

The law in NSW

- in Australia, abortion is legal in all states and territories under certain circumstances and when it is done by a registered doctor
- each state and territory has different laws
- in NSW, 'unlawful abortion' has been a criminal offence in NSW since 1900 under the Crimes Act
- in NSW the law allows you to have a 'lawful' abortion if the doctor believes your physical or mental health is in serious danger by continuing the pregnancy. The doctor takes your social/family situation, finances and health into consideration when making this decision

Availability

- there are two types of abortion available in Australia: medical and surgical
 - a medical abortion is performed up to 9 weeks from the first day of a woman's last period
 - a surgical abortion is usually carried out between 7-12 weeks from the first day of a woman's last period
- abortions in NSW must be carried out by a registered doctor
- most abortions in NSW are performed under 12 weeks of pregnancy
- general practitioners can provide medical abortion after completing a training program
- women in NSW do not need a referral from a doctor to go to a clinic - you can call the clinic directly for an appointment
- there is no law in NSW about how late an abortion can be done
- in NSW, services for abortion are available up to 20 weeks of pregnancy but services for later abortions are limited
- later abortions are sometimes performed for serious medical reasons

Informed consent

Before you decide on an abortion (or any medical procedure), you need information about:

- the procedure
- the possible risks and complications

Women under 16 years

- if you are under 16 years old your doctor will ask you questions to find out if you understand the procedure and what it will mean to you - this is called informed consent
- if your doctor judges you to be mature enough to understand what making the decision means, you can consent to an abortion on your own - it is usually a good idea to have a parent or trusted adult involved to support you

Women with intellectual disability

- a woman with intellectual disability has the same rights as any woman if she is able to give informed consent
- if she is not able to give informed consent and the doctor believes it is in her best interests to have an abortion then an application needs to be made to the Guardianship Division of the NSW Civil and Administrative Tribunal

Your rights

Only you (if you are able to give informed consent), with your doctor, have the right to decide on whether the best option is to have an abortion.

Privacy & confidentiality

All healthcare professionals have a responsibility to maintain your privacy unless they feel you are at risk of significant harm to yourself or others.

For more information

Family Planning NSW Talkline –

www.fpnsw.org.au/talkline or 1300 658 886

Family Planning NSW client factsheet on

Unplanned pregnancy: abortion – [https://www.](https://www.fpnsw.org.au/health-information/individuals/abortion/unintended-pregnancy-abortion)

[fpnsw.org.au/health-information/individuals/
abortion/unintended-pregnancy-abortion](https://www.fpnsw.org.au/health-information/individuals/abortion/unintended-pregnancy-abortion)

National Relay Service (for deaf people) –

13 36 77

TIS National's immediate interpreting service –

131 450

Visit your nearest Family Planning NSW clinic –

www.fpnsw.org.au/clinics

Children by Choice –

www.childrenbychoice.org.au

www.fpnsw.org.au | talkline 1300 658 886 | shop

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