



New South Wales

Abortion Law Reform Amendment (Health Care Access) Bill 2025

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Abortion Law Reform Act 2019* to increase access to abortion health care.

Outline of provisions

Clause 1 sets out the name, also called the short title, of the proposed Act.

Clause 2 provides for the commencement of the proposed Act.

Schedule 1 Amendment of Abortion Law Reform Act 2019 No 11

Schedule 1[2] inserts proposed Part 1A (proposed section 4A) to provide that the Minister for Health must ensure that—

- (a) abortion services are provided throughout the State within a reasonable distance of residents' homes, and
- (b) information about access to abortion services is made publicly available.

For the purpose, the Minister for Health may give directions to the Secretary of the Ministry of Health or a public health organisation. The Secretary or a public health organisation must comply with a direction under the proposed section. **Schedule 1[1]** makes a consequential amendment.

Schedule 1[3]–[5] amend section 5 to expand the class of health practitioners who may perform a termination on a person who is not more than 22 weeks pregnant to include prescribed health practitioners. A *prescribed health practitioner* is defined to mean the following—

- (a) a medical practitioner,
- (b) an endorsed midwife, being a midwife whose registration is endorsed under the *Health Practitioner Regulation National Law (NSW)*, section 94,
- (c) a nurse practitioner,
- (d) another registered health practitioner of a kind prescribed by the regulations.

Schedule 1[6]–[8] and [12] make consequential amendments.

Schedule 1[9] substitutes section 9(3)(a) in relation to a registered health practitioner with a conscientious objection to performing terminations. The amendment provides that if a person requests a registered health practitioner to perform a termination on the person, or to advise the person about the performance of a termination on the person, the practitioner must, without delay—

- (a) tell the person the practitioner has a conscientious objection to the performance of a termination on a person, and
- (b) transfer the person’s care to—
 - (i) another registered health practitioner who, in the first practitioner’s reasonable belief, can provide the requested service and does not have a conscientious objection to the performance of the termination, or
 - (ii) a health service provider at which, in the practitioner’s reasonable belief, the requested service can be provided by another registered health practitioner who does not have a conscientious objection to the performance of the termination.

The amendment removes the option for the practitioner to comply with section 9(3) only by giving information to the person on how to locate or contact a medical practitioner who, in the practitioner’s reasonable belief, does not have a conscientious objection to the performance of the termination. **Schedule 1[10]** makes a consequential amendment.

Schedule 1[11] repeals section 15, which provides that a medical practitioner who performs a termination must, within 28 days, give the Secretary of the Ministry of Health certain information about the termination.

Schedule 2 Amendment of Crimes Act 1900 No 40

Schedule 2[1]–[3] make amendments to the *Crimes Act 1900* consequent on the amendments in Schedule 1[3]–[5].



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This PUBLIC BILL, originated in the LEGISLATIVE COUNCIL and, having this day passed, is now ready for presentation to the LEGISLATIVE ASSEMBLY for its concurrence.

Legislative Council

Clerk of the Parliaments



New South Wales

Abortion Law Reform Amendment (Health Care Access) Bill 2025

No. _____, 2025

A Bill for

An Act to amend the *Abortion Law Reform Act 2019* to increase access to abortion health care, including by making further provision about health practitioners; and for related purposes.

The LEGISLATIVE ASSEMBLY has this day agreed to this Bill with/without amendment.

Legislative Assembly

Clerk of the Legislative Assembly

Tabling copy

The Legislature of New South Wales enacts—

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1 Name of Act

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This Act is the *Abortion Law Reform Amendment (Health Care Access) Act 2025*.

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2 Commencement

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This Act commences as follows—

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(a) for Schedule 1[1] and [2]—on the day that is one year after the date of assent to this Act,

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(b) otherwise—on the date of assent to this Act.

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Schedule 1	Amendment of Abortion Law Reform Act 2019 No 11	1
		2
[1] Section 3 Purposes		3
	Insert after section 3(a), including the note—	4
	(a1) to provide that abortion services be provided throughout the State,	5
[2] Part 1A		6
	Insert after Part 1—	7
	Part 1A Duty to provide abortion services	8
4A Provision of abortion services		9
	(1) The Minister must ensure that—	10
	(a) abortion services are provided throughout the State within a reasonable distance of residents' homes, and	11
	(b) information about access to abortion services is made publicly available.	12
	(2) For subsection (1), the Minister may give directions to the following—	13
	(a) the Secretary of the Ministry of Health,	14
	(b) a public health organisation.	15
	(3) The Secretary or a public health organisation must comply with a direction under subsection (2).	16
	(4) In this section—	17
	<i>public health organisation</i> has the same meaning as in the <i>Health Services Act 1997</i> .	18
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[3] Section 5, heading		23
	Omit “ medical practitioners ”.	24
	Insert instead “ prescribed health practitioners ”.	25
[4] Section 5(1) and (2)		26
	Omit “medical practitioner” wherever occurring.	27
	Insert instead “prescribed health practitioner”.	28
[5] Section 5(4)		29
	Insert after section 5(3)—	30
	(4) In this section—	31
	<i>endorsed midwife</i> means a midwife whose registration is endorsed under the <i>Health Practitioner Regulation National Law (NSW)</i> , section 94.	32
	<i>prescribed health practitioner</i> means the following—	33
	(a) a medical practitioner,	34
	(b) an endorsed midwife,	35
	(c) a nurse practitioner,	36
	(d) another registered health practitioner of a kind prescribed by the regulations.	37
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[6] Section 7 Requirement for information about counselling	1
Omit “medical practitioner” wherever occurring in section 7(1) and (3). Insert instead “registered health practitioner”.	2 3
[7] Section 7(1)(b)	4
Omit “medical practitioner’s”. Insert instead “registered health practitioner’s”.	5
[8] Section 8 Registered health practitioners who may assist	6
Insert “or registered health practitioner” after “by a medical practitioner” in section 8(1).	7
[9] Section 9 Registered health practitioner with conscientious objection	8
Omit section 9(3)(a). Insert instead—	9
(a) tell the person the first practitioner has a conscientious objection to the performance of a termination on a person, and	10 11
[10] Section 9(4)	12
Omit the subsection.	13
[11] Section 15 Medical practitioners to provide information about terminations	14
Omit the section.	15
[12] Schedule 1 Dictionary	16
Insert in alphabetical order—	17
<i>nurse practitioner</i> means a person registered under the Health Practitioner Regulation National Law to practise in the nursing profession whose registration is endorsed as being qualified to practise as a nurse practitioner.	18 19 20

Schedule 2	Amendment of Crimes Act 1900 No 40	1
[1]	Section 82 Termination of pregnancy performed by unqualified person	2
	Omit section 82(5), definition of <i>medical practitioner</i> .	3
[2]	Section 82(5)	4
	Insert in alphabetical order—	5
	<i>prescribed health practitioner</i> has the same meaning as in the <i>Abortion Law Reform Act 2019</i> , section 5(4).	6
		7
[3]	Section 82(5), definition of “unqualified person”, paragraph (a)	8
	Omit “medical practitioner”. Insert instead “prescribed health practitioner”.	9