Version
as at 10 July 2026

Contraception, Sterilisation, and Abortion Act 1977

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Commencement	see section 1

Contents

		Page
	Title *[Repealed]*	3
1	Short Title and commencement	3
2	Interpretation	3
2A	Transitional, savings, and related provisions	5
2B	Act binds the Crown	5
	Contraception	
3	Sale or disposal, etc, of contraceptives to children *[Repealed]*	5
4	Administering of contraceptives to mentally subnormal females	5
5	Supply of contraceptives to sexual violation complainants	6
6	Standards for manufacture of condoms	7
	Sterilisation	
7	Consent to sterilisation operation	7
8	Reports on sterilisations	8
9	Conditions relating to sterility not to be attached to loans or employment	8

Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

This Act is administered by the Ministry of Health.

Abortion

10 Provision of abortion services to women not more than 20 weeks pregnant 9
11 Provision of abortion services to women more than 20 weeks pregnant 9
12 Counselling 10
13 Self-referral to abortion services 10
13A Certain behaviour prohibited in safe areas 10
13B Power of constable to arrest without warrant 11
13C Regulations: safe areas 11

Miscellaneous provisions

14 Conscientious objection 12
15 Employer providing certain services must accommodate conscientious objection of applicant or employee unless it would cause unreasonable disruption 13
16 Minister of Health to ensure availability of certain services 14
17 Duty of Director-General to undertake periodic reviews of certain matters 15
18 Duty of Director-General to compile, maintain, and make available list of abortion service providers 15
19 Duty of Director-General to collect, collate, analyse, and publish information 15
20 Abortion service provider to notify Director-General about abortion services provided 16
21 Abortion for sole purpose of sex selection 17
22 Reports to be presented to House of Representatives 17
23 General regulation-making power 17
24 Renewal of licences *[Repealed]* 18
25 Cancellation of licences *[Repealed]* 18
26 Appeals on questions of law to High Court *[Repealed]* 18
27 Appeals against decisions of High Court *[Repealed]* 18
28 Supervisory Committee may state case for High Court *[Repealed]* 18
29 Abortions not to be performed unless authorised by 2 certifying consultants *[Repealed]* 18
30 Supervisory Committee to set up and maintain list of certifying consultants *[Repealed]* 18
31 Supervisory Committee to appoint or approve counselling services *[Repealed]* 18
32 Procedure where woman seeks abortion *[Repealed]* 19
33 Determination of case *[Repealed]* 19
33A Performance of abortion by other practitioner *[Repealed]* 19
34 Special provisions where patient mentally subnormal *[Repealed]* 19
35 Counselling *[Repealed]* 19

36 Certifying consultants to keep records and submit reports *[Repealed]* 19
37 Offences *[Repealed]* 19
38 Crimes Act 1961 not affected *[Repealed]* 19
39 Annual report *[Repealed]* 19
40 Protection of persons acting in good faith *[Repealed]* 20
41 Fees and travelling allowances *[Repealed]* 20
42 Costs of administration *[Repealed]* 20
43 Regulations *[Repealed]* 20
44 Female procuring her own miscarriage *[Repealed]* 20
45 Records of abortions to be forwarded to Supervisory Committee *[Repealed]* 20
46 Conscientious objection *[Repealed]* 20

Schedule 1 21
Transitional, savings, and related provisions

Schedule 2 23
Information to be included in notification of provision of abortion service

Title *[Repealed]*

Title: repealed, on 24 March 2020, by section 4 of the Abortion Legislation Act 2020 (2020 No 6).

1 Short Title and commencement

(1) This Act may be cited as the Contraception, Sterilisation, and Abortion Act 1977.

(2) Sections 11 to 17, 19 to 28, 30, 31, and 38 to 43 shall come into force on 1 January 1978.

(3) Sections 18, 29, and 32 to 37 shall come into force on 1 April 1978.

(4) Except as provided in subsection (2) or subsection (3), this Act shall come into force on the date on which it receives the Governor-General's assent.

2 Interpretation

In this Act, unless the context otherwise requires,—

abortion—

(a) means intentionally causing the termination of a woman's pregnancy by any means, including—

(i) by using a drug or combination of drugs; or

(ii) by using an instrument; but

(b) does not include—

(i) any procedure intended to induce the birth of a live fetus believed to be viable; or

(ii) any procedure to remove a dead fetus; or

(iii) any contraceptive

abortion service provider means an entity that provides abortion services

abortion services means services provided by a qualified health practitioner to facilitate an abortion

conscientious objection means an objection on the ground of conscience to the provision of contraception, sterilisation, or abortion services

contraceptive means a substance, device, or technique intended to prevent conception or implantation

Director-General means the Director-General of Health

employer includes any person acting or purporting to act on behalf of an employer

entity means—

(a) a body corporate:

(b) a corporation sole:

(c) an unincorporated body:

