



New South Wales

Summary Offences Amendment (Safe Access to Reproductive Health Clinics) Bill 2017

Explanatory note

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

Overview of Bill

The object of this Bill is to provide for safe access zones around reproductive health clinics at which abortions are provided so as to protect the safety and well-being of, and respect the privacy and dignity of, those accessing the services provided at those premises as well as those who need to access those premises in the course of their employment.

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 on the date of assent to the proposed Act.

Schedule 1 Amendment of Summary Offences Act 1988 No 25

Schedule 1 inserts the following provisions into the *Summary Offences Act 1988*:

- (a) **Proposed section 11I** inserts definitions used in the other proposed provisions. The term *safe access zone* is defined to mean an area within a radius of 150 metres of a reproductive health clinic at which abortions are provided or within a radius of 150 metres of a pedestrian access point to a building that houses a reproductive health clinic at which abortions are provided.

- (b) **Proposed section 11J** provides that:
- (i) it is the intention of Parliament that the fact that the public is entitled to access health services, including abortions, should be respected and that the public should be able to enter and leave reproductive health clinics at which abortions are provided without interference, and in a manner that protects their safety and well-being and respects their privacy and dignity, as should employees and other persons who need to access such clinics in the course of their duties and responsibilities, and
 - (ii) accordingly, the objects of the proposed Division are to provide for safe access zones around such reproductive health clinics so as to protect the safety and well-being of, and respect the privacy and dignity of, those accessing the services provided at those premises and those who need to access those premises in the course of their duties and responsibilities, and to prohibit the publication and distribution of certain recordings of those persons in those safe access zones.
- (c) **Proposed section 11K** makes it an offence for a person who is in a safe access zone to harass, intimidate, interfere with, threaten, hinder, obstruct or impede any person accessing, leaving, or attempting to access or leave, any reproductive health clinic at which abortions are provided. The maximum penalty is 150 penalty units (currently \$16,500) or imprisonment for 12 months.
- (d) **Proposed section 11L** makes it an offence for a person who is in a safe access zone to obstruct or block a footpath or road leading to any reproductive health clinic at which abortions are provided. The maximum penalty is 150 penalty units or imprisonment for 12 months.
- (e) **Proposed section 11M** makes it an offence for a person who is in a safe access zone to communicate in relation to abortions in a manner that is able to be seen or heard by a person accessing, leaving, attempting to access or leave, or inside, a reproductive health clinic at which abortions are provided and that is reasonably likely to cause distress or anxiety to any such person. The maximum penalty is 150 penalty units or imprisonment for 12 months.
- (f) **Proposed section 11N** makes it an offence for a person to:
- (i) intentionally capture visual data of another person, without that other person's consent, if that other person is in a safe access zone and is accessing, leaving, or attempting to access or leave, or is inside, a reproductive health clinic at which abortions are provided, or
 - (ii) publish or distribute a recording of another person without that other person's consent if the recording was made while that other person was in a safe access zone and was accessing, leaving, attempting to access or leave, or inside, a reproductive health clinic at which abortions are provided if the recording contains particulars likely to lead to the identification of that other person.
- The maximum penalty for either offence is 150 penalty units or imprisonment for 12 months.
- (g) **Proposed section 11O** provides for the seizure of things that a police officer suspects on reasonable grounds may provide evidence of the commission of an offence under the proposed Division.
- (h) **Proposed section 11P** provides that the proposed Division does not apply so as to prohibit conduct occurring in the forecourt of, or on the footpath or road outside, Parliament House in Macquarie Street, Sydney or to prohibit the carrying out of any survey or opinion poll by or with the authority of a candidate, or the distribution of any handbill or leaflet by or with the authority of a candidate, during the course of a Commonwealth, State or local government election, referendum or plebiscite. The provision also provides that the proposed Division applies despite anything to the contrary in other statutory provisions about public assemblies or protests.