

REF: FOI:17-57



Dear 

Thank you for your application under the ACT *Freedom of Information Act 1989* (the Act) received by ACT Health on 31 August 2017. You requested access to documents that informed the minister, or that the minister relied on, in making the following declarations, Disallowable instrument DI2016-58 and Disallowable instrument DI2016-26.

As Executive Director, Policy and Stakeholder Relations, I am an officer authorised to make a decision in respect of a request for information, under Section 22 of the Act. I acknowledge receipt of \$1319.10 for the processing of your request.

After conducting a search of all relevant records, ACT Health has identified 227 pages of documentation in its possession that meet the scope of your request. I have decided that a number of documents are to be partially released or exempt in accordance with provisions under the Act, as outlined in the Schedule of Documents. The remainder of the document are released in full. Health records are not considered under the Act.

My decision is appealable under the Act. This means that if you are dissatisfied with this outcome you have a right to seek a review under Section 59 of the Act. If you wish to seek a review you should write to:

The Principal Officer  
c/- FOI Coordinator  
Executive Coordination  
Health Directorate  
GPO Box 825  
CANBERRA ACT 2601

You have 28 days from the date of this letter to seek a review of the outcome or such other period as the Principal Officer permits.

Under Section 54 of the Act, if you are concerned about the processing of your request or related administrative matters, you may complain to the Ombudsman, who may conduct an independent investigation into your complaint. There is no fee for this, and the contact details are as follows:

The Ombudsman  
GPO Box 442  
CANBERRA ACT 2601

If you have any queries concerning this Directorate's processing of your request, or would like further information, please contact the Freedom of Information Coordinator on 6205 1340 or via email at: [HealthFOI@act.gov.au](mailto:HealthFOI@act.gov.au)

Yours sincerely



Matthew Richter  
Executive Director  
Policy and Stakeholder Relations

12 October 2017

## SCHEDULE OF DOCUMENTS

### Attachment A

██████████ – FOI17/57

FOLIO	ITEM	DATE	STATUS	REASON FOR EXEMPTION	Internet publication – YES/NO – if no, why not
1-3	Assembly Brief	21/01/2015	Exempt S45	Information provided in confidence	No
4-6	Assembly Brief	24/02/2015	Exempt S45	Information provided in confidence	No
7	Correspondence	16/06/2015	Part release S41	Personal privacy which may identify a person	Yes
8-10	Correspondence	22/06/2015	Full release		Yes
11-16	Ministerial Brief	24/06/2015	Full release		Yes
17-18	Assembly Brief	17/07/2015	Exempt S45	Information provided in confidence	No
19-43	Correspondence	23/07/2015	Part release S41	Personal privacy which may identify a person	Yes
44	Correspondence	25/07/2015	Part release S41	Personal privacy which may identify a person	Yes
45-47	Correspondence	28/07/2015	Part release S41	Personal privacy which may identify a person	Yes
48	Correspondence	17/08/2015	Part release S41	Personal privacy which may identify a person	Yes
49	Correspondence	26/08/2015	Part release S41	Personal privacy which may identify a person	Yes

50	Correspondence	31/08/2015	Part release S41	Personal privacy which may identify a person	Yes
51	Correspondence	02/09/2015	Part release S41	Personal privacy which may identify a person	Yes
52-53	Assembly Brief	02/09/2015	Exempt S45	Information provided in confidence	No
54-55	Correspondence	03/09/2015	Part release S41	Personal privacy which may identify a person	Yes
56-60	Correspondence	04/09/2015	Part release S41	Personal privacy which may identify a person	Yes
61-63	Correspondence	06/09/2015	Part release S41	Personal privacy which may identify a person	Yes
64-65	Correspondence	09/09/2015	Part release S41	Personal privacy which may identify a person	Yes
66-72	Correspondence	10/09/2015	Part release S41	Personal privacy which may identify a person	Yes
73-74	Correspondence	11/09/2015	Part release S41	Personal privacy which may identify a person	Yes
115	Correspondence	12/09/2015	Part release S41	Personal privacy which may identify a person	Yes
116	Correspondence	16/09/2015	Part release S41	Personal privacy which may identify a person	Yes
117-118	Correspondence	17/09/2015	Part release S41	Personal privacy which may identify a person	Yes
119-133	Correspondence	21/09/2015	Part release S41	Personal privacy which may identify a person	Yes
134	Correspondence	24/09/2015	Part release S41	Personal privacy which may identify a person	Yes
135-140	Ministerial Brief	01/10/2015	Part release S41	Personal privacy which may identify a person	Yes
139-146	Correspondence	07/10/2015	Part release S41	Personal privacy which may identify a person	Yes

147-148	Assembly Brief	09/10/2015	Exempt S45	Information provided in confidence	No
149-166	Ministerial Brief	23/10/2015	Part release S35	Cabinet-in-confidence	No
167-182	Correspondence	28/10/2015	Part release S41	Personal privacy which may identify a person	Yes
183-185	Assembly Brief	05/11/2015	Exempt S45	Information provided in confidence	No
186-206	Ministerial Brief	20/01/2016	Exempt S35	Cabinet-in-confidence	No
207-215	Ministerial Brief	18/03/2016	Full release		Yes
216-227	Ministerial Brief	10/05/2016	Full release		Yes













Mm15/872

Burton, Natasha **Received**

<input type="checkbox"/>	<b>TO</b>	<input type="checkbox"/>	<b>CHIEF OF STAFF</b>
<input checked="" type="checkbox"/>	<b>MINISTER</b>	<input type="checkbox"/>	<b>HEALTH ADVISER</b>
<input checked="" type="checkbox"/>	<b>LEGAL ADVISER</b>	<input type="checkbox"/>	<b>ENVIRONMENT ADVISER</b>
<input type="checkbox"/>	<b>EO</b>	<input type="checkbox"/>	<b>ELECTORATE ADVISER</b>
<input type="checkbox"/>	<b>FOR</b>	<input type="checkbox"/>	<b>OTHER</b>
<input checked="" type="checkbox"/>	<b>REPLY</b>	<input type="checkbox"/>	<b>ACTION</b>
<input type="checkbox"/>	<b>ADVISE</b>	<input type="checkbox"/>	<b>FILE</b>
<input type="checkbox"/>	<b>NOTED</b>	<input type="checkbox"/>	<b>ARRANGE MEETING</b>
<input type="checkbox"/>	<b>CONTACT</b>	<input type="checkbox"/>	<b>INFORMATION</b>
<input type="checkbox"/>	<b>NFA</b>	<input type="checkbox"/>	<b>DISCUSSION</b>
<input type="checkbox"/>	<b>REFER TO</b>	<input type="checkbox"/>	<b>COPY</b>
<b>COMMENT:</b>			

From: [Redacted]  
 Sent: 19 JUN 2015 Tuesday, 16 June 2015 8:31 PM  
 To: MINISTERIAL AND GOVERNMENT SERVICES  
 Subject: Exclusion zones around termination clinics in the ACT

Dear Deputy Chief Minister Corbell,

I am writing to share my thoughts with you about exclusion zones (also known as buffer zones, access zones or privacy zones) around termination clinics in the ACT.

I am 23 years old and studying at ANU. I also work in the ACT public service but am not writing to you in that capacity. I am not affiliated with any political party.

I'm not sure if you recall earlier in the year when Catholic Archbishop of Canberra and Goulburn Christopher Prowse joined a group of anti-choice/abortion protesters known as Right to Life, in their regular protest outside the ACT Health building (which houses the Dr Marie Clinic). It created a media kerfuffle!

Soon after that Minister Rattenbury announced that he would look into writing legislation to create an exclusion zone around the clinic.

I want exclusion zones to be introduced around services that provide termination services, and I want you to vote in support of the Bill when it is tabled. I've been watching The West Wing recently and am reminded of Leo's words in the last 365 days of the Bartlett administration that 'You have the capacity to change more in one day than some do in a lifetime'. This is what I think about you in relation to this issue.

The exclusion zone will place a bubble around services that provide termination services, such as Dr Marie. The purpose of the bubble is to ensure that those seeking to access termination services can do so without harassment, intimidation or humiliation. This would mean that the current Right to Life protesters would be breaking the law, and would have to move their protest.

There has been lots of research done about the negative impact the protesters have on those seeking to access the clinic. My personal experience is that I was completely ok with my decision to terminate, but the protesters made me feel ashamed of my decision, like it is something I should be embarrassed or humiliated about, when actually I made the decision with my partner and my Dr and was confident and ok.

Minister Hanson came out against the proposal, too quickly I think, because of how the zone will infringe on our freedom of expression. Section 28 of our Human Rights Act and the fact that no right is absolute need to be looked at more closely by those who have similar trains of thought.

I hope the public discussion (which I think you have the power to frame) around this issue should seek to find the right balance between the rights of those to freely express themselves and the right of those seeking to access termination services without harassment, intimidation or humiliation. I think this is something you are uniquely positioned to speak out on and make happen. It is not good that people accessing termination services should be subjected to the protests and it is also not good that the protesters, through their protest, are allowed to cause harm to people who are accessing a safe, legal service in the ACT.

The balance of course, comes down to the specifics: a 400 metre exclusion zone is arguably disproportionate, it infringes too much on the right of those who seek to express themselves through protest. Something smaller would better ensure that those who seek to access to termination services can do so without harassment, intimidation or humiliation whilst also ensuring that the limits placed on the protesters is proportionate to the objective of the law, to protect access to a health service.

In 2013, the Labour Tasmanian Government introduced similar legislation, creating a 150 meter access zone around premises at which terminations are provided. It was recognised in the Tasmanian discussion that while the access zones restricted where the Tasmanian equivalent of Right to Life could express their views (for example, not inside the 150m radius access zone), the law did not mean that they couldn't express those views, they just had to do so outside the access zone.

I really hope that we will have exclusion zones in the ACT and that you will vote in support of them. I also hope that when the Bill is tabled, you will stand up for a sophisticated discussion of the issues and engage in an analysis that looks at whether the proposal reaches the right balance between these competing rights. I also really hope that this discussion will not turn into an argument about abortion because it has nothing to do with abortion, it is, for me, about accessing a health service.

Thank you for your time in reading my email.

Happy to talk further if you'd like.

Otherwise, have a good evening! I'm settling in to watch Sarah Ferguson's The Killing Season!

Warm wishes,  
[Redacted]

JA 24/6

Min 15/909

Received on 29 JUN 2015

URGENT



Mary Porter AM MLATO  
MEMBER FOR GINNINDERRA

MINISTERIAL AND GOVERNMENT SERVICES

Phone: (02) 6205 0100

Email: [porter@parliament.act.gov.au](mailto:porter@parliament.act.gov.au)

Fax: (02) 6205 0040

Website: [www.maryporter.net](http://www.maryporter.net)

@MaryPorterMLA

DEPUTY SPEAKER OF THE ACT LEGISLATIVE ASSEMBLY  
CHAIR OF THE STANDING COMMITTEE ON EDUCATION, TRAINING AND YOUTH AFFAIRS  
DEPUTY CHAIR OF THE STANDING COMMITTEE ON PUBLIC ACCOUNTS  
MEMBER OF THE JUSTICE AND COMMUNITY SAFETY COMMITTEE

<input type="checkbox"/>	MINISTER	<input type="checkbox"/>	CHIEF OF STAFF
<input checked="" type="checkbox"/>	LEGAL ADVISER	<input checked="" type="checkbox"/>	HEALTH ADVISER
<input type="checkbox"/>	MEDIA ADVISER	<input type="checkbox"/>	ENVIRONMENT ADVISER
<input type="checkbox"/>	EO	<input type="checkbox"/>	ELECTORATE ADVISER
<input type="checkbox"/>		<input type="checkbox"/>	OTHER
<b>FOR</b>			
<input checked="" type="checkbox"/>	REPLY	<input type="checkbox"/>	ACTION
<input type="checkbox"/>	ADVISE	<input type="checkbox"/>	FILE
<input type="checkbox"/>	NOTED	<input type="checkbox"/>	ARRANGE MEETING
<input type="checkbox"/>	CONTACT	<input type="checkbox"/>	INFORMATION
<input type="checkbox"/>	NFA	<input type="checkbox"/>	DISCUSSION
<input type="checkbox"/>	REFER TO	<input type="checkbox"/>	COPY
COMMENT: .....			

22 June 2015

Mr Simon Corbell MLA  
Attorney General  
ACT Legislative Assembly  
London Circuit  
CANBERRA ACT 2601

Dear Mr Corbell

I am writing to you on behalf of a constituent regarding the need for exclusion zones around termination clinics in the Australian Capital Territory.

The constituent told me that exclusion zones would provide a safe zone around the termination services to ensure that those accessing the services can do so without harassment, intimidation or humiliation.

I would like to refer you to the constituent's detailed email I have attached, which explains, that in 2013, the Labor Tasmanian Government introduced legislation, creating a 150 meter access zone around premises at which termination services are provided. The constituent further explained that it was recognised in the Tasmanian discussion that while the access zones restricted where the Tasmanian equivalent "Right to Life" protesters could express their views, the law did not mean they couldn't express those views, however they were permitted to do so outside the 150 meter radius access zone.

The constituent would like you to review what the Tasmanian Government have done to make this process work in their state, and to consider whether or not the ACT Government can do the same.

I would appreciate if you could respond to the constituent's concerns. I thank you for your time and consideration in this matter and I look forward to receiving a response.

Yours sincerely

Ms Mary Porter AM MLA  
Member for Ginninderra

JA 29/6

Dear Deputy Speaker,

I am writing to share my thoughts with you about exclusion zones (also known as buffer zones, access zones or privacy zones) around termination clinics in the ACT.

I am 23 years old and studying at ANU. I also work in the ACT public service, but am not writing to you in that capacity. I am not affiliated with any political party.

I'm not sure if you recall earlier in the year when Catholic Archbishop of Canberra and Goulburn Christopher Prowse joined a group of anti-choice/abortion protesters known as Right to Life, in their regular protest outside the ACT Health Building (which houses the Dr Marie Clinic). It created a media kerfuffle!

Soon after that Minister Rattenbury announced that he would look into writing legislation to create an exclusion zone around the clinic.

I want exclusion zones to be introduced around services that provide termination services, and I want you to vote in support of the Bill when it is tabled. I've been watching The West Wing recently and am reminded of Leo's words in the last 365 days of the Bartlett administration that 'You have the capacity to change more in one day than some do in a lifetime'. This is what I think about you in relation to this issue.

The exclusion zone will place a bubble around services that provide termination services, such as Dr Marie. The purpose of the bubble is to ensure that those seeking to access termination services can do so without harassment, intimidation or humiliation. This would mean that the current Right to Life protesters would be breaking the law, and would have to move their protest.

There has been lots of research done about the negative impact the protesters have on those seeking to access the clinic. My personal experience is that I was completely ok with my decision to terminate, but the protesters made me feel ashamed of my decision, like it is something I should be embarrassed or humiliated about, when actually I made the decision with my partner and my Dr and was confident and ok.

Minister Hanson came out against the proposal, too quickly I think, because of how the zone will infringe on our freedom of expression. Section 28 of our Human Rights Act and the fact that no right is absolute need to be looked at more closely by those who have similar trains of thought.

I hope the public discussion (which I think you have the power to frame) around this issue should seek to find the right balance between the rights of those to freely express themselves and the right of those seeking to access termination services without harassment, intimidation or humiliation. I think this is something you are uniquely positioned to speak out on and make happen. It is not good that people accessing termination services should be subjected to the protests and it is also not good that the protesters, through their protest, are allowed to cause harm to people who are accessing a safe, legal service in the ACT.

The balance of course, comes down to the specifics: a 400 metre exclusion zone is arguably disproportionate, it infringes too much on the right of those who seek to express themselves through protest. Something smaller would better ensure that those who seek to access to termination services can do so without harassment, intimidation or humiliation whilst also ensuring that the limits placed on the protesters is proportionate to the objective of the law, to protect access to a health service.

In 2013, the Labour Tasmanian Government introduced similar legislation, creating a 150 meter access zone around premises at which terminations are provided. It was recognised in the Tasmanian discussion that while the access zones restricted where the Tasmanian equivalent of Right to Life could express their views (for example, not inside the 150m radius access zone), the law did not mean that they couldn't express those views, they just had to do so outside the access zone.

I really hope that we will have exclusion zones in the ACT and that you will vote in support of them. I also hope that when the Bill is tabled, you will stand up for a sophisticated discussion of the issues and engage in an analysis that looks at whether the proposal reaches the right balance between these competing rights. I also really hope that this discussion will not turn into an argument about abortion because it has nothing to do with abortion, it is, for me, about accessing a health service.

Thank you for your time in reading my email.

Happy to talk further if you'd like.

Otherwise, have a good evening! I'm settling in to watch Sarah Ferguson's The Killing Season!


 MINISTERIAL BRIEF
 A

 GPO Box 825 Canberra ACT 2601 | phone: 13 22 81  
 www.health.act.gov.au

UNCLASSIFIED

<b>To:</b>	Minister for Health	TRIM No.: <a href="#">Click here to enter text.</a>
<b>From:</b>	Ms Nicole Feely, Director-General ACT Health	Date Rec'd Minister's Office 24/6/15
<b>Subject:</b>	Health (Patient Privacy) Amendment Bill	
<b>Critical Date:</b>	25 June 2015	
<b>Critical Reason:</b>	The ACT Greens Party have indicated they intend to release draft exposure legislation on exclusion zones around abortion clinics	

- DG Health .../.../...
- DDG S&C .../.../...

**Purpose**

1. To brief you on an exposure draft of a Bill developed by the ACT Greens Party in relation to the introduction of exclusion zones around medical facilities that provide for abortions in the ACT.

**Background**

2. In March 2015 the Canberra/Goulburn Catholic Archbishop Christopher Prowse led a protest outside the ACT Health Building on Moore Street as part of the Days for Life campaign, which advocates for the eradication of abortion.
3. The Dr Marie Stopes International clinic is located in ACT Health's 1 Moore Street premise. The clinic provides family planning and sexual health services, including abortions.
4. In response, Minister Shane Rattenbury MLA publicly voiced his disapproval of the protest and proposed the introduction of exclusion zones around abortion clinics.
5. Subsequent to this, the ACT Greens have developed exposure draft legislation in relation to this issue. The ACT Greens have indicated that they intend for the draft to be released on Thursday 25 June for consultation.

**Government Commitment** The ACT Government repealed abortion as a criminal offence in the *Crimes (Abolition of Offence of Abortion) Act 2002*. This move reflected the ACT Government policy position that termination of a pregnancy is a health issue to be managed by the healthcare system, rather than a criminal matter.

7. The *Health Act 1993* provides a legislative basis for the provision of abortion procedures in the ACT. Part 6 of the *Health Act 1993* provides that only a doctor may carry out an abortion; that an abortion is to be carried out in an approved medical facility, that the Minister may approve a medical facility or an appropriate part of a medical facility as suitable on medical grounds for carrying out abortions, and that no-one is under any duty to carry out or assist in carrying out an abortion.

UNCLASSIFIED

## UNCLASSIFIED

8. The Dr Marie Stopes International, at level 1, 1 Moore Street Canberra City was approved as a medical facility under the Health Act by the then ACT Minister for Health Katy Gallagher MLA on 29 July 2006 under Notifiable Instrument NI2006-288.

## Issues

The (Health (Patient Primacy) Amendment Bill 2015 (the Bill)

9. The Bill seeks to amend the *Health Act 1993*.
10. The ACT Health Directorate administers the *Health Act 1993*.
11. The Bill may have implications under the *Human Rights Act 1994* administered by the Justice and Community Safety Directorate.
12. The Bill introduces the concept of prohibited behaviour in protected areas around medical facilities approved under the *Health Act 1993*. Currently, approved medical facilities in the ACT are:
- a. The Canberra Hospital
  - b. National Capital Private Hospital
  - c. Marie Stopes International
  - d. John James Memorial Hospital
13. Prohibited behaviour in general terms in the Bill is referring to behaviours intended to stop a person from entering an approved medical facility or having or providing an abortion in an approved medical facility.
14. Prohibited behaviour also refers to protests by any means in the relation to the provision of abortion in the medical facility and the intentional capturing of visual data without the consent of a person who is entering or leaving the facility<sup>1</sup>.
15. It is offence under the Bill to display the prohibited behaviour in a protected area on approved medical facility during a protected period of eight am to six pm on each day the facility is open, or any other period declared by the Minister<sup>2</sup>.
16. The protected area is to be declared by the Minister via disallowable instrument, under the consideration that the area is reasonably necessary to ensure the privacy and unimpeded access for anyone entering, trying to enter or leaving an approved medical facility and that the area is no bigger than reasonably necessary to ensure that outcome.

<sup>1</sup> Law enforcement activities are excluded from this clause.

<sup>2</sup> With the exception of intentional capturing of visual data for which there is no protected period.

## UNCLASSIFIED

Personal Rights

17. In the ACT, termination of a pregnancy is considered a healthcare issue, not a criminal issue. There are a broad range of reasons why a woman may wish to, or need to terminate a pregnancy, and each needs to be considered on a case by case basis.
18. The Australian Charter of Health Care Rights, developed by the Australia Commission on Safety and Quality in Healthcare has at its core the right that everyone be able to access health care, and that care is provided showing respect to the patient, their cultural beliefs, values and personal characteristics. The charter also outlines patient's right to personal privacy.
19. Under the *Human Rights Act 2004*, everyone has the right not to have his or her privacy, family, home or correspondence interfered with unlawfully or arbitrarily, and not to have his or her reputation unlawfully attacked. This Act also makes clear under Freedom of Thought, Conscience, Religion and Belief section that no-one may be coerced in a way that would limit his or her freedom to have or adopt a religion or belief in worship, observance, practice and teaching, either individually or as part of a community and whether in public or private.
20. The Bill will need to undertake a compatibility assessment with the *Human Rights Act 2004*, particular in relation to the right for the Freedom of Movement and Peaceful Assembly.

National Scene

21. Currently, only Tasmania has in place exclusion zone legislation which criminalises filming, intimidation and protests against patients within 150 metres of abortion clinics.
22. In Victoria, the *Public Health and Wellbeing Act 2008* provides for the rights of people to access legal health services.
23. In relation to the legality of abortion, this is governed by State law and varies from state to state. In all jurisdictions abortion is legal to protect the life and health of the woman.
24. Early-term surgical abortions are also generally available around Australia and the procedure is partially funded under Medicare.
25. Only in Victoria, the ACT and Tasmania is abortion legal on request. In all other jurisdiction, legality depends on demonstration of other factors such as maternal life, rape, health, foetal defection, mental health and so on.

Enforcement

26. Whilst amending the *Health Act 1993*, the Bill targets areas surrounding medical facilities and its implementation and administration will be the responsibility of the Territory and Municipal Services Directorate (TAMS). At minimum, signage will need to be put in place in *protected areas*.

## UNCLASSIFIED

27. The Bill also introduces penalty units and potential imprisonment for offences. The Justice and Community Safety Directorate (JACS) and the Australian Federal Police will need to be consulted in relation to enforcing prohibited behaviour under the Bill.
28. It is unclear whether the activities of individuals who do not support termination of pregnancy, who routinely congregate outside the 1 Moore Street facility would be classified as prohibited behaviour as these individuals claim to be praying, not protesting.

**Financial Implications**

29. Enforcement of the Bill will have some financial implications. Both JACS and TAMS Directorates will need to be consulted in this regard.

**Directorate Consultation**

30. Other Directorates have not been consulted in the development of this initial advice.

**External Consultation**

31. Nil. However, it should be noted that the Chief Minister has received an email from an individual expressing their support for exclusion zones. The individual has written in a personal capacity, but is an officer employed in the ACT Human Rights Commission.

**Benefits/Sensitivities**

32. This issue of termination of pregnancy is a highly sensitive topic.
33. In general, polling seems to indicate that majority of people support abortion rights, and that the issue is more complex than simply a yes/no response.<sup>3,4</sup>
34. The Bill limits the ability for protesters to influence the conscience of people exercising a right to access a legal health service in the ACT. Whilst limiting an individual's right to freedom of assembly in certain circumstances, the Bill does not limit the ability to protest in other areas such as the ACT Legislative Assembly or other public areas.
35. Given the legal status of termination of pregnancy in the ACT, it is reasonable to expect that protests and political activism should target lawmakers, rather than individual citizens exercising their personal right to conscience and access to healthcare.
36. However, this needs to be balanced against whether this approach to the issue of public protest is reasonable. For example, is it acceptable to create exclusion zones around other areas where people might protest legal activities, such as recent protest activities outside of a Commonwealth Bank branch in Belconnen where protesters were urging the Commonwealth Bank not to finance fossil fuel projects?

<sup>3</sup> Betts, K (2009). *Attitudes to abortion: Australia and Queensland in the 21st century*. Monash University People and Place, vol. 17, no. 3, 2009.

<sup>4</sup> Lachlan J de Crespigny, L. J., Wilkinson, D. J., Douglas, T., Textor, M., and J. Savulescu (2010). *Australian attitudes to early and late abortion*. Medical Journal of Australia. 2010; 193 (1): 9-12.

UNCLASSIFIED

**Media Implications**

- 37. There was considerable media attention generated by the Canberra/Goulburn Catholic Archbishop a protest outside the ACT Health Building on Moore Street in March, and Minister Rattenbury's MLA subsequent public statements.
- 38. There has been media attention in other jurisdiction focussed on this issue. For example, a clinic in Melbourne has launched Supreme Court action against Melbourne city Council to try and stop protestors harassing patients and staff. The clinic is claiming that the council has failed to apply a law the *Public Health and Wellbeing Act 2008* that provides for the rights of people to access legal health services. *A*

**Recommendations**

That you:

- 1. Note the information contained in this brief;

**Noted / Please Discuss**

- 2. Note the attached media points.

**Noted / Please Discuss**

Simon Corbell MLA.....

*Noted in office*

*19/8/15*

Minister's Comments

Signatory Name: Rosemary O'Donnell  
 Title: Acting Executive Director Policy and Government Relations

Phone:

Date:

Action Officer: Matt Richter

Phone: 79143

UNCLASSIFIED

## MEDIA DOT POINTS

**SUBJECT:** Health (Patient Privacy) Amendment Bill

**ISSUE:** The ACT Greens Party have indicated they intend to release draft exposure draft legislation on exclusion zones around abortion clinics.

- Reasons for a woman wishing to seek a termination of a pregnancy are varied and often complicated.
- Termination of a pregnancy in the ACT is considered is a health issue to be managed by the healthcare system, rather than a criminal matter.
- Access to approved medical facilities providing services in relation to sexual health, planning and termination of pregnancy is legal in the ACT.
- Minister Rattenbury has circulated a proposed Bill prohibiting certain behaviours around clinics providing these services.
- At its core, the Bill is intended to limit behaviours that might stop a person from entering an approved medical facility or having or providing an abortion in an approved medical facility.
- The Government supports the Australian Charter of Health Care Rights, developed by the Australia Commission on Safety and Quality in Healthcare.
- This has at its core the right that everyone be able to access health care, and that care is provided showing respect to the patient, their cultural beliefs, values and personal characteristics. The charter also outlines patient's right to personal privacy.
- The ACT is also a Humans Rights jurisdiction, and the Bill will need to be assessed in relation to the *Human Rights Act 2004*.
- In principle, I feel that given the legal status of termination of pregnancy in the ACT, it is reasonable to expect that protests and political activism should target lawmakers rather than individual citizens exercising their personal right to conscience and access to healthcare.
- I welcome an informed robust debate on this issue.

Rosemary O'Donnell  
Policy and Government Relations





23 July 2015

Dear Mr. Barr,

**PROPOSED BAN ON PEACEFUL PROTESTS AND PRAYER VIGILS**

Please find enclosed a Change.org petition containing 1,163 signatures of people who are opposed to a ban on peaceful protests and prayer vigils outside the abortion clinic in the Health Department building on Moore Street. We are aware that it is not in the format necessary for presentation to the Assembly and simply forward it to individual Members for their information.

The petition was initiated by ACT Right to Life in April after Mr Rattenbury foolishly proposed to ban pro-life activity within 150 metres of the abortion clinic and read: "Support free speech and peaceful vigils - do not impose bans on pro-life activities within 150 metres of abortion clinics." It attracted 699 signatures up until the time Mr Rattenbury announced his proposed "Exposure Draft" for a Bill on 20 July and in the next two days it attracted a further 464 signatures. People are still signing it.

