

# House of Representatives

# Supplementary Order Paper

Wednesday, 18 March 2020

## Abortion Legislation Bill

### *Proposed amendment*

Marama Davidson, in Committee, to move the following amendment:

#### *Clause 7*

In *clause 7*, after *new section 14* (page 6, after line 14), insert:

#### **15 Certain behaviour prohibited in safe areas**

- (1) A person must not engage in any prohibited behaviour in a safe area.
- (2) A person who contravenes this section commits an offence and is liable on conviction to a fine not exceeding \$1,000.
- (3) In this section,—

#### **prohibited behaviour** means—

- (a) intimidating, interfering with, or obstructing a protected person—
  - (i) with the intention of frustrating the purpose for which the protected person is in the safe area; or
  - (ii) in a manner that an ordinary reasonable person would know would cause emotional distress to a protected person:
- (b) communicating with, or visually recording, a person in a manner that an ordinary reasonable person would know would cause emotional distress to a protected person

#### **protected person** means a person who is in a safe area for the purpose of—

- (a) accessing abortion services; or

- (b) providing, or assisting with providing, abortion services; or
- (c) seeking advice or information about abortion services; or
- (d) providing, or assisting with providing, advice or information about abortion services.

#### **16 Power of constable to arrest without warrant**

If a constable reasonably believes that a person is engaging in prohibited behaviour in a safe area, the constable may—

- (a) require the person to stop engaging in the prohibited behaviour; and
- (b) if the person fails to stop engaging in the prohibited behaviour, arrest the person and take the person into custody without a warrant.

#### **17 Regulations: safe areas**

- (1) The Governor-General may, by Order in Council made on the recommendation of the Minister of Health after consultation with the Minister of Justice, make regulations for the purposes of **section 15** prescribing as a safe area—

- (a) any specified premises at which abortion services are provided; and
- (b) an area around those premises that is an area having a boundary of not more than 150 metres from any part of the premises.

- (2) The Minister of Health may recommend the making of regulations under **subsection (1)** if the Minister is satisfied that prescribing a safe area—

- (a) is necessary to protect the safety and well-being, and respect the privacy and dignity, of persons—
  - (i) accessing abortion services:
  - (ii) providing, or assisting with providing, abortion services:
  - (iii) seeking advice or information about abortion services:
  - (iv) providing, or assisting with providing, advice or information about abortion services; and
- (b) can be demonstrably justified in a free and democratic society as a reasonable limitation on people's rights and freedoms.

- (3) Not later than 5 years after making any regulations under **subsection (1)** prescribing a particular safe area, and then at subsequent

intervals of not more than 5 years, the Director-General, in consultation with the Secretary for Justice, must—

- (a) review the regulations (if they are still in force) to determine whether that prescribed safe area is still—
  - (i) necessary for the purpose specified in **subsection (2)(a)**; and
  - (ii) demonstrably justified as specified in **subsection (2)(b)**; and
- (b) report to the Minister of Health and the Minister of Justice on whether the regulations should be—
  - (i) continued without amendment; or
  - (ii) continued with amendment; or
  - (iii) revoked.

### Explanatory note

This Supplementary Order Paper amends *clause 7* of the Abortion Legislation Bill to reinstate *new sections 15 to 17* containing the provisions around safe areas.