(d) a sole trader

health practitioner has the meaning given to it by section 5(1) of the Health Practitioners Competence Assurance Act 2003

hospital means a hospital care institution within the meaning of section 58(4) of the Health and Disability Services (Safety) Act 2001

medical emergency includes a surgical emergency

medical practitioner means a health practitioner who is, or is deemed to be, registered with the Medical Council of New Zealand continued by section 114(1)(a) of the Health Practitioners Competence Assurance Act 2003 as a practitioner of the profession of medicine

premises, in relation to the provision of abortion services, means—

(a) the building in which the abortion services are provided; and

(b) the land on which that building is sited

qualified health practitioner, in relation to the provision of abortion services, means a health practitioner who is acting in accordance with the Health Practitioners Competence Assurance Act 2003

safe area means any premises at which abortion services are provided, and any area around those premises, prescribed in regulations made under section 13C(1) as a safe area.

Section 2: replaced, on 24 March 2020, by section 5 of the Abortion Legislation Act 2020 (2020 No 6).

Section 2 **premises**: inserted, on 19 March 2022, by section 4(2) of the Contraception, Sterilisation, and Abortion (Safe Areas) Amendment Act 2022 (2022 No 8).

Section 2 **safe area**: amended, on 19 March 2022, by section 4(1) of the Contraception, Sterilisation, and Abortion (Safe Areas) Amendment Act 2022 (2022 No 8).

2A Transitional, savings, and related provisions

The transitional, savings, and related provisions set out in Schedule 1 have effect according to their terms.

Section 2A: inserted, on 24 March 2020, by section 6 of the Abortion Legislation Act 2020 (2020 No 6).

2B Act binds the Crown

This Act binds the Crown.

Section 2B: inserted, on 24 March 2020, by section 6 of the Abortion Legislation Act 2020 (2020 No 6).

Contraception

3 Sale or disposal, etc, of contraceptives to children

[Repealed]

Section 3: repealed, on 7 September 1990, by section 2(1) of the Contraception, Sterilisation, and Abortion Amendment Act 1990 (1990 No 128).

4 Administering of contraceptives to mentally subnormal females

(1) Subject to subsection (3), a parent or guardian of any female, or any person who is acting in the place of a parent of any female, or any person otherwise having the custody or care of any female, or any medical practitioner in the course of treatment of any female, may, if that female is mentally subnormal and it is considered in the best interest of the female to do so, administer any contraceptive to that female.

(2) For the purposes of subsection (1), a female is **mentally subnormal** if she is suffering from subnormality of intelligence as a result of arrested or incomplete development of mind to the extent that she is incapable of living an independent life or of guarding herself against serious exploitation or common physical dangers or to the extent that she is incapable of understanding the effective use of contraceptives or the desirability or need for their use.

(3) Nothing in subsection (1) shall authorise any person who is not a medical practitioner to fit any intrauterine device or to administer any contraceptive by injection.

(4) Every person who, with reasonable care and skill, administers any contraceptive in accordance with this section is protected from criminal and civil responsibility in respect thereof.

Section 4(1): amended, on 18 September 2004, by section 175(1) of the Health Practitioners Competence Assurance Act 2003 (2003 No 48).

Section 4(3): amended, on 18 September 2004, by section 175(1) of the Health Practitioners Competence Assurance Act 2003 (2003 No 48).

5 Supply of contraceptives to sexual violation complainants

(1) Where any person makes a complaint of sexual violation to any constable and that constable, or any other constable, calls a medical practitioner to examine the complainant, it shall be the duty of that medical practitioner (unless the complainant expresses a contrary wish or unless the medical practitioner is satisfied that the sexual violation did not involve the penetration of the complainant's genitalia by a penis)—

(a) to advise the complainant of a contraceptive precaution she may take in order to avoid the risk of pregnancy, and to supply to her or authorise the supply to her of any contraceptive for that purpose; or

(b) to advise her of her right to obtain such service from an alternative person who is a provider of contraceptive services and how to access the contact details of such a person.

(2) Without limiting subsection (1), where any patient complains of sexual violation to any medical practitioner (whether or not she also lays a complaint of sexual violation with the Police), it shall be the duty of that medical practitioner to comply with the terms of that subsection.

(3) Without limiting anything in Part 4 of the Health Practitioners Competence Act 2003, every medical practitioner who fails to comply with subsection (1) or subsection (2) is guilty of professional misconduct, and must be dealt with under that Act accordingly.

(3A) If a medical practitioner referred to in subsection (1) or (2) has a conscientious objection to supplying or authorising the supply to the complainant of any contraceptive, the medical practitioner must tell the complainant—

(a) of their conscientious objection at the earliest opportunity; and

(b) how to access the contact details of another person who is a provider of contraceptive services.

(4) In this section **sexual violation** has the same meaning as it has in section 128 of the Crimes Act 1961.

Section 5 heading: amended, on 1 February 1986, by section 7(3) of the Crimes Amendment Act (No 3) 1985 (1985 No 160).