We also draw your attention to the informal poll in the Canberra Times which was available on-line during 20 July. The questions were "Do you support Shane Rattenbury's plan to outlaw protests near Canberra's abortion clinic. *Yes. We need to protect the women who use these services* 24%. *No it's an attack on free speech to deny people's right to protest* 76%. Total votes 2805." We acknowledge, as the Canberra Times states, that "these polls are not scientific and reflect the opinion only of visitors who have chosen to participate".

However, we believe the Canberra Times poll is a good representation of the views of the usually "silent majority" in the community and is an indication of the size of the opposition that will greet Mr Rattenbury's anti-democratic moves should he proceed to implement them. That anger will undoubtedly extend to any Assembly Members who support the Justice Minister's unjust actions. We realise that some of those who participated in the poll might not agree with our Association's views on abortion but the issue is wider than that and has the potential to attract support against a ban from a wide cross-section of the community.

We look forward to your taking a strong stand against these undemocratic proposals initiated by Mr Rattenbury.

Yours sincerely

  
Chair

















































Minis/1073

**Lindsay, Jack**

**From:** iiNet Message [REDACTED]  
**Sent:** Saturday, 25 July 2015 4:30 PM  
**To:** BARR; BOURKE; BURCH; CORBELL; PORTER  
**Subject:** prayer vigil

**Received**  
on

3 - AUG 2015

MINISTERIAL AND  
GOVERNMENT SERVICES

Dear Member/Minister,

I have been for quite some time a member of the prayer vigil that meets regularly outside the ACT Health Building.

I wish to correct the misinformation that has been spread about our peaceful vigil. In my opinion the proposed legislation is a waste of Assembly time.

We are a prayer vigil; **not** a protest. We do **not** approach the building; we stay approx. 25 metres from the entrance. We do **not** hand out any literature. We do **not** approach anybody. If someone want to talk to us we will respond respectfully. It is not uncommon for someone to compliment us. Some will pause on their way to work and join us in quiet prayer. And we do **not** obstruct pedestrian traffic.

These ground rules for our presence were laid down by the Health Building management quite some time ago. and obviously we have complied for we have had no complaints from the management. Over the years thousands have passed us by on Friday mornings. How many complaints have been lodged against us?

As I understand the law, we have every right to pray in public as long as we do not obstruct traffic or cause problems or inconvenience to other users of the area.

Last Friday (24 July) a Canberra Times photographer took many photos of our vigil group. I'm sure the Canberra Times Assembly, Reporter Kirsten Lawson could obtain copies if you wished. Or you could walk past any Friday morning between 8am and 9am and see for yourself that what I am saying is the truth.

In fact Shane Ratenbury has done us a favour. He has raised our profile. The Canberra Times of 25th has a photo of our group alongside the article "1200 sign petition in support of protests".

I should send him a 'thank you' note.

Sincerely

<b>TO</b>	
<input type="checkbox"/>	MINISTER
<input type="checkbox"/>	LEGAL ADVISER
<input type="checkbox"/>	MEDIA ADVISER
<input checked="" type="checkbox"/>	DLO
<input type="checkbox"/>	EO
<input type="checkbox"/>	CHIEF OF STAFF
<input type="checkbox"/>	HEALTH ADVISER
<input type="checkbox"/>	ENVIRONMENT ADVISER
<input type="checkbox"/>	ELECTORATE ADVISER
<input type="checkbox"/>	OTHER
<b>FOR</b>	
<input checked="" type="checkbox"/>	REPLY
<input type="checkbox"/>	ADVISE
<input type="checkbox"/>	NOTED
<input type="checkbox"/>	CONTACT
<input type="checkbox"/>	NFA
<input type="checkbox"/>	REFER TO
<input type="checkbox"/>	ACTION
<input type="checkbox"/>	FILE
<input type="checkbox"/>	ARRANGE MEETING
<input type="checkbox"/>	INFORMATION
<input type="checkbox"/>	DISCUSSION
<input type="checkbox"/>	COPY
COMMENT: .....	

**Burton, Natasha**

---

From: [REDACTED]  
 Sent: Tuesday, 28 July 2015 8:57 AM  
 To: CORBELL  
 Subject: Exposure Draft: Health (Patient Privacy) Amendment Bill 2015

Minister Corbell

I am writing to you regarding ACT Greens MLA Shane Rattenbury's exposure draft of the *Health (Patient Privacy) Amendment Bill 2015*.

The Women's Centre for Health Matters is supportive of this Bill, and will be preparing a submission on the exposure draft to this effect.

We support the Bill because we feel that the right that women have to access legal termination services without harassment, intimidation or humiliation needs to be weighed against the right that we have to freedom of expression. We believe that this Bill reaches the right balance between these competing rights because the protected area will be no bigger than what is reasonably necessary.

For those who wish to campaign against abortion, there are plenty of opportunities and locations in which to do so. The space immediately outside clinics should not be one of them. Establishing the privacy zones outside centres would provide the reassurance and security women and healthcare staff need.

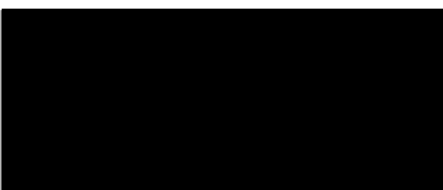
We are hearing through correspondence to the Centre and through our membership—and reading through social and traditional media—that there is widespread support for the creation of privacy zones outside of abortion clinics in the ACT.

We look forward to further contact with you over the coming months, and to presenting to you the many community voices that support of the creation of privacy zones (and that we are collecting) at the time that the Bill is presented for debate in the Legislative Assembly.

In the meantime we look forward to sharing our submission on the exposure draft with you, and would welcome the opportunity to meet in person to discuss our respective views. Please let us know if you would like to meet, and a suitable time and date.

I look forward to your response.

Kind regards,



MINIS/1090

Mr. Corbell,

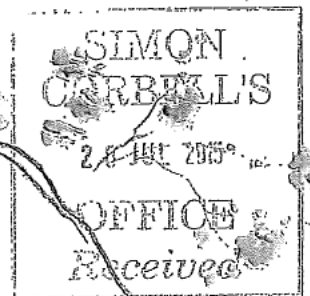
I am writing to express my support for the exposure draft of the Health (Patient Privacy) Amendment Bill, drafted by Shane Rattenbury MLA.

I feel strongly that women should be able to access healthcare, including termination services, without harassment or judgement.

I am a [REDACTED]

+ was the [REDACTED]

The Women's Department has, for a number of years, organised peaceful picnics in an attempt to neutralise the space that the prayer group occupies outside the ACT Health building on Friday mornings. I have participated in many of these picnics, during which time we have been approached by many members of the public to thank us for our peaceful action. Many Canberra's who work in the area + in the ACT Health building have



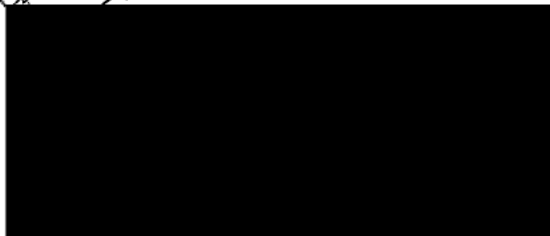
told us that they feel deeply uncomfortable when the 'Right to Life' Protesters are in front of the building on Fridays.

I believe that the prayer group interferes with women accessing legal medical care by harassing them as they enter the building. While the group disputes this by arguing that they do not directly approach women, I disagree. Their presence, including the doctored images of fetuses that they place in the area, is clearly harassment.

Finally, I believe that everyone has the right to protest + express their views, however this right must not interfere with a woman's access to healthcare. The site of legislative change in the ACT is the Legislative Assembly.

I hope that you will support this legislation.

Regards,



M1175<sup>48</sup>1112

**Burton, Natasha**

**From:** [REDACTED]  
**Sent:** Monday, 17 August 2015 9:36 AM  
**To:** BARR; BERRY; BOURKE; BURCH; COE; GÖRBÉLL; DOSZPOT; Dunne, Vicki; FITZHARRIS; GENTLEMAN; HANSON; JONES; LAWDER; PORTER; RATTENBURY; SMYTH; WALL  
**Subject:** Support for privacy zones around ACT's reproductive health services

**Support for privacy zones around ACT's reproductive health services**

**Author** [REDACTED]

**Email** [REDACTED]

**Postcode** 2914

Received  
on  
21 AUG 2015  
MINISTERIAL AND  
GOVERNMENT SERVICES

Dear Members of the ACT Legislative Assembly,

I am writing in regard to the Health (Patient Privacy) Amendment Bill 2015. This Bill will ensure that those accessing health services that provide termination of pregnancy in the ACT have their rights to privacy and to safe access protected.

The rights that we have to access termination of pregnancy services in privacy and without harassment, intimidation or humiliation need to be weighed against the right that we have to freedom of expression. I believe that this Bill successfully balances the interests of all community members, because a protestor's conduct can only be limited to the extent necessary to protect an individual's rights to privacy and safety.

There are many spaces in Canberra where people can protest lawfully. Protesting immediately outside a health facility is insensitive and inappropriate. Establishing privacy zones outside these facilities would provide the reassurance and security that women, their families and healthcare staff need.

Protests at the location where termination of pregnancy services are provided do impede access. Many women feel considerable distress when exposed to the materials and judgemental attitudes of anti-choice protestors as they enter clinics. Even silent vigils convey disapproval and judgement, and contribute to distress in women and their families.

Abortion has been legal in the ACT since 2002, and is regulated like other health services provided by a medical practitioner to their patients. There are no other health services for which patients and health professionals are subject to such public commentary, protest and condemnation. I believe that the majority of constituents in the ACT support the patient privacy and unimpeded access to healthcare that this Bill will provide.

I urge you to make representations in support of the Bill to the Government on this issue and vote for it in the Assembly.

Regards,

[REDACTED]

**Dal Molin, Vanessa (Health)**

---

**From:** Schembri, Karen on behalf of BARR  
**Sent:** Wednesday, 26 August 2015 2:23 PM  
**To:** CMTD MLO  
**Subject:** FW: Support for privacy zones around ACT's reproductive health services

**Categories:** Kaye

Team

Response please

Regards

**Karen Schembri** | Office of the Chief Minister  
 t: 620 50011 | fx: 620 50157 | [karen.schembri@act.gov.au](mailto:karen.schembri@act.gov.au) | [www.chiefminister.act.gov.au](http://www.chiefminister.act.gov.au)

---

IMPORTANT: This message, and any attachments to it, contains information that is confidential and may also be the subject of legal professional or other privilege. If you are not the intended recipient of this message, you must not review, copy, disseminate or disclose its contents to any other party or take action in reliance of any material contained within it. If you have received this message in error, please notify the sender immediately by return email informing them of the mistake and delete all copies of the message from your computer system.

---



---

**From:** [REDACTED]  
**Sent:** Wednesday, 26 August 2015 1:09 PM  
**To:** BARR; BERRY; BOURKE; BURCH; COE; CORBELL; DOSZPOT; Dunne, Vicki; FITZHARRIS; GENTLEMAN; HANSON; JONES; LAWDER; PORTER; RATTENBURY; SMYTH; WALL  
**Subject:** Support for privacy zones around ACT's reproductive health services


**Support for privacy zones around ACT's reproductive health services**

**Postcode 2617**

Dear Members of the ACT Legislative Assembly,

I am writing in regard to the Health (Patient Privacy) Amendment Bill 2015. This Bill will ensure that those accessing health services that provide termination of pregnancy in the ACT have their rights to privacy and to safe access protected.

The rights that we have to access termination of pregnancy services in privacy and without harassment, intimidation or humiliation need to be weighed against the right that we have to freedom of expression. I believe that this Bill successfully balances the interests of all community members, because a protestor's conduct can only be limited to the extent necessary to protect an individual's rights to privacy and safety.



Monday, 31 August 2015

Mr Shane Rattenbury MLA  
ACT Legislative Assembly  
GPO Box 1020,  
Canberra, ACT 2601

Dear Mr Rattenbury,

**Health (Patient Privacy) Amendment Bill 2015**

I have read the Explanatory Statement to this Bill and I am disappointed to say that your approach contradicts all the freedoms that you espouse as a member of the Greens and in Coalition with the Government.


The Human Rights Act was enacted by Mr Stanhope precisely to protect people's rights including, Freedom of expression; Freedom of thought, conscience and religious belief; and Freedom of movement

Australia is also a signatory to the International Covenant on Civil and Political Rights (ICCPR).

Yet in your explanatory memorandum you describe this Bill as creating "a minor limitation on a person's right to freedom of expression..." and that you are creating a protest free zone where no one for any reason can protest at all. This is clearly a violation of the right to political protest and a breach of both the ACT Human Rights Act and the ICCPR.

There is an added problem, if the people to whom you refer are not protesting but merely standing around reciting the Rosary, then how does a Bill dealing with "harassment, hindering, intimidation, interference with etc..." possibly include that religious act in that category. Indeed the Constitution prevents the Commonwealth government from legislating in respect of religion but you must consider the ACT Government immune from that authority.

This is bad law, drafted to stop a very small few from carrying out what is ultimately their right. "Community concerns" by a small number should not be the catalyst for drafting a law that attacks the common good.



51  
MINIS 11447

SIMON  
CORBELL'S

1792723

OFFICE

Received



## SEXUAL HEALTH & FAMILY PLANNING ACT

Simon Corbell, MLA  
Minister for Health  
ACT Legislative Assembly

Dear Mr Corbell,

We are writing to encourage the support of the ACT Government and Labor members of the ACT Legislative Assembly for the exposure draft of a bill to facilitate creation of protected areas around health services providing abortion services where protest and other activities designed to interfere, limit or protest women's access to those services are prohibited that has been released by ACT Greens MLA Shane Rattenbury.

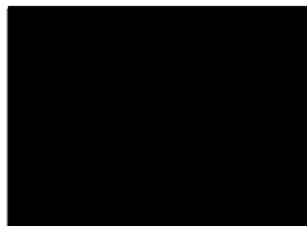
For more than 40 years, Sexual Health and Family Planning ACT (SHFPACT) has actively supported sexual and reproductive health rights for all people. We were active in the community processes to support the landmark legislative change for the ACT to see abortion decriminalised and regulated as a health service in 2002 led by the Stanhope Labor Government. We are pleased to be working again with Women's Centre for Health Matters in informing the Canberra community on the 'balance of rights' question that is raised, and advocating for community awareness of these issues.

We share the concern of many in the Canberra community that protests outside health care facilities that provide termination of pregnancy unduly restrict access to medical care. Such protests unfairly impede women's choice of health care provider, facility and services. Women entering these premises may be particularly vulnerable to harm caused by protesting and we would argue that their privacy rights are infringed by these activities.

Every woman should be able to exercise her reproductive rights without fear of coercion or intimidation. Every woman in the ACT should have safe, unobstructed access to abortion clinics. Furthermore, we note the impact of protests outside any health care facility on other patients and service users who attend for other services or needs.

Sexual Health and Family Planning ACT encourages your support for any initiative to protect a woman's privacy and respect her right of reproductive choice, and believe the proposed legislation achieves an appropriate balance between these requirements and the rights of others in the community. We look forward to providing a more detailed submission on the exposure draft of the bill and other law reform that removes access barriers for women to reproductive health care services.

Sincerely yours



Received  
on

6 OCT 2015

MINISTERIAL AND  
GOVERNMENT SERVICES

2 September 2015





**Dal Molin, Vanessa (Health)**

---

**From:** Schembri, Karen on behalf of BARR  
**Sent:** Thursday, 3 September 2015 8:32 AM  
**To:** CMTD MLO  
**Subject:** FW: Support for privacy zones around ACT's reproductive health services

**Categories:** Kaye

Team

Response please

Regards

**Karen Schembri** | Office of the Chief Minister  
 t: 620 50011 | fx: 620 50157 | [karen.schembri@act.gov.au](mailto:karen.schembri@act.gov.au) | [www.chiefminister.act.gov.au](http://www.chiefminister.act.gov.au)

---

IMPORTANT: This message, and any attachments to it, contains information that is confidential and may also be the subject of legal professional or other privilege. If you are not the intended recipient of this message, you must not review, copy, disseminate or disclose its contents to any other party or take action in reliance of any material contained within it. If you have received this message in error, please notify the sender immediately by return email informing them of the mistake and delete all copies of the message from your computer system.

---



---

**From:** [REDACTED]  
**Sent:** Thursday, 3 September 2015 12:04 AM  
**To:** BARR  
**Subject:** Support for privacy zones around ACT's reproductive health services

**Support for privacy zones around ACT's reproductive health services**

**Author** [REDACTED]

**Email** [REDACTED]

**Postcode** 2601

Dear Andrew Barr MLA,

I am writing in regard to the Health (Patient Privacy) Amendment Bill 2015. This Bill will ensure that those accessing health services that provide termination of pregnancy in the ACT have their rights to privacy and to safe access protected.

The rights that we have to access termination of pregnancy services in privacy and without harassment, intimidation or humiliation need to be weighed against the right that we have to freedom of expression. I believe that this Bill successfully balances the interests of all community members, because a protestor's conduct can only be limited to the extent necessary to protect an individual's rights to privacy and safety.

There are many spaces in Canberra where people can protest lawfully. Protesting immediately outside a

health facility is insensitive and inappropriate. Establishing privacy zones outside these facilities would provide the reassurance and security that women, their families and healthcare staff need.

Protests at the location where termination of pregnancy services are provided do impede access. Many women feel considerable distress when exposed to the materials and judgemental attitudes of anti-choice protestors as they enter clinics. Even silent vigils convey disapproval and judgement, and contribute to distress in women and their families.

Abortion has been legal in the ACT since 2002, and is regulated like other health services provided by a medical practitioner to their patients. There are no other health services for which patients and health professionals are subject to such public commentary, protest and condemnation. I believe that the majority of constituents in the ACT support the patient privacy and unimpeded access to healthcare that this Bill will provide.

I urge you to make representations in support of the Bill to the Government on this issue and vote for it in the Assembly.

Regards,



**Lindsay, Jack**

**From:** [REDACTED]  
**Sent:** Friday, 4 September 2015 2:25 PM  
**To:** CORBELL  
**Cc:** Bamford, Michelle; Doyle, Bridie  
**Subject:** MACW submission to the Health (Patient privacy) Amendment Act 2015  
**Attachments:** MACW Submission to the Health (Patient Privacy) Amendment Act 2015.pdf

Dear Minister Corbell,

I am emailing you in my capacity as Chair, Ministerial Advisory Council on Women (MACW).

MACW have provided the following submission to Minister Berry, as Minister for Women, on the issues of the Health (Patient Privacy) Amendment Act 2015.

We have advised Minister Berry that we would be sharing our submission with you as Minister for Health and Attorney-General.

As always I am happy to meet with you to discuss the issue in greater depth.

Kind regards,

[REDACTED]  
 Chair, Ministerial Advisory Council on Women

Received  
 on  
 17 SEP 2015  
 MINISTERIAL AND  
 GOVERNMENT SERVICES

<b>TO</b>			
<input type="checkbox"/>	MINISTER	<input type="checkbox"/>	CHIEF OF STAFF
<input type="checkbox"/>	LEGAL ADVISER	<input checked="" type="checkbox"/>	HEALTH ADVISER
<input type="checkbox"/>	MEDIA ADVISER	<input type="checkbox"/>	ENVIRONMENT ADVISER
<input checked="" type="checkbox"/>	DLO	<input type="checkbox"/>	ELECTORATE ADVISER
<input type="checkbox"/>	EO	<input type="checkbox"/>	OTHER
<b>FOR</b>			
<input checked="" type="checkbox"/>	REPLY	<input type="checkbox"/>	ACTION
<input type="checkbox"/>	ADVISE	<input type="checkbox"/>	FILE
<input type="checkbox"/>	NOTED	<input type="checkbox"/>	ARRANGE MEETING
<input type="checkbox"/>	CONTACT	<input type="checkbox"/>	INFORMATION
<input type="checkbox"/>	NFA	<input type="checkbox"/>	DISCUSSION
<input type="checkbox"/>	REFER TO	<input type="checkbox"/>	COPY
COMMENT: .....			



## Introduction

The Ministerial Advisory Council on Women welcomes the opportunity to provide comment on the *Health (Patient Privacy) Amendment Bill 2015*.

The Council's role is to provide strategic advice to the ACT Government on issues affecting women in the ACT, and to provide a link between the Minister for Women and women in the ACT community. The work of the Council reflects the objectives of the ACT Women's Plan. The Council monitors the progress of achievement towards these objectives through consultation with women in the community and relevant organisations.

## **The Council's response to the *Health (Patient Privacy) Amendment Bill 2015***

The Council supports the creation of privacy zones (referred to as 'protected areas' in the Bill) around services that provide termination of pregnancy in the ACT.

We believe that privacy zones are an appropriate way to balance the rights of safe access, privacy and freedom of expression. As a community, when we allow protests to happen at the site where termination of pregnancy is provided, we allow the right to freedom of expression for some to be prioritised over the rights to safe access and privacy for others. This imbalance requires correction to ensure that our community's varied interests are balanced.

The Council considers protesting immediately outside a health facility to be insensitive and inappropriate, because it targets individual health service users and their supporters. We believe that protests against the provision of particular health services—the right to which the Council respects fundamentally—ought to be aimed clearly at legislators, policy makers, the general community, or the service itself, in ways that do not implicate individuals at the point of accessing the service.

The presence of protesters outside of services that provide termination of pregnancy is surely aimed to encourage individual women to forgo their legal right to the service. Even silent protest conveys disapproval and judgement on the healthcare decisions



of individual women. In this way, the presence of groups at these locations may be better defined not as protests seeking social change, but as behaviour designed to harass, intimidate and humiliate women and their supporters. The management of this behaviour certainly warrants special action under the law.

The Council applauds the initiative of the *Health (Patient Privacy) Amendment Bill 2015* to resolve this issue in our community. The appropriateness of privacy zones as a means through which to protect the rights of safe access and privacy of women and their supporters has been acknowledged by the Human Rights Law Centre as consistent with international human rights law, provided that the zones do not place any unnecessary limitation on freedom of expression or assembly. We acknowledge that the Bill seeks compliance with this principle, and with the ACT *Human Rights Act 2004*. The Council, underpinned as it is by a drive toward social justice and human rights, agrees with the importance of protecting Canberra's freedom of expression and does not wish to see it limited unnecessarily.

However, the primary task of the Bill is to provide protection to women and their supporters when accessing termination of pregnancy in the ACT—a legal and necessary health service. With this in mind we feel that the Bill could better achieve what it sets out to do: create protected areas around health services that provide termination of pregnancy in the ACT.

In the first instance, the Council considers it unnecessary to specify a 'protected period'. The Bill currently takes this as the period between 8am and 6pm on each day the facility is open, or any other period declared by the Minister. Our concern for this is two-fold: Firstly, the Dr Marie clinic—currently the only provider of termination of pregnancy in the ACT that we know of—receives women for their appointments from 7:30am. This means that the current Bill would not provide protection for women and their supporters accessing the existing service. Secondly, defining a protected time renders the Bill unnecessarily specific, and fails to ensure ease of application for likely future changes to the provision of termination of pregnancy in the ACT, such as an increase in the number of providers of medical termination of pregnancy.

The Council also believes that by not specifying the protected area in metres the Bill is not effective enough in ensuring that appropriate zones will be created. We acknowledge that by delegating responsibility to the relevant Minister to declare the protected area for each facility the Bill is leaving open the possibility that each



facility's protected area will be tailored and therefore comprehensive and effective in the protection it provides. However, the Bill leaves open the possibility for the reverse to also be true: that future ministers will apply their discretion in a way contrary to the spirit of the Bill and in so doing provide little protection to women and their supporters. Again, should there be additional providers of termination of pregnancy in the future, the current Bill would be administratively tiresome and onerous for law enforcement to uphold.

The Council recommends that the Bill be amended to include a distance in metres that will apply to all services that provide termination of pregnancy. While 150 meters is the precedent in Australia (it is the distance adopted in the *Tasmanian Reproductive Health (Access to Terminations) Act 2013* and is the distance suggested in the Australian Sex Party's Victorian *Public Health and Wellbeing Amendment (Safe Access) Bill 2015*), it may be that this is too large a distance to achieve compliance with the ACT's *Human Rights Act 2004*.

The Council considers one possible solution to be the designation of a distance in metres small enough to ensure compliance with the *Human Rights Act 2004*, but large enough to guarantee protection for women and their supporters. We feel that 50 metres would provide this surety, and would be bolstered by delegating authority to the relevant Minister to make this zone larger where required.

**Recommendation 1:** Remove reference to a protected time from the Bill.

**Recommendation 2:** Consider designating the protected area to be 50 metres for all facilities that provide termination of pregnancy in the ACT, with the provision for the relevant Minister to revise a zone to be larger if required.

## Conclusion

The Council is pleased to have had the opportunity to provide a response to the *Health (Patient Privacy) Amendment 2015*. We strongly encourage all legislators to take a long term view when considering laws surrounding access to termination of pregnancy in the Territory. This view should take into consideration the future



landscape in regards to both the potential increase in protest activity, as well as changes to the number and location of termination of pregnancy providers. The Council regards the creation of privacy zones around services that provide termination of pregnancy as best practice in safeguarding women's safe access to reproductive health services and privacy. We are proud of the achievements of the ACT Government to date, and welcome continued leadership in this area.

Lindsay, Jack

From: [REDACTED]  
Sent: Sunday, 6 September 2015 1:32 PM  
To: CORBELL  
Subject: Vigils near abortion clinics

Received on 17 SEP 2015  
MINISTERIAL AND GOVERNMENT SERVICES

[REDACTED]  
[REDACTED]  
16 August 2015

Dear Mr Corbell MLA

Please do not support any ban on peaceful vigils within 150 metres of abortion facilities. Surely this is part of the freedom we have enjoyed in this country. We need to move away from unnecessary Governmental regulation if we are to remain a free country.

Yours sincerely

[REDACTED]

[REDACTED]

<b>TO</b>			
<input type="checkbox"/>	MINISTER	<input type="checkbox"/>	CHIEF OF STAFF
<input type="checkbox"/>	LEGAL ADVISER	<input type="checkbox"/>	HEALTH ADVISER
<input checked="" type="checkbox"/>	MEDIA ADVISER	<input type="checkbox"/>	ENVIRONMENT ADVISER
<input type="checkbox"/>	DLO	<input type="checkbox"/>	ELECTORATE ADVISER
<input type="checkbox"/>	EO	<input type="checkbox"/>	OTHER
<b>FOR</b>			
<input type="checkbox"/>	REPLY	<input type="checkbox"/>	ACTION
<input type="checkbox"/>	ADVISE	<input type="checkbox"/>	FILE
<input type="checkbox"/>	NOTED	<input type="checkbox"/>	ARRANGE MEETING
<input type="checkbox"/>	CONTACT	<input type="checkbox"/>	INFORMATION
<input type="checkbox"/>	NFA	<input type="checkbox"/>	DISCUSSION
<input type="checkbox"/>	REFER TO	<input type="checkbox"/>	COPY
COMMENT: .....			

**Dal Molin, Vanessa (Health)**

---

**From:** Schembri, Karen on behalf of BARR  
**Sent:** Monday, 7 September 2015 9:19 AM  
**To:** CMTD MLO  
**Cc:** Cook, Michael  
**Subject:** FW: Please Vote NO to Rattenbury Bill

**Categories:** Kaye

Team

Response please

Regards

**Karen Schembri** | Office of the Chief Minister  
 t: 620 50011 | fx: 620 50157 | [karen.schembri@act.gov.au](mailto:karen.schembri@act.gov.au) | [www.chiefminister.act.gov.au](http://www.chiefminister.act.gov.au)

---

IMPORTANT: This message, and any attachments to it, contains information that is confidential and may also be the subject of legal professional or other privilege. If you are not the intended recipient of this message, you must not review, copy, disseminate or disclose its contents to any other party or take action in reliance of any material contained within it. If you have received this message in error, please notify the sender immediately by return email informing them of the mistake and delete all copies of the message from your computer system.

