



Information for conscientious objectors

On 27 March 2024, the *Abortion Legislation Reform Act 2023* (WA) will come into effect in Western Australia. This Act repeals all provisions related to abortion within the *Health (Miscellaneous Provisions) Act 1911* (WA) and creates a new framework relating to abortion under the *Public Health Act 2016* (WA). Consequential amendments have also been made to the *Criminal Code*, *Children's Court Act*, *Coroner's Act*, *Freedom of information Act 1992* and the *Guardianship and Administration Act 1990*.

Until the new legislation comes into effect, registered health practitioners must continue to comply with the existing legislation.

The new Part 12C of the *Public Health Act 2016* (WA) specifies who can perform an abortion, and under what circumstances. The legislation provides protections to health practitioners, including medical practitioners, who wish to conscientiously object to participating in an abortion and outlines their obligations to persons seeking an abortion.

This information sheet is intended to assist health practitioners in understanding their role, responsibilities, and obligations under the new abortion legislation.

Conscientious objection by health professionals

Registered health practitioners, including medical practitioners and prescribing practitioners (nurse practitioners and endorsed

midwives), have a right to refuse to participate in an abortion when it conflicts with their own personal beliefs and values.

These provisions do not alter the duty required of a registered health practitioners to perform, assist with, make a decision about, or advise a patient about a termination of pregnancy in an emergency, where it is their duty to assist.

Obligations to the pregnant patient

A practitioner who has a conscientious objection to abortion, still has professional obligations to fulfill.

When a registered health practitioner has been requested by a patient for information on abortion or has been asked to participate in an abortion and has a conscientious objection to abortion, the practitioner must disclose their conscientious objection to the patient immediately.

A medical practitioner or prescribing practitioner (nurse practitioner or endorsed midwife) who will not participate in an abortion for any reason (including conscientious objection) must, without delay, refer the patient to a health practitioner or health facility which they believe can provide the requested service(s); or give the [patient information](#) (available from 27 March 2024) that has been approved by the Chief Health Officer, about how the requested services can be accessed.

Assisting in an abortion

Registered health practitioners who conscientiously object to assisting in an abortion must notify the practitioner requesting their assistance of their objection at the time the assistance request is made.

A student who conscientiously objects to assisting in an abortion should notify the person supervising them of their objection at the time the supervisor makes the request. A student has a right to not participate in an abortion, and this right must be respected by their supervisor.

Consequences of non-compliance

A registered health practitioner who does not comply with requirements and obligations under the new legislation is subject to disciplinary action pursuant to their professional conduct or performance. This may include mechanisms available under the *Health Practitioner Regulation National Law (WA) Act 2010* and *Health and Disability Services (Complaints) Act 1995 (WA)*.

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