



New South Wales

Public Health Amendment (Safe Access to Reproductive Health Clinics) Bill 2018

Explanatory note

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

This Bill is co-sponsored by the Hon P G Sharpe MLC and the Hon T J Khan MLC.

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 Public Health Act 2010 No 127

Schedule 1 inserts the following provisions into the *Public Health Act 2010*:

- (a) **Proposed section 98A** inserts definitions used in the proposed Part. The term *safe access zone* is defined to mean the premises of a reproductive health clinic at which abortions are provided and the area within 150 metres of any part of the premises of a reproductive health clinic at which abortions are provided or of a pedestrian access point to a building that houses a reproductive health clinic at which abortions are provided.
- (b) **Proposed section 98B** specifies the objects of the proposed Part.

- (c) **Proposed section 98C** makes it an offence for a person who is in a safe access zone to:
- (i) interfere with any person accessing, leaving, or attempting to access or leave, any reproductive health clinic at which abortions are provided, or
 - (ii) obstruct or block a footpath or road leading to any reproductive health clinic at which abortions are provided.

In each case, the maximum penalty for the first offence is 50 penalty units (currently \$5,550) or imprisonment for 6 months, or both, and the maximum penalty for any second or subsequent offence is 100 penalty units (currently \$11,000) or imprisonment for 12 months, or both.

- (d) **Proposed section 98D** 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 for the first offence is 50 penalty units or imprisonment for 6 months, or both, and the maximum penalty for any second or subsequent offence is 100 penalty units or imprisonment for 12 months, or both.

- (e) **Proposed section 98E** 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, 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 contains particulars likely to lead to the identification of that other person.

The maximum penalty for the first offence is 50 penalty units or imprisonment for 6 months, or both, and the maximum penalty for any second or subsequent offence is 100 penalty units or imprisonment for 12 months, or both.

- (f) **Proposed section 98F** provides that the proposed Part does not apply so as to prohibit conduct occurring in or around a church or other building ordinarily used for religious worship or 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 Part applies despite anything to the contrary in other statutory provisions about public assemblies or protests.