

Prevention of Termination of Pregnancy for the Sole Purpose of Sex Selection.

Summary This Guideline has been issued under s14 of the Abortion Law Reform Act 2019 and provides guidance for practitioners who perform termination of pregnancy in NSW when a termination of pregnancy is sought for the sole purpose of sex selection.

Document type Guideline

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Applies to Local Health Districts, Specialty Network Governed Statutory Health Corporations, Public Health System Support Division, Government Medical Officers, Public Hospitals, Private Hospitals and day Procedure Centres

Distributed to Public Health System, Divisions of General Practice, Government Medical Officers, NSW Ambulance Service, Private Hospitals and Day Procedure Centres, Tertiary Education Institutes

Audience All Clinical and Administration Staff; Approved Health Facilities

PREVENTION OF TERMINATION OF PREGNANCY FOR THE SOLE PURPOSE OF SEX SELECTION

GUIDELINE SUMMARY

This Guideline has been issued under s14 of the Abortion Law Reform Act 2019 for practitioners who perform termination of pregnancy in NSW and provides guidance for these practitioners when a termination of pregnancy is sought for the sole purpose of sex selection.

Under section 14 of the NSW Abortion Law Reform Act 2019 (the Act), a registered health practitioner performing a termination of pregnancy or assisting in the performance of a termination of pregnancy, must practice in accordance with this Guideline.

Further information can be found in NSW Health Policy Directive: *Framework for Termination of Pregnancy in New South Wales* ([PD2021_018](#))

KEY PRINCIPLES

In NSW, the law on termination of pregnancy is governed by the Act. The Act amended the Crimes Act 1900 to repeal the provisions relating to termination of pregnancy and to abolish the common law offences relating to termination of pregnancy.

The NSW Parliament has opposed the performance of termination of pregnancy for the sole purpose of sex selection.

This Guideline relates to when a termination of pregnancy is sought for the sole purpose of sex selection. This Guideline does not apply to a termination due to the possibility of a sex-linked medical condition in the fetus.

Before performing a termination of pregnancy, it may be disclosed to the medical practitioner that the reason for the request is for the sole purpose of sex selection. If this is the reason for the request, the practitioner **must not** perform the termination, unless not performing the termination will cause significant risk to the woman's health or safety.

These will often be complex clinical and/or ethical scenarios. In all cases, the woman's physical and psychological wellbeing must be the medical practitioner's priority.

When a medical practitioner is uncertain about the degree of risk to the woman's health and safety arising from the refusal, further advice and support may be sought from either another medical practitioner, a multidisciplinary team, a hospital advisory committee or the local clinical ethics committee.

When a termination for the sole purpose of sex selection is refused, the medical practitioner must offer additional support and referral to counselling or other relevant services.

Women can be referred to www.health.nsw.gov.au/pregnancyoptions to find the most up-to-date information about the NSW pregnancy options helpline. The helpline provides unbiased, non-judgmental information on pregnancy options, including

continuing a pregnancy, terminating a pregnancy and seeking pregnancy options counselling.

Further resources and guidance for women and health professionals can be found at: www.health.nsw.gov.au/pregnancyoptions

Notification to NSW Ministry of Health

In accordance with section 15 of the Act, all terminations of pregnancy must be notified to the NSW Ministry of Health within 28 days. Information provided to the Ministry must **not** include any particulars that would allow a woman to be identified.

For further information on how to notify the NSW Ministry of Health of a termination of pregnancy, refer to www.health.nsw.gov.au/women/pregnancyoptions/Pages/for-health-professionals.aspx

USE OF THE GUIDELINE

This Guideline is intended for use by all termination of pregnancy providers in NSW in line with:

1. [NSW Abortion Law Reform Act 2019](#)
2. NSW Health Policy Directive *Framework for Termination of Pregnancy in New South Wales* ([PD2021_018](#))
3. [Preventing gender-biased sex selection: An Interagency statement OHCHR, UNFPA, UNICEF, UN Women and WHO](#)

REVISION HISTORY

Version	Approved by	Amendment notes
June-2021 (GL2021_008)	Secretary, NSW Health	Clarification of guidance for registered health practitioners in relation to termination for sex selection.
January-2021 (GL2021_001)	Secretary, NSW Health	New Guideline