

OFFICIAL

SA Health

Policy

Termination of Pregnancy

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Version 2.0

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Government
of South Australia

SA Health

1. Name of Policy

Termination of Pregnancy

2. Policy statement

In the presence of the SA *Termination of Pregnancy Act 2021* and Termination of Pregnancy Regulations 2022, this Termination of Pregnancy Policy determines the essential minimum requirements for the safe and legal management of the pregnant person considering a termination of pregnancy (sometimes referred to as an abortion). Employees must act in accordance with the legislation and this policy.

3. Applicability

This policy applies to all employees and contracted staff of SA Health; that is all employees and contracted staff of the Department for Health and Wellbeing, Local Health Networks (including state-wide services aligned with those Networks¹) and SA Ambulance Service.

4. Policy principles

SA Health's approach to Termination of Pregnancy Policy is underpinned by the following principles:

- > We ensure access to termination of pregnancy across SA Health
- > We ensure counselling services are available to all people seeking a termination of pregnancy
- > We ensure the ability of the registered health practitioner to lawfully conscientiously object
- > We ensure the secure, accurate and confidential reporting of termination of pregnancy data

5. Policy requirements

Access to termination of pregnancy

- > You must provide access options and information for termination of pregnancy across SA Health in accordance with mandatory instructions 1 and 2 (appendices 1 and 2)
- > You must provide access to a credentialed termination of pregnancy provider in accordance with mandatory instructions 1 and 2 (appendices 1 and 2)
- > You must provide access to local MS-2 Step medication in accordance with mandatory instruction 1 (appendix 1)
- > You must provide access to ultrasound for dating in accordance with mandatory instruction 1 (appendix 1)
- > You must consider gestation in determining the most appropriate referral pathway in accordance with mandatory instructions 1 and 2 (appendices 1 and 2)

Access to counselling services

- > You must provide information about access to counselling prior to the termination (except in cases of emergency), including publicly-funded counselling in accordance with mandatory instruction 1 (appendix 1)

¹ 'Statewide services' includes Statewide Clinical Support Services, Prison Health, SA Dental Service, BreastScreen SA and any other state-wide services that fall under the governance of the Local Health Networks

- > Counselling services provided within SA Health must be:
 - Clear and detailed regarding options
 - Confidential, free of judgement and pressure

Conscientious Objection

- > Registered health practitioners who conscientiously object to terminations of pregnancy must do so in accordance with mandatory instruction 2 (appendix 2)

Mandatory Reporting

- > The registered health practitioner initiating the termination of pregnancy must report the termination to the Chief Executive of the Department for Health and Wellbeing using the Termination of Pregnancy Notification Form, in accordance with the Termination of Pregnancy Regulations 2022 (see mandatory instruction 3 [appendix3])

6. Mandatory related documents

The following documents must be complied with under this Policy, to the extent that they are relevant:

- > *Termination of Pregnancy Act 2021*
- > Termination of Pregnancy Regulations 2022
- > *Consent to Medical Treatment and Palliative Care Act 1995*
- > *Controlled Substances Act 1984*
- > SA Health Surgical Clinical Capability Framework
- > SA Health Equity of Access to Health Care Policy Directive
- > SA Health Consent to Medical Treatment and Health Care Policy
- > SA Health Privacy Policy Directive
- > MS Health via <https://www.ms2step.com.au/>

7. Supporting information

- > *Perinatal Loss Perinatal Practice Guideline (PPG)*
 - Available at www.sahealth.sa.gov.au/perinatal
- > *Termination of Pregnancy in the first trimester PPG (including Consumer Fact Sheet)*
 - Available at www.sahealth.sa.gov.au/perinatal
- > *Termination of Pregnancy and miscarriage in the second trimester PPG (including Consumer Fact Sheet)*
 - Available at www.sahealth.sa.gov.au/perinatal
- > Marie Stopes Australia
 - Available at <https://www.mariestopes.org.au/for-doctors>
- > 'Accessing Abortion in South Australia' Consumer Information Brochure
 - Available at www.sahealth.sa.gov.au
- > MS-2 Step Consumer Medicines Information (CMI) and Product Information (PI)
 - Available at https://www.ebs.tga.gov.au/ebs/picmi/picmirepository.nsf/PICMI?OpenForm&t=&q=mi_fepristone

8. Definitions

- > **Access:** the means, right, or opportunity to use a service
- > **Hospital:** has the same meaning as in the *Health Care Act 2008*
- > **Medical practitioner:** means a person registered under the *Health Practitioner Regulation National Law* to practise in the medical profession, other than as a student
- > **Prescribed hospital:** means a hospital, or hospital of a class, prescribed by the regulations
- > **Private day procedure centre:** has the same meaning as in the *Health Care Act 2008*
- > **Private hospital** has the same meaning as in the *Health Care Act 2008*
- > **Registered health practitioner** means:
 - o a medical practitioner, or
 - o any other person registered under the *Health Practitioner Regulation National Law* to practise in a health profession, other than as a student

9. Compliance

This policy is binding on those to whom it applies or relates. Implementation at a local level may be subject to audit/assessment. The Domain Custodian must work towards the establishment of systems which demonstrate compliance with this policy, in accordance with the requirements of the [System-wide Integrated Compliance Policy](#).

