

Legislative Council—No 116

As introduced and read a first time, 25 September 2019

South Australia

**Health Care (Health Access Zones) Amendment
Bill 2019**

A BILL FOR

An Act to amend the *Health Care Act 2008*.

Contents

Part 1—Preliminary

- 1 Short title
- 2 Amendment provisions

Part 2—Amendment of *Health Care Act 2008*

- 3 Insertion of Part 5A
 - Part 5A—Health access zones
 - 48B Interpretation
 - 48C Minister may declare premises to be protected premises
 - 48D Certain behaviour prohibited in health access zones
 - 48E Police officer may direct person to leave health access zone
-

The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

5 This Act may be cited as the *Health Care (Health Access Zones) Amendment Act 2019*.

2—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

Part 2—Amendment of *Health Care Act 2008*

3—Insertion of Part 5A

After section 48A insert:

Part 5A—Health access zones

48B—Interpretation

In this Part—

15 *health access zone*, in relation to protected premises, means—

- (a) the protected premises; and
 - (b) any public area located—
 - (i) if the Minister, by notice in the Gazette, specifies a distance (being not less than 150 metres) from the protected premises for the purposes of this paragraph—within that distance of the protected premises; or
- 20

- (ii) in any other case— within 150 metres of the protected premises;

prohibited behaviour means—

- 5 (a) to threaten, intimidate or harass another person; or
- (b) to obstruct another person approaching, entering or leaving protected premises; or
- (c) to record (by any means whatsoever) images of a person approaching, entering or leaving protected premises; or
- 10 (d) to communicate, or attempt to communicate, with a person about the subject of abortion; or
- (e) to engage in any other behaviour of a kind prescribed by the regulations;

protected premises means—

- 15 (a) each incorporated or private hospital;
- (b) the premises located at 21 Belmore Terrace, Woodville (being the premises at which the Pregnancy Advisory Centre is located);
- (c) any other premises, or premises of a kind, declared to be protected premises under section 48C;

20 ***public area*** means an area or place that the public, or a section of the public, is entitled to use or that is open to, or used by, the public or a section of the public (whether access is unrestricted or subject to payment of money, membership of a body or otherwise).

48C—Minister may declare premises to be protected premises

- 25 (1) The Minister may, on an application by a person or body, by notice in the Gazette, declare specified premises to be ***protected premises*** for the purposes of this Part.
- (2) An application under subsection (1)—
- 30 (a) must be made in a manner and form determined by the Minister; and
- (b) must be accompanied by such information or documents as may be reasonably required by the Minister.
- (3) The Minister must grant an application under this section if the Minister is satisfied that abortions are being, or are to be, lawfully performed at the specified premises.
- 35 (4) The Minister may, by further notice in the Gazette, vary or revoke a notice under this section (and must revoke the notice at the request of the person or body to whom the notice relates).
- (5) A notice under this section has effect—
- 40 (a) if the notice specifies a day on which it expires—until that day; or

(b) until revoked under this section.

48D—Certain behaviour prohibited in health access zones

(1) A person who engages in prohibited behaviour in a health access zone is guilty of an offence.

Maximum penalty: Imprisonment for 2 years.

(2) However, subsection (1) does not apply in relation to the recording of images, or the communication of information—

(a) by a person employed, or otherwise providing services, at protected premises to which the health access zone relates; or

(b) that occurs with the permission of the person whose image is recorded, or to whom the information is communicated.

(3) For the purposes of this section, a person will be taken to be in a health access zone if any part of the person is within the health access zone.

48E—Police officer may direct person to leave health access zone

(1) A police officer may, if the police officer reasonably suspects that a person has engaged, or is about to engage, in prohibited behaviour in a health access zone, direct the person to immediately leave the health access zone.

(2) A police officer may, if the police officer reasonably suspects that a person or persons are engaging, or are about to engage, in prohibited behaviour in a health access zone, direct any or all persons within the health access zone to immediately leave the health access zone (whether or not the person or persons to whom the direction is given are engaging, or are about to engage, in prohibited behaviour).

(3) However, a direction under subsection (2) will be taken not to apply to—

(a) a person employed, or otherwise providing services, at protected premises to which the health access zone relates; or

(b) a person who has had, or is to have, an abortion, or be provided other services, at protected premises to which the health access zone relates; or

(c) a person genuinely accompanying a person referred to in a preceding paragraph; or

(d) any other person of a kind declared by the regulations to be included in the ambit of this subsection.

(4) A person who refuses or fails to comply with a direction under this section is guilty of an offence.

Maximum penalty: \$10 000.

- (5) A person who, having been directed to leave a health access zone under this section, without reasonable excuse, re-enters the health access zone within 24 hours after the direction is guilty of an offence.

5

Maximum penalty: \$10 000.