---



---

**From:** [REDACTED]  
**Sent:** Sunday, 6 September 2015 5:05 PM  
**To:** BARR  
**Subject:** Please Vote NO to Rattenbury Bill

Dear Chief Minister

I note with concern that there is a proposal to ban the right for people to associate freely up to 150 metres outside an abortion clinic in the ACT. I urge you to vote no to this Bill. It is outrageous that Australians will not be able to exercise their democratic right of protest or to associate in any particular location. It is a fundamental breach of human rights and the constitution not to allow people to associate in this way. There has not been any instances where the law has been broken, so it is neither necessary nor just for such a Bill to be passed.

Such a Bill would be akin to banning people the right to protest near politicians, public figures, churches, embassies, work places etc. I therefore urge you to reject this attack on free speech and vote no to the proposed Bill.

Whilst I live in NSW, I am concerned that such a Bill in ACT will also limit natural freedoms we enjoy in NSW and other states. I humbly implore that you consider the merits of my petition and act to uphold freedom.

Kind regards



**Dal Molin, Vanessa (Health)**

---

**From:** Schembri, Karen on behalf of BARR  
**Sent:** Wednesday, 9 September 2015 12:08 PM  
**To:** CMTD MLO  
**Subject:** FW: Shayne Rattenbury's proposed legislation

**Categories:** Kaye

Team

Response please

Regards

Karen Schembri | Office of the Chief Minister  
t: 620 50011 | fx: 620 50157 | [karen.schembri@act.gov.au](mailto:karen.schembri@act.gov.au) | [www.chiefminister.act.gov.au](http://www.chiefminister.act.gov.au)

---

**IMPORTANT:** This message, and any attachments to it, contains information that is confidential and may also be the subject of legal professional or other privilege. If you are not the intended recipient of this message, you must not review, copy, disseminate or disclose its contents to any other party or take action in reliance of any material contained within it. If you have received this message in error, please notify the sender immediately by return email informing them of the mistake and delete all copies of the message from your computer system.

---

-----Original Message-----

**From:** [REDACTED]  
**Sent:** Wednesday, 9 September 2015 11:45 AM  
**To:** BARR  
**Subject:** Shayne Rattenbury's proposed legislation

Dear Minister,

As a signatory on [REDACTED] online petition via change.org I'm writing to urge you to vote against the proposal to ban peaceful prayer vigils and protests that occur outside various abortion clinics.

Yours sincerely,  
[REDACTED]

Sent from my iPad

**Dal Molin, Vanessa (Health)**

---

**From:** Schembri, Karen on behalf of BARR  
**Sent:** Thursday, 10 September 2015 8:23 AM  
**To:** CMTD MLO  
**Subject:** FW: rattenbury bill

**Categories:** Kaye

Team

Response please

Regards

**Karen Schembri** | Office of the Chief Minister

t: 620 50011 | fx: 620 50157 | [karen.schembri@act.gov.au](mailto:karen.schembri@act.gov.au) | [www.chiefminister.act.gov.au](http://www.chiefminister.act.gov.au)

---

IMPORTANT: This message, and any attachments to it, contains information that is confidential and may also be the subject of legal professional or other privilege. If you are not the intended recipient of this message, you must not review, copy, disseminate or disclose its contents to any other party or take action in reliance of any material contained within it. If you have received this message in error, please notify the sender immediately by return email informing them of the mistake and delete all copies of the message from your computer system.

---



---

**From:** [REDACTED]  
**Sent:** Wednesday, 9 September 2015 9:09 PM  
**To:** BARR; BERRY; BOURKE; BURCH; COE; CORBELL; GENTLEMAN; [hansen@parliament.act.gov.au](mailto:hansen@parliament.act.gov.au); FITZHARRIS; LAWDER; SMYTH; [hansen@parliament.act.gov.au](mailto:hansen@parliament.act.gov.au)  
**Cc:** PORTER  
**Subject:** rattenbury bill

Please vote against this bill of Mr. Ratenbury to ban peaceful prayer vigils and protests against abortion outside the health building in Civic. This bill is a blatant attack on our right to freedom of expression. I have been part of a peaceful prayer vigil outside the abortion clinic in Canberra and over many years and I have never seen anyone accosted by our group. We have been approached by passers-by but never the other way around. Sincerely

[REDACTED]

Min 15/1445  
06

**Lindsay, Jack**

**From:** GENTLEMAN  
**Sent:** Friday, 11 September 2015 9:16 AM  
**To:** CORBELL  
**Subject:** FW: Safe zones?

Dear Minister Corbell,

Please see below correspondence for your consideration, as it falls within your portfolio responsibilities.

Kind regards,

**Natasha Apostoloski** | Office Manager  
Office of Mick Gentleman MLA | Member for Brindabella  
Minister for Planning,  
Minister for Roads and Parking,  
Minister for Workplace Safety and Industrial Relations,  
Minister for Children and Young People,  
Minister for Ageing  
t: 620 50218 | e: [natasha.apostoloski@act.gov.au](mailto:natasha.apostoloski@act.gov.au) |

Received  
on  
- 6 OCT 2015  
MINISTERIAL AND  
GOVERNMENT SERVICES

**From:** [REDACTED]  
**Sent:** Thursday, 10 September 2015 5:35 PM  
**To:** GENTLEMAN  
**Subject:** Safe zones?

How ironic that "Women's groups call for abortion clinic safe zones" (C T September 10).

If there is one zone that isn't safe for targeted unborn children it is the abortion clinic itself.

Lethal procedures performed on unborn children are never 'necessary'. All violence against children is preventable. Before as well as after birth, children should never receive less protection than adults. Their mothers' personal and social needs can and should be met by non-violent means.

[REDACTED]  
[REDACTED]  
[REDACTED]

<b>TO</b>	
<input type="checkbox"/>	MINISTER
<input type="checkbox"/>	LEGAL ADVISER
<input type="checkbox"/>	MEDIA ADVISER
<input checked="" type="checkbox"/>	DLO
<input type="checkbox"/>	EO
<input type="checkbox"/>	CHIEF OF STAFF
<input type="checkbox"/>	HEALTH ADVISER
<input type="checkbox"/>	ENVIRONMENT ADVISER
<input type="checkbox"/>	ELECTORATE ADVISER
<input type="checkbox"/>	OTHER
<b>FOR</b>	
<input checked="" type="checkbox"/>	REPLY
<input type="checkbox"/>	ADVISE
<input type="checkbox"/>	NOTED
<input type="checkbox"/>	CONTACT
<input type="checkbox"/>	NFA
<input type="checkbox"/>	REFER TO
<input type="checkbox"/>	ACTION
<input type="checkbox"/>	FILE
<input type="checkbox"/>	ARRANGE MEETING
<input type="checkbox"/>	INFORMATION
<input type="checkbox"/>	DISCUSSION
<input type="checkbox"/>	COPY
COMMENT: .....	

**Dal Molin, Vanessa (Health)**

---

**From:** Schembri, Karen on behalf of BARR  
**Sent:** Thursday, 10 September 2015 8:19 AM  
**To:** CMTD MLO  
**Subject:** FW: re : Proposed Ban Protesting Against Silent Witness.

**Categories:** Kaye

Team

Response please

Regards

**Karen Schembri** | Office of the Chief Minister  
 ☎ 620 50011 | fx: 620 50157 | [karen.schembri@act.gov.au](mailto:karen.schembri@act.gov.au) | [www.chiefminister.act.gov.au](http://www.chiefminister.act.gov.au)

---

IMPORTANT: This message, and any attachments to it, contains information that is confidential and may also be the subject of legal professional or other privilege. If you are not the intended recipient of this message, you must not review, copy, disseminate or disclose its contents to any other party or take action in reliance of any material contained within it. If you have received this message in error, please notify the sender immediately by return email informing them of the mistake and delete all copies of the message from your computer system.

---



---

**From:** [REDACTED]  
**Sent:** Thursday, 10 September 2015 12:25 AM  
**To:** BARR  
**Subject:** re : Proposed Ban Protesting Against Silent Witness.

**Hon Andrew Barr MLA:**

Dear Sir

**CONFIDENTIAL**

**re Proposed Ban Protesting against Silent Witnessing Outside Abortion Clinics**

I voice my strongest opposition to the proposed undemocratic ban against anybody standing silently outside any abortion clinic in the Australian Capital Territory.

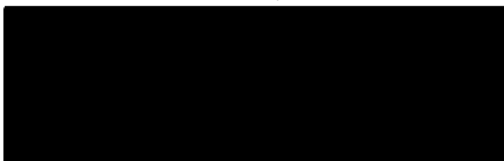
The vigils and protests have been peaceful and orderly. No one has needed to call the police

The prayer vigils have been taking place for 15 years or more with little or no complaint.

This ban is unprecedented in the ACT and would represent a significant erosion of our democratic rights to engage in peaceful public prayer and peaceful protest.

I await your reply.

Yours sincerely

A large black rectangular redaction box covering the signature area.A smaller black rectangular redaction box covering contact information.

MIN 15/1344

Lindsay, Jack

From: [Redacted]  
Sent: Thursday, 10 September 2015 12:35 AM  
To: CORBELL  
Subject: Proposed Ban Against Silent Witnessing...

Hon Simon Corbell MLA

Dear Sir

**CONFIDENTIAL**

**re Proposed Ban Protesting against Silent Witnessing Outside Abortion Clinics**

I voice my strongest opposition to the proposed undemocratic ban against anybody standing silently outside any abortion clinic in the Australian Capital Territory.

The vigils and protests have been peaceful and orderly. No one has needed to call the police

The prayer vigils have been taking place for 15 years or more with little or no complaint.

This ban is unprecedented in the ACT and would represent a significant erosion of our democratic rights to engage in peaceful public prayer and peaceful protest.

I await your reply.

Yours sincerely

[Redacted Signature]

[Redacted Address]

<b>TO</b>	
<input type="checkbox"/>	MINISTER
<input type="checkbox"/>	LEGAL ADVISER
<input type="checkbox"/>	MEDIA ADVISER
<input type="checkbox"/>	DLO
<input type="checkbox"/>	EO
<input type="checkbox"/>	CHIEF OF STAFF
<input type="checkbox"/>	HEALTH ADVISER
<input type="checkbox"/>	ENVIRONMENT ADVISER
<input type="checkbox"/>	ELECTORATE ADVISER
<input type="checkbox"/>	OTHER
<b>FOR</b>	
<input type="checkbox"/>	REPLY
<input type="checkbox"/>	ADVISE
<input type="checkbox"/>	NOTED
<input type="checkbox"/>	CONTACT
<input type="checkbox"/>	NFA
<input type="checkbox"/>	REFER TO
<input type="checkbox"/>	ACTION
<input type="checkbox"/>	FILE
<input type="checkbox"/>	ARRANGE MEETING
<input type="checkbox"/>	INFORMATION
<input type="checkbox"/>	DISCUSSION
<input type="checkbox"/>	COPY
COMMENT: .....	

Min<sup>70</sup> 15/1352

Lindsay, Jack

From:  
Sent:  
To:  
Subject:

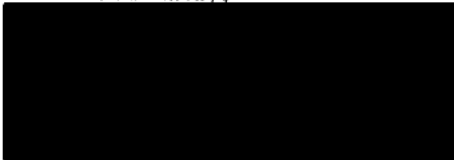


Dear Mr Simon Corbell

Your proposed bill is in breach of the ACT Human Rights Act which provides a right to free speech and assembly and the right to protest. You people are becoming like the Nazis who removed civil rights of its citizens. I do hope that those who support this fascist legislation are removed from the Assembly next election. If you had any brains you would govern for all citizens not just your fellow group thinkers.



Yours Sincerely,



Suzanna

To be filed with  
previous papers - on  
their respective folders.

Cheers

J42 8/10

Response  
signed by  
CM on 1/10

- for ujon's  
only,

Received  
on

- 6 OCT 2015

MINISTERIAL AND  
GOVERNMENT SERVICES

**Dal Molin, Vanessa (Health)**

---

**From:** Schembri, Karen on behalf of BARR  
**Sent:** Friday, 11 September 2015 9:05 AM  
**To:** CMTD MLO  
**Subject:** FW: Abortion exclusion zone bill  
  
**Categories:** Corinne

Team

Response please

Regards

Received  
on  
14 SEP 2015  
MINISTERIAL AND  
GOVERNMENT SERVICES

**Karen Schembri** | Office of the Chief Minister  
t: 620 50011 | fx: 620 50157 | [karen.schembri@act.gov.au](mailto:karen.schembri@act.gov.au) | [www.chiefminister.act.gov.au](http://www.chiefminister.act.gov.au)

---

IMPORTANT: This message, and any attachments to it, contains information that is confidential and may also be the subject of legal professional or other privilege. If you are not the intended recipient of this message, you must not review, copy, disseminate or disclose its contents to any other party or take action in reliance of any material contained within it. If you have received this message in error, please notify the sender immediately by return email informing them of the mistake and delete all copies of the message from your computer system.

---

---

**From:** [REDACTED]  
**Sent:** Thursday, 10 September 2015 5:52 PM  
**To:** BARR  
**Subject:** Abortion exclusion zone bill

Dear Mr Andrew Barr

Your proposed bill is in breach of the ACT Human Rights Act which provides a right to free speech and assembly and the right to protest. You people are becoming like the Nazis who removed civil rights of its citizens. I do hope that those who support this fascist legislation are removed from the Assembly next election. If you had any brains you would govern for all citizens not just your fellow group thinkers.

[REDACTED]

Yours Sincerely,

[REDACTED]

**Lindsay, Jack**

---

**From:** [REDACTED]  
**Sent:** Thursday, 10 September 2015 9:39 PM  
**To:** CORBELL  
**Subject:** Please consider funding abortion alternatives

The Hon. Corbell,

Abortion Alternative

Shane Rattenbury should spare a thought for women who suffer post abortion syndrome (PAS), a type of post-traumatic stress disorder. Is it a surprise that some women remember the anniversary of their abortions and suffer delayed but prolonged grieve for the irreversible loss of their unborn babies?

It is not the distance of the exclusion zones but the extension of support services for pregnant women in crisis that is important. Please consider funding abortion alternatives such as Pregnancy Support and similar support services instead.

Yours sincerely,

[REDACTED]

response  
signed by  
CM on 21/9.

For info  
only.

Received  
on

- 6 OCT 2015

MINISTERIAL AND  
GOVERNMENT SERVICES

73  
M10:2015/006093  
Minis/1362



Andrew Barr  
GPO Box 1020  
Canberra, ACT 2601

Dear Chief Minister Barr & ACT Labor MLAs,

I support the proposed *Health (Patient Privacy) Amendment Bill 2015* which would allow women to access termination of pregnancy services in privacy, and free from harassment or shaming.

I urge the Government to vote in support this Bill.

This does not infringe on free speech rights - women's rights to access health care in that space are paramount. The ACT is a socially progressive place, let's reflect it!

Regards

[Redacted signature]

[Redacted address]

Received  
on  
17 SEP 2015  
MINISTERIAL AND  
GOVERNMENT SERVICES


Andrew Barr  
PO Box 1020  
Berrra, ACT 2601



Dear Chief Minister Barr and ACT Labor MLAs,

I support the proposed Health (Patient Privacy) Amendment Bill 2015 which would allow women to access termination of pregnancy services in privacy, and free from harassment or shaming.

I urge the Government to vote in support of the Bill.





Andrew Barr  
GPO Box 1020  
Canberra, ACT 2601



Dear Chief Minister Barr & ACT Labor MLAs,

I support the proposed *Health (Patient Privacy) Amendment Bill 2015* which would allow women to access termination of pregnancy services in privacy, and free from harassment or shaming.

I urge the Government to vote in support this Bill.

Everyone should have the right to their own body and protection of their / their families futures without fear of violence and danger.

Received  
on  
17 SEP 2015  
MINISTERIAL AND  
GOVERNMENT SERVICES

Andrew Barr  
GPO Box 1020  
Canberra, ACT 2601



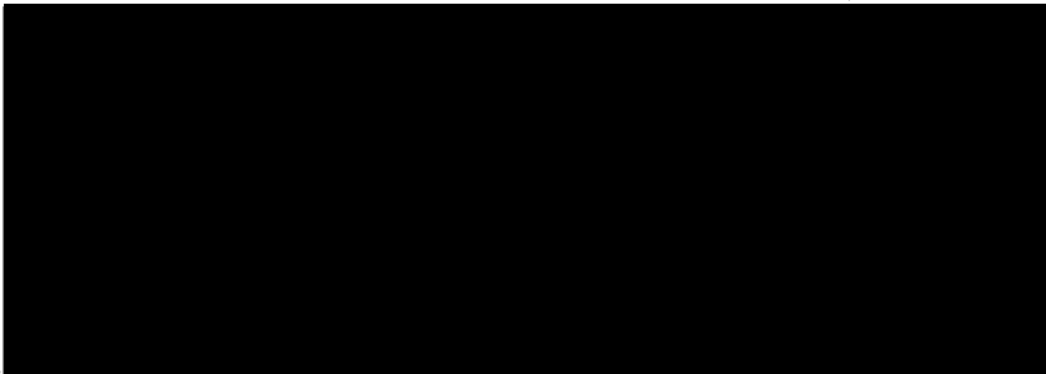
Dear Chief Minister Barr & ACT Labor MLAs,

I support the proposed *Health (Patient Privacy) Amendment Bill 2015* which would allow women to access termination of pregnancy services in privacy, and free from harassment or shaming.

I urge the Government to vote in support this Bill.

Safety is important and should  
the priority of this government.

Received



AND  
SERVICES

Andrew Barr  
GPO Box 1020  
Canberra, ACT 2601



Dear Chief Minister Barr & ACT Labor MLAs,

I support the proposed *Health (Patient Privacy) Amendment Bill 2015* which would allow women to access termination of pregnancy services in privacy, and free from harassment or shaming.

I urge the Government to vote in support this Bill.



Andrew Barr  
GPO Box 1020  
Canberra, ACT 2601

Dear Chief Minister Barr & ACT Labor MLAs,

I support the proposed *Health (Patient Privacy) Amendment Bill 2015* which would allow women to access termination of pregnancy services in privacy, and free from harassment or shaming.

I urge the Government to vote in support this Bill.



Received  
on  
17 SEP 2015  
MINISTERIAL AND  
GOVERNMENT SERVICES



Andrew Barr  
GPO Box 1020  
Canberra, ACT 2601



Dear Chief Minister Barr & ACT Labor MLAs,

I support the proposed *Health (Patient Privacy) Amendment Bill 2015* which would allow women to access termination of pregnancy services in privacy, and free from harassment or shaming.

I urge the Government to vote in support this Bill.

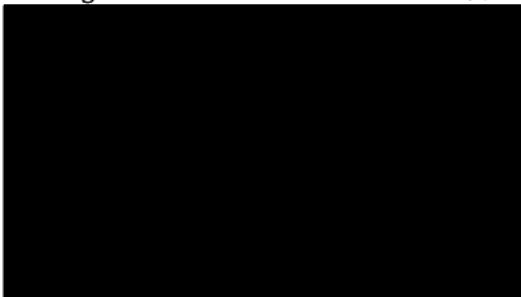


Andrew Barr  
GPO Box 1020  
Canberra, ACT 2601

Dear Chief Minister Barr & ACT Labor MLAs,

I support the proposed *Health (Patient Privacy) Amendment Bill 2015* which would allow women to access termination of pregnancy services in privacy, and free from harassment or shaming.

I urge the Government to vote in support this Bill.



Received  
on  
17 SEP 2015  
MINISTERIAL AND  
GOVERNMENT SERVICES



Andrew Barr  
GPO Box 1020  
Canberra, ACT 2601

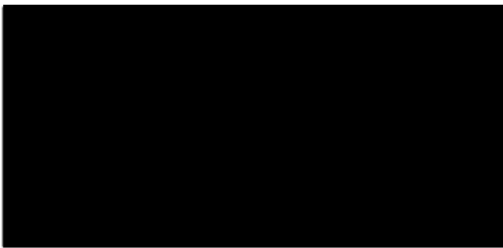


Dear Chief Minister Barr & ACT Labor MLAs,

I support the proposed *Health (Patient Privacy) Amendment Bill 2015* which would allow women to access termination of pregnancy services in privacy, and free from harassment or shaming.

I urge the Government to vote in support this Bill.

Women have the right to ~~feel~~ ~~safe~~ not  
be harassed in places where they should  
feel safe!



Received  
on  
17 SEP 2015  
MINISTERIAL AND  
GOVERNMENT SERVICES

Andrew Barr  
GPO Box 1020  
Canberra, ACT 2601

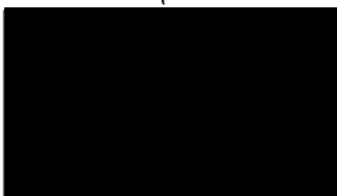


Dear Chief Minister Barr & ACT Labor MLAs,

I support the proposed *Health (Patient Privacy) Amendment Bill 2015* which would allow women to access termination of pregnancy services in privacy, and free from harassment or shaming.

I urge the Government to vote in support this Bill.

Thanks,



Received  
on  
11 SEP 2015  
MINISTERIAL AND  
GOVERNMENT SERVICES

Andrew Barr  
GPO Box 1020  
Canberra, ACT 2601

Received  
on  
17 SEP 2015  
MINISTERIAL AND  
GOVERNMENT SERVICES



Dear Chief Minister Barr & ACT Labor MLAs,

I support the proposed *Health (Patient Privacy) Amendment Bill 2015* which would allow women to access termination of pregnancy services in privacy, and free from harassment or shaming.

I urge the Government to vote in support this Bill.

Reproductive rights are crucial to a well functioning  
and safe society. Women need safe entry into  
healthcare to access their full legal rights  
and this bill is the best way for  
them to achieve this access.



*[Handwritten signature]*

Andrew Barr  
GPO Box 1020  
Canberra, ACT 2601

Received  
on  
17 SEP 2015  
MINISTERIAL AND  
GOVERNMENT SERVICES



Dear Chief Minister Barr & ACT Labor MLAs,

I support the proposed *Health (Patient Privacy) Amendment Bill 2015* which would allow women to access termination of pregnancy services in privacy, and free from harassment or shaming.

I urge the Government to vote in support this Bill.

Seriously people should be able to get  
medical treatment without harassment.  
This'll be a step in the right direction,  
at least.



Andrew Barr  
GPO Box 1020  
Canberra, ACT 2601

Received  
on  
17 SEP 2015  
MINISTERIAL AND  
GOVERNMENT SERVICES

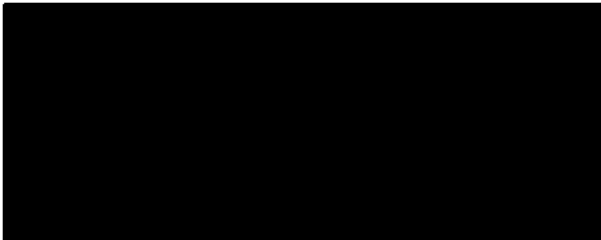


Dear Chief Minister Barr & ACT Labor MLAs,

I support the proposed *Health (Patient Privacy) Amendment Bill 2015* which would allow women to access termination of pregnancy services in privacy, and free from harassment or shaming.

I urge the Government to vote in support this Bill.

This is so important for women like me! Respect our right to un-hindered access to legal health care



Andrew Barr  
GPO Box 1020  
Canberra, ACT 2601

Received  
on  
17 SEP 2015  
MINISTERIAL AND  
GOVERNMENT SERVICES



Dear Chief Minister Barr & ACT Labor MLAs,

I support the proposed *Health (Patient Privacy) Amendment Bill 2015* which would allow women to access termination of pregnancy services in privacy, and free from harassment or shaming.

I urge the Government to vote in support this Bill.



Andrew Barr  
GPO Box 1020  
Canberra, ACT 2601

Received  
on  
17 SEP 2015  
MINISTERIAL AND  
GOVERNMENT SERVICES

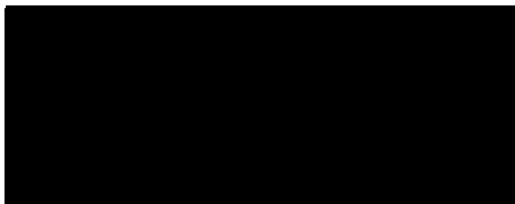
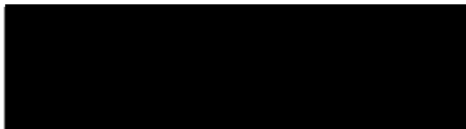


Dear Chief Minister Barr & ACT Labor MLAs,

I support the proposed *Health (Patient Privacy) Amendment Bill 2015* which would allow women to access termination of pregnancy services in privacy, and free from harassment or shaming.

I urge the Government to vote in support this Bill.

Having grown up in the ACT, I know that we want it to be a loving fair place. I hope that we can live up to that reputation.



Andrew Barr  
GPO Box 1020  
Canberra, ACT 2601

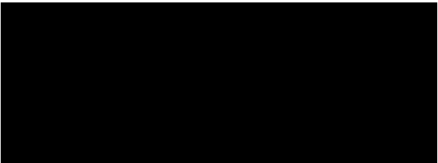
Received  
on  
17 SEP 2015  
MINISTERIAL AND  
GOVERNMENT SERVICES



Dear Chief Minister Barr & ACT Labor MLAs,

I support the proposed *Health (Patient Privacy) Amendment Bill 2015* which would allow women to access termination of pregnancy services in privacy, and free from harassment or shaming.

I urge the Government to vote in support this Bill.



Andrew Barr  
GPO Box 1020  
Canberra, ACT 2601

Received  
on  
17 SEP 2015  
MINISTERIAL AND  
GOVERNMENT SERVICES



Dear Chief Minister Barr & ACT Labor MLAs,

I support the proposed *Health (Patient Privacy) Amendment Bill 2015* which would allow women to access termination of pregnancy services in privacy, and free from harassment or shaming.

I urge the Government to vote in support this Bill.



Andrew Barr  
GPO Box 1020  
Canberra, ACT 2601

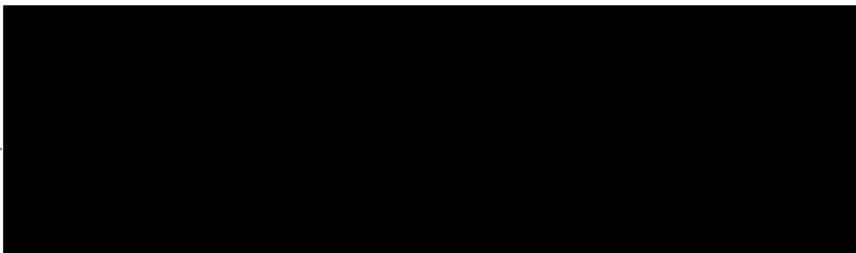
Received  
on  
17 SEP 2015  
MINISTERIAL AND  
GOVERNMENT SERVICES



Dear Chief Minister Barr & ACT Labor MLAs,

I support the proposed *Health (Patient Privacy) Amendment Bill 2015* which would allow women to access termination of pregnancy services in privacy, and free from harassment or shaming.

I urge the Government to vote in support this Bill.



Andrew Barr  
GPO Box 1020  
Canberra, ACT 2601

Received  
on  
17 SEP 2015  
MINISTERIAL AND  
GOVERNMENT SERVICES



Dear Chief Minister Barr & ACT Labor MLAs,

I support the proposed *Health (Patient Privacy) Amendment Bill 2015* which would allow women to access termination of pregnancy services in privacy, and free from harassment or shaming.

I urge the Government to vote in support this Bill.

from



Andrew Barr  
GPO Box 1020  
Canberra, ACT 2601

Received  
on  
17 SEP 2015  
MINISTERIAL AND  
GOVERNMENT SERVICES



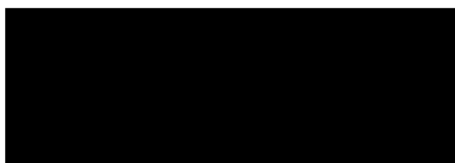
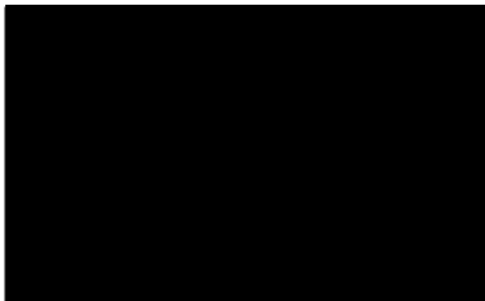
Dear Chief Minister Barr & ACT Labor MLAs,

I support the proposed *Health (Patient Privacy) Amendment Bill 2015* which would allow women to access termination of pregnancy services in privacy, and free from harassment or shaming.