Any instance of non-compliance with this policy should be reported to the Domain Custodian for the Clinical Governance, Safety and Quality and the Domain Custodian for the Risk, Compliance and Audit Policy Domain.

10. Document ownership

Policy owner: ED Provider Commissioning & Performance as Domain Custodian for the Clinical Governance, Safety and Quality Policy Domain

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11. Document history

Version	Date approved	Approved by	Amendment notes
2.0	2 June 2022	Deputy CE, SA Health	Reviewed in line with 5 year policy review cycle and updated to reflect the new <i>SA Termination of Pregnancy Act 2021</i>
1.0	March 2014	SA Health Safety & Quality Strategic Governance Committee	Original SA Health Safety & Quality Strategic Governance Committee approved version

12. Appendices: Mandatory Instructions

Mandatory Instructions

1. Access
2. Conscientious objection
3. Mandatory Reporting

Consumer information brochure

4. 'How do I access an abortion in SA?'

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13. Appendix 1: Access

The following instruction must be complied with to meet the requirements of the *Termination of Pregnancy Act 2021* as part of the Termination of Pregnancy Policy.

Access to termination of pregnancy services may be facilitated onsite, via telehealth, or by referral to an alternative service provider (medical practitioner or health service known to provide the service), relevant to the gestation of pregnancy.

1. Lawful termination of pregnancy

- 1.1 A medical practitioner may lawfully perform a termination of pregnancy on a person who is:
- a) Not more than 22 weeks and 6 days pregnant
 - b) More than 22 weeks and 6 days pregnant if:
 - the termination is necessary to save the life of the pregnant person or save another fetus or
 - the continuance of the pregnancy would present significant risk of mental or physical injury to the pregnant person or
 - there is a significant risk of fetal anomalies

AND

 - a second medical practitioner is consulted and considers the pregnant person, concluding the same as above and
 - the termination is performed in a prescribed hospital
 - ◆ Prescribed hospitals are listed in the SA Termination of Pregnancy Regulations 2022 under the *Termination of Pregnancy Act 2021*

AND

 - they have regard for the additional mandatory considerations outlined in Section 9 of the [Termination of Pregnancy Act 2021](#)
- 1.2 A medical practitioner must not perform a termination of pregnancy for the purposes of sex – selection, except if the person born (but for the termination), would suffer a sex-linked medical condition that would result in serious disability to that person.

2. Counselling Services

- 2.1 Before performing a termination of pregnancy, a registered health practitioner must provide all necessary information to the person about access to counselling, including publicly-funded counselling.
- 2.2 If the pregnant person elects to access counselling, the counselling by a registered or credentialed health practitioner must include:
- a) Clear and detailed information regarding options
 - b) Exploration of thoughts and feelings around the pregnancy and consider the personal implications of different decisions
 - c) Support for the pregnant person to trust their own judgement

3. Responsibilities of the termination of pregnancy service provider

- 3.1 The service provider must ensure that a termination of pregnancy is provided:
- a) By appropriately credentialed health practitioners providing the abortion service, (including surgical and / or medical options).
 - Medical practitioners wishing to prescribe mifepristone and misoprostol must be registered with and certified by MS Health via the secure healthcare professional website <https://www.ms2step.com.au/>

- ◆ Registered medical practitioners with a Fellowship of the Royal Australian New Zealand College of Obstetricians and Gynaecologists (FRANZCOG) or with an advanced diploma (DRANZCOG advanced) will not have to complete the training but are still required to register with MS Health
 - Note: Medical practitioners with a Diploma of the RANZCOG (i.e. DRANZCOG) do have to complete the training
- b) With comprehensive clinical procedures/protocols relevant to the termination of pregnancy services offered at their site or via telehealth services, including the local management of the pregnant person requiring care 'out of hours'.
- c) Written information to be given to the person and their support person(s) with what to anticipate, possible complications and how to access medical care outside the health service's usual working hours, following the termination of pregnancy.

