



12 May 2021

S21.09 oral

Oral submission to the Health Committee on the Contraception, Sterilisation, and Abortion (Safe Areas) Amendment Bill Member's Bill 310-1

Presenters

Raewyn Stone and Rae Duff via Zoom

Health Committee B members present

Tracey McLellan, (Chairperson) Labour; Elizabeth Kerekere, Green; Sarah Pallett, Labour; Gaurav Sharma, Labour; Penny Simmonds, National.

Introduction

Morena koutou. Good morning.

I am Raewyn Stone and I convene the Health Committee of the National Council of Women of New Zealand (NCWNZ). With me is Rae Duff of the Parliamentary Watch Committee.

The National Council of Women represents over 200 organisations and individual members, affiliated at either national or branch level. Collectively, we represent over 450,000 members.

Thank you for the opportunity to speak to our written submission on this important Bill.

General Comments

NCWNZ members strongly support the establishment of safe zones as essential to ensure the right to legal abortion in practice. Our submission was based on NCWNZ policy that abortion should be a standard part of health care – safe, legal and accessible.

NCWNZ members also strongly support the right of women and non-binary people to make their own choices about their bodies and for abortion services to be safe and accessible – protests and harassment outside abortion clinics infringe on those rights.

In preparing our submission we consulted our members on three key issues

- The establishment of safe zones around abortion facilities;

- The distance that a safe zone should be;
- And the power to establish a safe zone for a specific facility?

Do you support the establishment of safe zones around abortion facilities?

There was near unanimous support for the establishment of safe zones around abortion facilities.

Members stressed that it was vitally important that women and non-binary people seeking abortions should be able to access a facility without interference by individuals or groups of people- especially as this may already be a stressful time for them.

The same is true for the staff of these facilities.

Pamphlets, placards, verbal remonstrations, or abuse opposing abortion have no place anywhere near the vicinity of an abortion facility.

Here we would note that an argument against “safe zones” is that they impinge on the right of freedom of speech and protest.

NCWNZ accepts that many people oppose abortion and the recent legislation. They have the right and opportunity to express their views and argue their case in many different fora. The area immediately around an abortion facility is not one of them.

We note that in 2018 the Australian High Court upheld state legislation relating to safe zones in Victoria and Tasmania and rejected appeals that this regulation impinges on the right to free speech. The High Court decided that to force a political message on another person was inconsistent with the dignity of that other person.

Do you consider 150 metres sufficient distance?

The majority of our members considered that 150 metres should be the absolute minimum, depending on the specific circumstances of each facility. Many wanted 250-500 metres. All agreed the decision on the specific area should be made on a case-by-case basis including consideration of the following issues:

- if verbal abuse can still be heard by those entering the facility;
- where public transport and car parking is located;
- configuration e.g., the facility is in a blind street with less than 150 metres sufficient distance away from the protestors or up a driveway and clients have to pass by the protestors on the way to the facility.

Those very few respondents who opposed designated safe areas, supported protection from harassment but considered existing laws and provision sufficient.

Who should determine whether a safe zone should be established for a specific facility?

There were differing views on whether a safe zone should be established. Most respondents supported the decision being the responsibility of the Minister of Health in consultation with the specific abortion provider or DHB, and some supported consultation with the NZ Police. Others considered that as the safe zone was stipulated in law, it should be a NZ Police decision.

Enforcement

Finally, any law is only as effective as its implementation.

It will be essential that the NZ Police respond quickly and decisively to reported incidents of breaches of the law. The role of hospital or clinic security guards will be critical in issuing a first and final warning about any breaches of the law and immediately reporting any continued breach to the Police.

Conclusions

NCWNZ strongly supports this Bill as critical in ensuring women and non-binary people can exercise their rights with dignity and safety, free from harassment.

However, we recommend that 150 metres is the minimum distance, with provision for a larger area depending on local circumstances.

As with all legislation, it is only as effective as the implementation – it is critical that breaches of the law are responded to as quickly as possible and sanctions a realistic deterrent.

Questions

Sarah Pallett, Labour

Q. You mention that 150 metres should be the absolute minimum but that the specific area should be determined on a case-to-case basis. Do you agree that the legislation should state the minimum distance of 150m is required for all abortion clinics with the provision that a provider then can apply for an additional amount?

A. Yes that is acceptable provided women and non-binary people seeking abortion are able to access a facility without any form of interference or harassment.

Sarah thanked NCWNZ for raising the issues for consideration such as the location of public transport, car parking and street access.

Penny Simmonds, National

Q. Where the application of the minimum distance should start from – front door of the clinic, car park? She was concerned about how far it might extend into public spaces.

A. The safety of the person seeking an abortion must be paramount. No other person seeking a health intervention/treatment is subjected to such harassment. The safe distance must be determined by the facility to ensure that women can exercise their rights free from any form of harassment.

Elizabeth Kerekere, Green, thanked NCWNZ for its inclusiveness, giving a 'shout out' for including non-binary women in its submission.

Tracey McLellan (Chairperson), Labour, thanked NCWNZ for its comprehensive written submission and thoughtful oral submission.