Section 5(1): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Section 5(1): amended, on 18 September 2004, by section 175(1) of the Health Practitioners Competence Assurance Act 2003 (2003 No 48).

Section 5(1): amended, on 1 July 1994, by section 3 of the Crimes Amendment Act 1994 (1994 No 27).

Section 5(1): amended, on 1 February 1986, by section 7(3) of the Crimes Amendment Act (No 3) 1985 (1985 No 160).

Section 5(1)(b): amended, on 24 March 2020, by section 7(1) of the Abortion Legislation Act 2020 (2020 No 6).

Section 5(2): amended, on 18 September 2004, by section 175(1) of the Health Practitioners Competence Assurance Act 2003 (2003 No 48).

Section 5(2): amended, on 1 February 1986, by section 7(3) of the Crimes Amendment Act (No 3) 1985 (1985 No 160).

Section 5(3): substituted, on 18 September 2004, by section 175(1) of the Health Practitioners Competence Assurance Act 2003 (2003 No 48).

Section 5(3A): inserted, on 24 March 2020, by section 7(2) of the Abortion Legislation Act 2020 (2020 No 6).

Section 5(4): added, on 1 February 1986, by section 7(3) of the Crimes Amendment Act (No 3) 1985 (1985 No 160).

6 Standards for manufacture of condoms

(1) No person shall manufacture for sale or sell any condom or other contraceptive device that does not comply with a standard for the time being approved for the purposes of this section by the Minister of Health by notice.

(2) Every person who manufactures for sale or sells any condom or other contraceptive device in contravention of subsection (1) commits an offence and is liable on conviction to a fine not exceeding $5,000.

(3) For the purposes of this section the term **condom** includes a prophylactic sheath.

(4) A notice under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	The maker must publish it in the *Gazette*	LA19 ss 73, 74(1)(a), Sch 1 cl 14
Presentation	It is not required to be presented to the House of Representatives because a transitional exemption applies under Schedule 1 of the Legislation Act 2019	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 6(1): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 6(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 6(4): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Sterilisation

7 Consent to sterilisation operation

Notwithstanding anything in any enactment or rule of law to the contrary, no person shall have the capacity to consent to the performance on any other

person of an operation of sterilisation if that other person lacks the capacity to consent on his own behalf by reason only of his age.

8 Reports on sterilisations

(1) Every medical practitioner who performs an operation of sterilisation shall, within 1 month thereafter, forward to the Director-General of Health a report of the operation giving the following particulars:

(a) the reasons for the operation:

(b) the age, sex, relationship status, race, and number of children of the patient:

(c) whether the patient stayed in hospital for 1 or more nights:

(d) whether the operation was performed post-partum.

(2) No such report shall give the name or address of the patient.

(3) Every medical practitioner who fails to comply with subsection (1), or contravenes subsection (2), commits an offence and is liable on conviction to a fine not exceeding $100.

Section 8(1): amended, on 18 September 2004, by section 175(1) of the Health Practitioners Competence Assurance Act 2003 (2003 No 48).

Section 8(1)(b): amended, on 26 April 2005, by section 7 of the Relationships (Statutory References) Act 2005 (2005 No 3).

Section 8(3): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 8(3): amended, on 18 September 2004, by section 175(1) of the Health Practitioners Competence Assurance Act 2003 (2003 No 48).

9 Conditions relating to sterility not to be attached to loans or employment

(1) It shall be unlawful for any person (in this subsection referred to as the lender), or any person acting or purporting to act on behalf of the lender,—

(a) to require any other person (in this subsection referred to as the borrower), or the borrower's spouse, civil union partner, or de facto partner, as a condition of granting any loan, to undertake to become sterile; or

(b) to refuse to grant any loan to the borrower merely because the borrower or the borrower's spouse, civil union partner, or de facto partner is not sterile.

(2) It shall be unlawful for any person (in this subsection referred to as the employer), or any person acting or purporting to act on behalf of the employer,—

(a) to require any other person (in this subsection referred to as the employee), or the employee's spouse, civil union partner, or de facto partner, to undertake to become sterile as a condition of granting employment of any kind, or any conditions of work, or fringe benefits, or opportunities for training or promotion or transfer; or

(b) to refuse to grant any such employment, conditions, benefits, or opportunities merely because the employee or the employee's spouse, civil union partner, or de facto partner is not sterile.

(3) Every person who suffers any loss by reason of any act or omission rendered unlawful by subsection (1) or subsection (2) shall be entitled to recover damages from the person responsible for the act or omission.

Section 9(1)(a): amended, on 26 April 2005, by section 7 of the Relationships (Statutory References) Act 2005 (2005 No 3).

Section 9(1)(b): amended, on 26 April 2005, by section 7 of the Relationships (Statutory References) Act 2005 (2005 No 3).

Section 9(2)(a): amended, on 26 April 2005, by section 7 of the Relationships (Statutory References) Act 2005 (2005 No 3).

Section 9(2)(b): amended, on 26 April 2005, by section 7 of the Relationships (Statutory References) Act 2005 (2005 No 3).