4. Local access to MS-2 Step medication

- 4.1 All SA Health facilities with on-site pharmacies must have the ability to dispense MS-2 Step medication.
- 4.2 The dispensing pharmacist must be registered to be a certified MS-2 Step dispenser.
- 4.3 Where there are service gaps in regional areas, consideration must be given to alternative access arrangements, which may include service agreements with local private providers.
 - Pharmacists dispensing the MS-2 Step medication should complete the training available at <https://www.ms2step.com.au/>

5. Local access to ultrasound service providers

- 5.1 SA Health services providing termination of pregnancy must have access to ultrasound for the purposes of accurately dating the pregnancy where clinically appropriate.
- 5.2 Where there are service gaps in regional areas, consideration must be given to service agreements with local private providers.

14. Appendix 2: Conscientious Objection

The following instruction must be complied with to meet the requirements of the *Termination of Pregnancy Act 2021* as part of the Termination of Pregnancy Policy.

Note: Conscientious objection applies only to an individual registered health practitioner. SA Health sites do not have a right to conscientious objection.

1. The rights of the pregnant person

- 1.1 The pregnant person has the right to seek a termination of pregnancy without any fear of negative consequence
 - a) The pregnant person does not require a medical practitioner's referral to seek a termination of pregnancy.
- 1.2 Up to 22 weeks and 6 days, the pregnant person can request a termination of pregnancy without disclosing their reasons
 - a) If more than 22 weeks and 6 days pregnant, when the pregnant person requests a termination of pregnancy, two registered medical practitioners must meet the requirements of mandatory instruction 1

2. The rights of the registered health practitioner with a conscientious objection

- 2.1 The *Termination of Pregnancy Act 2021* recognises that registered health practitioners have the right to conscientious objection but need to balance this against the rights of the pregnant person.
 - a) The registered health practitioner may refuse to provide the measures for the pregnant person to terminate their pregnancy because they hold a 'conscientious objection'.
 - b) The registered healthcare practitioner must not conscientiously object where performing a termination of pregnancy is imminently necessary to preserve the life of the pregnant person (an emergency)

3. Responsibilities of the registered health practitioner with a conscientious objection

- 3.1 If a pregnant person asks the registered health practitioner with a conscientious objection for information, advice or to perform a termination, the registered health practitioner must:
 - a) inform the pregnant person requesting the termination of pregnancy of their conscientious objection
 - b) provide the person with an appropriate, and prompt referral to a service or medical practitioner who will perform a termination of pregnancy. The referral will be appropriate to the gestation of pregnancy, location and individual circumstances of the person seeking a termination of pregnancy
- 3.2 All medical practitioners must ensure access to appropriate termination of pregnancy services through either local service provision or through well-developed referral processes/pathways to external services.
 - a) Medical practitioners with a conscientious objection must:
 - Give the Minister-approved consumer information brochure (see appendix 4)
 - Maintain an up to date list of service providers who will provide the service
 - ◆ This includes SA Health services listed [here](#)
 - Have a documented process for referring a pregnant person to a service that meets their clinical requirements
 - ◆ Gestation and termination of pregnancy options must be considered

15. Appendix 3: Mandatory Reporting

The following Instruction must be complied with to meet the requirements of the Termination of Pregnancy Policy.

1. Obligation of the chief executive officer (CEO) of a hospital, day procedure centre or local health network performing a termination of pregnancy

- 1.1 Within 20 days of the end of the month, the CEO must report to the Chief Executive of the Department for Health and Wellbeing, the information as set out in Schedule 2 of the Termination of Pregnancy Regulations 2022 under the *Termination of Pregnancy Act 2021*
- a) Information must be reported to the Pregnancy Outcome Unit, Wellbeing SA using the Termination of Pregnancy Notification form
 - The form can be completed digitally using the secure online portal or via Australia Post
 - Requests for access to the online portal or paper copies of the form and/or reply-paid envelopes are to be directed to the Pregnancy Outcome Unit, Wellbeing SA
 - b) Reporting must be undertaken in a way that protects the pregnant person's privacy and confidentiality

2. Responsibilities of the medical practitioner performing a termination of pregnancy outside of a hospital or day procedure centre

- 2.1 Within 20 days of the end of the month, the medical practitioner must report to the Chief Executive of the Department for Health and Wellbeing, the information as set out in Schedule 2 of the Termination of Pregnancy Regulations 2022 under the *Termination of Pregnancy Act 2021*
- a) Information must be reported to the Pregnancy Outcome Unit, Wellbeing SA using the Termination of Pregnancy Notification form
 - The form can be completed digitally using the secure online portal or via Australia Post
 - Requests for access to the online portal or paper copies of the form and/or reply-paid envelopes are to be directed to the Pregnancy Outcome Unit, Wellbeing SA via email WellbeingSAPregnancyStats@sa.gov.au
 - b) Reporting must be undertaken in a way that protects the pregnant person's privacy and confidentiality

3. Annual Report

- 3.1 The Pregnancy Outcome Unit, Wellbeing SA must, on or before 30 April each year, provide a report to the Minister relating to services provided in connection with the performance of the termination of pregnancy for the last calendar year as set out in the SA *Termination of Pregnancy Act 2021*.

