



Western Australia

**Public Health Amendment (Safe Access Zones)
Act 2021**

As at 17 Aug 2021

No. 9 of 2021

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Public Health Amendment (Safe Access Zones) Act 2021

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Western Australia

Public Health Amendment (Safe Access Zones) Act 2021

No. 9 of 2021

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

[Assented to 17 August 2021]

The Parliament of Western Australia enacts as follows:

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1. Short title

This is the *Public Health Amendment (Safe Access Zones) Act 2021*.

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

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

2020. Terms used

In this Part —

distribute includes —

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

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

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

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

recording includes a photograph or digital image;

safe access zone means the area —

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

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

- (e) engages in any other behaviour prescribed by the regulations for the purposes of this paragraph.
- (3) Subsection (2)(b) does not apply if the person communicating in relation to abortion is an employee or other person who provides services at the premises.

202Q. Offence to publish or distribute recording

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

- (a) the other person; and
- (b) the other person as a person accessing premises at which abortions are provided.

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

5. Section 306B inserted

At the end of Part 19 Division 6 insert:

306B. Review of amendments made by *Public Health Amendment (Safe Access Zones) Act 2021*

- (1) The Minister must review the operation and effectiveness of the amendments made to this Act by the *Public Health Amendment (Safe Access Zones) Act 2021*, and prepare a report based on the review, as soon as practicable after the 5th anniversary of the day on which the *Public Health Amendment (Safe Access Zones) Act 2021* section 4 comes into operation.

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