Abortion

10 Provision of abortion services to women not more than 20 weeks pregnant

A qualified health practitioner may provide abortion services to a woman who is not more than 20 weeks pregnant.

Section 10: replaced, on 24 March 2020, by section 8 of the Abortion Legislation Act 2020 (2020 No 6).

11 Provision of abortion services to women more than 20 weeks pregnant

(1) A qualified health practitioner may only provide abortion services to a woman who is more than 20 weeks pregnant if the health practitioner reasonably believes that the abortion is clinically appropriate in the circumstances.

(2) In considering whether the abortion is clinically appropriate in the circumstances, the qualified health practitioner must—

(a) consult at least 1 other qualified health practitioner; and

(b) have regard to—

(i) all relevant legal, professional, and ethical standards to which the qualified health practitioner is subject; and

(ii) the woman's—

(A) physical health; and

(B) mental health; and

(C) overall well-being; and

(iii) the gestational age of the fetus.

(3) Subsection (2) does not apply in a medical emergency.

Section 11: replaced, on 24 March 2020, by section 8 of the Abortion Legislation Act 2020 (2020 No 6).

12 Counselling

(1) A health practitioner must advise a woman of the availability of counselling services if the woman—

(a) seeks advice or information about whether to continue or terminate a pregnancy; or

(b) advises the health practitioner of the wish to terminate a pregnancy; or

(c) has terminated a pregnancy.

(2) A qualified health practitioner may not, as a condition of providing abortion services to a woman, require the woman to attend counselling before or after the provision of those services.

Section 12: replaced, on 24 March 2020, by section 8 of the Abortion Legislation Act 2020 (2020 No 6).

13 Self-referral to abortion services

A qualified health practitioner may not, as a condition of providing abortion services to a woman, require the woman to be referred from a health practitioner.

Section 13: replaced, on 24 March 2020, by section 8 of the Abortion Legislation Act 2020 (2020 No 6).

13A Certain behaviour prohibited in safe areas

(1) A person must not—

(a) obstruct a person in a safe area who is approaching, entering, or leaving any building in which abortion services are provided; or

(b) make a visual recording of another person in a safe area in a manner that is likely to cause emotional distress to a person accessing, providing, or assisting with providing, abortion services; or

(c) do any of the following in a safe area in a manner that could be easily seen or heard by another person (**A**) who may be accessing, providing, or assisting with providing, abortion services:

(i) advise or persuade A to refrain from accessing or providing abortion services (unless the advice or persuasion is by a person who is, with the consent of A, accompanying A):

(ii) inform A about matters related to the provision of abortion services, other than during the course of providing those services, or assisting with provision of those services (unless the information is provided by a person who is, with the consent of A, accompanying A):

(iii) engage in protest about matters relating to the provision of abortion services.

(2) A person who contravenes this section commits an offence and is liable on conviction to a fine not exceeding $1,000.

Section 13A: inserted, on 19 March 2022, by section 5 of the Contraception, Sterilisation, and Abortion (Safe Areas) Amendment Act 2022 (2022 No 8).

13B Power of constable to arrest without warrant

If a constable reasonably believes that a person is engaging in prohibited behaviour in a safe area, the constable may—

(a) require the person to stop engaging in the prohibited behaviour; and

(b) if the person fails to stop engaging in the prohibited behaviour, arrest the person and take the person into custody without a warrant.

Section 13B: inserted, on 19 March 2022, by section 5 of the Contraception, Sterilisation, and Abortion (Safe Areas) Amendment Act 2022 (2022 No 8).

13C Regulations: safe areas

(1) The Governor-General may, by Order in Council made on the recommendation of the Minister of Health after consultation with the Minister of Justice, make regulations for the purposes of section 13A prescribing as a safe area—

(a) any specified premises at which abortion services are provided; and

(b) an area around those premises that is an area having a boundary of not more than 150 metres from the perimeter of the premises.

(2) The Minister of Health may recommend the making of regulations under subsection (1) if the Minister is satisfied that prescribing a safe area—

(a) is desirable to address any risk to the safety and well-being of persons doing any of the following, and to respect the privacy and dignity of those persons:

(i) accessing abortion services:

(ii) providing, or assisting with providing, abortion services:

(iii) seeking advice or information about abortion services:

(iv) providing, or assisting with providing, advice or information about abortion services; and

(b) can be demonstrably justified in a free and democratic society as a reasonable limitation on people's rights and freedoms.

(3) Not later than 5 years after making any regulations under subsection (1) prescribing a particular safe area, and then at subsequent intervals of not more than 5 years, the Director-General, in consultation with the Secretary for Justice, must—

(a) review the regulations (if they are still in force) to determine whether that prescribed safe area is still—

(i) desirable for the purposes specified in subsection (2)(a); and

(ii) demonstrably justified as specified in subsection (2)(b); and

(b) report to the Minister of Health and the Minister of Justice on whether the regulations should be—

(i) continued without amendment; or

(ii) continued with amendment; or

(iii) revoked.

