

Abortion Supervisory Committee

27 August 2018

Olivia Fairhurst
fyi-request-8407-2292458x@xxxxxxxx.xxx.xxx.xx

Dear Ms Fairhurst

OFFICIAL INFORMATION ACT REQUEST

I refer to your email of 31 July 2018 to the Abortion Supervisory Committee (ASC) requesting, under the Official Information Act 1982 (the OIA), the following information:

- *the number of women denied an abortion in New Zealand for the previous five years out of the total number applied for; and*
- *the grounds they failed to satisfy to obtain an abortion.*

Under section 30 of the Contraception, Sterilisation and Abortion Act 1977 (CSA Act), the ASC is required to set up and maintain a list of medical practitioners (certifying consultants) who may be called upon to determine whether an abortion is justified or not justified.

In order for an abortion to be considered lawful, two certifying consultants must be satisfied that a woman seeking an abortion meets the grounds set out in section 187A of the Crimes Act 1961. When a certifying consultant does not believe an abortion is justified, the case is then referred to a third certifying consultant who can consider the case.

The information recorded in tables 1 and 2 shows the number of times a certifying consultant has deemed an abortion to be justified or not justified for the previous five calendar years, as well as the total number of abortions performed for those years respectively. It does not, however, show the number of times a woman has been denied an abortion because a third consultant may subsequently agree that the abortion is justified. Making this information available would require a substantial amount of research and collation. Therefore, your request for this information is refused under section 18(f) of the OIA.

The ASC would like to note that, for doctors who perform mostly second consultations, it would expect the number of 'Not Justified' to be low, given that by the second consultation many women will have already been seen by a general practitioner, counsellor and first certifying consultant.

In regard to the second part of your request, there are no grounds recorded when an abortion is considered not justified, as none of the grounds set out in section 187A of the Crimes Act have been met. In some cases, a certifying consultant may elaborate on their decision-making process on the certificate. In order to review every certificate submitted to the ASC between 2013 and 2017 to ascertain what further information may be recorded, if any, a substantial amount of research and

collation would be required. Therefore, your request for this information is declined under section 18(f) of the OIA.

Table 1

Number of Justified and Not Justified Abortion Certificate Decisions by Certifying Consultants
Calendar years 2013-2017

Year	Justified	Not Justified	<i>Total Certificates</i>
2013	29,614	285	<i>29,899</i>
2014	24,138	216	<i>24,138</i>
2015	29,581	265	<i>29,846</i>
2016	27,622	268	<i>27,890</i>
2017	27,332	275	<i>27,607</i>

Table 2

Number of Abortions Performed
Calendar Years 2015-2017

Year	Abortions Performed
2013	14,073
2014	13,137
2015	13,155
2016	12,823
2017	13,285

Please note that the certification figures will be higher than the total number of abortions performed for various reasons including, but not limited to:

- that two certificates (justified decisions) are required for authorisation of an abortion procedure. In some cases, a third certificate is required, from a third certifying consultant, where the first two consultants did not agree;
- women choosing to continue with their pregnancies after or during the certification pathway (e.g after one, two or three certificates are deemed justified or not justified);
- pregnancies ending by spontaneous miscarriage before an abortion procedure could be performed.

If you are not satisfied with my response to your request, you have the right to make a complaint to the Ombudsman under section 28(3). The Ombudsman may be contacted by writing to the Office of

Ombudsman at PO Box 10152, Wellington 6143, by email to info@ombudsman.parliament.nz or by phone to 0800 802 602.

Yours sincerely



Rachael Cole
Secretary
Abortion Supervisory Committee