16. Appendix 4: Consumer information brochure 'How do I access an abortion in SA?'

Consumer information brochure approved by the Minister in line with the *Termination of Pregnancy Act 2021*

Where are the services?

You may be able to access an abortion at one of the several sites across South Australia providing this service, depending on your individual circumstances.

Counselling

It is required that counselling services are offered to all people seeking an abortion. Counselling is available through SA Health, regardless of where you access the abortion service.

Contact any of the following for information or to make an appointment:

> **The Pregnancy Advisory Centre**

Phone: (08) 7117 8999 or
SA Country Toll-free 1800 672 966

www.sahealth.sa.gov.au/pregnancyadvisorycentre

> **Your General Practitioner (GP)**

> **Flinders Medical Centre**

Women's Health Clinic
Phone: (08) 8204 5197

> **Lyell McEwin Hospital**

Family Advisory Clinic
Phone: (08) 8282 1601

> **Noarlunga Hospital**

Family Advisory Clinic
Phone: (08) 8384 9233

> **SHINE SA**

Counselling service only
Phone: (08) 8300 5300

Confidentiality

- > SA Health assures your confidentiality when seeking an abortion
- > Health practitioners must protect the confidentiality of all clients consistent with current legislation. Health practitioners are very respectful of their clients' needs
- > If you are under 16 years of age, it is your choice whether to involve your parent or guardian in your decision to have an abortion. Your doctor will offer counselling to help support your decision

This client brochure provides an overview of the SA Health Termination of Pregnancy Policy, in line with the *Termination of Pregnancy Act 2021* and *Termination of Pregnancy Regulations 2022*

For more information

The SA Maternal, Neonatal and Gynaecology Community of Practice
Level 3, 77 King William Road
North Adelaide SA 5006
Telephone: 08 8161 9459
www.sahealth.sa.gov.au



www.ausgoal.gov.au/creative-commons



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How do I access an abortion in SA?

Client Information
Brochure

Background

In Australia, one in four pregnant people will have a termination of pregnancy (abortion). The majority of these take place in early pregnancy. SA Health aims to provide easily accessible information about pregnancy options. The aim of this brochure is to help the pregnant person find information and services to support them in making their decisions regarding abortion.

The *Termination of Pregnancy Act 2021* allows both medical and surgical abortions in South Australia.

You can request an abortion without fear of any negative consequence. It is recognised that a pregnant person considers an abortion for many reasons including their age, family support, life circumstances, or for health issues.

SA Health has developed a state-wide policy outlining the management of abortion services for public health services in South Australia.

When should I access an abortion?

It is recommended that you contact an abortion provider as soon as possible when considering an abortion.

Do all health services/doctors provide abortion services?

No, not all services/doctors provide abortion services. Some doctors feel that performing an abortion conflicts with their own personal beliefs and values. This is called a conscientious objection. By law, they MUST promptly refer you to a known abortion service provider.

What will happen when I contact an abortion service / doctor?

You will be given an appointment with a health practitioner (doctor, nurse, midwife) so that a full health assessment and counselling can take place, and you can discuss your health needs.

The assessment visit will allow you to discuss the options available to you and help you work out the best course of treatment for you. At the appointment the health practitioner will be able to explain what you need to do if you choose to proceed with an abortion.

Can I access counselling to assist me?

Yes, all pregnant people seeking an abortion will be offered counselling.

Are there choices of procedure?

Yes, there are choices of procedure, but they depend on how long you have been pregnant, your personal circumstances and preferences and the services available where you live.

A medical abortion will occur by taking some oral medications. A surgical abortion requires a surgical procedure under anaesthetic in an operating room. The type of procedure you have will depend on how many weeks pregnant you are. All options, procedures and extra care requirements will be discussed with you at the assessment appointment.

Up to 22 weeks and 6 days you can request an abortion without stating your reasons. If you are more than 22 weeks and 6 days pregnant, an abortion can only be undertaken if your physical or mental health is at risk or there are fetal abnormalities. In this case, your doctor will need to consult with a second doctor to go ahead with the abortion.

An alternate referral and/or additional appointments may be required according to your decision.

Will I require any follow-up care after an abortion?

Routine follow-up is recommended after an abortion. There are different models of follow-up care, including self-directed. Follow-up care with your regular GP is recommended. Your ongoing needs will be discussed, and you will be given written information with directions for accessing medical care if required.