

PARLIAMENT OF VICTORIA

**Public Health and Wellbeing Amendment (Safe
Access) Bill 2015**

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PARLIAMENT OF VICTORIA

Introduced in the Council by Ms Fiona Patten

Public Health and Wellbeing Amendment (Safe Access) Bill 2015

A Bill for an Act to amend the **Public Health and Wellbeing Act 2008** to provide for safe access zones around premises offering reproductive health services and for other purposes.

The Parliament of Victoria enacts:

1 Purpose

The purpose of this Act is to amend the **Public Health and Wellbeing Act 2008** to provide for safe access zones around premises offering reproductive health services.

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2 Commencement

(1) Subject to subsection (2), this Act comes into operation on a day or days to be proclaimed.

(2) If a provision of this Act has not come into operation by 1 December 2015, it comes into operation on that day.

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3 New Part 9A inserted

After Part 9 of the **Public Health and Wellbeing Act 2008** insert—

"Part 9A—Safe access to reproductive health services

185A Definitions

In this Part—

distribute includes—

- (a) communicate, exhibit, send, supply 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 mentioned in paragraph (a) or (b); and
- (d) attempt to distribute;

prohibited behaviour means—

- (a) in relation to a person, besetting, harassing, intimidating, interfering with, threatening, hindering, obstructing or impeding that person; or
- (b) communicating in relation to reproductive health services in a manner that is able to be seen or heard by a person accessing, or attempting to access, premises at which reproductive health services are provided; or

(c) interfering with or impeding a footpath; or

(d) intentionally recording, by any means, another person accessing or attempting to access premises at which reproductive health services are provided, without that other person's consent; or

(e) any other prescribed behaviour;

reproductive health services means services relating to advice, medication and treatment in respect of reproductive health, including the prevention and termination of pregnancy;

safe access zone means an area within a radius of 150 metres from premises at which reproductive health services are provided.

185B Prohibited behaviour

(1) A person must not engage in prohibited behaviour within a safe access zone.

Penalty: 500 penalty units or imprisonment for a term not exceeding 12 months.

(2) A person does not engage in prohibited behaviour within a safe access zone by intentionally recording, by any means, another person accessing or attempting to access premises at which reproductive health services are provided without that other person's consent if, at the time of making the recording, the person making the recording—

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(a) is a police officer acting in the course of the officer's duties as a police officer and the officer's conduct is reasonable in the circumstances for the performance of those duties; or

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(b) is employed or contracted to provide services at the premises at which reproductive health services are provided; or

(c) is a prescribed person.

185C Offence to distribute recording

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A person must not, without lawful excuse, publish or distribute a recording of a person accessing, or attempting to access, premises at which reproductive health services are provided, without that other person's consent.

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Penalty: 500 penalty units or imprisonment for a term not exceeding 12 months.

185D Seizure of material used in an offence

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If a police officer suspects on reasonable grounds that a person is committing, or is likely to commit, an offence against section 185B(1) or 185C, the officer may seize and remove any object, material, information, document, poster, picture or recording that the officer believes on reasonable grounds was used, or is about to be used, in relation to the offence or likely offence."

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4 Repeal of amending Act

This Act is **repealed** on the first anniversary of the day on which it comes into operation.

Note

The repeal of this Act does not affect the continuing operation of the amendments made by it (see section 15(1) of the **Interpretation of Legislation Act 1984**).

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Endnotes

1 General information

See www.legislation.vic.gov.au for Victorian Bills, Acts and current authorised versions of legislation and up-to-date legislative information.