I urge the Government to vote in support this Bill.

It is reprehensible that women accessing services to protect their health and wellbeing are subjected to this kind of harassment.

I definitely support generous exclusion zones around sexual health clinics.



Andrew Barr  
GPO Box 1020  
Canberra, ACT 2601

Received  
on  
17 SEP 2015  
MINISTERIAL AND  
GOVERNMENT SERVICES



Dear Chief Minister Barr & ACT Labor MLAs,

I support the proposed *Health (Patient Privacy) Amendment Bill 2015* which would allow women to access termination of pregnancy services in privacy, and free from harassment or shaming.

I urge the Government to vote in support this Bill.

A similar law has been in effect in  
Tasmania for several years now, and  
has been effective and uncontroversial.  
Free speech must allow for women to  
feel safe & unshamed during a  
difficult & personal decision.



Andrew Barr  
 GPO Box 1020  
 Canberra, ACT 2601

Received  
 on  
 17 SEP 2015  
 MINISTERIAL AND  
 GOVERNMENT SERVICES



Dear Chief Minister Barr & ACT Labor MLAs,

I support the proposed *Health (Patient Privacy) Amendment Bill 2015* which would allow women to access termination of pregnancy services in privacy, and free from harassment or shaming.

I urge the Government to vote in support this Bill.

I believe ~~of~~ in the freedom of  
 speech which does not impinge  
 on the liberty of others.

Harassment or a product of  
 'freedom of speech' is not to  
 be tolerated in a democratic, respectful  
 society.



Andrew Barr  
GPO Box 1020  
Canberra, ACT 2601

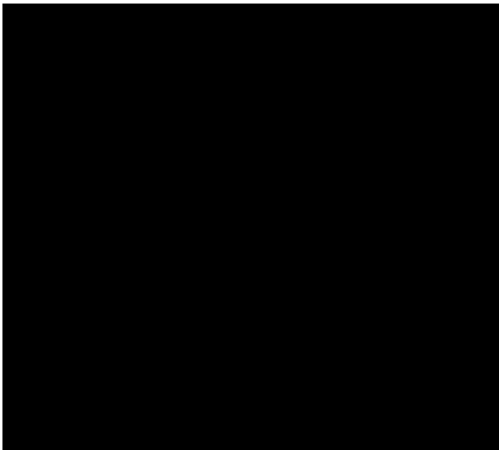
Received  
on  
11 SEP 2015  
MINISTERIAL AND  
GOVERNMENT SERVICES



Dear Chief Minister Barr & ACT Labor MLAs,

I support the proposed *Health (Patient Privacy) Amendment Bill 2015* which would allow women to access termination of pregnancy services in privacy, and free from harassment or shaming.

I urge the Government to vote in support this Bill.



women's rights

Andrew Barr  
GPO Box 1020  
Canberra, ACT 2601

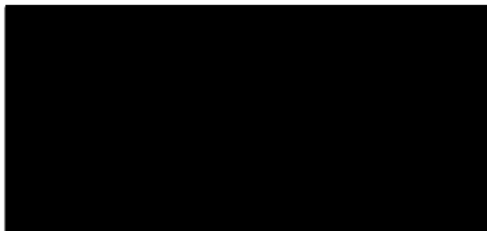
Received  
on  
11 SEP 2015  
MINISTERIAL AND  
GOVERNMENT SERVICES



Dear Chief Minister Barr & ACT Labor MLAs,

I support the proposed *Health (Patient Privacy) Amendment Bill 2015* which would allow women to access termination of pregnancy services in privacy, and free from harassment or shaming.

I urge the Government to vote in support this Bill.



Andrew Barr  
 CPO BOX 1020  
 CBR, Act 2601

Received  
 on  
 17 SEP 2015  
 MINISTERIAL AND  
 GOVERNMENT SERVICES

Dear Chief Minister Barr & Labor MLAs,

Support the proposed Health (Patient Privacy) Amendment Bill 2015 which would allow women to access termination of pregnancy services in privacy, and free from harassment and shaming.

I urge the Government to vote in support of this Bill.

Sincerely,

[Redacted Signature]

[Redacted Address]



Andrew Barr  
3PO Box 1020  
Canberra, ACT 2601

Received  
on  
17 SEP 2015  
MINISTERIAL AND  
GOVERNMENT SERVICES

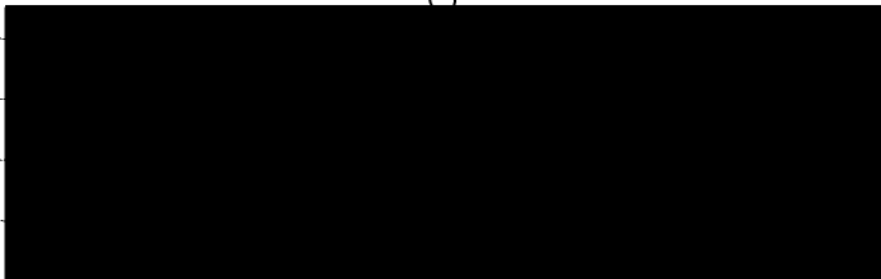


Dear Chief Minister Barr &  
ACT Labour MLAs

I support the proposed Health (Patient  
Privacy) Amendment Bill 2015 which  
would allow women to access  
termination of pregnancy services in  
privately, and free from harassment  
or shaming.

I urge the Government to vote  
in support of this Bill.

Yours sincerely,



Andrew Barr  
GPO Box 1020  
Canberra, ACT 2601



Dear Chief Minister Barr & ACT Labor MLAs,

I support the proposed *Health (Patient Privacy) Amendment Bill 2015* which would allow women to access termination of pregnancy services in privacy, and free from harassment or shaming.

I urge the Government to vote in support this Bill.



Received  
on  
17 SEP 2015  
MINISTERIAL AND  
GOVERNMENT SERVICES

Andrew Barr  
GPO Box 1020  
Canberra, ACT 2601

Received  
on  
17 SEP 2015  
MINISTERIAL AND  
GOVERNMENT SERVICES



Dear Chief Minister Barr & ACT Labor MLAs,

I support the proposed *Health (Patient Privacy) Amendment Bill 2015* which would allow women to access termination of pregnancy services in privacy, and free from harassment or shaming.

I urge the Government to vote in support this Bill.

*The women and their families who make the difficulty of choosing to terminate a pregnancy deserve to have their rights respected.*

*Yours sincerely,*



Andrew Barr  
GPO Box 1020  
Canberra, ACT 2601

Received  
on  
17 SEP 2015  
MINISTERIAL AND  
GOVERNMENT SERVICES



Dear Chief Minister Barr & ACT Labor MLAs,

I support the proposed *Health (Patient Privacy) Amendment Bill 2015* which would allow women to access termination of pregnancy services in privacy, and free from harassment or shaming.

I urge the Government to vote in support this Bill.

Sincerely,



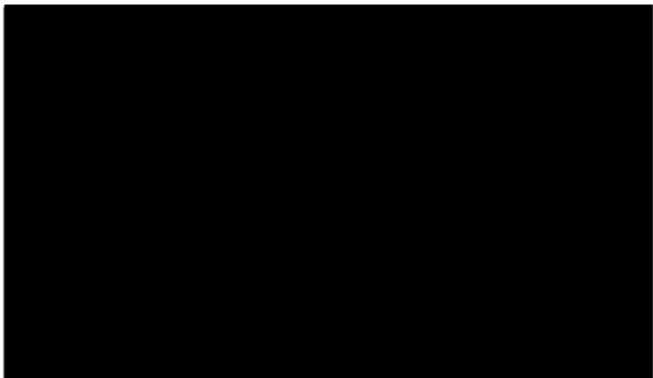
Received  
on  
17 SEP 2015  
MINISTERIAL AND  
GOVERNMENT SERVICES

Andrew Barr  
GPO Box 1020  
Canberra, ACT 2601

Dear Chief Minister Barr & ACT Labor MLAs,

I support the proposed *Health (Patient Privacy) Amendment Bill 2015* which would allow women to access termination of pregnancy services in privacy, and free from harassment or shaming.

I urge the Government to vote in support this Bill.



Andrew Barr  
GPO Box 1020  
Canberra, ACT 2601

Received  
on  
17 SEP 2015  
MINISTERIAL AND  
GOVERNMENT SERVICES

Dear Chief Minister Barr & ACT Labor MLAs,

I support the proposed *Health (Patient Privacy) Amendment Bill 2015* which would allow women to access termination of pregnancy services in privacy, and free from harassment or shaming.

I urge the Government to vote in support this Bill.

Sincerely



Andrew Barr  
GPO Box 1020  
Canberra, ACT 2601

Received  
on  
17 SEP 2015  
M. J. SERIAL AND  
GOVERNMENT SERVICES

Dear Chief Minister Barr & ACT Labor MLAs,

I support the proposed *Health (Patient Privacy) Amendment Bill 2015* which would allow women to access termination of pregnancy services in privacy, and free from harassment or shaming.

I urge the Government to vote in support this Bill.



Andrew Barr  
GPO Box 1020  
Canberra, ACT 2601

Received  
on  
11 SEP 2015  
MINISTERIAL AND  
GOVERNMENT SERVICES

Dear Chief Minister Barr & ACT Labor MLAs,

I support the proposed *Health (Patient Privacy) Amendment Bill 2015* which would allow women to access termination of pregnancy services in privacy, and free from harassment or shaming.

I urge the Government to vote in support this Bill.

The right to protest is  
so undeniably important, but  
is not absolute - such freedom  
of expression needs to be balanced  
against the rights & welfare of  
others.

Women accessing termination health  
services have the right to do so -  
as has been legal for over a decade -  
but this right needs to be protected &  
adequately enforced! You should  
be able to access health services without  
harassment, danger or shame -  
and we expect our elected representatives  
to protect these women.

Sincerely,



RECEIVED  
11 SEP 2015  
CHIEF MINISTERS  
OFFICE

Andrew Barr  
GPO Box 1020  
Canberra, ACT 2601

Received  
on  
17 Sep 2015  
FEDERAL AND  
GOVERNMENT SERVICES

Dear Chief Minister Barr & ACT Labor MLAs,

I support the proposed *Health (Patient Privacy) Amendment Bill 2015* which would allow women to access termination of pregnancy services in privacy, and free from harassment or shaming.

I urge the Government to vote in support this Bill.

Their body. Not yours.



Andrew Barr  
GPO Box 1020  
Canberra, ACT 2601

Received  
on  
17 SEP 2015  
MINISTERIAL AND  
GOVERNMENT SERVICES



Dear Chief Minister Barr & ACT Labor MLAs,

I support the proposed *Health (Patient Privacy) Amendment Bill 2015* which would allow women to access termination of pregnancy services in privacy, and free from harassment or shaming.

I urge the Government to vote in support this Bill.

please assure that access to all health services, no matter what it is providing, is safe and free from harassment, as this must be a universal right



Andrew Barr  
GPO Box 1020  
Canberra, ACT 2601

Received  
on  
17 SEP 2015  
MINISTERIAL AND  
GOVERNMENT SERVICES

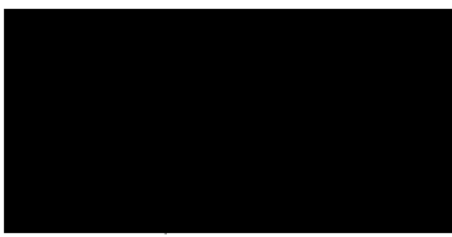


Dear Chief Minister Barr & ACT Labor MLAs,

I support the proposed *Health (Patient Privacy) Amendment Bill 2015* which would allow women to access termination of pregnancy services in privacy, and free from harassment or shaming.

I urge the Government to vote in support this Bill.

as well as the introduction of factual information  
to the public to increment their information before  
the abortion of both parties to ensure the ~~policy~~  
decision provided by the individual assures ~~there~~  
their <sup>maximum</sup> welfare,



Andrew Barr  
GPO Box 1020  
Canberra, ACT 2601

Received  
on  
17 SEP 2015  
MINISTERIAL AND  
GOVERNMENT SERVICES



Dear Chief Minister Barr & ACT Labor MLAs,

I support the proposed *Health (Patient Privacy) Amendment Bill 2015* which would allow women to access termination of pregnancy services in privacy, and free from harassment or shaming.

I urge the Government to vote in support this Bill.



Andrew Barr  
GPO Box 1020  
Canberra, ACT 2601

Received  
on  
11 SEP 2015  
MINISTERIAL AND  
GOVERNMENT SERVICES



Dear Chief Minister Barr & ACT Labor MLAs,

I support the proposed *Health (Patient Privacy) Amendment Bill 2015* which would allow women to access termination of pregnancy services in privacy, and free from harassment or shaming.

I urge the Government to vote in support this Bill.



Received  
on  
11 SEP 2015  
MINISTERIAL AND  
GOVERNMENT SERVICES



ear Chief Minister Barr & ACT Labor MLAs,

I support the proposed Health (Patient Privacy) Amendment Bill 2015 which would allow women to access termination of pregnancy services in privacy and free from harassment & shaming.

I urge the Government to vote in support of this Bill.





Dear <sup>Chief</sup> Minister Bam

Received on 17 SEP 2015  
MINISTERIAL AND GOVERNMENT SERVICES

Please vote in support of the proposed  
Health (Patient Privacy) Amendment Bill  
2015 Because it is really important.

I'll be really upset if you don't  
because sincerely it is very  
important.



Received  
on  
17 SEP 2015  
MINISTERIAL AND  
GOVERNMENT SERVICES



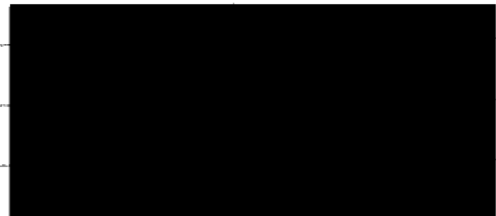
Dear Chief Minister Barr  
ACT Labour MLAs,

I support the proposed Health (Patient Privacy) Amendment Bill 2015, which would allow women to access termination of pregnancy services in privacy, and free from harassment or shaming.

This Bill is hugely important to protecting women's rights.

I urge the Government to vote in support of this Bill.

Please take action, and show your support for the women of the ACTs.



Min 15 / 1448

**Lindsay, Jack**

**From:** [REDACTED]  
**Sent:** Saturday, 12 September 2015 12:19 PM  
**To:** CORBELL  
**Subject:** Please oppose proposal to restrict freedom of assembly

Received  
on

- 6 OCT 2015

MINISTERIAL AND  
GOVERNMENT SERVICES

Dear Mr Corbell,

As my representative for Molonglo, I request that you strongly oppose the proposed law of Shane Rattenbury, to prohibit peaceful protests outside Canberra's abortion clinic.

The proposed legislation creates as 'prohibited behaviour', among other things:

'A protest, by any mean, in the protected period in relation to the provision of abortions in the approved medical facility'.

This would prohibit silent vigils, prayer vigils, and even a sole individual standing silently with a sign.

The proposed ban on peaceful protests and prayer vigils is in direct opposition to provisions of the ACT Human Rights Act 2004, which reflect international human rights law (Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights) protecting, among other things, peaceful assembly, freedom of conscience and freedom of expression. For example, section 15 provides:

(1) Everyone has the right of peaceful assembly

Section 16 provides:

(2) Everyone has the right to freedom of expression. This right includes the freedom to seek, receive and impart information and ideas of all kinds, regardless of borders, whether orally, in writing or in print, by way of art, or in another way chosen by him or her.

Please act to uphold justice and human rights in the ACT, by opposing this proposed unjust law.

Yours sincerely,

[REDACTED]

Lawyer  
Citizen of Molonglo

[REDACTED]

<b>TO</b>			
<input type="checkbox"/>	MINISTER	<input type="checkbox"/>	CHIEF OF STAFF
<input type="checkbox"/>	LEGAL ADVISER	<input type="checkbox"/>	HEALTH ADVISER
<input type="checkbox"/>	MEDIA ADVISER	<input type="checkbox"/>	ENVIRONMENT ADVISER
<input checked="" type="checkbox"/>	DLO	<input type="checkbox"/>	ELECTORATE ADVISER
<input type="checkbox"/>	EO	<input type="checkbox"/>	OTHER
<b>FOR</b>			
<input checked="" type="checkbox"/>	REPLY	<input type="checkbox"/>	ACTION
<input type="checkbox"/>	ADVISE	<input type="checkbox"/>	FILE
<input type="checkbox"/>	NOTED	<input type="checkbox"/>	ARRANGE MEETING
<input type="checkbox"/>	CONTACT	<input type="checkbox"/>	INFORMATION
<input type="checkbox"/>	NFA	<input type="checkbox"/>	DISCUSSION
<input type="checkbox"/>	REFER TO	<input type="checkbox"/>	COPY
COMMENT: .....			

**Lindsay, Jack**

---

**From:** [REDACTED]  
**Sent:** Wednesday, 16 September 2015 8:08 PM  
**To:** RATTENBURY  
**Cc:** BERRY; BARR; BOURKE; BURCH; coe@parliament.gov.au; CORBELL; DOSZPOT; Dunne, Vicki; FITZHARRIS; GENTLEMAN; HANSON; JONES; LAWDER; PORTER; SMYTH; WALL  
**Subject:** Proposed ban on protests/prayer vigils outside abortion clinic

Dear Mr Rattenbury,

Your proposed ban on peaceful protests and prayer vigils outside the Marie Stopes abortion clinic in Canberra City is against provisions 14, 15 and 16 in the ACT Human Rights Act 2004 which allow peaceful assembly, peaceful protest, freedom of association, freedom to demonstrate ones religion, freedom of conscience and freedom of expression. It is also an example of the growing authoritarian streak which we are seeing more of in our society. Also, as the sixteen year history of the prayer vigil is a peaceful one and there is no record of a complaint against those conducting the prayer vigil by any public service staff, working in the building, we urge you to withdraw your proposed legislation.

Yours sincerely,

Received  
on  
- 6 OCT 2015  
MINISTERIAL AND  
GOVERNMENT SERVICES

M111317440

**Lindsay, Jack**

---

**From:** [REDACTED]  
**Sent:** Thursday, 17 September 2015 4:25 PM  
**To:** CORBELL  
**Subject:** temperate action on right of assembly

Dear Assembly Member,

I urge that you delay the Rattenbury bill, and support it only if it does not infringe reasonable citizen rights of assembly. Where we do not deal with "protest" of a vocal kind; with "obstruction" behaviours; with overt "harassment" behaviours, then I think people have a right of presence and assembly. Accosting persons entering a public building; loud interventions; immoderate signage are all things that I do not encourage. But sound legislation requires moderate language that gives room for moderate judgement on the part of policing who seek to balance different community interests for upholding public order and public freedoms. Please do not agree to a Bill that is ideological and unreasonable.

Thank you.

[REDACTED]  
Belconnen, Canberra



This email has been checked for viruses by Avast antivirus software.  
[www.avast.com](http://www.avast.com)

Received  
on  
- 6 OCT 2015  
MINISTERIAL AND  
GOVERNMENT SERVICES

**Lindsay, Jack**

---

**From:** GENTLEMAN  
**Sent:** Friday, 18 September 2015 9:18 AM  
**To:** CORBELL  
**Subject:** FW: temperate action on right of assembly

Natasha Apostoloski | Office Manager  
Office of Mick Gentleman MLA | Member for Brindabella  
Minister for Planning,  
Minister for Roads and Parking,  
Minister for Workplace Safety and Industrial Relations,  
Minister for Children and Young People,  
Minister for Ageing  
t: 620 50218 | e: [natasha.apostoloski@act.gov.au](mailto:natasha.apostoloski@act.gov.au) |

---

**From:** [REDACTED]  
**Sent:** Thursday, 17 September 2015 4:26 PM  
**To:** GENTLEMAN  
**Subject:** temperate action on right of assembly

Dear Assembly Member,

I urge that you delay the Rattenbury bill, and support it only if it does not infringe reasonable citizen rights of assembly. Where we do not deal with “protest” of a vocal kind; with “obstruction” behaviours; with overt “harassment” behaviours, then I think people have a right of presence and assembly. Accosting persons entering a public building; loud interventions; immoderate signage are all things that I do not encourage. But sound legislation requires moderate language that gives room for moderate judgement on the part of policing who seek to balance different community interests for upholding public order and public freedoms. Please do not agree to a Bill that is ideological and unreasonable.

Thank you.

[REDACTED]  
Belconnen, Canberra



This email has been checked for viruses by Avast antivirus software.  
[www.avast.com](http://www.avast.com)

M1915/1498

Gray, John

From: [Redacted]  
Sent: Monday, 21 September 2015 12:38 PM  
To: CORBELL  
Subject: RE: Exposure Draft: Health (Patient Privacy) Amendment Bill 2015  
Attachments: WCHM-Submission-to-Health-Amendment-Bill-2015.pdf

Received on 12 OCT 2015  
MINISTERIAL AND GOVERNMENT SERVICES

Minister

When I emailed you in July I promised to share with you the final WCHM submission that we were preparing to the exposure bill. It is attached now for your information. Our submission draws particular attention to the impacts of the protests on women and their support people when accessing termination of pregnancy services in the ACT.

Please let me know if you need any information.

Women's Centre for Health Matters  
02 6290 2166 | f: 02 6286 4742  
PO Box 385 Mawson ACT 2607  
[www.wchm.org.au](http://www.wchm.org.au)



<input type="checkbox"/> MINISTER <input type="checkbox"/> LEGAL ADVISER <input type="checkbox"/> MEDIA ADVISER <input checked="" type="checkbox"/> DLO <input type="checkbox"/> EO		INFO. ONLY	ISER ER
<b>FOR</b> <input type="checkbox"/> REPLY <input type="checkbox"/> ADVISE <input type="checkbox"/> NOTED <input type="checkbox"/> CONTACT <input type="checkbox"/> NFA <input type="checkbox"/> REFER TO			
COMMENT: .....		<input type="checkbox"/> ACTION <input type="checkbox"/> FILE <input checked="" type="checkbox"/> ARRANGE MEETING <input type="checkbox"/> INFORMATION <input type="checkbox"/> DISCUSSION <input type="checkbox"/> COPY	

From: [Redacted]  
Sent: Tuesday, 28 July 2015 8:57 AM  
To: 'CORBELL'  
Subject: Exposure Draft: Health (Patient Privacy) Amendment Bill 2015

Minister Corbell

I am writing to you regarding ACT Greens MLA Shane Rattenbury's exposure draft of the *Health (Patient Privacy) Amendment Bill 2015*.

The Women's Centre for Health Matters is supportive of this Bill, and will be preparing a submission on the exposure draft to this effect.

We support the Bill because we feel that the right that women have to access legal termination services without harassment, intimidation or humiliation needs to be weighed against the right that we have to freedom of expression. We believe that this Bill reaches the right balance between these competing rights because the protected area will be no bigger than what is reasonably necessary.

For those who wish to campaign against abortion, there are plenty of opportunities and locations in which to do so. The space immediately outside clinics should not be one of them. Establishing the privacy zones outside centres would provide the reassurance and security women and healthcare staff need.

We are hearing through correspondence to the Centre and through our membership—and reading through social and traditional media—that there is widespread support for the creation of privacy zones outside of abortion clinics in the ACT.

We look forward to further contact with you over the coming months, and to presenting to you the many community voices that support of the creation of privacy zones (and that we are collecting) at the time that the Bill is presented for debate in the Legislative Assembly.

In the meantime we look forward to sharing our submission on the exposure draft with you, and would welcome the opportunity to meet in person to discuss our respective views. Please let us know if you would like to meet, and a suitable time and date.

I look forward to your response.

Kind regards,

<b>TO</b>	
<input type="checkbox"/> MINISTER	<input type="checkbox"/>
<input type="checkbox"/> LEGAL ADVISER	<input type="checkbox"/>
<input type="checkbox"/> MEDIA ADVISER	<input type="checkbox"/>
<input type="checkbox"/> DLO	<input type="checkbox"/>
<input type="checkbox"/> EO	<input type="checkbox"/>
<b>FOR</b>	
<input type="checkbox"/> REFER TO	<input type="checkbox"/>
<input type="checkbox"/> NFA	<input type="checkbox"/>
<input type="checkbox"/> CONTACT	<input type="checkbox"/>
<input type="checkbox"/> NOTED	<input type="checkbox"/>
<input type="checkbox"/> ADVISE	<input type="checkbox"/>
<input type="checkbox"/> REPLY	<input type="checkbox"/>
<b>COMMENT:</b>	
<input type="checkbox"/> COPY	<input type="checkbox"/>
<input type="checkbox"/> DISCUSSION	<input type="checkbox"/>
<input type="checkbox"/> INFORMATION	<input type="checkbox"/>
<input type="checkbox"/> ARRANGE MEETING	<input type="checkbox"/>
<input type="checkbox"/> FILE	<input type="checkbox"/>
<input type="checkbox"/> ACTION	<input type="checkbox"/>
<b>whmi</b> Women's Centre for Health Matters Box 385, Mawson ACT 2607 www.wchm.org.au 02 6290 2160 02 6286 4742	

**Submission to:**

Shane Rattenbury MLA, ACT  
Greens Member for Molonglo

Email: [rattenbury@act.gov.au](mailto:rattenbury@act.gov.au)



**Submission on the exposure draft of the *Health  
(Patient Privacy) Amendment Bill 2015***

**September 2015**

*Enquiries on this submission may be directed to:*



PO Box 385, Mawson, ACT, 2607  
Phone (02) 6290 2166  
Facsimile (02) 6286 4742  
[admin@whcm.org.au](mailto:admin@whcm.org.au)  
[www.wchm.org.au](http://www.wchm.org.au)

## 1. Introduction

The Women's Centre for Health Matters is a community-based organisation that works in the ACT and surrounding region to improve women's health and wellbeing. WCHM believes that health is determined not only by biological factors, but by a broad range of social, environmental and economic factors known as the 'social determinants of health'. We acknowledge that the environment and life circumstances that each woman experiences have a direct impact on her health, and in many cases, women's poor health is rooted in social disadvantage. For these reasons, WCHM is committed to taking a whole-of-life and social approach to women's health that is also firmly situated within a human rights framework.

WCHM focuses on groups of women who may be vulnerable to experiencing disadvantage, social isolation and marginalisation and uses social research, community development, advocacy and health promotion to:

- Provide women with access to reliable and broad ranging health-related information which allows informed choices to be made about each woman's own health and wellbeing
- Advocate to influence change in health-related services to ensure responsiveness to women's needs.

WCHM welcomes the exposure *Health (Patient Privacy) Amendment Bill 2015*, and is pleased to have the opportunity to provide comment.

## 2. WCHM's response to the exposure bill

WCHM supports the creation of privacy zones (referred to as 'protected areas' in the exposure bill) around services that provide termination of pregnancy in the ACT.

WCHM, underpinned as it is by a focus on social justice and human rights, agrees with the importance of protecting Canberra's freedom of expression and does not wish to see it limited unnecessarily. However, we also consider protesting immediately outside a health facility to be insensitive and inappropriate, because it targets individual health service users and their support people. We believe that protests against the provision of particular health services—the right to which WCHM respects fundamentally—ought to be aimed clearly at legislators, policy makers, the general community, or the service itself, in ways that do not implicate individuals at the point of accessing the service. The management of this behaviour certainly warrants special action under the law.

The appropriateness of privacy zones as a means through which to protect the rights of safe access and privacy of women and their support people has been acknowledged by the Human Rights Law Centre as consistent with international human rights law, provided that

the zones do not place any unnecessary limitation on freedom of expression or assembly.<sup>1</sup> In addition, there is widespread community support for the creation of privacy zones. A report from Essential Vision released in July 2015 found that of those polled, 54 percent believed that protest outside a medical clinic that offers termination of pregnancy should be illegal; only 30 percent felt that it should be legal.<sup>2</sup>

Through WCHM's own advocacy on this issue we have learned that there is good support for the creation of privacy zones within the ACT community. Through our website [www.righttogway.org.au](http://www.righttogway.org.au) we have—at the time of writing this submission—gathered over 300 petition signatures and witnessed more than 100 letters being sent to ACT MLAs. We have also been hearing directly from women in the ACT community:

*I am writing in support of WCHM's advocacy for women to have unimpeded access to termination of pregnancy services. Like in racism, freedom of speech cannot come at the cost of offending or humiliating other people—in this case women seeking health services. It is unbelievable that in this day and age we are still questioning women's right to make these decisions.*

(ACT Woman, shared with WCHM)

WCHM applauds the initiative of the *Health (Patient Privacy) Amendment Bill 2015* to remove some of the barriers that women face in exercising their right to legal reproductive health services. In our view, the bill will assist to protect the ability of women to exercise autonomy and freely make important decisions without undue influence or coercion.