(4) An Order in Council made under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 13C: inserted, on 19 March 2022, by section 5 of the Contraception, Sterilisation, and Abortion (Safe Areas) Amendment Act 2022 (2022 No 8).

Miscellaneous provisions

Heading: inserted, on 24 March 2020, by section 8 of the Abortion Legislation Act 2020 (2020 No 6).

14 Conscientious objection

(1) This section applies to a person (**A**) who is requested by another person (**B**) to provide, or assist with providing, any of the following services:

(a) contraception services:

(b) sterilisation services:

(c) abortion services:

(d) information or advisory services about whether to continue or terminate a pregnancy.

(2) If A has a conscientious objection to providing, or to assisting with providing, to B the service requested, A must tell B at the earliest opportunity—

(a) of their conscientious objection; and

(b) how to access the contact details of another person who is the closest provider of the service requested.

(3) In subsection (2)(b), the **closest provider** is to be determined taking into account—

(a) the physical distance between the providers; and

(b) the date and time that B makes the request under subsection (1); and

(c) the operating hours of the provider of the service requested.

(4) This section does not override a health practitioner's professional and legal duty to provide prompt and appropriate medical assistance to any person in a medical emergency.

Section 14: replaced, on 24 March 2020, by section 8 of the Abortion Legislation Act 2020 (2020 No 6).

15 Employer providing certain services must accommodate conscientious objection of applicant or employee unless it would cause unreasonable disruption

(1) An employer that provides any of the services specified in section 14(1) may not take any of the following actions on the basis that an applicant for employment, or an employee, who is qualified for work in connection with the provision of those services, has a conscientious objection:

(a) refuse or omit to employ the applicant for work that is available; or

(b) offer or afford the applicant or the employee less favourable terms of employment, conditions of work, superannuation or other fringe benefits, and opportunities for training, promotion, and transfer than are made available to applicants or employees of the same or substantially similar capabilities employed in the same or substantially similar work; or

(c) terminate the employment of the employee in circumstances in which the employment of other employees employed in the same or substantially similar work would not be terminated; or

(d) subject the employee to any detriment in circumstances in which other employees employed in the same or substantially similar work would not be subjected to such detriment; or

(e) retire the employee, or to require or cause the employee to retire or resign.

(2) However, if accommodating an applicant's or employee's conscientious objection would unreasonably disrupt the employer's provision of health services, the employer may take any of the actions described in subsection (1).

(3) Accommodating an applicant's or employee's conscientious objection may include arranging for the duties in respect of which the applicant or employee has an objection to be carried out by an existing employee.

(4) An applicant or employee who alleges that an employer has contravened this section may make a complaint under the Human Rights Act 1993 as if the complaint were a complaint of unlawful discrimination under section 22 of that Act.

(5) If an applicant or employee who alleges that an employer has contravened this section is entitled to pursue a personal grievance under the Employment Relations Act 2000, the applicant or employee may take either, but not both, of the following steps:

(a) apply to the Employment Relations Authority for the resolution of the grievance under that Act; or

(b) make a complaint under the Human Rights Act 1993.

(6) In this section, **employer** has the meaning given in section 2 and also includes—

(a) the person for whom work is done by an independent contractor; and

(b) the person for whom work is done by contract workers under a contract between that person and the person who supplies the contract workers; and

(c) the person for whom work is done by an unpaid worker.

Section 15: replaced, on 24 March 2020, by section 8 of the Abortion Legislation Act 2020 (2020 No 6).

16 Minister of Health to ensure availability of certain services

(1) Health New Zealand must, when developing the New Zealand Health Plan under the Healthy Futures (Pae Ora) Act 2022, take reasonable steps to ensure that—

(a) the following services are available throughout New Zealand:

(i) the services specified in section 14(1); and

(ii) counselling services in relation to, or in connection with, the provision of abortion services; and

(b) the following services are provided in accordance with the standards developed by the Director-General under section 19(1)(b):

(i) abortion services:

(ii) counselling services in relation to, or in connection with, the provision of abortion services.

(2) To meet the obligation under subsection (1)(a)(i), Health New Zealand must ensure that access to emergency contraception is available throughout New Zealand within 48 hours of it being requested by any person.

(3) In this section, **emergency contraception** means a contraceptive precaution to avoid the risk of pregnancy to be taken after a sexual connection has occurred.

Section 16: replaced, on 24 March 2020, by section 8 of the Abortion Legislation Act 2020 (2020 No 6).

Section 16(1): amended, on 10 July 2026, by section 41(1) of the Healthy Futures (Pae Ora) Amendment Act 2026 (2026 No 40).

Section 16(1): amended, on 30 June 2024, by section 43 of the Pae Ora (Disestablishment of Māori Health Authority) Amendment Act 2024 (2024 No 5).

Section 16(1): amended, on 1 July 2022, by section 104 of the Pae Ora (Healthy Futures) Act 2022 (2022 No 30).

