Summary of Australian state and territory abortion laws*

**Map key:**
- Woman's decision (at least during 1st trimester)
- Doctors' decision if conditions spelt out in law are met
- Criminal but judicial precedent effectively allows for doctors to make the decision if certain conditions are met

**Western Australia**

*Acts Amendment (Abortion) Act 1998*

**Health Act 1911**
- Up to 20 weeks the performance of an abortion is justified if a doctor decides there is serious danger to the physical or mental health of the woman and/or serious personal, family or social consequences.
- Compulsory counselling/information must be given by a doctor (can not be one of the doctors providing the termination) prior to termination with referral for additional counselling before and after termination.
- Informed consent of the woman after the above counselling.
- Beyond 20 weeks at least two of a panel of six state appointed doctors must agree that either the woman or foetus has a severe medical condition necessitating a termination.
- If a minor <16yo a parent or guardian needs to be notified & allowed to participate in the counselling and decision making, unless the minor has successfully applied to the Children's Court for an order to proceed without parental notification.
- Conscientious objection clause.
- Notification of all terminations to the WA Director of Public Health (deidentified).

**Criminal Code 1913**
- If a non-medical practitioner performs an abortion (whether the woman is pregnant or not) and/or failure to meet any of the above criteria: 5 years prison.

**Northern Territory**

*Medical Services Act 2006*
- Legal decision rests with two doctors (one must be an O&G specialist) not the woman.
- Up to 14 weeks only if the doctors determine there is a risk to the woman's health or severe foetal abnormality.
- Between 14 and 23 weeks in cases of immediate risk of 'grave injury' to the woman's mental or physical health.
- Must be carried out in a hospital.

**Criminal Code Act 1983**
- Attempting to end a woman's pregnancy via any means whether she is pregnant or not – 7 years imprisonment.
- Supplying drugs or instruments knowing they will be used to terminate a pregnancy – 7 years imprisonment.

**South Australia**

*Criminal Law Consolidation Act 1935 (amended 1969)*
- Legal decision rests with two doctors, not the woman. Abortion is legally justified if two doctors agree that; the pregnancy poses a greater risk to the woman's life, physical or mental health than termination (or); there is severe foetal abnormality.
- The termination must be carried out in a prescribed hospital.
- The woman must have been a resident of SA for at least two months.
- Conscientious objection clause.
- A woman who attempts to terminate her own pregnancy through any means (including mifepristone) – life imprisonment.
- Anyone who attempts to terminate a woman's pregnancy, whether she is pregnant or not – life imprisonment.
- Anyone who provides an instrument or 'noxious thing' knowing it will be used to procure an abortion – 3 years prison.

**Criminal Code Act 1924**
- A person who is not a medical practitioner who terminates a woman's pregnancy is guilty of an offence as is anyone who terminates a pregnancy without a woman's consent.

**Queensland**

*Criminal Code 1899*
- Attempting to terminate a woman's pregnancy, through any means, whether she is pregnant or not – 14 years prison.
- A woman who attempts to terminate her own pregnancy, through any means, whether she is pregnant or not – 7 years prison.
- Supplying drugs or instruments knowing they will be used to terminate a pregnancy – 3 years prison.
- Judicial precedent - Maguire Ruling (1986): an abortion is considered lawful in Queensland if carried out to prevent serious danger to the woman's physical and mental health.

**New South Wales**

*Crimes Act 1900*
- A woman who attempts to terminate her own pregnancy by any means – 10 years prison.
- Terminating a woman's pregnancy through any means – 10 years prison.
- Supplying instruments or drugs, knowing they will be used to attempt to terminate a pregnancy (whether the woman is pregnant or not) – 5 years prison.
- Judicial precedent - Levine Ruling (1971): abortion is considered to be lawful if two doctors agree that continuing the pregnancy would involve 'serious danger' to the woman's physical or mental health. In considering mental health the doctor may consider social and economic stresses.

**Australian Capital Territory**

*Medical Practitioners (Maternal Health) Amendment Act 2002*
- Legal decision is the woman's – no gestational limits in law.
- Only a registered medical practitioner may carry out abortion (5 years imprisonment for anyone else).
- Abortion is to be carried out in a medical facility, or part of a medical facility approved by the Minister for Health (if not, a fine (50 penalty units), 6 months imprisonment or both).
- Conscientious objection clause.

**Tasmania**

*Reproductive Health (Access to Terminations) Act 2013*
- Up to 16 weeks abortion can be provided by a medical practitioner with the woman's consent.
- Beyond 16 weeks two medical practitioners (one of whom must specialise in obstetrics or gynaecology) must agree that the continuation of the pregnancy would involve greater risk of injury to the physical or mental health of the pregnant woman than if the pregnancy were terminated.
- Conscientious objection clause for medical practitioners with a requirement to inform the woman of the objection and give her a list of services where she can obtain unbiased advice on all her options (the State health department provides the list of services).
- Access zones for clinics: a person must not engage in 'prohibited behaviours' within 150m of a premises from which terminations are provided (penalty – a fine (75 penalty units) and/or 12 months prison).
- A woman who performs or assists in any way in terminating her pregnancy has not committed any offence.

**Victoria**

*Abortion Law Reform Act 2008*
- Up to 24 weeks abortions can be performed by registered medical practitioner with the woman's consent.
- After 24 weeks two doctors must consider an abortion to be appropriate in all the circumstances.
- Registered pharmacists or nurses may supply drugs (on prescription) to terminate a pregnancy (after 24 weeks this must occur within a hospital setting and be under the written direction of a medical practitioner).
- Conscientious objection clause contains a requirement that health professionals must give the patient suggestions of where she can find a health professional who does not have a conscientious objection.
- A woman who performs or assists in any way in terminating her pregnancy has not committed any offence.

**Crimes Act 1958**
- A person who is 'not qualified to perform an abortion' (as per the above requirements) is guilty of an offence – 10 years prison. A woman who performs or assists in any way in terminating her pregnancy has not committed any offence.

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*Please note this is a summary of key aspects of abortion law as it affects women and does not represent the full complexity of the relevant law. Current as at August 2015. See reproductivechoiceaustralia.org.au for more.*