We also applaud the exposure bill for striving toward the best possible balance of human rights, and compliance with the ACT *Human Rights Act 2004*. However, the primary task of the exposure bill is to provide protection to women and their support people. With this in mind, we feel that the exposure bill could better achieve what it sets out to do: create protected areas around health services that provide termination of pregnancy in the ACT.

Our submission therefore sets out to achieve two aims: Firstly, we wish to support the case for the creation of privacy zones around facilities that provide termination of pregnancy in the ACT through sharing the stories we have collected from ACT women. Secondly, we wish to suggest that the exposure bill be amended to remove reference to a protected time and to allocate in metres a distance for the zones.

At the end of the submission we provide comments of support from our colleagues in the sector.

---

<sup>1</sup> *Submission on the Reproductive health (Access to Terminations) Bill 2013*, Human Rights Law Centre, Victoria, 2013, <[http://www.hrlc.org.au/wp-content/uploads/2013/07/TAS\\_ReproductiveHealthBill\\_HRLC\\_Submission\\_July2013.pdf](http://www.hrlc.org.au/wp-content/uploads/2013/07/TAS_ReproductiveHealthBill_HRLC_Submission_July2013.pdf)>

<sup>2</sup> *Right to protest*, Essential Vision, 2015, <<http://www.essentialvision.com.au/right-to-protest>>

### 3. Stories from women and their support people: Supporting the case for privacy zones

*I had an abortion three years ago [in Canberra]. Luckily for me, it was on a day when the protestors were not there. The service I received from the Dr Marie staff was kind and professional. I was very impressed and pleased by their conduct and service. It was the best decision I have ever made for myself in my life and I do not regret it one bit. I am a confident woman and had a termination in what I think were probably the easiest circumstances one can have, but seeing the protests still makes me remember that there are people who think my life, my health, my choices and my personal freedoms are utterly worthless. Despite this, their protests never made me even consider swaying from my decision. The way the protestors try to shame vulnerable and stressed women is absolutely abhorrent and vile. A privacy zone is a necessity to protect all women from the judgement and harassment of these protestors.*

(ACT Woman, story shared with WCHM)

#### 3.1 Protest, or harassment, humiliation and intimidation?

*Protesting immediately outside a health facility is insensitive and inappropriate, because it in part targets the person accessing the service as well as the service itself. Protests against the provision of the service, which are of course the absolute right of anyone who disagrees with their provision, should be aimed clearly at the service and/or at policymakers, not the individuals who for a range of reasons may need to use the service. The presence of protesters at the actual clinic seems clearly designed to intimidate individual women into forgoing their legal right to the service.*

(ACT Man, story shared with WCHM)

Protesting immediately outside a health facility is insensitive and inappropriate, because it targets individual health service users and their support people. The presence of protesters outside of services that provide termination of pregnancy is surely aimed to encourage individual women to forgo their legal right to the service.<sup>3</sup> Even silent protest conveys disapproval and judgement on the healthcare decisions of individual women. In this way, the presence of groups at these locations may be better defined not as protests seeking social change, but as behaviour designed to harass, intimidate and humiliate women and their support people. In the US the activities of anti-abortion activists have led to an unwinding of

<sup>3</sup> A. Humphries, 'Stigma, Secrecy and Anxiety in Women Attending for an Early Abortion', Masters Thesis, University of Melbourne, 2011.

reproductive health services in that country, and as a result it is suspected that a growing number of women are turning to unsafe abortion practices, including ingestion of poison and violence.<sup>4</sup>

*I have personally been adversely affected by the 'silent' and 'non-violent' harassment from the anti-abortion set. The definition of protest needs to be contested. A protest (and one's right to protest) is measured by its ability to affect change in systems. However, harassment is causing harm to others. It is not the domain of the harasser to define their behaviour as harassment versus protest. It is the domain of the victims of harassment or the State.*  
 (ACT Woman, story shared with WCHM)

### **3.2 The psychological impacts of protests on women and their support people**

There is little Australian research into the impacts of anti-abortion protestors on women's psychological adjustment to termination of pregnancy, however, in 2010 Alexandra Humphries surveyed 158 pregnant women who attended the Fertility Control Clinic in East Melbourne for early (less than 12 weeks) termination of pregnancy for psychosocial reasons.<sup>5</sup> The participants completed pre- and post-surgery questionnaires, which included a range of psychological rating scales (including: State-Trait Anxiety Scale Form-Y; Disclosure concerns subscale; impacts of events scale), as well as four yes/no questions addressing women's exposure to and experiences with anti-abortion protestors while accessing the clinics.<sup>6</sup>

Humphries' study concluded that higher levels of pre-abortion anxiety and stigma were associated with having more exposure to the anti-abortion protestors. The participants perceived the greatest amount of stigma to come from protestors, and from protestors being allowed to protest outside the clinic.<sup>7</sup> A summary of findings on contributors to stigma is presented in Table 1:

<sup>4</sup> Astbury, J & Allanson, S., 'Psychosocial aspects of family planning', in, J. Fisher et al. eds., *Mental health aspects of women's reproductive health: A global review of the literature*, World Health Organisation, Switzerland, 2009, pp. 53.

<sup>5</sup> A. Humphries, 'Stigma, Secrecy and Anxiety in Women Attending for an Early Abortion', Masters Thesis, University of Melbourne, 2011.

<sup>6</sup> Ibid., pp. 14-8.

<sup>7</sup> Ibid., pp. 22-3.

Table 1  
*Percentage Statistics for Sources of Perceived Abortion Stigma*

Is abortion stigmatized by:	Very Much So (%)	Moderately So (%)	Somewhat (%)	Not At All (%)
<b>The picketers</b>	<b>77.8</b>	<b>3.8</b>	<b>5.1</b>	<b>13.3</b>
<b>Allowing protesting at the clinic</b>	<b>70.9</b>	<b>10.8</b>	<b>10.1</b>	<b>8.2</b>
Religious groups	53.8	19.6	12	14.6
Society	21.5	29.1	32.9	16.5
The media	11.4	33.5	36.7	18.4
Your family	20.9	18.4	29.7	31
The partner in the pregnancy	5.1	10.1	24.7	60.1
Your friends	5.7	17.1	39.2	38
The healthcare system	5.1	17.1	32.9	44.9

% of *n* = 158

Higher overall ratings of perceived stigma related to termination of pregnancy was associated with greater secrecy and silence, which in turn was found to undermine women's wellbeing.

Humphries findings support considering the anti-abortion protestors as a form of enacted abortion stigma. This type of stigma can act in opposition to the protective qualities of social support, particularly through leading to greater secrecy around the pregnancy and termination, and ultimately, higher levels of distress.<sup>8</sup> International studies have corroborated this finding: while women's interpersonal networks can be protective, social milieus that do not provide support for women's decision-making about pregnancy and institutionalise judgement on women are likely to have adverse effects on women's self-regard.<sup>9</sup>

*I have accessed abortion services in Canberra, as well as other services around reproductive health. Deciding to terminate a pregnancy was a very difficult decision for me—certainly not one taken lightly. I was fortunate that when I arrived at the health centre, there were no protesters impeding my access. I really don't know what I would have done if there had been. I like to think perhaps I would have had the strength and determination to walk through regardless, but it certainly would have made the whole thing much more difficult and distressing. No woman should have to endure that kind of treatment when accessing a legitimate health service.*

(ACT Woman, story shared with WCHM)

<sup>8</sup> Ibid., pp. 43-4.

<sup>9</sup> Astbury, J & Allanson, S., 'Psychosocial aspects of family planning', in, J. Fisher et al. eds., *Mental health aspects of women's reproductive health: A global review of the literature*, World Health Organisation, Switzerland, 2009, pp. 57.

### 3.3 Why women seek termination of pregnancy

ACT women needing termination of pregnancy are a diverse group, with vast differences in age, ethnicity, socioeconomic, occupational, and religious backgrounds. Their reasons for choosing a termination of pregnancy—for both wanted and unwanted pregnancies—are equally myriad.

*When I arrived in Canberra in the eighties I worked in the Abortion Counselling Service and I don't think I met one woman who made this decision lightly, therefore need as much support and understanding as possible.*

(ACT Woman, story shared with WCHM)

In line with international literature reviewed for the World Health Organisation,<sup>10</sup> a study undertaken by the Key Centre for Women's Health in Society looking at over 5000 records of terminations and 60 in-depth interviews with women, found that women's reasons for seeking a termination are varied and include, for example: financial pressure; health or medical issues; physical or intellectual disability; mental health issues; alcohol and other drug issues; lack of access to basic services such as transport, childcare or pregnancy support; undertaking study/feeling too young or ill prepared for motherhood; fears for safety; intimate partner violence; sexual assault; and issues relating to insecure housing and homelessness.<sup>11</sup>

*I am a social worker in the ACT and have assisted many women in difficult situations who have needed to terminate pregnancy. The need for a termination have been for a myriad of reasons; including inadequate finances to care for a child, health risks to the mother, unstable home environment/accommodation and even pregnancy being a result of rape. I have attended the Women's Health Centre in the City with some of these women to discuss termination of pregnancy and have witnessed vigils and protests by religious groups each time I have attended. The impact that these protests have on the women I am supporting are instantaneous. Many begin to second guess their decision or express to me their feelings of guilt and judgement after seeing the protestors praying. Many of the women that frequent these health centres are confused and in a vulnerable state and their mental health takes a hit when they are so publically confronted. There are no other health services where people condemn those in need of medical assistance.*

(ACT Woman, story shared with WCHM)

<sup>10</sup> Astbury, J & Allanson, S., 'Psychosocial aspects of family planning', in, J. Fisher et al. eds., *Mental health aspects of women's reproductive health: A global review of the literature*, World Health Organisation, Switzerland, 2009, pp. 57.

<sup>11</sup> D. Rosenthal et al., *Understanding women's experiences of unplanned pregnancy and abortion*. Key Centre for Women's Health, Melbourne, 2009, p. 14.

### 3.4 Trust women

Although termination of pregnancy is often accepted by women as a solution to a problem, it is not, on the whole, an easy one.<sup>12</sup> Each woman's story is different, yet women have much in common. In considering their own needs, desires and capacities, the wellbeing of potential children, and their responsibility for children and adults already in their lives, women wade cautiously through their decision to continue or terminate a pregnancy.<sup>13</sup>

"Trust Women" is a popular motto in the pro-choice movement. The motto doesn't mean that every woman is wise or good or has magical intuitive powers. It means that no one else can make a better decision, because no one else is living her life. Considering that women themselves are the ones who will live with their decision, we can assume that they do their best to make the right one for themselves, and their families, present and future.<sup>14</sup> Understanding this principle, and respecting it in law, defines a rights based approach to health.<sup>15</sup>

It is well established that safe and accessible reproductive health services are an essential component of protecting and promoting women's human rights. The UN Committee on the Elimination of Discrimination against Women, for example, has recognised the specific, distinctive health needs and interests of women', and has emphasised the importance of equitable access to health care, including reproductive health, for ensuring that women can equally exercise their human rights. The Committee has repeatedly called on states to ensure that all health services are 'consistent with the human rights of women, including the rights to autonomy, privacy, confidentiality, informed consent and choice'. The Beijing Declaration and Platform for Action (adopted at the UN Fourth World Conference on Women in 1995) similarly noted that 'ability of women to control their own fertility forms an important basis for the enjoyment of other rights', and includes 'their right to make decisions concerning reproduction free of discrimination, coercion and violence'.<sup>16</sup>

---

<sup>12</sup> Ibid.

<sup>13</sup> Ibid, p. 24.

<sup>14</sup> K. Pollitt, *Pro: Reclaiming Abortion Rights*. Picador, USA, 2009, pp. 6-7.

<sup>15</sup> *Women and Sexual and reproductive Health*, Australian Women's Health Network, Victoria, 2012 p. 11, <[http://awhn.org.au/wp-content/uploads/2015/03/94\\_AWHNWomenSexualReproductiveHealthPositionPaper2012.pdf](http://awhn.org.au/wp-content/uploads/2015/03/94_AWHNWomenSexualReproductiveHealthPositionPaper2012.pdf)>

<sup>16</sup> *HRC submission on the Health (Patient Privacy) Amendment Bill 2015 exposure draft*, ACT Human Rights Commission, Canberra, 2015, p. 5, <[http://hrc.act.gov.au/wp-content/uploads/2015/09/HRC-submission\\_exposure-draft-Health-Patient-Privacy-Amendment-Bill-2015\\_31-Aug-2015.pdf](http://hrc.act.gov.au/wp-content/uploads/2015/09/HRC-submission_exposure-draft-Health-Patient-Privacy-Amendment-Bill-2015_31-Aug-2015.pdf)>

*I have previously had a termination, and it was a very difficult decision to make, and one I did not take lightly, but it was necessary for a number of reasons. I also highly value the right to free expression and don't like the idea of more legislation that could reduce this right in any way. I totally support people's right to protesting, lobbying and advocating to try to change legislation about abortion. But I do believe that protesting about abortion is not about judging, humiliating, confronting or intimidating people who have made that decision—there are more appropriate avenues for this protest, and I think women and their partners have the right to make these decisions privately. It is a hard enough decision to make!*

(ACT Woman, story shared with WCHM)

#### **4. The need for clear delineation of privacy zones**

While WCHM supports the current exposure bill, we have reservations about the specification of a protected period, and the lack of specification, in metres, of distance for the zones.

WCHM considers it unnecessary to specify a 'protected period'. The exposure bill currently takes this as the period between 8am and 6pm on each day the facility is open, or any other period declared by the Minister. Our concern for this is two-fold: Firstly, the Dr Marie clinic—currently the only provider of termination of pregnancy in the ACT that we know of—receives women for their appointments from 7:30am. This means that the current exposure bill would not provide protection for women and their support people accessing the existing service. Secondly, defining a protected time renders the exposure bill unnecessarily specific, and fails to ensure ease of application for likely future changes to the provision of termination of pregnancy in the ACT, such as an increase in the number of providers of medical termination of pregnancy.

WCHM also believes that by not specifying the protected area in metres the exposure bill is not effective enough in ensuring that appropriate zones will be created. We acknowledge that by delegating responsibility to the relevant Minister to declare the protected area for each facility the exposure bill is leaving open the possibility that each facility's protected area will be tailored and therefore comprehensive and effective in the protection it provides. However, the exposure bill leaves open the possibility for the reverse to also be true: that future ministers will apply their discretion in a way contrary to the spirit of the law and in so doing provide little protection to women and their support people. Again, should there be additional providers of termination of pregnancy in the future, the current exposure bill would be administratively tiresome and onerous for law enforcement to uphold.

WCHM recommends that the exposure bill be amended to include a distance in meters that will apply to all facilities where termination of pregnancy is provided. While 150 metres is the precedent in Australia (it is the distance adopted in the *Tasmanian Reproductive Health (Access to Terminations) Act 2013* and is the distance suggested in the Australian Sex Party's Victorian *Public Health and Wellbeing Amendment (Safe Access) Bill 2015*), it may be that this is too large a distance to achieve compliance with the ACT's *Human Rights Act 2004*.

WCHM considers one possible solution to be the designation of a distance in metres small enough to ensure compliance with the *Human Rights Act 2004*, but large enough to guarantee protection for women and their support people. We feel that 50 metres would provide this surety, and would be bolstered by delegating authority to the relevant Minister to make this zone larger where required.

**Recommendation 1:** Consider removing reference to a protected time from the exposure bill.

**Recommendation 2:** Consider designating the protected area to be 50 metres for all facilities that provide termination of pregnancy in the ACT, along with a provision for the relevant Minister to revise a zone to be larger if required.

## 5. Conclusion

WCHM is pleased to have had the opportunity to provide a response to the *Health (Patient Privacy) Amendment 2015*. We strongly encourage all legislators to take a long term view when considering laws surrounding access to termination of pregnancy in the Territory. This view should take into consideration the future landscape in regards to both the potential increase in protest activity, as well as changes to the number and location of termination of pregnancy providers. We regard the creation of privacy zones around services that provide termination of pregnancy as best practice in safeguarding women's safe access to reproductive health services and privacy. We are proud of the achievements of the ACT Government to date, and welcome continued leadership in this area.

## 6. Our Supporters



### **Australian Women's Health Network**

AWHN believes the amendment which recommends the establishment of "protected areas" will reduce the stigma and harassment often experienced by women accessing reproductive health services, and will provide safer and more equitable access to clinics.



### **The Canberra Rape Crisis Centre**

The Canberra Rape Crisis Centre heavily endorses the campaign of WCHM to enforce privacy zones around services that provide termination of pregnancy services in the ACT. The Canberra Rape Crisis Centre works with thousands of women each year in the Canberra Community, and some of these women have become pregnant as a result of ongoing rape and sexual violence either through family members or intimate partners. The trauma of sexual violence is well known, but the added trauma of women grappling with options and support available to them to assist with options relating to having become pregnant through rape is not well known or understood. This issue, whilst well understood by CRCC Counsellors, places women in such an isolated and impossible position. Being harassed whilst trying to seek support to deal with what is happening is unthinkable in its impact.



### **The Domestic Violence Crisis Service**

The Domestic Violence Crisis Service (DVCS) supports the creation of protected areas around providers of termination of pregnancy in the ACT. DVCS is a feminist-informed community organisation that seeks to address violence and abuse in family and intimate partner relationships and to promote respect in these relationships. We believe that safeguarding women's right to choose, privacy and safe access to services, protects all women from the arbitrary decisions and control of others, whether that choice is to continue a pregnancy or to terminate it. DVCS endorses the WCHM submission to the exposure bill.



### **Doris Women's Refuge**

We fully support women's rights to self-determination; dignity and absolute right to make decisions regarding their health, their bodies and their lives. We further value their individual right to freedom and privacy, and that it is the obligation of law makers to ensure that women's health is a priority in legislature.



**MARIE STOPES  
 INTERNATIONAL  
 AUSTRALIA**

### **Marie Stopes International Australia**

Marie Stopes International Australia, through our Dr Marie clinics, provides vital sexual and reproductive health services to women and men across Australia. Our services extend beyond surgical and medical abortion, to decision-based counselling, contraception, STI checks, Pap smears and vasectomy. We believe that the Health (Patient Privacy) Amendment Bill 2015 being developed in the ACT is a critical step toward enabling women and men to freely access sexual and reproductive health services of their choice.

Imagine you are going to give blood for vital blood transfusion services, only to face a barricade of protestors and harassment from people whose personal beliefs tell them blood transfusions are wrong. This is the reality faced by thousands of women who access vital reproductive and sexual health services across Australia every day. Staff members attending their regular place of work also face intimidation and harassment before they have even sat down at their desk.

We regularly see workplace health and safety incident reports being made by our team members as a result of this harassment as part of our overall incident reporting. Every woman has the right to access medical treatment without prejudice or harassment and every staff member has the right to go to work without being shamed for doing so, particularly when their role is to support the health and wellbeing of others.

Marie Stopes International Australia supports the concept of providing safe access for men and women seeking to access health and reproductive services. There are limitations in the bill that could be strengthened to ensure that the intent of the bill is achieved. Ideally, we would like to see the bill modelled on the Victorian Public Health and Wellbeing Amendment (Safe Access) Bill 2015.



YWCA  
 CANBERRA

### **YWCA Canberra**

YWCA Canberra has a long history of supporting the needs of women and girls in the ACT on a range of issues including affordable housing, access to childcare, prevention of violence, and gender equality. YWCA Canberra believes access to reproductive health services, including termination of pregnancy, is a vital issue for women in our community. Barriers that impede or impact upon women's free access to reproductive health services in the ACT must be prohibited. The *Patient Privacy Bill* acknowledges and seeks compliance with the principle of freedom of expression or assembly, as protected by the *ACT Human Rights Act 2004*. YWCA Canberra agrees with the importance of protecting the freedom of expression of Canberraans, and we do not wish to limit it unnecessarily. The primary task of the Bill is to provide protection to women and their supporters when accessing termination of pregnancy in the ACT—a legal and necessary health service. Establishing protected zones outside these facilities will provide reassurance and security for women, their families and healthcare staff. It will also ensure that women and their families can seek medical advice and treatment in privacy and without harassment, intimidation or humiliation.



Women With Disabilities ACT  
 WWDACT

### **Women With Disabilities ACT**

As an organisation responsible for systemic advocacy for women with disabilities in the ACT, Women With Disabilities ACT (WWDACT) is proud to support the WCHM submission to the exposure bill. WWDACT is pleased with the proposed actions to safeguard the legal and human rights of women accessing termination of pregnancy in the Territory. Women with disabilities face many barriers when accessing health services in the ACT, therefore WWDACT strongly supports the recommendations in this submission. WWDACT believes that freedom, independence and safety belong to all women. We are encouraged to see the positive leadership of our MLAs in this area, and we hope it continues.

**Lindsay, Jack**

---

**From:** [REDACTED]  
**Sent:** Thursday, 24 September 2015 11:54 AM  
**To:** BARR; BERRY; BOURKE; BURCH; COE; CORBELL; DOSZPOT; Dunne, Vicki; FITZHARRIS; GENTLEMAN; HANSON; JONES; LAWDER; PORTER; RATTENBURY; SMYTH; WALL  
**Subject:** Support for privacy zones around ACT's reproductive health services

**Support for privacy zones around ACT's reproductive health services**

**Author** [REDACTED]  
**Email** [REDACTED]  
**Postcode** 2606

Received  
on  
- 6 OCT 2015  
MINISTERIAL AND  
GOVERNMENT SERVICES

Dear Members of the ACT Legislative Assembly,

While the following is a form letter, it so thoroughly encompasses my thoughts and feelings, as a woman, a mother and a GP, that I have not changed any. I implore you to consider the women of the ACT and surrounds who access these services and the difficulties that they face.

I am writing in regard to the Health (Patient Privacy) Amendment Bill 2015. This Bill will ensure that those accessing health services that provide termination of pregnancy in the ACT have their rights to privacy and to safe access protected.

The rights that we have to access termination of pregnancy services in privacy and without harassment, intimidation or humiliation need to be weighed against the right that we have to freedom of expression. I believe that this Bill successfully balances the interests of all community members, because a protestor's conduct can only be limited to the extent necessary to protect an individual's rights to privacy and safety.

There are many spaces in Canberra where people can protest lawfully. Protesting immediately outside a health facility is insensitive and inappropriate. Establishing privacy zones outside these facilities would provide the reassurance and security that women, their families and healthcare staff need.

Protests at the location where termination of pregnancy services are provided do impede access. Many women feel considerable distress when exposed to the materials and judgemental attitudes of anti-choice protestors as they enter clinics. Even silent vigils convey disapproval and judgement, and contribute to distress in women and their families.

Abortion has been legal in the ACT since 2002, and is regulated like other health services provided by a medical practitioner to their patients. There are no other health services for which patients and health professionals are subject to such public commentary, protest and condemnation. I believe that the majority of constituents in the ACT support the patient privacy and unimpeded access to healthcare that this Bill will provide.

I urge you to make representations in support of the Bill to the Government on this issue and vote for it in the Assembly.

Regards,

[REDACTED]



## MINISTERIAL BRIEF

GPO Box 825 Canberra ACT 2601 | phone: 13 22 81  
www.health.act.gov.au

UNCLASSIFIED

TRIM No.: MIN15/1054

Date Rec'd Minister's Office 1.../10/15

**To:** Minister for Health  
Minister for Police and Emergency Services

---

**From:** Ms Nicole Feely, Director-General ACT Health

---

**Subject:** Health (Patient Privacy) Amendment Bill

---

**Critical Date:** 7 October 2015

---

**Critical Reason:** You have a meeting with the Executive Director and Health Promotion Officer of Women's Centre for Health Matters on 7 October 2015.

---

- DG Health .../.../...
- DDG S&C .../.../...

**Purpose**

1. To provide you with information in preparation for your meeting with [REDACTED] Executive Director and [REDACTED] Health Promotion Officer for the Women's Centre for Health Matters, Inc. (WCHM) on 7 October 2015.

**Background**

2. WCHM is a community-based not for profit organisation that works in the ACT and surrounding region to improve women's health and wellbeing. ACT Health holds a service funding agreement with WCHM with an annual commitment of \$459,866 until June 2016.
3. WCHM represents the views of ACT women on advisory bodies, reference committees and working groups, and advocates through consultation and submission processes at both the ACT and national levels. WCHM undertakes this work across a range of areas including disability, housing, justice, health and mental health. In particular WCHM undertakes advocacy to:
  - a. Raise awareness of the impacts on health and wellbeing of social, economic and environmental factors
  - b. Ensure that health services are women-sensitive, affordable, accessible and responsive
  - c. Create change in service delivery, policy, practice, and community attitudes
  - d. Empower women and women's groups to become more involved in decision-making about healthcare and broader health policy and initiatives.
4. WCHM requested this meeting to discuss their response to the Exposure Draft of the *Health (Patient Privacy) Amendment Bill 2015* (the HPPA Bill).
5. In June 2015, you were briefed regarding the development of the HPPA Bill as provided at Attachment A.

UNCLASSIFIED

## UNCLASSIFIED

6. The ACT Greens Party released an Exposure Draft of the HPPA Bill on 20 July 2015, and Mr Shane Rattenbury MLA introduced it in the Legislative Assembly on 17 September 2015. No debate has occurred as of today. The HPPA Bill had a consultation period from 20 July to 11 September 2015.
7. The HPPA Bill proposed the introduction of exclusion zones, within which protests and other public displays regarding abortion would be prohibited, around medical facilities that provide termination of pregnancy services in the ACT. Tasmania has legislated similar exclusion zones since 2013, while Victoria has recently had a similar Bill introduced into the Victorian Parliament.

**Government Commitment**

8. The provision of termination of pregnancy services in the ACT is protected under the *Health Act 1993*.
9. The ACT Government's focus when delivering healthcare services is to put the person at the centre of care. In this way, the ACT recognises the principles set out in the *Australian Charter of Health Care Rights*, that everyone has the right to access health care that respects the patient, their cultural beliefs, values and personal characteristics.
10. The *Human Rights Act 2004* states that all people have the right of peaceful assembly. The HPPA Bill is to be assessed against the *Human Rights Act 2004*, taking into consideration the right to peaceful assembly as well as the rights of an individual to access healthcare in a safe and respectful way. The practicalities of enforcing such a bill will also need to be carefully considered.

**Issues**

11. The medical facility approved to provide termination of pregnancy services in the ACT is Marie Stopes International, located at level 1, 1 Moore Street Canberra City.
12. A March 2015 protest located in front of 1 Moore Street, Canberra City was part of the "40 Days for Life" campaign. This is a highly coordinated international campaign and has claimed responsibility for the disruption and closure of myriad facilities offering termination services, as well as the resignation of a number of staff working in this field. The inclusion of the "40 Days of Life" group in the 1 Moore Street demonstrations has caused some concern that protests in the ACT may escalate.
13. The HPPA Bill specifically responds to community concerns over perceived intimidating and harassing conduct that has occurred outside of the approved health facility that provides termination of pregnancy services at 1 Moore Street. The HPPA Bill also seeks to ensure that any future escalation of protest activities is contained.

## UNCLASSIFIED

14. The HPPA Bill was designed to:
  - a. prevent behaviours which may act to increase emotional distress or prevent women from accessing legal and medically recognised health procedures;
  - b. create a 'protest free zone' which means that all forms of protest will be prohibited; and
  - c. ensure that both staff and patients may enter and exit the medical facility without prejudice.
15. As of 17 September 2015, ACT Health has received at least 90 pieces of correspondence addressed to MLAs that appear to be part of a campaign supporting the introduction of exclusion zones and seven letters of dissent not supporting exclusion zones.
16. Following consideration of the HPPA Bill, ACT Health notes the following points as relevant to the debate:
  - a. Pregnancy termination in the ACT is considered a health issue, to be managed by the health care system, rather than a criminal matter.
  - b. Access to an approved medical facility providing services in relation to sexual health, planning and pregnancy termination is legal in the ACT.
  - c. The rights under the *ACT Human Rights Act* to freedom of association and expression, thought, conscience, religion and belief need to be balanced against the rights to privacy and reputation of other parties.