Section 16(1)(b): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 16(2): amended, on 30 June 2024, by section 43 of the Pae Ora (Disestablishment of Māori Health Authority) Amendment Act 2024 (2024 No 5).

Section 16(2): amended, on 1 July 2022, by section 104 of the Pae Ora (Healthy Futures) Act 2022 (2022 No 30).

17 Duty of Director-General to undertake periodic reviews of certain matters

(1) Not later than 5 years after the commencement of this section, and then at subsequent intervals of not more than 5 years, the Director-General must—

(a) review whether there is timely and equitable access to—

(i) the services specified in section 14(1); and

(ii) counselling services in relation to, or in connection with, the provision of abortion services; and

(b) report to the Minister of Health on—

(i) the outcomes of the review; and

(ii) the recommendations that the Director-General considers appropriate (if any) for improving the timely and equitable access to those services.

(2) The review and report under subsection (1) must include consideration of the relative costs throughout New Zealand for women accessing those services.

Section 17: replaced, on 24 March 2020, by section 8 of the Abortion Legislation Act 2020 (2020 No 6).

18 Duty of Director-General to compile, maintain, and make available list of abortion service providers

(1) The Director-General must compile and maintain a list of the names and contact details of abortion service providers in New Zealand.

(2) The Director-General may not include in the list the name and contact details of any abortion service provider who advises the Director-General that they do not want their name and contact details included in the list.

(3) The Director-General must ensure that the list, or the information on the list, is accessible to any person on request.

Section 18: replaced, on 24 March 2020, by section 8 of the Abortion Legislation Act 2020 (2020 No 6).

19 Duty of Director-General to collect, collate, analyse, and publish information

(1) The Director-General must—

(a) collect, collate, analyse, and publish information about the provision of—

(i) abortion services in New Zealand; and

(ii) counselling services in relation to, or in connection with, the provision of abortion services; and

(b) develop standards for the services described in paragraph (a).

(2) However, the Director-General must not publish, under subsection (1)(a), any information in a form that could reasonably be expected to identify a woman who has been, or is being, provided with abortion services or counselling services.

(3) Standards under subsection (1)(b) are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	The maker must publish it	LA19 ss 73, 74(1)(a), Sch 1 cl 14
Presentation	It is not required to be presented to the House of Representatives because a transitional exemption applies under Schedule 1 of the Legislation Act 2019	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 19: replaced, on 24 March 2020, by section 8 of the Abortion Legislation Act 2020 (2020 No 6).

Section 19(1)(b): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 19(3): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

20 Abortion service provider to notify Director-General about abortion services provided

(1) An abortion service provider must notify the Director-General after the following services are provided by or through the provider:

(a) a surgical abortion; or

(b) a medicine is prescribed or administered for the purpose of inducing an abortion.

(2) A notification must include, in relation to the provision of the services referred to in subsection (1),—

(a) the information specified in Schedule 2; and

(b) such other information the Director-General may require.

(3) However, in no case may the information provided under this section include the name of the woman to whom the abortion service was provided.

(4) A notification must be given—

(a) not later than 1 month after the provision of the abortion service; and

(b) in the form or manner required by the Director-General.

(5) This section is repealed on the expiry of 18 months after the date on which it comes into force.

Section 20: replaced, on 24 March 2020, by section 8 of the Abortion Legislation Act 2020 (2020 No 6).

21 Abortion for sole purpose of sex selection

(1) This Parliament opposes the performance of abortions being sought solely because of a preference for the fetus to be of a particular sex.

(2) Not later than 5 years after the commencement of this section, and then at subsequent intervals of not more than 5 years, the Director-General must—

(a) review whether there is any evidence of abortions being sought solely because of a preference for the fetus to be of a particular sex; and

(b) report to the Minister of Health on—

(i) the outcome of the review; and

(ii) if there is such evidence, any recommendations that the Director-General considers appropriate for preventing abortions being sought solely because of a preference for the fetus to be of a particular sex.

Compare: Abortion Law Reform Act 2019 s 16 (NSW)

Section 21: replaced, on 24 March 2020, by section 8 of the Abortion Legislation Act 2020 (2020 No 6).

22 Reports to be presented to House of Representatives

As soon as practicable after receiving a report under section 17(1) or 21(2), the Minister of Health must present a copy of the report to the House of Representatives.

Section 22: replaced, on 24 March 2020, by section 8 of the Abortion Legislation Act 2020 (2020 No 6).

23 General regulation-making power

(1) The Governor-General may, by Order in Council, make regulations for all or any of the following purposes:

(a) enabling the Director-General of Health to collect information that may be required to enable the Director-General to discharge the Director-General's duties specified in section 17, 18, 19, or 21:

(b) providing for any other matters contemplated by this Act, necessary for its administration, or necessary for giving it full effect.

(2) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 23: replaced, on 24 March 2020, by section 8 of the Abortion Legislation Act 2020 (2020 No 6).

