

Public Health Amendment (Safe Access Zones) Bill 2020

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Western Australia

LEGISLATIVE ASSEMBLY

**Public Health Amendment (Safe Access Zones)
Bill 2020**

A Bill for

An Act to amend the *Public Health Act 2016*.

The Parliament of Western Australia enacts as follows:

s. 1

1. Short title

This is the *Public Health Amendment (Safe Access Zones) Act 2020*.

2. Commencement

This Act comes into operation as follows —

- (a) sections 1 and 2 — on the day on which this Act receives the Royal Assent;
- (b) the rest of the Act — on the day after that day.

3. Act amended

This Act amends the *Public Health Act 2016*.

4. Part 12C inserted

After section 202M insert:

Part 12C — Safe access to premises at which abortions are provided

202N. Purpose

The purpose of this Part is —

- (a) to provide for safe access zones around premises at which abortions are provided so as to protect the safety and wellbeing, and respect the privacy and dignity, of —
 - (i) persons accessing the services provided at those premises; and
 - (ii) employees and other persons who need to access those premises in the course of their duties and responsibilities;
- and

- 1 (b) to prohibit publication and distribution of
2 certain recordings.

3 **202O. Terms used**

4 In this Part —

5 ***distribute*** includes —

- 6 (a) communicate, exhibit, send, supply, offer or
7 transmit, whether to a particular person or not;
8 and
9 (b) make available for access, whether by a
10 particular person or not; and
11 (c) enter into an agreement or arrangement to do
12 anything referred to in paragraph (a) or (b); and
13 (d) attempt to distribute;

14 ***premises at which abortions are provided*** does not
15 include a registered pharmacy as defined in the
16 *Pharmacy Act 2010* section 3(1);

17 ***publish*** means to disseminate to the public or a section
18 of the public by any means, including —

- 19 (a) in a book, newspaper, magazine or other
20 written publication; and
21 (b) by radio broadcast, television, a website, an
22 online facility or other electronic means;

23 ***recording*** includes a photograph or digital image;

24 ***safe access zone*** means the area —

- 25 (a) within the boundary of premises at which
26 abortions are provided; and
27 (b) within 150 m outside the boundary.

s. 4

202P. Offence to engage in prohibited behaviour within safe access zone

- (1) A person must not engage in prohibited behaviour within a safe access zone.

Penalty for this subsection: imprisonment for 1 year and a fine of \$12 000.

- (2) For the purposes of subsection (1), a person engages in prohibited behaviour if the person —

(a) besets, harasses, intimidates, interferes with, threatens, hinders, obstructs or impedes a person accessing, attempting to access or leaving premises at which abortions are provided; or

(b) subject to subsection (3), communicates by any means in relation to abortion in a manner that is —

(i) able to be seen or heard by a person accessing, attempting to access or leaving premises at which abortions are provided; and

(ii) reasonably likely to cause distress or anxiety;

or

(c) without reasonable excuse, interferes with or impedes a footpath, road or vehicle in relation to abortion; or

(d) without reasonable excuse, makes a recording by any means of another person accessing, attempting to access or leaving premises at which abortions are provided, without the other person's consent; or

1 (e) engages in any other behaviour prescribed by
2 the regulations for the purposes of this
3 paragraph.

4 (3) Subsection (2)(b) does not apply if the person
5 communicating in relation to abortion is an employee
6 or other person who provides services at the premises.

7 **202Q. Offence to publish or distribute recording**

8 A person must not, without consent of another person
9 or without reasonable excuse, publish or distribute a
10 recording of the other person accessing, attempting to
11 access or leaving premises at which abortions are
12 provided, if the recording contains particulars that are
13 likely to lead to the identification of —

14 (a) the other person; and

15 (b) the other person as a person accessing premises
16 at which abortions are provided.

17 Penalty: imprisonment for 1 year and a fine of \$12 000.

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19 **5. Sections 306B and 306C inserted**

20 At the end of Part 19 Division 6 insert:

21

22 **306B. Review of amendments made by *Public Health***
23 ***Amendment (Safe Access Zones) Act 2020***

24 (1) The Minister must review the operation and
25 effectiveness of the amendments made to this Act by
26 the *Public Health Amendment (Safe Access Zones)*
27 *Act 2020*, and prepare a report based on the review, as
28 soon as practicable after the 5th anniversary of the day
29 on which the *Public Health Amendment (Safe Access*
30 *Zones) Act 2020* section 4 comes into operation.

s. 5

- 1 (2) The Minister must cause the report to be laid before
2 each House of Parliament as soon as practicable after it
3 is prepared, but not later than 12 months after the
4 5th anniversary.

5 **306C. Laying reports before House of Parliament not**
6 **sitting**

- 7 (1) If, in the Minister's opinion, a House of Parliament will
8 not sit during the period of 21 days after finalisation of
9 a report referred to in section 306(2), 306A(2) or
10 306B(1), the Minister must send the report to the Clerk
11 of the House.
- 12 (2) When the report is sent to the Clerk of a House it is
13 taken to have been laid before the House.
- 14 (3) The laying of the report that is taken to have occurred
15 under subsection (2) must be recorded in the Minutes,
16 or Votes and Proceedings, of the House on the first
17 sitting day of the House after the Clerk receives the
18 report.

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