



Statutory notifications requirement changes

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.

Under the new legislation, some statutory notification requirements will change.

Public Health Act 2016

Notifications of terminations of pregnancy (induced abortion)

Medical practitioners and prescribing practitioners (endorsed midwives and nurse practitioners) must notify the Chief Health Officer (CHO) if they perform an abortion via a new online form (available from 27 March 2024) within 14 days of the abortion being performed, pursuant to the requirements of the *Public Health Act 2016*.

Notifications about abortion will no longer be made using the notification system under the

Health (Miscellaneous Provisions) Act 1911. The old Form 1– Notification by Medical Practitioner of Induced Abortion – will no longer be used and must be destroyed as it has been repealed from legislation.

Further information on how to make a notification and the information to be provided can be found at [Notification of terminations of pregnancy \(induced abortion\)](https://health.wa.gov.au/notifications-of-terminations-of-pregnancy-induced-abortion) (health.wa.gov.au)

Coroners Act 1996

The death of a child born alive following the performance of the abortion will no longer be reportable to the Coroner.

This exclusion will be applied to deaths that occurred before, on or after 27 March 2024.

No other changes have been made to deaths reportable to the Coroner. Further information can be found at [Coroner's Court of Western Australia](https://coronerscourt.wa.gov.au) (coronerscourt.wa.gov.au)

Births, Deaths and Marriages Registration Act 1998

There have been no changes to notifications required by the *Births, Deaths and Marriages Registration Act 1998*.

Further information can be found at: [The Registry of Births, Deaths and Marriages](https://www.wa.gov.au) (www.wa.gov.au)

Health (Miscellaneous Provisions) Act 1911

Notification of birth events and cases attended by midwives

Midwives are no longer permitted to provide notification of a birth (case attended) that resulted from the performance of an abortion.

In all other cases, the CHO must be notified of a birth event (case attended), including where the outcome is a baby:

- born alive or stillborn
- premature or full-term.

The midwife attending the birth is responsible for making the notification.

Further information can be found at [midwife notification of birth events and cases attended](#).

Perinatal and infant deaths

Medical practitioners are no longer permitted to provide notification of a death that resulted from the performance of an abortion.

In all other cases, the CHO must be notified whenever a child:

- born from 20 weeks' gestation onwards is stillborn; or
- less than the age of 1 year dies from any cause whatsoever.

The medical practitioner who certified the cause of the child's death is responsible for making the notification.

Further information on how to make a notification and the information to be provided can be found at [Notification of perinatal and infant deaths](#) (health.wa.gov.au)

Developmental anomalies

There have been no changes to notifications required.

Further information on how to make a notification and the information to be provided can be found at [King Edward Memorial Hospital - WA Register of Developmental Anomalies \(WARDA\)](#) (health.wa.gov.au)

Death of woman as a result of pregnancy or childbirth

There have been no changes to notifications required.

The CHO must be notified whenever a woman dies as the result of pregnancy or childbirth, or as the result of any complications arising from this, as soon as possible after the death, preferably within 48 hours. The death of a woman following an abortion must be notified.

This document can be made available in alternative formats on request.

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