Section 23(2): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

24 Renewal of licences

[Repealed]

Section 24: repealed, on 24 March 2020, by section 8 of the Abortion Legislation Act 2020 (2020 No 6).

25 Cancellation of licences

[Repealed]

Section 25: repealed, on 24 March 2020, by section 8 of the Abortion Legislation Act 2020 (2020 No 6).

26 Appeals on questions of law to High Court

[Repealed]

Section 26: repealed, on 24 March 2020, by section 8 of the Abortion Legislation Act 2020 (2020 No 6).

27 Appeals against decisions of High Court

[Repealed]

Section 27: repealed, on 24 March 2020, by section 8 of the Abortion Legislation Act 2020 (2020 No 6).

28 Supervisory Committee may state case for High Court

[Repealed]

Section 28: repealed, on 24 March 2020, by section 8 of the Abortion Legislation Act 2020 (2020 No 6).

29 Abortions not to be performed unless authorised by 2 certifying consultants

[Repealed]

Section 29: repealed, on 24 March 2020, by section 8 of the Abortion Legislation Act 2020 (2020 No 6).

30 Supervisory Committee to set up and maintain list of certifying consultants

[Repealed]

Section 30: repealed, on 24 March 2020, by section 8 of the Abortion Legislation Act 2020 (2020 No 6).

31 Supervisory Committee to appoint or approve counselling services

[Repealed]

Section 31: repealed, on 24 March 2020, by section 8 of the Abortion Legislation Act 2020 (2020 No 6).

32 Procedure where woman seeks abortion

[Repealed]

Section 32: repealed, on 24 March 2020, by section 8 of the Abortion Legislation Act 2020 (2020 No 6).

33 Determination of case

[Repealed]

Section 33: repealed, on 24 March 2020, by section 8 of the Abortion Legislation Act 2020 (2020 No 6).

33A Performance of abortion by other practitioner

[Repealed]

Section 33A: repealed, on 24 March 2020, by section 8 of the Abortion Legislation Act 2020 (2020 No 6).

34 Special provisions where patient mentally subnormal

[Repealed]

Section 34: repealed, on 24 March 2020, by section 8 of the Abortion Legislation Act 2020 (2020 No 6).

35 Counselling

[Repealed]

Section 35: repealed, on 24 March 2020, by section 8 of the Abortion Legislation Act 2020 (2020 No 6).

36 Certifying consultants to keep records and submit reports

[Repealed]

Section 36: repealed, on 24 March 2020, by section 8 of the Abortion Legislation Act 2020 (2020 No 6).

37 Offences

[Repealed]

Section 37: repealed, on 24 March 2020, by section 8 of the Abortion Legislation Act 2020 (2020 No 6).

38 Crimes Act 1961 not affected

[Repealed]

Section 38: repealed, on 24 March 2020, by section 8 of the Abortion Legislation Act 2020 (2020 No 6).

39 Annual report

[Repealed]

Section 39: repealed, on 24 March 2020, by section 8 of the Abortion Legislation Act 2020 (2020 No 6).

40 Protection of persons acting in good faith

[Repealed]

Section 40: repealed, on 24 March 2020, by section 8 of the Abortion Legislation Act 2020 (2020 No 6).

41 Fees and travelling allowances

[Repealed]

Section 41: repealed, on 24 March 2020, by section 8 of the Abortion Legislation Act 2020 (2020 No 6).

42 Costs of administration

[Repealed]

Section 42: repealed, on 24 March 2020, by section 8 of the Abortion Legislation Act 2020 (2020 No 6).

43 Regulations

[Repealed]

Section 43: repealed, on 24 March 2020, by section 8 of the Abortion Legislation Act 2020 (2020 No 6).

44 Female procuring her own miscarriage

[Repealed]

Section 44: repealed, on 24 March 2020, by section 8 of the Abortion Legislation Act 2020 (2020 No 6).

45 Records of abortions to be forwarded to Supervisory Committee

[Repealed]

Section 45: repealed, on 24 March 2020, by section 8 of the Abortion Legislation Act 2020 (2020 No 6).

46 Conscientious objection

[Repealed]

Section 46: repealed, on 24 March 2020, by section 8 of the Abortion Legislation Act 2020 (2020 No 6).

Schedule 1
Transitional, savings, and related provisions

s 2A

Schedule 1: inserted, on 24 March 2020, by section 9 of the Abortion Legislation Act 2020 (2020 No 6).

Part 1
Provisions relating to Abortion Legislation Act 2020

Schedule 1 Part 1: inserted, on 24 March 2020, by section 9 of the Abortion Legislation Act 2020 (2020 No 6).

1 Interpretation

In this Part,—

Act means the Abortion Legislation Act 2020

commencement date means the date on which the Act comes into force

Ministry means the Ministry of Health.

Schedule 1 clause 1: inserted, on 24 March 2020, by section 9 of the Abortion Legislation Act 2020 (2020 No 6).

