

Termination Law In New Zealand



The Contraception, Sterilisation and Abortion Act 1977 and the Crimes Act 1961 (amendments 1977 & 1978) are the basis for the law governing termination in New Zealand.

In New Zealand, the law allows a woman to obtain a termination at any gestation of pregnancy if two doctors who have been appointed as certifying consultants by the Abortion Supervisory Committee agree that there are sufficient grounds under Section 187a of the Crimes Act 1961 and the Contraception, Sterilisation and Abortion Act 1977.

Grounds for performing the termination (s.187a Crimes Act 1961 (as amended))

EITHER

where pregnancy is NOT MORE THAN 20 weeks

- 1) a) That the continuance of the pregnancy would result in serious danger to (not being danger normally attendant upon childbirth) to the life, or to the physical or mental health, of the woman or girl, or
- b) That there is substantial risk that the child, if born, would be so physically or mentally abnormal as to be seriously handicapped, or
- 2) That the pregnancy is the result of sexual intercourse between
 - A parent and child; or
 - A brother and sister, whether of the whole blood or of the half blood; or
 - A grandparent and grandchild

- 3) That the pregnancy is the result of sexual intercourse that constitutes an offence against section 131(1) of the Crimes Act 1961, or
- 4) That the woman or girl is severely subnormal within the meaning of section 138(2) of the Crimes Act 1961

The following considerations, though not grounds in themselves, may also be taken into account in determining for the purposes of 1a):

- The age of the woman or girl concerned is near the beginning or the end of the usual child-bearing years.
- There are reasonable grounds for believing that the pregnancy is the result of sexual violation.

OR

where pregnancy is OVER 20 weeks

That the termination is necessary

- to save the life of the woman or girl
- to prevent serious permanent injury to her (i) physical health (ii) mental health

NB: foetal abnormality, lethal or otherwise, is not grounds in itself for a termination over 20 weeks in New Zealand.

It is the role of the two certifying consultants to determine whether there are grounds under New Zealand law for performing a termination. It is not the role of the general practitioner to determine whether there are legal grounds for termination.