

LEGISLATIVE ASSEMBLY

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

**First print**

**Proposed amendments**

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- No. 1      **Reproductive health clinics**  
Page 3, Schedule 1 (proposed section 98A), line 9. Insert “or a public or private hospital” after “pharmacy”.
- No. 2      **Safe access zone**  
Page 3, Schedule 1 (proposed section 98A), lines 13–17. Omit all words on those lines. Insert instead:
- (b) any public place within 50 metres of the premises of a reproductive health clinic at which abortions are provided.
- No. 3      **Objects**  
Page 3, Schedule 1 (proposed section 98B), lines 19–26. Omit all words on those lines. Insert instead:
- The object of this Part is to ensure that people are 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, including employees and others who need to access such clinics in the course of their duties and responsibilities.
- No. 4      **Interfering with access**  
Page 3, Schedule 1 (proposed section 98C (2)), line 31. Insert “, without reasonable excuse,” after “must not”.
- No. 5      **Penalties**  
Page 3, Schedule 1 (proposed section 98C), lines 38 and 39. Omit “or imprisonment for 6 months, or both”.
- No. 6      **Penalties**  
Page 3, Schedule 1 (proposed section 98C), lines 40 and 41. Omit “or imprisonment for 12 months, or both”.
- No. 7      **Offence of causing distress**  
Page 4, Schedule 1 (proposed section 98D), lines 1–14. Omit all words on those lines.  
[Amendments Nos 8–12 are to be moved only if Amendment No 7 is not successful.]

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- No. 8      **Exceptions**  
Page 4, Schedule 1 (proposed section 98D (1)), line 4. Insert “(an *affected person*)” after “person”.
- No. 9      **Exceptions**  
Page 4, Schedule 1 (proposed section 98D (1)), line 7. Omit “such person”. Insert instead “affected person”.
- No. 10     **Penalties**  
Page 4, Schedule 1 (proposed section 98D (1)), lines 9 and 10. Omit “or imprisonment for 6 months, or both”.
- No. 11     **Penalties**  
Page 4, Schedule 1 (proposed section 98D (1)), lines 11 and 12. Omit “or imprisonment for 12 months, or both”.
- No. 12     **Exceptions**  
Page 4, Schedule 1 (proposed section 98D (2)), lines 13 and 14. Omit all words on those lines. Insert instead:  
  - (2) This section does not apply to:
    - (a) an employee or other person who provides services at the reproductive health clinic, or
    - (b) a registered psychologist or qualified counsellor who is offering or providing counselling services, or
    - (c) a person making a communication with the consent of an affected person.
  - (3) For the purposes of this section, *communication* does not include prayer.
- No. 13     **Penalties**  
Page 4, Schedule 1 (proposed section 98E (1)), lines 20 and 21. Omit “or imprisonment for 6 months, or both”.
- No. 14     **Penalties**  
Page 4, Schedule 1 (proposed section 98E (1)), lines 22 and 23. Omit “or imprisonment for 12 months, or both”.
- No. 15     **Penalties**  
Page 4, Schedule 1 (proposed section 98E (2)), lines 30 and 31. Omit “or imprisonment for 6 months, or both”.
- No. 16     **Penalties**  
Page 4, Schedule 1 (proposed section 98E (2)), lines 32 and 33. Omit “or imprisonment for 12 months, or both”.
- No. 17     **Exemptions**  
Page 5, Schedule 1 (proposed section 98F (1)), line 25. Insert at the end of the line:  
  - , or
  - (d) the provision of pregnancy support services, or the advertising of those services, within a safe access zone.
- No. 18     **Prosecutions**  
Page 5, Schedule 1. Insert after line 29:
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**98G Defence**

It is a defence to a prosecution for an offence under this Part if the person charged establishes that the person did not know, and could not have reasonably known, that the person was in a safe access zone at the time of the alleged offence.

**98H Proceedings for offences**

Proceedings for an offence under this Part must not be commenced without the approval of the Director of Public Prosecutions.