2 Abortion Supervisory Committee disestablished

(1) On the commencement date, the Abortion Supervisory Committee is disestablished and the term of office of every member of the committee ends.

(2) No member of the committee is entitled to any compensation in respect of the termination of the member's office.

Schedule 1 clause 2: inserted, on 24 March 2020, by section 9 of the Abortion Legislation Act 2020 (2020 No 6).

3 Advisory, technical, and other committees dissolved

(1) On the commencement date, all advisory, technical, and other committees appointed by the Abortion Supervisory Committee are dissolved and the term of office of every member of a committee ends.

(2) No member of a committee is entitled to any compensation in respect of the termination of the member's office.

Schedule 1 clause 3: inserted, on 24 March 2020, by section 9 of the Abortion Legislation Act 2020 (2020 No 6).

4 Assets, liabilities, and information of Abortion Supervisory Committee

(1) On the commencement date, all assets and liabilities of the Abortion Supervisory Committee in existence immediately before the commencement date are vested in the Crown as assets and liabilities of the Ministry.

(2) All information held by the Committee immediately before the commencement date is transferred to the Ministry.

Schedule 1 clause 4: inserted, on 24 March 2020, by section 9 of the Abortion Legislation Act 2020 (2020 No 6).

5 Final report of Abortion Supervisory Committee

(1) As soon as is reasonably practicable after the commencement date, the Abortion Supervisory Committee must arrange for the final annual report of the Committee to be submitted to Parliament.

(2) The final annual report must be in respect of the Committee's activities for the period—

(a) commencing on 1 July immediately preceding the commencement date; and

(b) ending with the close of the day immediately preceding the commencement date.

(3) Despite clause 2, the Abortion Supervisory Committee continues in existence for the purpose only of submitting a report to Parliament in accordance with this clause.

Schedule 1 clause 5: inserted, on 24 March 2020, by section 9 of the Abortion Legislation Act 2020 (2020 No 6).

6 Certifying consultants to submit reports to Director-General of Health

(1) This clause applies to a person who immediately before the commencement date was a certifying consultant.

(2) A person to whom this clause applies must, as soon as is reasonably practicable after the commencement date, send to the Director-General of Health any information that the Director-General of Health may require relating to—

(a) the cases considered by the person during the pre-commencement reporting period; and

(b) the performance of the person's functions in relation to those cases during the pre-commencement reporting period.

(3) In this clause, **pre-commencement reporting period** means the period—

(a) commencing on the day after the date on which the person last submitted a report to the Abortion Supervisory Committee under section 36 of the Contraception, Sterilisation, and Abortion Act 1977 (as it read immediately before its repeal by section 8 of the Act); and

(b) ending with the close of the day immediately preceding the commencement date.

Schedule 1 clause 6: inserted, on 24 March 2020, by section 9 of the Abortion Legislation Act 2020 (2020 No 6).

Schedule 2
Information to be included in notification of provision of abortion service

s 20

Schedule 2: inserted, on 24 March 2020, by section 9 of the Abortion Legislation Act 2020 (2020 No 6).

1 The address of the abortion service provider.

2 The following details in respect of the woman to whom abortion services were provided:

(a) the woman's date of birth; and

(b) the woman's ethnicity; and

(c) whether the woman is a New Zealand resident; and

(d) the number of previous pregnancies the woman has had; and

(e) the estimated duration of the woman's pregnancy; and

(f) the women's residential area (represented by the domicile code for that area).

3 The type of contraception used (if any) at the time of conception.

4 The type of abortion procedure used.

5 Detail of any complications occurring before discharge.

6 The type of contraception provided at the time of the abortion.

7 The date that—

(a) the surgical abortion was performed; or

(b) the medicine was prescribed or administered for the purpose of inducing the abortion.

Notes

1 General

This is a consolidation of the Contraception, Sterilisation, and Abortion Act 1977 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 Legal status

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 Editorial and format changes

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 Amendments incorporated in this consolidation

Healthy Futures (Pae Ora) Amendment Act 2026 (2026 No 40): section 41(1)

Pae Ora (Disestablishment of Māori Health Authority) Amendment Act 2024 (2024 No 5): section 43

Pae Ora (Healthy Futures) Act 2022 (2022 No 30): section 104

Contraception, Sterilisation, and Abortion (Safe Areas) Amendment Act 2022 (2022 No 8)

Secondary Legislation 2021 (2021 No 7): section 3

Abortion Legislation Act 2020 (2020 No 6): Part 1

Criminal Procedure Act 2011 (2011 No 81): section 413

Policing Act 2008 (2008 No 72): section 116(a)(ii)

Relationships (Statutory References) Act 2005 (2005 No 3): section 7

Health Practitioners Competence Assurance Act 2003 (2003 No 48): section 175(1)

Crimes Amendment Act 1994 (1994 No 27): section 3

Contraception, Sterilisation, and Abortion Amendment Act 1990 (1990 No 128)

Crimes Amendment Act (No 3) 1985 (1985 No 160): section 7(3)

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