



20 July 2021

[REDACTED]
[REDACTED]

Dear [REDACTED]

Re: OIA request – Late preterm abortions

Thank you for your Official Information Act request received 25 June 2021 seeking information about late preterm abortions from Waitematā District Health Board (DHB).

You requested the following information:

It has been brought to my attention that there has been more than one occasion of a baby being denied medical assistance after surviving an abortion.

I want to clarify whether there is any truth to such claims.

1. I want to know whether there have been any instances of children born alive following a late term abortion and the services they were provided if so.

I have also been told that the Canterbury DHB has been quoted as saying:

“In the extremely rare occurrence that a baby were to be born alive following a late term abortion, the baby would be wrapped and then held until it passed.”

2. I want to clarify whether this is an accurate representation of current practice or whether it is not accurate (or any further details that are not considered in the quoted statement).

3. I would like clarity on the exact requirements of medical staff in the event that a child were to be born alive following a late term abortion.

On 2 July, we asked you to define what you meant by late term (i.e. number of weeks) and if you wanted the information for the 2021 calendar year.

The same day, you advised the following:

For the purposes of maximum transparency I would like my question answered in relation to abortions performed at any time during the pregnancy.

And I want the data as far back as is possible for you to collect within the last 10 years please. At least 2019-2021.

Before responding to your specific questions, it may be useful to provide some context about our services.

Waitematā DHB serves a population of more than 630,000 across North Shore, Waitakere and Rodney areas, the largest and one of the most rapidly growing DHBs in the country. We are the largest employer in the district, employing around 7,500 people across more than 80 different locations.

In addition to providing services to our own population, we are also the metropolitan Auckland provider of forensic psychiatry, child disability services, child community dental services and community alcohol and drug services.

In response to your request, we can provide the following information:

1. Whether there have been any instances of children born alive following a late term abortion and the services they were provided if so within the last 10 years or at least for 2019-2021.

A live birth after an intended abortion is rare and this information is not recorded in a central database. However, a review of records and files between January 2019 and June 2021 shows there were instances of live births in the previable range (between 17-weeks and 22-weeks and 2 months) following late-term abortions during this period.

We are unable to provide information prior to this as it would require a labour-intensive review of individual clinically sensitive patient files.

It would not be appropriate for a contractor to review sensitive material of this nature and completion of this task would, therefore, fall on frontline staff – taking them away from their clinical work and prejudicing our ability to provide core clinical services.

We have considered whether charging or extending the timeframe for responding to this aspect of your request would assist us in managing this work and have concluded it would not. We have, therefore, refused this element of your request under Section 18(f) of the Official Information Act, due to substantial collation and research.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to seek a review is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

It should be noted that not all women who live within the Waitematā DHB district have a termination at one of our hospitals. Those who do are later than 16-weeks pregnant.

Most late-term abortions occur because a serious foetal abnormality is detected or because there is a serious risk to the mother's life or physical health.

In the rare event of a previable live birth, a baby is provided with continuous supportive care. Any such baby is swaddled and cuddled by whānau or a staff member until they pass away.

2. Clarify whether Canterbury DHBs statement, "In the extremely rare occurrence that a baby were to be born alive following a late term abortion, the baby would be wrapped and then held until it passed" is an accurate representation of current practice or whether it is not accurate.

See above.

3. I would like clarity on the exact requirements of medical staff in the event that a child were to be born alive following a late term abortion.

Medical staff have a duty-of-care to provide supportive, compassionate and clinically appropriate care to the baby, depending on individual needs.

I trust that this information is helpful.

Waitematā DHB supports the open disclosure of information to assist community understanding of how we are delivering publicly funded healthcare. This includes the proactive publication of anonymised Official Information Act responses on our website from 10 working days after they have been released.

If you consider there are good reasons why this response should not be made publicly available, we will be happy to consider your views.

Yours sincerely

A black rectangular redaction box covering the signature of the Executive Director.


Executive Director Hospital Services
Waitematā District Health Board