***The HPPA Bill structure***

17. The HPPA Bill proposes to amend the Health Act to introduce a new division in part 6 relating to patient privacy in protected areas.
18. The HPPA Bill would introduce section 87(1) which would make it an offence for a person to engage in 'prohibited behaviours' in a 'protected area' around 'approved' medical facilities.
19. The 'protected area' would be declared by the Minister and must be no bigger than reasonably necessary to ensure a person's privacy and unimpeded access (s86). 'Prohibited behaviours' in that area includes various forms of harassment, acts that prohibit access to the medical facility, protests, and filming of people without their consent. Behaviours are prohibited only during a 'prohibited period', between 8am and 6pm each business day (or other time as declared by the Minister) (s85(1)). Unauthorised filming is prohibited at all times.
20. The Bill contains two offences. The first, engaging in prohibited behaviour in a prohibited area, carries a maximum penalty of 25 penalty units (s87(1)). The second is an unauthorised filming offence, which carries a penalty of 50 penalty units, imprisonment for six months or both (s87(2)).

UNCLASSIFIED

***Comparison with Tasmanian legislation***

21. Tasmania recently enacted similar 'exclusion zone' provisions in its *Reproductive Health (Access to Terminations) Act 2013* (the 'Tasmanian Act'). This Act was part of a series of reforms to decriminalise abortions in that State.
22. The main difference between the Tasmanian Act and the HPPA Bill is that Tasmania legislates a 150m boundary for the 'protected area', rather than leaving it to the Minister's declaration.
23. Specific police powers are also given to Tasmanian police in the legislation (name and address demand, stop, search and seize powers), where they believe someone is committing or has committed an offence. These do not appear in the HPPA Bill, but would most likely be available in any case.
24. The Tasmanian Act also contains clauses allowing police to issue infringement notices in respect of offences in the Act prescribed by regulation as 'infringement offences'. Infringement notices could be provided in relation to the HPPA Bill offences once passed by way of a regulation.

***Human Rights Implications***

25. The HPPA Bill engages, and will potentially limit, a number of human rights in the *Human Rights Act 2004* in relation to anti-abortion protesters: the right to freedom of movement (s13), the right to freedom of thought, conscience, religion and belief (s14), the right to peaceful assembly and freedom of association (s15) and the right to freedom of expression (s16).
26. Facilitating access to health care services (including abortion) by women engages and could be argued to improve the protection of women's rights - protection from discrimination (s8); protection of the family and children (s11); privacy (s12) and security of the person (s18).
27. Women have a number of rights in international human rights law which have not been directly adopted in the *Human Rights Act 2004* including a general right to the highest attainable standard of physical and mental health under article 12 of the International Covenant on Economic, Social and Cultural Rights and article 12 of the Convention for the Elimination of All Forms of Discrimination Against Women which provides that -  

"States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning".

UNCLASSIFIED

## UNCLASSIFIED

28. In determining whether the clear limitations on rights to assembly are compatible with the *Human Rights Act 2004*, an assessment of the purpose and nature of the exclusion zone proposal would need to be undertaken.
29. As the HPPA Bill is not a Government Bill, it is not subject to the same pre-legislative scrutiny processes as a Government Bill, which requires the Attorney assess whether a bill is consistent with the *Human Rights Act 2004*.
30. Subject to the consideration of this issue in the ACT context and the views of ACT stakeholders to inform an evidence base, it is likely that such legislation could be justifiable and therefore compatible with the HRA.
31. On 25 August 2015 the Victorian Supreme Court handed down a decision that, although the protests constituted nuisance, the Melbourne City Council was not in breach of a duty of care to women accessing abortion services by failing to enforce nuisance laws to restrict anti-abortion protests (<http://www.austlii.edu.au/au/cases/vic/VSC/2015/424.html>).
32. In response to this decision, on 1 September 2015 the Victorian Government announced an intention to introduce legislation to provide exclusion zones in similar terms to that in Tasmania and proposed in the ACT.

**Financial Implications**

33. Enforcement of the HPPA Bill would have some financial implications. Both JACS and TAMS Directorates would need to be consulted in this regard.

**Directorate Consultation**

34. The implementation of the HPPA Bill would fall within the remit of JACS and TAMS.

**External Consultation**

35. Input has been provided to ACT Health from JACS.

**Benefits/Sensitivities**

36. The issue of termination of pregnancy is a highly sensitive topic. Access to pregnancy termination is legal in the ACT and it is regarded as a health care, rather than a criminal, matter.
37. All Australians have the right to access health care services whenever required. Therefore, barriers to the accessibility of health care services should be reduced where feasible, or if at all possible removed. Under this situation, however, those rights of access must be weighed against the rights of all ACT residents under the *ACT Human Rights Act* to freedom of speech and the right to peaceful assembly.

UNCLASSIFIED

**Media Implications**

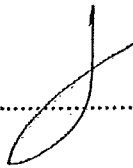
38. Media attention is expected when the HPPA Bill is being debated. A media release will be provided to your office when the HPPA Bill is debated.

**Recommendation**

That you note the information contained in this brief and the attachment provided.

**Noted / Please Discuss**

Simon Corbell MLA.....



7 10 15  
...../...../.....

**Recommendation**

That you note the information contained in this brief and the attachment provided.

**Noted / Please Discuss**

Joy Burch MLA .....

...../...../.....

Minister's Comments

Signatory Name:	Ross O'Donoghue	Phone:	50568
Title:	Executive Director Policy and Government Relations		
Date:	25 September 2015		
Action Officer:	Stephanie Marion-Landais	Phone:	51875

UNCLASSIFIED

**Dal Molin, Vanessa (Health)**

---

**From:** Schembri, Karen on behalf of BARR  
**Sent:** Wednesday, 7 October 2015 4:22 PM  
**To:** CMTEDD MLO  
**Subject:** FW: proposed ban on prayer outside abortion clinic

Team

Response please

Regards

**Karen Schembri** | Office of the Chief Minister  
 t: 620 50011 | fx: 620 50157 | [karen.schembri@act.gov.au](mailto:karen.schembri@act.gov.au) | [www.chiefminister.act.gov.au](http://www.chiefminister.act.gov.au)

---

IMPORTANT: This message, and any attachments to it, contains information that is confidential and may also be the subject of legal professional or other privilege. If you are not the intended recipient of this message, you must not review, copy, disseminate or disclose its contents to any other party or take action in reliance of any material contained within it. If you have received this message in error, please notify the sender immediately by return email informing them of the mistake and delete all copies of the message from your computer system.

---



---

**From:** [REDACTED]  
**Sent:** Wednesday, 7 October 2015 9:29 AM  
**To:** BARR; BERRY; BOURKE; BURCH; COE; CORBELL; DOSZPOT; Dünne, Vicki; FITZHARRIS; GENTLEMAN; HANSON; JONES; LAWDER; PORTER; SMYTH; WALL  
**Subject:** proposed ban on prayer outside abortion clinic

Dear MLA

The peaceful prayer vigils have been taking place for 16 years with no disturbance to public order-

- There is no record of a complaint against the prayer vigil people by any public service staff working in the building
- This is an unwarranted attack on freedom of protest and freedom of religion
- Attacks on the freedom of assembly are always the first target of insecure politicians
- Asking the police to enforce Mr Rattenbury's bans will lead to a lack of respect for our police force
- Mr Rattenbury is supposed to be the ACT Justice Minister, this is an unjust proposal
- It will tarnish the reputation of the ACT and bring it into disrepute
- Successive governments have allowed the abortion clinic to function without the public being aware that it indirectly subsidises its activities by only charging a peppercorn rental of \$1 per year
- Deliberate abortion is the destruction of human life and Canberra people have a right to know that it is taking place in a building under the control of ACT Health

- Mr Rattenbury is pandering to the Green/Left vote to secure his re-election next year and he is doing it at the expense of our freedoms

Please vote against this Bill.

Regards

[Redacted]

[Redacted]

[Redacted]



*This e-mail (including any attachments) is only for the intended named recipient/s and is confidential and privileged. If you are not the intended recipient, please let us know by reply e-mail or by telephoning (61 2 6270 9333), delete it from your system and destroy any copies. This e-mail is subject to copyright and may not be reproduced, adapted or transmitted and the use of any information is prohibited without our consent. E-mails are subject to interference and may contain viruses or other defects and may not successfully replicate and King provides no warranties in this regard nor from the using, opening or transmitting of this e-mail. If you have any doubts about the authenticity of this e-mail please contact us immediately.*

**Dal Molin, Vanessa (Health)**

---

**From:** Schembri, Karen on behalf of BARR  
**Sent:** Wednesday, 7 October 2015 9:38 AM  
**To:** CMTEDD MLO  
**Subject:** FW: Proposed ban on peaceful protest

Team

Response please

Regards

**Karen Schembri** | Office of the Chief Minister  
 t: 620 50011 | fx: 620 50157 | [karen.schembri@act.gov.au](mailto:karen.schembri@act.gov.au) | [www.chiefminister.act.gov.au](http://www.chiefminister.act.gov.au)

---

IMPORTANT: This message, and any attachments to it, contains information that is confidential and may also be the subject of legal professional or other privilege. If you are not the intended recipient of this message, you must not review, copy, disseminate or disclose its contents to any other party or take action in reliance of any material contained within it. If you have received this message in error, please notify the sender immediately by return email informing them of the mistake and delete all copies of the message from your computer system.

---



---

**From:** [REDACTED]  
**Sent:** Wednesday, 7 October 2015 9:30 AM  
**To:** BARR; BERRY; BOURKE; BURCH; COE; CORBELL; DOSZPOT; Dunne, Vicki; FITZHARRIS; GENTLEMAN; HANSON; JONES; LAWDER; PORTER; SMYTH; WALL  
**Subject:** Proposed ban on peaceful protest

Dear MLA's,

I can't believe the ACT Government proposes to ban a peaceful demonstration. Is this really an ALP/Green government proposal?? These are not the actions of a democratic government which champions the rights of people. Are you seriously ditching your famous Human Right Act to remove this most basic human right??

What do the unions think of this or the green groups who often protest about developments or women's groups.

This is a very bad idea which denies all people the right to peaceful protest. It will have a big impact on the rights of ACT citizens and the future of your government.

[REDACTED]  
 ACT Voter

**Dal Molin, Vanessa (Health)**

---

**From:** Schembri, Karen on behalf of BARR  
**Sent:** Thursday, 8 October 2015 8:37 AM  
**To:** CMTEDD MLO  
**Subject:** FW: ACT Abortion Clinic Exclusion Zones

Team

Response please

Regards

**Karen Schembri** | Office of the Chief Minister

t: 620 50011 | fx: 620 50157 | [karen.schembri@act.gov.au](mailto:karen.schembri@act.gov.au) | [www.chiefminister.act.gov.au](http://www.chiefminister.act.gov.au)

---

**IMPORTANT:** This message, and any attachments to it, contains information that is confidential and may also be the subject of legal professional or other privilege. If you are not the intended recipient of this message, you must not review, copy, disseminate or disclose its contents to any other party or take action in reliance of any material contained within it. If you have received this message in error, please notify the sender immediately by return email informing them of the mistake and delete all copies of the message from your computer system.

---



---

**From:** [REDACTED]  
**Sent:** Wednesday, 7 October 2015 9:23 PM  
**To:** BARR; BERRY; BOURKE; BURCH; COE; CORBELL; DOSZPOT; Dunne, Vicki; FITZHARRIS; GENTLEMAN; HANSON; JONES; LAWDER; PORTER; SMYTH; WALL  
**Subject:** ACT Abortion Clinic Exclusion Zones

To the ministers of the ACT Legislative Assembly,

I would like to express my opposition to the proposed bill to prevent peaceful prayer groups from holding their vigils outside the ACT abortion clinic. At no point in the 16 years this group has been conducting their peaceful prayer vigils, has any complaint been made by staff working in the medical centre. The aim has always been to raise awareness of the dignity of human life in the womb.

How can we have a just society when even just one group, on account of their conscientious objection are gagged and threatened by the force of the law?

Peaceful protests by the full range of associations and interest groups around our nations capital are a mark of the health of our democracy. Everyone's voice should be allowed to be freely expressed or nobody, in the end, is free.

Yours Sincerely

[REDACTED]

**Dal Molin, Vanessa (Health)**

---

**From:** CORBELL  
**Sent:** Monday, 12 October 2015 3:56 PM  
**To:** Wijemanne, Naveen  
**Subject:** FW: Proposed legislation to ban peaceful protest

Mon said we have a standard template which will go out to these from JACS? I have a few to send through.

Jack.

---

**From:** GENTLEMAN  
**Sent:** Monday, 12 October 2015 11:48 AM  
**To:** CORBELL  
**Subject:** FW: Proposed legislation to ban peaceful protest

Received  
on  
13 OCT 2015  
MINISTERIAL AND  
GOVERNMENT SERVICES

Dear Minister Corbell,

Please see below correspondence for your consideration, as it falls within your portfolio responsibilities.

Kind regards,

Natasha Apostoloski | Office Manager  
Office of Mick Gentleman MLA | Member for Brindabella  
Minister for Planning,  
Minister for Roads and Parking,  
Minister for Workplace Safety and Industrial Relations,  
Minister for Children and Young People,  
Minister for Ageing  
t: 620 50218 | e: [natasha.apostoloski@act.gov.au](mailto:natasha.apostoloski@act.gov.au) |

---

**From:** [REDACTED]  
**Sent:** Wednesday, 7 October 2015 1:31 PM  
**To:** GENTLEMAN  
**Subject:** Proposed legislation to ban peaceful protest

Dear Mr Mick Gentleman

I am horrified to learn that the ACT Government is proposing to enact legislation that will prohibit silent, peaceful and prayerful protest, even a single individual standing with a sign.

I have always respected the Labor Party because it has its roots in the exercise of such rights. It appears this is no longer the case. If this is done, where will it end? Will it be a criminal act to voice opposition to a politician or political party? It seems that no longer are the sacred rights of our democratic society being upheld by our politicians.

This proposal does not spring from any identifiable need. There is no record of anyone being hurt, harassed or vilified by these protesters. Never have Police been required to attend to prevent protesters doing harm. It seems to me this legislation springs from a need to silence opposition to a practice that many in our society believe should not be happening.

I urge you all to abandon this proposed legislation in the name of democracy.

Yours Sincerely,

















## Simon Corbell MLA

DEPUTY CHIEF MINISTER  
 ATTORNEY-GENERAL  
 MINISTER FOR HEALTH  
 MINISTER FOR THE ENVIRONMENT  
 MINISTER FOR CAPITAL METRO

MEMBER FOR MOLONGLO

Mr Andrew Barr MLA  
 Chief Minister  
 GPO Box 1020  
 CANBERRA ACT 2601

Dear Chief Minister

I am writing to provide you with a proposed Government Position on the Health (Patient Privacy) Amendment Bill (Bill). I understand, Mr Rattenbury will be introducing his Bill for debate during next week's sitting period.

The Bill is designed to avert behaviours which may act to increase emotional distress or prevent women from accessing legal and medically recognised health procedures. It also ensures that both staff and patients may enter and exit the medical facility without prejudice. In its application, the Bill limits the ability for protesters to influence the conscience of people exercising a right to access a legal health service in the ACT. However, the Bill does not limit the ability to protest in other arena, such as the ACT Legislative Assembly or other public areas.

In developing the proposed Government Position, ACT Health has consulted with Territory and Municipal Services, Access Canberra, the Environment and Planning Directorate and the Justice and Community Safety Directorate, including the Australian Federal Police and the Legislative, Policy and Programs Team, about the practicalities of enforcing this Bill. Importantly, the Bill was also assessed against the *Human Rights Act 2004*, taking into consideration the right to peaceful assembly as well as the rights of an individual to access healthcare in a safe and respectful way. Based on these discussions and the community feedback received via letters and emails, ACT Health has decided to support the Bill.

In light of the international evidence, the outcome of the human rights assessment and the minimal cost implications, I propose that you support the attached Cabinet Submission.

Yours sincerely

Simon Corbell MLA  
 Minister for Health

ACT LEGISLATIVE ASSEMBLY

London Circuit, Canberra ACT 2601 GPO Box 1020, Canberra ACT 2601  
 Phone: (02) 6205 0000 Fax: (02) 6205 0535 Email: corbell@act.gov.au  
 Twitter: @SimonCorbell Facebook: www.facebook.com/simon.corbell



CANBERRA



























167  
Minis/1635

**Burton, Natasha**

**From:** GENTLEMAN  
**Sent:** Wednesday, 28 October 2015 3:23 PM  
**To:** CORBELL  
**Subject:** FW: Bill to Restrict Free Speech in ACT  
**Attachments:** Planned ban around Health abortion clinic building.png

Dear Minister Corbell,

Please see below correspondence for your consideration, as it falls within your portfolio responsibilities.

Kind regards,

**Natasha Apostoloski** | Office Manager  
Office of Mick Gentleman MLA | Member for Brindabella  
Minister for Planning,  
Minister for Roads and Parking,  
Minister for Workplace Safety and Industrial Relations,  
Minister for Children and Young People,  
Minister for Ageing  
t: 620 50218 | e: [natasha.apostoloski@act.gov.au](mailto:natasha.apostoloski@act.gov.au)

Received  
on  
13 NOV 2015  
MINISTERIAL AND  
GOVERNMENT SERVICES

**From:** [REDACTED]  
**Sent:** Wednesday, 28 October 2015 3:08 PM  
**To:** GENTLEMAN  
**Subject:** Bill to Restrict Free Speech in ACT

28 October 2015

Mick Gentleman

Minister for Planning  
Minister for Roads and Parking  
Minister for Workplace Safety and Industrial Relations  
Minister for Children and Young People  
Minister for Ageing

<b>TO</b>			
<input type="checkbox"/>	MINISTER	<input type="checkbox"/>	CHIEF OF STAFF
<input type="checkbox"/>	LEGAL ADVISER	<input type="checkbox"/>	HEALTH ADVISER
<input type="checkbox"/>	MEDIA ADVISER	<input type="checkbox"/>	ENVIRONMENT ADVISER
<input checked="" type="checkbox"/>	DLO	<input type="checkbox"/>	ELECTORATE ADVISER
<input type="checkbox"/>	EO	<input type="checkbox"/>	OTHER
<b>FOR</b>			
<input checked="" type="checkbox"/>	REPLY	<input type="checkbox"/>	ACTION
<input type="checkbox"/>	ADVISE	<input type="checkbox"/>	FILE
<input type="checkbox"/>	NOTED	<input type="checkbox"/>	ARRANGE MEETING
<input type="checkbox"/>	CONTACT	<input type="checkbox"/>	INFORMATION
<input type="checkbox"/>	NFA	<input type="checkbox"/>	DISCUSSION
<input type="checkbox"/>	REFER TO	<input type="checkbox"/>	COPY
COMMENT: .....			

Dear Mr Gentleman

Tomorrow, you as a member of the ACT Government, will vote on a Bill presented by Shane Rattenbury to place a ban on people praying for unborn children and the right to free speech around the abortion clinic in the Health Services Centre in City West.

In my previous correspondence on this matter with Mr Rattenbury on 22 July, 25 August and 2 September 2015, he stated in his reply:

1. • “The Greens believe that it is the right of women to have unimpeded access to safe and legal abortions.
2. • The Bill aims to prevent "certain behaviours" within a defined area and within defined times around relevant declared medical facilities.
3. • This Bill is about a woman's right to access those services in relative privacy and free from the intimidating conduct of others.
4. • The extent of the restrictions created by the privacy zone in the Bill would be very minor as they are site-specific and only apply to a relatively small geographic area.”

I would like to address those issues:

### **The Greens say” it’s about the rights of the women”.**

I ask, what about the rights of the unborn child? Will you stand up for our children of the future? What is the difference between those who were murdered in the holocaust and those who have no say in their own life or future destiny?

### **The Bill aims to “prevent certain behaviours within a defined area”**

I believe this Bill is to primarily prevent those who have over the years faithfully prayed for the rights of unborn child in a peaceful and compassionate way. They have been available to support woman who may have never known they had any other option than abortion. *(As I travelled to work and observed this group, I have never seen any evidence of harassment or impeded access to this clinic.)*

### **Mr Rattenbury says the Bill is about a “woman’s right to access those services in relative privacy and free from the intimidating conduct of others”**

From my observations the small group is nowhere near the door way of the clinic but rather in a group on the seat near the corner.

### **Mr Rattenbury states “the extent of the restrictions created by the privacy zone in the Bill would be very minor”**

Mr Rattenbury sent me a map of the planned area of exclusion which covers an extensive area around three sides of the Health Services Centre in City West building and even across to the other sides of the road. (See attached diagram).

I believe this Bill is a direct attack on our Australian democratic values under the guise of the rights of women. I believe freedom of speech, communication and expression is our human right. The true objective of this Bill is not to prevent the actions stated above, but rather to gag those who hold a different view from those who don't revere life as important and sacred.

If this Bill is passed, to be politically correct and fair to all, I believe that it should then open the way for the same "exclusion" to be applied to banning those Muslims I have seen praying outside the shops in Ankatell Street at Tuggeranong Shopping Centre. Some would claim they have the right to enter the shops *"in relative privacy and free from the intimidating conduct of others."*

I urge you to take the time to watch the short 6 minute testimony of an abortion survivor, Claire Culwell in the link below ...

<http://www.godvine.com/This-Baby-Was-Supposed-to-Be-Aborted-You-Won-t-Believe-What-Happened-3895.html>

... please ask yourself this question, Is there anything I could have done to prevent the killing of this special woman?"

I believe that by **not voting in favour of this Bill** you may have played your part in saving an unborn child such as Claire with all the potential she displays as an important and valued human being in our society.

Yours sincerely

[Redacted signature]

[Redacted address]

Email: [Redacted email address]

contained within it. If you have received this message in error, please notify the sender immediately by return email informing them of the mistake and delete all copies of the message from your computer system.

**From:** [REDACTED]  
**Sent:** Wednesday, 28 October 2015 5:01 PM  
**To:** BARR  
**Subject:** [Possible SPAM] Ten reasons for retaining \"everyone\" as rights-holders  
**Importance:** Low

This Health (Patient Privacy) Amendment Bill effectively introduces the discriminatory notion that persons holding pro-life beliefs should be denied the rights guaranteed in articles 15 and 16 of ACT Human Rights Act. The Human Rights Act affirms that “everyone” without exception is entitled to:

- the right to peaceful assembly;
- the right to freedom of association;
- the right to hold opinions without interference; and
- the right to freedom of expression, including the freedom to seek, receive and impart information and ideas of all kinds, regardless of borders, whether orally, in writing or in print, by way of art, or in another way chosen by him or her.

All citizens have a right to show their humanitarian concerns for mothers and their unborn children in a safe and respectful way in the public square “regardless of borders” —they are not to be confined to the legislative precincts as though their concerns are as Simon Corbell has notified me in writing merely “a form of political activism”.

Here are ten reasons why this Bill has no authority to introduce such discriminatory exceptions to the rights and freedoms that have been formally agreed to belong to “Everyone” without exception:

1. Pro-life persons pray and work with a peaceful presence to try to highlight the ‘lawful’ killing of small defenceless human beings, to oppose lethal ‘treatment’ perpetrated behind the closed doors of that abortion clinic. True justice requires that selective abortions be recognized and treated not as idiosyncratic, personal ‘choices’ but as abusive practices, as human rights violations perpetrated by individuals and involving the complicity of politicians, judges and others.
2. Pro-life persons in front of the abortion clinic quietly offer a listening ear, an understanding heart for the problems of distressed mothers, and an emergency lifeline to these mothers before they enter the abortion clinic to submit their little ones to an inhumane procedure that is touted falsely as ‘the only’ solution to their problems.
3. Pro-life persons offer practical alternatives, assistance and on-going care for pregnant women and their children before as well as after birth for as long as is needed. Lethal violence against children is never ‘necessary’. All violence against children is preventable. Before as well as after birth, children should never receive less protection than adults. Their mothers’ personal and social needs can and should be met by non-violent means.
4. Pro-life persons by their calm, non-violent, prayerful presence hope to penetrate the cone of ‘privacy’ behind which the abortionist attacks, abuses and exterminates his/her tiniest patients. Lethal child abuse of small defenceless human beings in the ‘privacy’ of an abortion clinic is everybody’s business. Privacy cannot be invoked to conceal human right abuse of children, including violations of their rights to prenatal care, survival and development. Human rights law has consistently rejected the right to privacy as a defence against human rights violations by adults in positions of power over children in positions of dependency.
5. Pro-life persons hope that their presence and their prayer will reactivate from a state of denial the deep and certain knowledge in every pregnant woman intending to abort that she is carrying a little daughter or son to her/his ‘planned’ death.

6. Pro-life persons by their public presence simply and wordlessly remind each mother that she goes into the abortion clinic with her little daughter or son and comes out alone. Genuine medicine does no deliberate harm to a distressed mother or her vulnerable unborn daughter or son.

7. Pro-life persons make a stand outside abortion clinics to draw local and national attention to the mistreatment and mutilation of each tiny human being deliberately harmed, fatally hurt inside that clinic. By any objective standard, the lethal harm intentionally inflicted on a small innocent human being in the protected and nurturing environment of her/his mother's womb is an act of violence, an unprovoked act of aggression on an utterly defenceless victim.

8. Pro-life persons by their public presence remind us that all human beings, irrespective of their rights, have also duties to smaller more vulnerable human beings in their power and in their care. We owe a duty of care to the children in our wombs and our doctors owe a duty of care to both their patients, the mother and her unborn child.

9. Pro-life persons by their very presence defy the propaganda and mindless popularity of an aging ideology that touts a crazy mixed-up anti-scientific dehumanization of tiny daughter and sons in their mothers' wombs and then calls them 'choices'. With the advent of ultrasound technology, this whole silly phenomenon of pretending to believe in childless pregnancies is rapidly becoming unsustainable. Ultrasound technology, together with biology, embryology, fetal surgery, and examination of the human remains of an abortion, all tell us that the victim targeted for abortion is a human being, belonging to the human family, a human being who can be identified as a daughter or son, a 'who' not a generic 'thing'.

10 Pro-life persons pray outside abortion clinics for conversion of hearts of mothers and their abortionists, for grace that will save at least some of these little ones targeted for abortion; for public recognition of this accumulative crime against humanity for which we all must share some responsibility.

Yours Sincerely,

A large black rectangular redaction box covering the signature of the sender.

Minis/1626<sup>172</sup>

**Burton, Natasha**

**From:** GENTLEMAN  
**Sent:** Wednesday, 28 October 2015 12:32 PM  
**To:** CORBELL  
**Subject:** FW: The Shane Rattenbury Bill

Received  
on  
12 NOV 2015  
MINISTERIAL AND  
GOVERNMENT SERVICES

Dear Minister Corbell,

Please see below correspondence for your consideration, as it falls within your portfolio responsibilities.

Kind regards,

**Natasha Apostoloski** | Office Manager  
Office of Mick Gentleman MLA | Member for Brindabella  
Minister for Planning,  
Minister for Roads and Parking,  
Minister for Workplace Safety and Industrial Relations,  
Minister for Children and Young People,  
Minister for Ageing  
t: 620 50218 | e: [natasha.apostoloski@act.gov.au](mailto:natasha.apostoloski@act.gov.au) |

<b>TO</b>			
<input type="checkbox"/>	MINISTER	<input type="checkbox"/>	CHIEF OF STAFF
<input type="checkbox"/>	LEGAL ADVISER	<input type="checkbox"/>	HEALTH ADVISER
<input type="checkbox"/>	MEDIA ADVISER	<input type="checkbox"/>	ENVIRONMENT ADVISER
<input type="checkbox"/>	DLO	<input type="checkbox"/>	ELECTORATE ADVISER
<input type="checkbox"/>	EO	<input type="checkbox"/>	OTHER
<b>FOR</b>			
<input type="checkbox"/>	REPLY	<input type="checkbox"/>	ACTION
<input type="checkbox"/>	ADVISE	<input type="checkbox"/>	FILE
<input type="checkbox"/>	NOTED	<input type="checkbox"/>	ARRANGE MEETING
<input type="checkbox"/>	CONTACT	<input type="checkbox"/>	INFORMATION
<input type="checkbox"/>	NFA	<input type="checkbox"/>	DISCUSSION
<input type="checkbox"/>	REFER TO	<input type="checkbox"/>	COPY
COMMENT: .....			

