list-style-type: none"> • Medical only • Surgical only |
| 7. | Category of practitioner performing abortion, with the categories being: <ul style="list-style-type: none"> • Medical practitioner • Other registered health practitioner |
| 8. | Category of abortion service provider, with the categories being: <ul style="list-style-type: none"> • General practice - WA metropolitan • General practice - WA country • Private hospital/clinic - WA • Public hospital – WA metropolitan • Public hospital – WA country • Other |