

South Australia

**Statutes Amendment (Abortion Law Reform)  
Bill 2018**

A BILL FOR

An Act to amend the *Criminal Law Consolidation Act 1935* and the *Health Care Act 2008*.

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## The Parliament of South Australia enacts as follows:

### Part 1—Preliminary

#### 1—Short title

This Act may be cited as the *Statutes Amendment (Abortion Law Reform) Act 2018*.

#### 5 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 *Criminal Law Consolidation Act 1935*

#### 10 3—Amendment of section 12A—Causing death by an intentional act of violence

- (1) Section 12A—delete "(other than abortion<sup>1</sup>)"
- (2) Section 12A, note—delete the note

#### 4—Repeal of Part 3 Division 17

Part 3 Division 17—delete Division 17

#### 15 5—Repeal of Part 3 Division 18

Part 3 Division 18—delete Division 18

## 6—Amendment of Schedule 11—Abolition of certain offences

Schedule 11 clause 1—after subclause (29) insert:

and

(30) abortion.

## 5 Part 3—Amendment of *Health Care Act 2008*

### 7—Insertion of Part 10B

After section 89K insert:

#### Part 10B—Health access zones

##### 89KA—Interpretation

10 In this Part—

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

- (a) the protected premises; and
- (b) any public area located within 150 metres of the protected premises;

15 *protected premises* means—

- (a) each incorporated or private hospital; and
- (b) the premises located at 21 Belmore Terrace, Woodville (being the premises at which the Pregnancy Advisory Centre is located); and
- (c) any other premises, or premises of a kind, declared to be protected premises under section 89KB;

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).

##### 89KB—Minister may declare premises to be protected premises

- (1) The Minister may, on an application by the occupier of premises, by notice in the Gazette, declare specified premises to be *protected premises* for the purposes of this Part.
- (2) An application under subsection (1)—
  - (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, performed at the specified premises.

- (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 occupier of the protected premises to which the notice relates).
- (5) A notice under this section has effect—
- 5           (a) if the notice specifies a day on which it expires—until that day; or
- (b) until revoked under this section.

**89KC—Certain behaviour etc prohibited in health access zones**

- 10           (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) For the purposes of subsection (1), a person engages in prohibited behaviour if the person—
- 15           (a) threatens, intimidates or harasses another person; or
- (b) obstructs another person approaching, entering or leaving protected premises; or
- (c) records (by any means whatsoever) images of a person approaching, entering or leaving protected premises; or
- 20           (d) communicates, or attempts to communicate, with a person about the subject of abortion.
- (3) Subsection (1) does not apply in relation to the recording of images, or communication of information—
- 25           (a) by a person employed, or otherwise providing services, at the 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.
- (4) 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.
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**89KD—Police officer may direct person to leave health access zone**

- 35           (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).
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(3) However, a direction under subsection (2) will be taken not to apply to—

(a) a person employed, or otherwise providing services, at the 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 the 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.

Maximum penalty: \$10 000.