**From:** [REDACTED]  
**Sent:** Wednesday, 28 October 2015 11:25 AM  
**To:** GENTLEMAN  
**Subject:** FW: The Shane Rattenbury Bill

Dear Mr Gentleman,

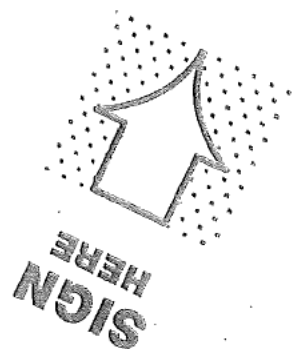
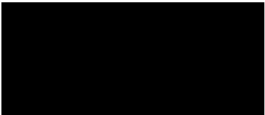
We are opposed to any interference with the democratic freedom to assist women facing the enormous consequences of abortion.

The testimonials from women helped by just -in-time counselling are legion, as are the regrets expressed by so many women following abortions.

The mainstream media coverage of this issue is skewed and unbalanced.

We appeal to the Assembly to set aside this Bill in order to protect those who are most vulnerable...these mothers and their unborn babies.

Thanks for your consideration.



MINI 173  
1625

**Burton, Natasha**

**From:** GENTLEMAN  
**Sent:** Wednesday, 28 October 2015 12:37 PM  
**To:** CORBELL  
**Subject:** FW: Proposed bill re abortion clinics

Dear Minister Corbell,

Please see below correspondence for your consideration, as it falls within your portfolio responsibilities.

Kind regards,

**Natasha Apostoloski** | Office Manager  
Office of Mick Gentleman MLA | Member for Brindabella  
Minister for Planning,  
Minister for Roads and Parking,  
Minister for Workplace Safety and Industrial Relations,  
Minister for Children and Young People,  
Minister for Ageing  
t: 620 50218 | e: [natasha.apostoloski@act.gov.au](mailto:natasha.apostoloski@act.gov.au) |

Received  
on  
12 NOV 2015  
MINISTERIAL AND  
GOVERNMENT SERVICES

**From:** [REDACTED]  
**Sent:** Wednesday, 28 October 2015 12:07 PM  
**To:** GENTLEMAN; SMYTH; WALL; LAWDER; [burch@parliament.act.gov.au](mailto:burch@parliament.act.gov.au)  
**Subject:** Proposed bill re abortion clinics

Dear Members ,

We write to ask you to vote against the proposed bill to ban peaceful protesters and counsellors from the vicinity of Abortion Clinics.

For a member of the Greens party that has for a long time participated in all sorts of protests, not peaceful, we are surprised that Mr Rattenbury is trying to impose this restriction on freedom of speech, which is fundamental to our democratic principles.



<input type="checkbox"/>	MINISTER	<input type="checkbox"/>	CHIEF OF STAFF
<input type="checkbox"/>	LEGAL ADVISER	<input type="checkbox"/>	HEALTH ADVISER
<input type="checkbox"/>	MEDIA ADVISER	<input type="checkbox"/>	ENVIRONMENT ADVISER
<input checked="" type="checkbox"/>	DLO	<input type="checkbox"/>	ELECTORATE ADVISER
<input type="checkbox"/>	EO	<input type="checkbox"/>	OTHER
<b>FOR</b>			
<input checked="" type="checkbox"/>	REPLY	<input type="checkbox"/>	ACTION
<input type="checkbox"/>	ADVISE	<input type="checkbox"/>	FILE
<input type="checkbox"/>	NOTED	<input type="checkbox"/>	ARRANGE MEETING
<input type="checkbox"/>	CONTACT	<input type="checkbox"/>	INFORMATION
<input type="checkbox"/>	NFA	<input type="checkbox"/>	DISCUSSION
<input type="checkbox"/>	REFER TO	<input type="checkbox"/>	COPY

COMMENT: .....

MINIS<sup>174</sup>/1627

**Burton, Natasha**

**From:** GENTLEMAN  
**Sent:** Wednesday, 28 October 2015 12:30 PM  
**To:** CORBELL  
**Subject:** FW: Bill to be presented tomorrow by Mr Rattenbury regarding the freedom to protest and pray outside the vicinity of abortion clinics

Dear Minister Corbell,

Please see below correspondence for your consideration, as it falls within your portfolio responsibilities.

Kind regards,

Natasha Apostoloski | Office Manager  
Office of Mick Gentleman MLA | Member for Brindabella  
Minister for Planning,  
Minister for Roads and Parking,  
Minister for Workplace Safety and Industrial Relations,  
Minister for Children and Young People,  
Minister for Ageing  
t: 620 50218 | e: [natasha.apostoloski@act.gov.au](mailto:natasha.apostoloski@act.gov.au) |

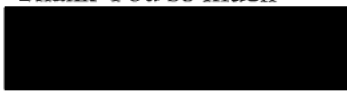
Received  
on  
12 NOV 2015  
MINISTERIAL AND  
GOVERNMENT SERVICES

**From:** [REDACTED]  
**Sent:** Wednesday, 28 October 2015 11:21 AM  
**To:** GENTLEMAN  
**Cc:** [burch@parliament.act.gov.au](mailto:burch@parliament.act.gov.au)  
**Subject:** Bill to be presented tomorrow by Mr Rattenbury regarding the freedom to protest and pray outside the vicinity of abortion clinics

I oppose the bill proposed by Mr Rattenbury to go through tomorrow regarding the freedom to protest and pray outside the vicinity of abortion clinics this Bill:

- Attacks freedom of speech and political communication directly;
- Bans peaceful protesters, prayer vigils and councillors from doing important work; and
- Harms women by limiting their access to information Australian

Please vote accordingly  
Thank You so much



<b>TO</b>	
<input type="checkbox"/>	MINISTER
<input type="checkbox"/>	LEGAL ADVISER
<input type="checkbox"/>	MEDIA ADVISER
<input checked="" type="checkbox"/>	DLO
<input type="checkbox"/>	EO
<input type="checkbox"/>	CHIEF OF STAFF
<input type="checkbox"/>	HEALTH ADVISER
<input type="checkbox"/>	ENVIRONMENT ADVISER
<input type="checkbox"/>	ELECTORATE ADVISER
<input type="checkbox"/>	OTHER
<b>FOR</b>	
<input checked="" type="checkbox"/>	REPLY
<input type="checkbox"/>	ADVISE
<input type="checkbox"/>	NOTED
<input type="checkbox"/>	CONTACT
<input type="checkbox"/>	NFA
<input type="checkbox"/>	REFER TO
<input type="checkbox"/>	ACTION
<input type="checkbox"/>	FILE
<input type="checkbox"/>	ARRANGE MEETING
<input type="checkbox"/>	INFORMATION
<input type="checkbox"/>	DISCUSSION
<input type="checkbox"/>	COPY
COMMENT: .....	

175  
M115/11621

**Burton, Natasha**

From: GENTLEMAN  
 Sent: Wednesday, 28 October 2015 12:39 PM  
 To: CORBELL  
 Subject: FW: Mr Rattenbury's Discriminatory Protesting Legislation Must Be Opposed

<input type="checkbox"/>	TO	<input type="checkbox"/>	MINISTER	<input type="checkbox"/>	CHIEF OF STAFF
<input type="checkbox"/>		<input type="checkbox"/>	LEGAL ADVISER	<input type="checkbox"/>	HEALTH ADVISER
<input checked="" type="checkbox"/>		<input type="checkbox"/>	MEDIA ADVISER	<input type="checkbox"/>	ENVIRONMENT ADVISER
<input type="checkbox"/>		<input type="checkbox"/>	DLO	<input type="checkbox"/>	ELECTORATE ADVISER
<input type="checkbox"/>		<input type="checkbox"/>	EO	<input type="checkbox"/>	OTHER
<input checked="" type="checkbox"/>	FOR	<input type="checkbox"/>	REPLY	<input type="checkbox"/>	ACTION
<input type="checkbox"/>		<input type="checkbox"/>	ADVISE	<input type="checkbox"/>	FILE
<input type="checkbox"/>		<input type="checkbox"/>	NOTED	<input type="checkbox"/>	ARRANGE MEETING
<input type="checkbox"/>		<input type="checkbox"/>	CONTACT	<input type="checkbox"/>	INFORMATION
<input type="checkbox"/>		<input type="checkbox"/>	NFA	<input type="checkbox"/>	DISCUSSION
<input type="checkbox"/>		<input type="checkbox"/>	REFER TO	<input type="checkbox"/>	COPY

Dear Minister Corbell,

Please see below correspondence for your consideration, as it falls within your portfolio responsibilities.

Kind regards,

Natasha Apostoloski | Office Manager  
 Office of Mick Gentleman MLA | Member for Brindabella Minister for Planning, Minister for Roads and Parking, Minister for Workplace Safety and Industrial Relations, Minister for Children and Young People, Minister for Ageing  
 : 620 50218 | e: [natasha.apostoloski@act.gov.au](mailto:natasha.apostoloski@act.gov.au) |

Received  
 on  
 12 NOV 2015  
 MINISTERIAL AND  
 GOVERNMENT SERVICES

-----Original Message-----

From: [REDACTED]  
 Sent: Wednesday, 28 October 2015 12:12 PM  
 To: GENTLEMAN  
 Subject: Mr Rattenbury's Discriminatory Protesting Legislation Must Be Opposed

RE: Mr Rattenbury's Discriminatory Protesting Legislation Must Be Opposed

Dear Mick Gentleman,

Please be advised that we do not share Mr Rattenbury's self-appointed view that quietly standing outside a building is harrassment. If it is, than almost anything must be able to be defined as harrassment providing one doesn't agree with the cause in question?!

Whether or not we agree with the particular issue at stake (namely abortion-on-demand), or the effectiveness of the actions of those standing outside a building on a semi-regular basis, we are significantly concerned about the 'nanny' / police-state precedent Mr Rattenbury's proposed legislation would enact and enshrine. That alone is sufficient reason to reject it in this democratic community.

We are quite sure that he wouldn't see a similar approach as harrassment if it was in agreement with his own personal views on the issue at stake (eg. if it was for environmental issues).

We will be noting the way that you vote on this issue, and it will affect the way we vote at the next ACT Election.

[REDACTED]

We 28/10/2015

Minis / 176 1636

**Burton, Natasha**

**From:** GENTLEMAN  
**Sent:** Wednesday, 28 October 2015 3:26 PM  
**To:** CORBELL  
**Subject:** FW: Opposition to tomorrows Bill attacking freedom of speech  
**Importance:** High

**Received**  
on  
13 NOV 2015  
MINISTERIAL AND  
GOVERNMENT SERVICES

Dear Minister Corbell,

Please see below correspondence for your consideration, as it falls within your portfolio responsibilities.

Kind regards,

Natasha Apostoloski | Office Manager  
Office of Mick Gentleman MLA | Member for Brindabella  
Minister for Planning,  
Minister for Roads and Parking,  
Minister for Workplace Safety and Industrial Relations,  
Minister for Children and Young People,  
Minister for Ageing  
t: 620 50218 | e: [natasha.apostoloski@act.gov.au](mailto:natasha.apostoloski@act.gov.au) |

<b>TO</b>		<b>FOR</b>	
<input type="checkbox"/>	MINISTER	<input checked="" type="checkbox"/>	REPLY
<input type="checkbox"/>	LEGAL ADVISER	<input type="checkbox"/>	ADVISE
<input type="checkbox"/>	MEDIA ADVISER	<input type="checkbox"/>	NOTED
<input checked="" type="checkbox"/>	DLO	<input type="checkbox"/>	CONTACT
<input type="checkbox"/>	EO	<input type="checkbox"/>	NFA
<input type="checkbox"/>		<input type="checkbox"/>	REFER TO
<input type="checkbox"/>		<input type="checkbox"/>	DISCUSSION
<input type="checkbox"/>		<input type="checkbox"/>	COPY
<input type="checkbox"/>	CHIEF OF STAFF	<input type="checkbox"/>	ACTION
<input type="checkbox"/>	HEALTH ADVISER	<input type="checkbox"/>	FILE
<input type="checkbox"/>	ENVIRONMENT ADVISER	<input type="checkbox"/>	ARRANGE MEETING
<input type="checkbox"/>	ELECTORATE ADVISER	<input type="checkbox"/>	INFORMATION
<input type="checkbox"/>	OTHER	<input type="checkbox"/>	DISCUSSION
		<input type="checkbox"/>	COPY

**From:** [REDACTED]  
**Sent:** Wednesday, 28 October 2015 3:22 PM  
**To:** [burch@parliament.act.gov.au](mailto:burch@parliament.act.gov.au); GENTLEMAN; LAWDER; SMYTH; WALL.  
**Subject:** Opposition to tomorrows Bill attacking freedom of speech  
**Importance:** High

The Honourable Joy Birch,

Please vote against the Bill being put before the ACT Legislative Assembly tomorrow on legislation that will ban peaceful protesters and councillors from the vicinity of abortion clinics.

Understand that Greens Minister Shane Rattenbury says that the Bill prevents "unfair harassment" of women however I believe this Bill:

- It hinders pregnant women from having access to all information required to make an informed and life changing decision;
- Attacks freedom of speech and political communication directly; and
- Bans peaceful protesters, prayer vigils and councilors from doing important work.



Free speech around abortion clinics is vitally important. It has enabled organisations like the Helpers of God's Precious Infants to save the lives of more than 300 babies in Melbourne alone.

Thank you for your support of valued democratic principles and your endeavours to preserve the sanctity of life.

Yours Sincerely,  
[REDACTED]

Min 15/1163/177

**Burton, Natasha**

**From:** GENTLEMAN  
**Sent:** Wednesday, 28 October 2015 3:22 PM  
**To:** CORBELL  
**Subject:** FW: Mr Rattenbury's Bill.

Received  
on  
13 NOV 2015  
MINISTERIAL AND  
GOVERNMENT SERVICES

Dear Minister Corbell,

Please see below correspondence for your consideration, as it falls within your portfolio responsibilities.

Kind regards,

Natasha Apostoloski | Office Manager  
Office of Mick Gentleman MLA | Member for Brindabella Minister for Planning, Minister for Roads and Parking, Minister for Workplace Safety and Industrial Relations, Minister for Children and Young People, Minister for Ageing  
: 620 50218 | e: [natasha.apostoloski@act.gov.au](mailto:natasha.apostoloski@act.gov.au) |

-----Original Message-----

**From:** [REDACTED]  
**Sent:** Wednesday, 28 October 2015 2:29 PM  
**To:** GENTLEMAN  
**Cc:** gordon white  
**Subject:** Mr Rattenbury's Bill.

Dear Mr Gentleman,

My wife and I would like to express our strong objections to the above Bill. We believe that earnest people should have the opportunity to put their views clearly about such important moral matters as abortion and especially the horror of barbarous late-term abortion.. Any restriction of freedom of speech, association, outdoor gatherings for purposes of demonstration should not be curtailed by any democratically elected government. This Bill, if passed, may just start the slide to other erosions of freedom and hasten the steady deterioration to further controlled totalitarianism Sincerely, [REDACTED]

<b>TO</b>			
<input type="checkbox"/>	MINISTER	<input type="checkbox"/>	CHIEF OF STAFF
<input type="checkbox"/>	LEGAL ADVISER	<input type="checkbox"/>	HEALTH ADVISER
<input type="checkbox"/>	MEDIA ADVISER	<input type="checkbox"/>	ENVIRONMENT ADVISER
<input checked="" type="checkbox"/>	DLO	<input type="checkbox"/>	ELECTORATE ADVISER
<input type="checkbox"/>	EO	<input type="checkbox"/>	OTHER
<b>FOR</b>			
<input checked="" type="checkbox"/>	REPLY	<input type="checkbox"/>	ACTION
<input type="checkbox"/>	ADVISE	<input type="checkbox"/>	FILE
<input type="checkbox"/>	NOTED	<input type="checkbox"/>	ARRANGE MEETING
<input type="checkbox"/>	CONTACT	<input type="checkbox"/>	INFORMATION
<input type="checkbox"/>	NFA	<input type="checkbox"/>	DISCUSSION
<input type="checkbox"/>	REFER TO	<input type="checkbox"/>	COPY
<b>COMMENT:</b> .....			

Min 15/1638<sup>178</sup>

**Burton, Natasha**

**From:** GENTLEMAN  
**Sent:** Wednesday, 28 October 2015 3:20 PM  
**To:** CORBELL  
**Subject:** FW: peaceful awareness

Dear Minister Corbell,

Please see below correspondence for your consideration, as it falls within your portfolio responsibilities.

Kind regards,

**Natasha Apostoloski** | Office Manager  
Office of Mick Gentleman MLA | Member for Brindabella  
Minister for Planning,  
Minister for Roads and Parking,  
Minister for Workplace Safety and Industrial Relations,  
Minister for Children and Young People,  
Minister for Ageing  
t: 620 50218 | e: [natasha.apostoloski@act.gov.au](mailto:natasha.apostoloski@act.gov.au) |

Received  
on  
13 NOV 2015  
MINISTERIAL AND  
GOVERNMENT SERVICES

**From:** [REDACTED]  
**Sent:** Wednesday, 28 October 2015 2:15 PM  
**To:** GENTLEMAN  
**Subject:** peaceful awareness

Hi Mick Gentleman My name is Craig Holford from Kambah  
I have jus come aware that Greens Minister Shane Rattenbury is intending to introduce legislation into the  
parliament very soon  
that will inhibit women from getting vital information that pro abortion vascilities do not offer.

I am concerned that only one side of the story is offered and those offering a lope sided advice may also have  
vested interest in there opinion as seen be Dr Deborah  
of **Planned Parenthood**.

I would ask you not to support this motion/bill until alternatives are put in place.

Yours sincerely  
[REDACTED]

<b>TO</b>			
<input type="checkbox"/>	MINISTER	<input type="checkbox"/>	CHIEF OF STAFF
<input type="checkbox"/>	LEGAL ADVISER	<input type="checkbox"/>	HEALTH ADVISER
<input type="checkbox"/>	MEDIA ADVISER	<input type="checkbox"/>	ENVIRONMENT ADVISER
<input checked="" type="checkbox"/>	DLO	<input type="checkbox"/>	ELECTORATE ADVISER
<input type="checkbox"/>	EO	<input type="checkbox"/>	OTHER
<b>FOR</b>			
<input checked="" type="checkbox"/>	REPLY	<input type="checkbox"/>	ACTION
<input type="checkbox"/>	ADVISE	<input type="checkbox"/>	FILE
<input type="checkbox"/>	NOTED	<input type="checkbox"/>	ARRANGE MEETING
<input type="checkbox"/>	CONTACT	<input type="checkbox"/>	INFORMATION
<input type="checkbox"/>	NFA	<input type="checkbox"/>	DISCUSSION
<input type="checkbox"/>	REFER TO	<input type="checkbox"/>	COPY
<b>COMMENT:</b> .....			

Minis<sup>179</sup>/1642

**Burton, Natasha**

**From:** [REDACTED]  
**Sent:** wednesday, 28 October 2015 3:57 PM  
**To:** CORBELL  
**Subject:** Fwd: Shane Rattenbury's Bill to ban peaceful prayer Vigil

Sent first to incorrect email address

----- Forwarded message -----

**From:** [REDACTED]  
**Date:** 28 October 2015 at 15:46  
**Subject:** Shane Rattenbury's Bill to ban peaceful prayer Vigil  
**To:** [corbell@parliament.act.gov.au](mailto:corbell@parliament.act.gov.au)

Received  
on  
13 NOV 2015  
MINISTERIAL AND  
GOVERNMENT SERVICES

Dear Mr Corbell

I earnestly ask you not to vote in favor of this Bill because it:

- Smacks of police state control in that it takes away a person's right to peaceful assembly,
- Contradicts the ACT Human Rights in relation to the above,
- Has no supportive evidence that people accessing the abortion facility are being harassed,
- Inappropriately puts the police right in the middle of a difficult moral issue,
- Seeks to drown out the voices of all those who sincerely believe that abortion is murder, and
- Is based on the fear that pro abortion rhetoric will be found out for the lies and utter selfishness on which it is based.

The terrible crime of abortion drowns out the cries of the unborn. This Bill seeks to compound the felony by seeking to drown out the voices of those who wish to engage in peaceful prayer for all those hurt by abortion.



<b>TO</b>	
<input type="checkbox"/>	MINISTER
<input type="checkbox"/>	LEGAL ADVISER
<input type="checkbox"/>	MEDIA ADVISER
<input checked="" type="checkbox"/>	DLO
<input type="checkbox"/>	EO
<input type="checkbox"/>	CHIEF OF STAFF
<input type="checkbox"/>	HEALTH ADVISER
<input type="checkbox"/>	ENVIRONMENT ADVISER
<input type="checkbox"/>	ELECTORATE ADVISER
<input type="checkbox"/>	OTHER
<b>FOR</b>	
<input checked="" type="checkbox"/>	REPLY
<input type="checkbox"/>	ADVISE
<input type="checkbox"/>	NOTED
<input type="checkbox"/>	CONTACT
<input type="checkbox"/>	NFA
<input type="checkbox"/>	REFER TO
<input type="checkbox"/>	ACTION
<input type="checkbox"/>	FILE
<input type="checkbox"/>	ARRANGE MEETING
<input type="checkbox"/>	INFORMATION
<input type="checkbox"/>	DISCUSSION
<input type="checkbox"/>	COPY
COMMENT: .....	

MINIS 180 9634

**Burton, Natasha**

**From:** GENTLEMAN  
**Sent:** Wednesday, 28 October 2015 3:18 PM  
**To:** CORBELL  
**Subject:** FW: Re Protesters outside Abortion Clinic

Dear Minister Corbell,

Please see below correspondence for your consideration, as it falls within your portfolio responsibilities.

Kind regards,

Natasha Apostoloski | Office Manager  
Office of Mick Gentleman MLA | Member for Brindabella Minister for Planning, Minister for Roads and Parking, Minister for Workplace Safety and Industrial Relations, Minister for Children and Young People, Minister for Ageing  
:: 620 50218 | e: [natasha.apostoloski@act.gov.au](mailto:natasha.apostoloski@act.gov.au) |

-----Original Message-----

**From:** [REDACTED]  
**Sent:** Wednesday, 28 October 2015 1:37 PM  
**To:** GENTLEMAN  
**Subject:** Re Protesters outside Abortion Clinic

Received  
on  
13 NOV 2015  
MINISTERIAL AND  
GOVERNMENT SERVICES

Good afternoon, Mr Gentleman, I am writing to you to request that you oppose Mr Rattenbury's proposed action to ban people from protesting outside the Abortion Clinic.

We live in a Democracy -- a ban such as this limits our freedom of speech. Those who agree with abortion have no restrictions on their freedom of speech.

I have participated in these Prayer Vigils. We do not harass or speak to any person, except for those who come to us, for information or advice. There are many people who come & go from that building -- we do not know who is there to procure an abortion.

I urge you to give this matter your urgent attention, so that our Mothers & babies are safe, & that our democratic rights are not eroded..

Thank you.

Yours sincerely

[REDACTED]

[REDACTED]

Sent from my iPad

<b>TO</b>	
<input type="checkbox"/>	MINISTER
<input type="checkbox"/>	LEGAL ADVISER
<input type="checkbox"/>	MEDIA ADVISER
<input checked="" type="checkbox"/>	DLO
<input type="checkbox"/>	EO
<input type="checkbox"/>	CHIEF OF STAFF
<input type="checkbox"/>	HEALTH ADVISER
<input type="checkbox"/>	ENVIRONMENT ADVISER
<input type="checkbox"/>	ELECTORATE ADVISER
<input type="checkbox"/>	OTHER
<b>FOR</b>	
<input type="checkbox"/>	REPLY
<input type="checkbox"/>	ADVISE
<input type="checkbox"/>	NOTED
<input type="checkbox"/>	CONTACT
<input type="checkbox"/>	NFA
<input type="checkbox"/>	REFER TO
<input type="checkbox"/>	ACTION
<input type="checkbox"/>	FILE
<input type="checkbox"/>	ARRANGE MEETING
<input type="checkbox"/>	INFORMATION
<input type="checkbox"/>	DISCUSSION
<input type="checkbox"/>	COPY
COMMENT: .....	

Minis 1811644

**Burton, Natasha**

---

**From:** [REDACTED]  
**Sent:** Wednesday, 28 October 2015 12:12 PM  
**To:** CORBELL  
**Subject:** Abortion clinic exclusion zone legislation

Received  
on  
13 NOV 2015  
MINISTERIAL AND  
GOVERNMENT SERVICES

Dear Mr Corbell,

I understand that tomorrow the Legislative Assembly will vote on legislation to ban those opposed to abortion from vicinity of abortion clinics, regardless of whether their presence is peaceful or not.

I write to ask you to vote against this bill, on three grounds.

First, if the basic rights of freedom of assembly, or association, of speech and of opinion, all of which will be fatally impacted by this legislation. Individuals or groups must have the right to be, to gather, and to express their opinions through speech or word on any public space (park, street or other location) and in and on private property where they would otherwise be permitted.

If passed, this bill would set a dangerous precedent, because it criminalises basic freedoms. This is a large step that needs to be very carefully considered for potential negative consequences to society as a whole, whose welfare is of much greater value than that of the very small subset the bill claims it seeks to protect. The needs of the many should always outweigh those of the few.

If passed, there is only a much smaller step to extend the ban to greater and greater distances. If initially set at an arbitrary 50m, there is just as much reason to extend it to 100m, 1km, or more. It would also set a precedent so that it would be only a small step to extend the ban to protest on other issues near other locations: schools, churches, mosques, freemasonry halls, libraries, embassies, cemeteries, banks, parks, and even legislative assemblies...

For these reasons alone, the bill is incredibly dangerous to democracy and to the freedoms the government is elected to protect, for the benefit of the entire community.

Secondly, abortion is a pernicious form of domestic violence, culminating in pre-meditated murder, and there is a moral, if not legal, duty, that behoves every individual in society to oppose violence, and to prevent it if at all possible. Every child once conceived has a right to life, liberty and happiness. We discourage pregnant women from smoking and drinking, because it is likely to harm the baby. Indeed, there are legal requirements to put warning to this effect on alcoholic and tobacco products. We do not ban anyone from stating on the danger of alcohol in the vicinity of bottleshops and pubs. So why are we trying to prevent the saving of human life by the current bill?

At a time when there are many childless couples who want to adopt, why are we allowing a parent who does not want a child to kill it, when other would-be parents would gladly raise the child?

In a year when dozens of women have been murdered by their husbands to community outrage, why is the government trying to make it easier for women to murder their own children at the same time it

is trying to prevent husbands murdering their wives or children? The child is just as much the father's as the mother's, but we would not condone a husband forcing his wife to have an abortion against her will, so why should the wife be able to without the husband's consent? There are dangerous sexist attitudes here.

Thirdly, the ban would criminalise prayer, such as the vigil led by the Catholic Archbishop. This is yet another attack on freedom of religion, and on Christianity in particular, again a frightening precedent.

For all the reasons above, please oppose this legislation which sets a dangerous precedent for the erosion of freedom, and promotes a terrible form of domestic violence against innocent and defenceless victims.





















































## MINISTERIAL BRIEF

GPO Box 825 Canberra ACT 2601 | phone: 13 22 81  
www.health.act.gov.au

UNCLASSIFIED

TRIM No.: GBC16/86

Date Rec'd Minister's Office 17.3.16

**To:** Simon Corbell MLA, Minister for Health

**From:** Ms Nicole Feely, Director-General ACT Health

**Subject:** *Health (Patient Privacy) Amendment Act 2015* protected area disallowable instrument and commencement notice

**Critical Date:** 24 March 2016, before Easter

**Critical Reason:** You have indicated a preference that the Act commence before Easter. The default commencement date for the *Health (Patient Privacy) Amendment Act 2015* (the Act) is 4 May 2016, that is six months after its notification date.

