

**Government of Western Australia
Consultation on safe access zones**

Submission from the Women's Electoral Lobby Australia

30 May 2019



1.0 About the Women's Electoral Lobby

Women's Electoral Lobby, established in 1972, is an independent, non-party political lobby group dedicated to creating a society where women's participation and their ability to fulfill their potential are unrestricted, acknowledged and respected and where women and men share equally in society's responsibilities and rewards.

The Women's Electoral Lobby (WEL) is a national, independent, non-party political, feminist lobby group that has worked tirelessly for over 45 years to improve the position of women in Society.

The Women's Electoral Lobby is dedicated to creating a society where women's participation and their ability to fulfill their potential are unrestricted, acknowledged and respected and where women and men share equally in society's responsibilities and rewards.

WEL applies a feminist approach to all its work from policy analysis and development to campaigning. WEL has developed a Feminist Policy Framework, which sets out the values, which we use to measure fairness for women and fairness for society. WEL believes that good policies should address these indicators and work with governments at all levels on achieving better and fairer policy outcomes.

Our current strategic focus areas include:

- Violence against women including securing crucial funding for women's refuges
- Financial security for women
- Women's reproductive rights

2.0 Introduction

The Women's Electoral Lobby is pleased to respond to the Western Australian government's consultation on safe access zones.

Since WEL's foundation in 1972, it has consistently advocated for women's right to make well informed and autonomous decisions and choices regarding their bodies, including their reproductive lives.

WEL's support for women's rights and capacity to make these decisions is based on the principle that sees women as equal to men in their decision making powers and their right to privacy, integrity and autonomy in relation to health and medical treatment.

WEL also sees achievement of reproductive rights, including access to family planning advice, contraception and abortion, as fundamental to the ongoing transformations in Australian life occasioned by the movement for women to achieve social, economic and cultural equality.

Women's Electoral Lobby's national policy on abortion calls for:

1. The decriminalisation of abortion in all states and territories, with abortion regulated by health legislation;
2. Legislative reform to allow women control over their bodies and reproductive choices at all times rather than requiring the approval of one or two doctors as in some states and territories;
3. Funding to health services to ensure the increased availability and accessibility of abortion, with a particular focus on the affordability of abortion and access in rural areas;
4. Commitment to the principle of all women's right to control their reproductive choices in making policies on foreign aid, Medicare funding, counselling, and all other areas;
5. Establishment of exclusion zones around providers of abortions, to ensure the safety of women seeking terminations and medical practitioners, and reduce the culture of harassment and stigmatisation; and,
6. Introduction of laws requiring truth in advertising for pregnancy counselling services.

3.0 Responding to the Western Australian government's survey on safe access zones

3.1 Do you support the introduction of safe access zones around premises that provide abortion services in Western Australia?

Yes. No one should have to pass by anti-choice groups bullying, harassing and bribing them in order to convince them to not enter a clinic. No staff member should have to experience the same behaviour when trying to get to work.

South Australia is one of the last two legal jurisdictions in the country without safe access zone legislation. Safe access zones are necessary and crucial to preserving the health, well-being and safety of women who access termination services, and those staff members that provide them.

Safe access zone laws in Victoria and Tasmania have both been upheld in the High Court of Australia. Ensuring women have unimpeded access to abortion care with privacy and dignity, the High Court ruled, justified the 'geographically-limited burden on the implied freedom of political communication'.

3.2 During what times should safe access zones apply?

Most other jurisdictions that have legislated for Safe Access Zones apply the provisions at all times. This option avoids monitoring on site and protects clients and workers who may need to access facilities after hours or in emergencies.

3.3 How far should the buffer zone extend?

Safe access zone legislation should automatically mandate a minimum of a 150m exclusion zone around clinics that offer abortion care where certain behaviours are prohibited. Empowering a Minister to make declarations about the establishment of each safe access zone may result in seeing the intent of the law subverted, or even disregarded.

3.4 Do you agree with the proposed definition of "prohibited behaviour"?

Considering the proposed approach is similar to the Victorian legislation that introduced safe access zones, yes. The Victorian provisions are broad enough to capture actions intended to harass or intimidate; and avoid the risk of the legislation's constitutional validity being compromised by the inclusion of the word 'protest' in prohibited behaviours. They describe behaviours as 'Interfering, harassing, causing anxiety or distress or recording.'

WEL suggests that the wording in NSW's safe access zone act presents an equally concise description of behaviours as is the case with Victoria's. It forbids 'Harassing, interfering, obstructing, causing distress or anxiety or recording'.

Recording a person entering or leaving a reproductive and sexual health clinic is a serious invasion of privacy and presents a clear danger of further harassment and intimidation of women and workers who are captured in this way. All states and territories that have legislated exclusion zones include an offence under the category of photography but this should be enlarged to that of publication, including publication on social media.

3.5 Should the legislation specifically exclude the application of the buffer zone in certain circumstances?

WEL recommends that safe access zones should not have particular exclusions, but is amenable to certain carve outs in the same spirit as the NSW Act that legislates for safe access zones.

3.6 Are there premises, other than abortion clinics, that should also be protected by measures such as safe access zones?

As indicated in the [discussion paper](#) and the survey, WA Health has noticed people taking photos of those accessing needle and syringe exchanges. Additionally, WEL would like to state that similar 'protests' and unauthorised recordings have been [reported on in Victoria](#) outside cancer clinics following the passage of dying with dignity legislation.

WEL would be open to a proposal to extend safe access zones to other premises in Western Australia that offer health services such as needle exchanges, and should law reform occur, at facilities that offer assisted dying. No one should be subjected to a gauntlet of 'protesters' while simply trying to access a service provided by health practitioners.

3.7 What (if any) other options are there for addressing the problem identified?

WEL believes that safe access zones are by far and away the most effective method of deterring groups from 'protesting' and harassing patients and staff. Since the implementation of similar laws across 6 other states and territories in the past few years, staff at clinics previously affected have reported no groups or individuals outside their premises. Safe access zones work.

3.8 If you wish to, please provide any other general comments on the proposed reform.

WEL commends the Western Australian Labor government for conducting this consultation. We recognise the tenacious and passionate work of Western Australian pro-choice activists, over the past decades and today, that have made such a review possible.