



**The Hon Roger Cook MLA
Deputy Premier
Minister for Health; Mental Health**

Our Ref: 60-26906

Hon Matthew Swinbourn MLC
Chair
Standing Committee on Environment and Public Affairs
Parliament House
4 Harvest Terrace
WEST PERTH WA 6005

Dear Mr Swinbourn

Matthew,

Thank you for your letter of 14 May 2020 requesting comments on the terms of Petition No.144 – Post 20 week abortions and the submissions from the principal petitioner and the tabling member.

The Petition requests an inquiry into post 20 week abortions performed in Western Australia (WA), with a view to (i) reinstating the annual confidential report to the Minister for Health on induced abortions of 20 weeks or more gestation and, (ii) end discrimination against the unborn child and the petitioners.

Firstly, the Department of Health (DOH) is committed to reporting and being transparent in relation to the subject matter of the petition. As such, there are strong governance processes in place for the reporting of induced abortions. Under section 335(5)(d) of the *Health (Miscellaneous Provisions) Act 1911* when a medical practitioner performs an induced abortion, the medical practitioner must notify the Chief Health Officer of the fact in a prescribed form within 14 days of the abortion being performed. These notifications are entered into the Abortion Notification System. The DOH publishes triennial reports on induced abortions in WA. The latest report includes data from 2016-2018 and is available online at:
<https://ww2.health.wa.gov.au/en/Reports-and-publications/Reports-on-induced-abortion-in-Western-Australia>.

Importantly, WA is one of only two jurisdictions in Australia currently producing a publicly available report on induced abortion notifications.

Additional annual confidential reports to the Minister for Health on induced abortions of 20 weeks or more gestation were prepared for the financial years 2014/2015 and 2015/2016. These reports contained information on the number of abortions and, for each abortion, the year of abortion, gestational age, and reason for abortion. The Report also included "Reason for Abortion text" which contained clinical information of the fetus or the mother. These reports were never publicly available because the conditions described in the "Reason for Abortion text" are rare and there is the risk of potentially identifying individuals due to the rare conditions. This information is sensitive, and the publication of the information could be distressing for families that have already gone through very difficult circumstances.

In addition, the information was also published as summarised data in the triennial reports without the "Reason for Abortion text". The triennial reports include summary data on the number and rates of abortions by year, the methods of abortion, and the reasons for abortions by gestational age, including those performed at a gestational age of 20 weeks or more.

Secondly, in WA, post 20 week abortions are only provided in accordance with the legal requirements set out in the *Health (Miscellaneous Provisions) Act 1911* and the *Criminal Code Act Compilation Act 1913*. Post 20 week abortions are only authorised when two medical practitioners (members of a statutory panel of at least six medical practitioners) agree that either the pregnant woman or the unborn baby has a severe medical condition that, in their clinical opinion, warrants the procedure.

In summary, given that most of the information on the annual confidential report is already publicly available, and considering the need to use resources efficiently, I will not be recommending an inquiry into the ceasing of the annual confidential report to the Minister for Health on induced abortions of 20 weeks or more gestation.

I trust this information assists with your inquiry. Thank you for bringing this matter to my attention.

Yours sincerely



HON ROGER COOK MLA
DEPUTY PREMIER
MINISTER FOR HEALTH; MENTAL HEALTH

12 JUN 2020