**Purpose**

1. To seek your signature for the disallowable instrument to declare the protected area as required by section 86 of the Act. The disallowable instrument will declare a protected area around the Dr Marie Stopes International clinic, at ACT Health's 1 Moore Street premise. The clinic is an approved medical facility and provides family planning and sexual health services, including abortions.

**Background**

2. On 29 October 2015, amendments to the *Health Act 1993*, introducing the concept of prohibited behaviour in protected areas around medical facilities approved under the Act was debated and passed in the ACT Legislative Assembly.
3. The default commencement date is 4 May 2016, that is six months after its notification date on 4 November 2015. You have indicated a preference that the Act commence before Easter. Accordingly a new commencement notice has been prepared at Attachment A for your signature to allow a commencement date of 22 March 2016, four days before Easter. A written notice of a new commencement date is allowed under section 2 of the Act.
4. The amendments in the Act involved the introduction of a protected area around an approved medical facility that provides termination of pregnancy services in the ACT.
5. The amendments in the Act are designed to:
  - a. prevent behaviours which may act to increase emotional distress or prevent women from accessing legal and medically recognised health procedures;
  - b. create a 'protest free zone' which means that all forms of protest will be prohibited; and
  - c. ensure that both staff and patients may enter and exit these medical facilities without prejudice.
6. The amendments passed were issued with a compatibility assessment in line with the *Human Rights Act 2004*, indicating that the amendments appropriately balance the human rights of protesters and the public interests in protecting an individual's right to access safe and legal healthcare.

UNCLASSIFIED

UNCLASSIFIED

7. The Government successfully made two minor and technical amendments to ensure appropriate time was available to complete implementation arrangements ahead of the commencement of the Act, and to ensure a minimum protected area was set at 50 metres.

**Government Commitment –Other (and reason)**

8. The Government is committed to ensuring that the rights of people to protest are balanced with the right of people to access safe and legal healthcare without harassment or intimidation.

**Issues**

9. The Health (Patient Privacy) Amendment Act 2015 requires that the protected area around medical facilities be prescribed by the Minister for Health via Disallowable Instrument. This was a key factor in ensuring the support of the ACT Human Rights Commission to the process of determining a protected area under the *Health (Patient Privacy) Amendment Act 2015*.
10. Disallowable instruments defined in the *Legislation Act 2001* section 9. They are:
  - a. instruments which set fees or charges; and those statutory instruments that are declared to be disallowable by an Act of the ACT Legislative Assembly.
  - b. Disallowable instruments (and accompanying explanatory statements) are generally drafted within the responsible directorate and not by the Parliamentary Counsels' Office (PCO).
11. Notification and drafting requirements are set out in the *Legislation Regulation 2003*.
12. Once a Disallowable Instrument is signed by a minister or other instrument maker, the PCO notifies the instrument, and publishes the explanatory statement, on the Legislation Register and updates the ACT Legislation Register web site. PCO also provides an electronic copy to Publishing Services, who provides a presentation copy to ACT Legislative Assembly Secretariat.
13. A legislative instrument becomes enforceable once it is notified (see section 62 *Legislation Act 2001*). After a disallowable instrument has been notified, Section 64 of the *Legislation Act 2001* requires that the instrument be presented to the Legislative Assembly within six sitting days or it is taken to have been repealed. The Legislative Assembly may disallow or amend a disallowable instrument presented to it.
14. A disallowable instrument and explanatory statement has been developed to declare the protected area for the purposes of section 86 of the *Health Act 1993* at Attachment B for your signature.
15. The protected area around the approved medical facility at 1 Moore Street, Canberra City comprises of the blocks and sections shaded in blue and the streets shaded in yellow in the map at schedule 1 of the disallowable instrument (Attachment B).
16. An explanatory statement to disallowable instrument is at Attachment C.

UNCLASSIFIED

UNCLASSIFIED

17. The protected area comprises the following blocks and sections:

- section 1, blocks 35, 36, 39, 40 and 41;
- section 2, block 3;
- section 31, blocks 3, 4 and 9; and
- section 32, blocks 1, 2 and 3.

And the following streets:

- Moore Street, between Rudd Street and Alinga Street;
- Alinga Street, between Marcus Clarke Street and Northbourne Avenue; and
- Mulwala Lane.

18. The protected area to be declared is not less than 50 metres from the approved medical facility to be protected. The protected area is sufficient to ensure privacy and unimpeded access of anyone trying to enter or leave the approved medical facility to be protected and is not bigger than necessary to ensure that outcome.

#### **Financial Implications**

19. Implementation of the Act is not likely to have significant financial impacts.

#### **Directorate Consultation**

20. ACT Health has convened an implementation working group with representatives from ACT Health, Justice and Community Safety Directorate (JACS) and the Australian Federal Police (AFP) to guide the implementation of the protected area.

#### **External Consultation**

21. The amendments were drafted in light of community feedback from key stakeholders, such as the Women's Centre for Health Matters, and individual constituents.

#### **Benefits/Sensitivities**

22. The issue of termination of pregnancy is a highly sensitive topic. Access to pregnancy termination is legal in the ACT and it is regarded as a health care matter. The implementation of the Act will benefit women in the ACT who require unimpeded access to these particular health services to undergo these medical procedures.

#### **Media Implications**

23. As the implementation plan for the amendments are being finalised, associated communications approach and methods, will continue to be developed in consultation with your Office and across ACT Government Directorates.

#### **Recommendations**

That you:

UNCLASSIFIED

UNCLASSIFIED

1. Note the information contained in this brief;

**Noted/Please Discuss**

2. Sign the new commencement notice at Attachment A;

**Agreed/Not Agreed/Please Discuss**

3. Sign the disallowable instrument at Attachment B;

**Agreed/Not Agreed/Please Discuss**

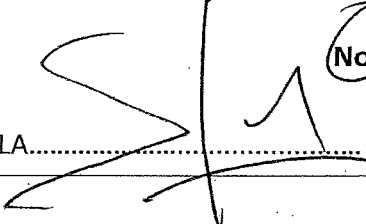
4. Note the protected area map at schedule 1 to the disallowable instrument at Attachment B.

**Noted/Please Discuss**

5. Note the explanatory statement for the disallowable instrument at Attachment C.

**Noted/Please Discuss**

Simon Corbell MLA.....



18/3/16

Minister's Comments

Signatory Name:	Ross O'Donoghue	Phone:	50568
Title:	Executive Director Policy and Government Relations		
Date:	March 2016		
Action Officer:	May Sandy Myint	Phone:	54949

UNCLASSIFIED

Australian Capital Territory

## Health (Patient Privacy) Amendment Commencement Notice 2016

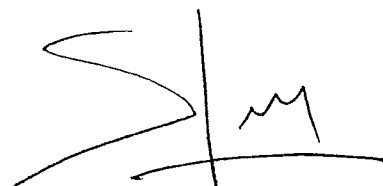
Commencement notice CN2016- 4

made under the

Health (Patient Privacy) Amendment Act 2015, section 2 (Commencement)

---

The *Health (Patient Privacy) Amendment Act 2015* commences on 22 March 2016.

A handwritten signature in black ink, consisting of a large, stylized 'S' followed by a vertical line and a smaller, less distinct signature.

Simon Corbell, MLA  
Minister for Health

18 March 2016

Australian Capital Territory

## Health (Protected Area) Declaration 2016 (No 1)

Disallowable instrument DI2016- 26

made under the

Health Act 1993, s86 (Declaration of protected area)

---

### 1 Name of instrument

This instrument is the *Health (Protected Area) Declaration 2016 (No 1)*.

### 2 Commencement

This instrument commences on the commencement of the *Health Act 1993*, section 86.

### 3 Definition

In this declaration:

*approved medical facility* means the facility at Level 1, 1 Moore Street, Canberra City 2601, operated by Marie Stopes International, approved as a medical facility under the *Health (Medical Facilities) Approval 2006 (No 2)* NI2006-288.

### 4 Declaration of protected area

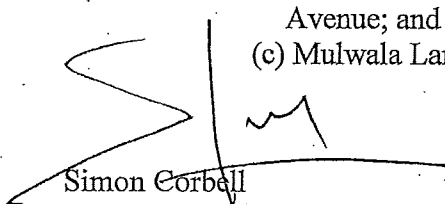
(1) I declare the area around the approved medical facility, shaded blue and yellow in the map in schedule 1, and comprising the blocks and sections mentioned in subsection (2), and the streets mentioned in subsection (3), to be a protected area.

(2) For subsection (1), the blocks and sections are the following:

- (a) section 1, blocks 35, 36, 39, 40 and 41;
- (b) section 2, block 3;
- (c) section 31, blocks 3, 4 and 9; and
- (d) section 32, blocks 1, 2 and 3.

(3) For subsection (1), the streets are the following:

- (a) Moore Street, between Rudd Street and Alinga Street;
- (b) Alinga Street, between Marcus Clarke Street and Northbourne Avenue; and
- (c) Mulwala Lane.



Simon Corbell  
Minister for Health

13 March 2016

Schedule 1— Protected Area for the Health (Patient Privacy) Amendment Act 2015

The protected area around the approved medical facility comprises of the blocks and sections shaded in blue and the streets shaded in yellow in the map below.

The protected area comprises of the following blocks and sections:

- section 1, blocks 35, 36, 39, 40 and 41;
- section 2, block 3;
- section 31, blocks 3, 4 and 9; and
- section 32, blocks 1, 2 and 3.

And the following streets:

- Moore Street, between Rudd Street and Alinga Street;
- Alinga Street, between Marcus Clarke Street and Northbourne Avenue; and
- Mulwala Lane.



Australian Capital Territory

## Health (Protected Areas) Declaration 2016 (No 1)

Disallowable instrument DI2016- 26

made under the

Health Act 1993, s86 (Declaration of protected area)

### EXPLANATORY STATEMENT

---

This disallowable instrument provides that pursuant to section 86 of the *Health Act 1993* a protected area is declared around the approved medical facility at 1 Moore Street, Canberra City. The protected area comprises the blocks and sections shaded in blue and the streets shaded in yellow in the map at schedule 1.

The protected area comprises the following blocks and sections:

- section 1, blocks 35, 36, 39, 40 and 41;
- section 2, block 3;
- section 31, blocks 3, 4 and 9; and
- section 32, blocks 1, 2 and 3.

And the following streets:

- Moore Street, between Rudd and Alinga Street;
- Alinga Street, between Marcus Clarke Street and Northbourne Avenue; and
- Mulwala Lane.

The declared protected area is not less than 50 metres at any point from the approved medical facility to be protected. The protected area is in the Minister's opinion sufficient to ensure the privacy and unimpeded access of anyone trying to enter or leave the approved medical facility to be protected and is no bigger than necessary to ensure that outcome.



## MINISTERIAL BRIEF

GPO Box 825 Canberra ACT 2601 | phone: 13 22 81

www.health.act.gov.au

UNCLASSIFIED

TRIM No: GBC16/151

Date Rec'd Minister's Office

10/5/16

To: Simon Corbell MLA, Minister for Health

From: Dr Paul Kelly, A/Director-General ACT Health

Subject: *Health Act 1993* disallowable instrument for the amended protected area

Critical Date: X Tuesday 10 May 2016

Critical Reason: Protests occur on a weekly basis on Fridays, the critical date aims to implement the amended protected area prior to the next protest.

**Purpose**

1. To seek your signature on a disallowable instrument to declare an amended protected area as required by section 86 of the *Health Act 1993* (the Act). The disallowable instrument will declare a protected area around the Dr Marie Stopes International clinic, at ACT Health's 1 Moore Street premise. The clinic is an approved medical facility and provides family planning and sexual health services, including abortions.

**Background**

2. A disallowable instrument to set the protected area around ACT Health's 1 Moore Street premise was approved by you on 18 March 2016.
3. After commencement of the Act, and notification of the protected area, a group have been seen protesting within the protected area on numerous occasions. As previously discovered, these protests have continued to occur on Fridays being 1, 8 and 15 April 2016.
4. During the protest specifically on 15 April 2016, there were different interpretations of the protected area map. The map as drawn indicated that the shaded protected area included footpaths as part of the designated protected area. However, ACT Policing's interpretation of what the term 'street' includes (the term used in the previous map and disallowable instrument), extends to include only the constructed road, not including footpaths.
5. As requested by your office, in response to the protests that have occurred, particularly on 15 April 2016, a briefing on potential amendments of the protected area to mitigate any ambiguity relating to the area and to consider lines of sight to the health facility on 1 Moore Street was provided and agreed by you on 4 April 2016.
6. ACT Health has consulted with ACT Policing around amendments of the protected area. ACT Policing advised extending the protected area to include all of West Row, Rudd Street, and Odgers Lane. These extensions eliminate lines of sight to both the front and back entrances of the health facility.

UNCLASSIFIED

## UNCLASSIFIED

7. To remove ambiguity around the interpretation of what the term 'street' includes, in that, whether a street is only the constructed road, or whether footpaths and outdoor areas are included in the definition, the term 'roads and road related areas' will be used as advised by your office. This term aligns with the ACT Government Roads and Road Transport sector. ACT Policing is supportive of this change.

**Government Commitment – Other (and reason)**

8. The Government is committed to ensuring that the rights of people to protest are balanced with the rights of people to access safe and legal healthcare without harassment or intimidation.

**Issues**

9. The Act requires that the protected area around medical facilities be prescribed by the Minister for Health via a disallowable instrument. This was a key factor in ensuring the support of the ACT Human Rights Commission to the process of determining a protected area under the Act.
10. A disallowable instrument and map have been developed to declare the protected area for the purposes of section 86 of the Act at Attachment A for your signature.
11. An explanatory statement to the disallowable instrument is at Attachment B.
12. The amended protected area around the approved medical facility at 1 Moore Street, Canberra City comprises of the yellow shaded areas in the map at schedule 1 of the disallowable instrument.
13. The amended protected area comprises the following blocks and sections and roads and road related areas shaded in yellow in the attached map:
- Section 1, blocks 35, 36, 39, 40 and 41;
  - Section 2, block 3;
  - Section 31, blocks 3, 4 and 9;
  - Section 32, blocks 1, 2 and 3;
  - Alinga Street, between Marcus Clarke Street and Northbourne Avenue;
  - Mulwala Lane;
  - Rudd Street, between Marcus Clarke Street and Northbourne Avenue;
  - Moore Street, between Rudd Street and Alinga Street;
  - West Row, between Alinga Street and London Circuit;
  - Odgers Lane.
14. The protected area to be declared is not less than 50 metres from the approved medical facility to be protected. The amended protected area is sufficient to ensure privacy and unimpeded access of anyone trying to enter or leave the approved medical facility to be protected, and eliminates lines of sight to both the front and back entrances of the facility.

UNCLASSIFIED

## UNCLASSIFIED

15. It is important to note that over the past few weeks, on Fridays including 22 and 29 April and 6 May 2016, protesters have complied with the legislation and have held protests outside of the protected area on West Row, allowing unimpeded access to the approved medical facility building for anyone entering or exiting.
16. ACT Health Communications and Engagement Unit is in the process of developing new signage regarding the amendments to the protected area.

**Financial Implications**

17. Minor financial implications will apply in regards to developing a new A-Frame sign to reflect the amendments to the protected area map.

**Directorate Consultation**

18. ACT Health has consulted with ACT Policing regarding extensions of the protected area, and with the Parliamentary Counsels Office in relation to the updated disallowable instrument.

**External Consultation**

19. Not applicable.

**Benefits/Sensitivities**

20. The issue of termination of pregnancy is a highly sensitive topic. Access to pregnancy termination is legal in the ACT and it is regarded as a health care matter. The implementation of the Act benefits women in the ACT who require unimpeded access to these particular health services to undergo these medical procedures.

**Media Implications**

21. The Chief Police Officer was interviewed on the radio on 20 April 2016 and questions around the Act were raised. Continuing media attention may occur over the coming weeks once amendments to the protected area have been implemented.
22. A media release advising of the amended area has been prepared for your consideration at Attachment C.

**Recommendations**

That you:

1. Note the information contained in this brief;

**Noted/Please Discuss**

2. Sign the disallowable instrument at Attachment A;

**Agreed/Not Agreed/Please Discuss**

3. Note the amended protected area map at schedule 1 to the disallowable instrument at Attachment A;

**Noted/Please Discuss**

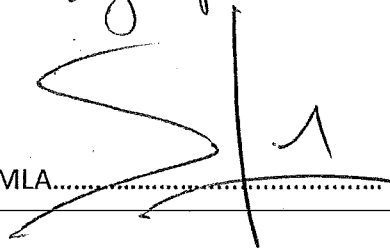
UNCLASSIFIED

UNCLASSIFIED

4. Note the explanatory statement for the disallowable instrument at Attachment B; and **Noted/Please Discuss**

5. Agree to the media release at Attachment C. **Agreed/Not Agreed/Please Discuss**

*Agreed with my wife*



Simon Corbell MLA.....

10, 5, 16.  
...../...../.....

Minister's Comments

Signatory Name:	Matthew Richter	Phone:	6207 9143
Title:	A/g Executive Director Policy and Government Relations		
Date:	10 May 2016		
Action Officer:	Sandy Myint	Phone:	6205 4949

UNCLASSIFIED

**Notification Request - Disallowable instrument (pending)**

Request by: Karen Pearson  
Position title: Cabinet and Assembly Liaison Officer  
Position number: 29643  
Work phone number: 62050849  
After hours phone number: 62050849  
On behalf of: Health Directorate  
Instrument type: Disallowable instrument  
Principal legislation  
Request submitted: 18 May 2016 1:23 PM

Please notify the making of the following instrument under the Legislation Act 2001, section 61:

**Instrument to be notified:**

Name: Health (Protected Area) Declaration 2016 (No 2)  
Number: DI2016-58  
To be notified: 18 May 2016

**Does this instrument commence:**

the day after notification

**Authorising law(s):**

Health Act 1993 *provision(s):* S86

**Instrument maker(s):****Name (as signed):**

Simon Corbell MLA (*Title:* Minister for Health)

**Date made:** 16/05/2016

**Request for notification made by/for:** delegate

**Does this instrument repeal or amend another instrument?** No

**Is this instrument an appointment?** No

**Attachments**

- [explanatory statement](#)
- [other document](#)
- [disallowable instrument](#)

*I, Karen Pearson certify that the attached file for the instrument to be notified contains an exact copy of the text of the instrument as made.*

Certified

Please explain why the parliamentary counsel should enter this instrument in the register.

*None*

*Does the instrument to be notified comply with the following requirements prescribed under the Legislation Regulations 2003, regulation 6?*

- *a unique name that includes the year in which the instrument was made*
- *the date the instrument was made*
- *the name of the authorising law*
- *the authorising provision of that law*
- *the name (as signed) and title of each maker of the instrument*
- *the instrument's notification number*

Yes

**Notes:**

*None*

---

[Back](#)

Australian Capital Territory

## Health (Protected Area) Declaration 2016 (No 2)

Disallowable instrument DI2016- 58

made under the

Health Act 1993, s86 (Declaration of protected area)

---

### 1 Name of instrument

This instrument is the *Health (Protected Area) Declaration 2016 (No 2)*.

### 2 Commencement

This instrument commences on the day after its notification day.

### 3 Definitions

In this declaration:

*approved medical facility* means the facility at Level 1, 1 Moore Street, Canberra City 2601, operated by Marie Stopes International, approved as a medical facility under the *Health (Medical Facilities) Approval 2006 (No 2)* NI2006-288.

*road*—see the *Road Transport (General) Act 1999*, dictionary.

*road related area*—see the *Road Transport (General) Act 1999*, dictionary.

### 4 Declaration of protected area

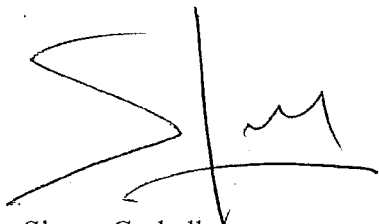
(1) I declare the following areas around the approved medical facility to be protected areas:

- (a) the area shaded yellow in the map in schedule 1 and comprising the blocks and sections mentioned in subsection (2), and the roads and road related areas mentioned in subsection (3);
- (b) the area on the ground and 1st floors, and any area used to access the 1st floor, in the premises at 1 Moore Street that is open to the public.

(2) For subsection (1), the blocks and sections are the following:

- (a) section 1, blocks 35, 36, 39, 40 and 41;
- (b) section 2, block 3;
- (c) section 31, blocks 3, 4 and 9; and
- (d) section 32, blocks 1, 2 and 3.

- (3) For subsection (1), the roads and road related areas are the following:
- (a) Alinga Street, between Marcus Clarke Street and Northbourne Avenue;
  - (b) Mulwala Lane;
  - (c) Rudd Street, between Marcus Clarke Street and Northbourne Avenue;
  - (d) Moore Street, between Rudd Street and Alinga Street;
  - (e) West Row, between Alinga Street and London Circuit;
  - (f) Odgers Lane.

A handwritten signature in black ink, consisting of a large, stylized 'S' followed by a vertical line and a smaller, more complex scribble.

Simon Corbell  
Minister for Health  
16 May 2016

Australian Capital Territory

## Health (Protected Areas) Declaration 2016 (No 2)

Disallowable instrument DI 2016– 58

made under the

Health Act 1993, s86 (Declaration of protected area)

### EXPLANATORY STATEMENT

---

This disallowable instrument provides that pursuant to section 86 of the *Health Act 1993* a protected area is declared around the approved medical facility at 1 Moore Street, Canberra City. The protected area comprises the area on the ground and 1st floors, and any area used to access the 1st floor, in the premises at 1 Moore Street that is open to the public, the blocks and sections and the roads and road related areas shaded in yellow in the map at schedule 1.

The protected area shaded yellow comprises the following blocks and sections:

- section 1, blocks 35, 36, 39, 40 and 41;
- section 2, block 3;
- section 31, blocks 3, 4 and 9; and
- section 32, blocks 1, 2 and 3.

The protected area shaded yellow also comprises the following roads and road related areas:

- Alinga Street, between Marcus Clarke Street and Northbourne Avenue;
- Mulwala Lane;
- Rudd Street, between Marcus Clarke Street and Northbourne Avenue;
- Moore Street, between Rudd Street and Alinga Street;
- West Row, between Alinga Street and London Circuit; and
- Odgers Lane.

The declared protected area is not less than 50 metres at any point from the approved medical facility to be protected. The protected area is in the Minister's opinion sufficient to ensure the privacy and unimpeded access of anyone trying to enter or leave the approved medical facility to be protected and is no bigger than necessary to ensure that outcome.

# Protected Area

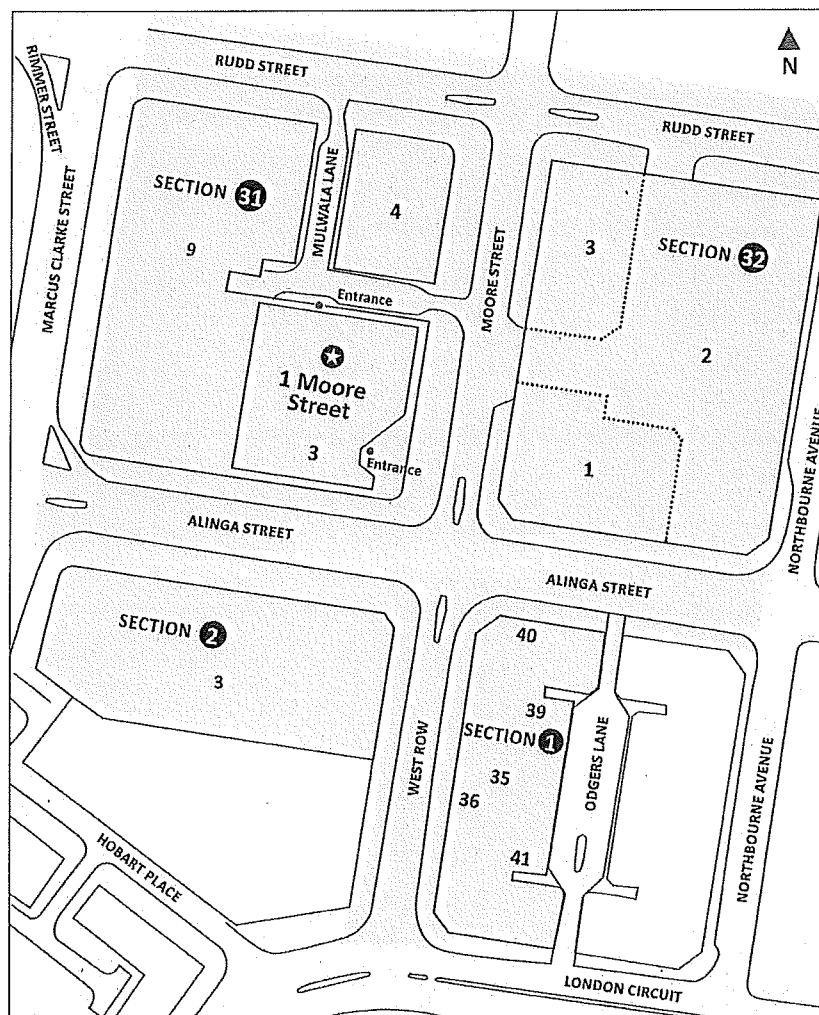
This is a protected area under the *Health (Patient Privacy) Amendment Act 2016*.

This prohibition applies within the protected area marked on the map on the right, and between the hours of 7:00 am and 6:00 pm on business days.

It is an offence to engage in prohibited behaviour including protesting, obstructing, harassing, interfering, hindering, threatening or intimidating people entering or leaving the approved medical facility at 1 Moore Street, Canberra City.

Prohibited behaviour includes protests, signage, verbal comments or capturing of visual data that is intended to prevent or hinder a person entering or leaving premises at 1 Moore Street, Canberra City<sup>1</sup>.

The protected area around the approved medical facility comprises of any areas accessible by the public in 1 Moore Street, the blocks and sections and roads and road related areas shaded yellow in the map.



Legend ▲ North □ Protest-free zone

The protected area comprises of the following blocks and sections and roads and road related areas shaded yellow in the map:

- Section 1, blocks 35, 36, 39, 40 and 41
- Section 2, block 3
- Section 31, blocks 3, 4 and 9
- Section 32, blocks 1, 2 and 3.
- Rudd Street
- Mulwala Lane
- Moore Street
- Alinga Street
- West Row
- Odgers Lane

<sup>1</sup>*Health Act 1993 (ACT)*, section 87 (Prohibited behaviour in or in relation to protected area).



**SIMON CORBELL** MLA  
DEPUTY CHIEF MINISTER

Attorney-General  
Minister for Health  
Minister for the Environment and Climate Change  
Minister for Capital Metro  
Minister for Police and Emergency Services

**MEDIA RELEASE**

Member for Molonglo

10 May 2016

**EXCLUSION ZONE EXTENDED EFFECTIVE IMMEDIATELY**

The protest-free zone around the ACT Health facility at 1 Moore Street in Civic has been changed to include the road and road related areas in and around the buildings in the immediate vicinity of the ACT Health facility at 1 Moore Street.

Minister for Health Simon Corbell said the changes which are effective as of today, will provide greater clarity on the protest-free zone for the community.

"This protest-free zone is about ensuring that women, who have made what is already a difficult decision to have an abortion, can access the medical services they require without being forced to endure the judgement of others," Minister Corbell said.

"The changes to the protest-free zone have come as a result of the continuation Civic of protestors, who when fringe on exclusion zones are able to see women entering and leaving the building, when accessing abortion treatment.

*The Health (Patient Privacy) Amendment Act 2015*, which has been inserted into the *Health Act 1993* as of the 22 March 2016, now includes the updated instrument which states the exclusion zone around 1 Moore Street, Civic are inclusive of roads and road related areas, such as footpaths and gutters.

"The ACT Government understands the balance between the right to protest and the right for all people to access safe and legal health care without intimidation. The amended exclusion zone clearly outlines to protestors their location rights and also provides women the ability to access health services without harassment," said Minister Corbell.

The updated map that reflects the amendments to the *The Health (Patient Privacy) Amendment Act 2015* is

---

available:

Statement ends



Media contacts: Andrew Benson T (02) 6205 0434 M 0481 004 015 andrew.benson@act.gov.au

**ACT LEGISLATIVE ASSEMBLY**

Phone (02) 6205 0000 Email corbell@act.gov.au



---

 @SimonCorbell  simon.corbell

---

REF