



Contraception, Sterilisation, and Abortion (Safe Areas) Amendment Act 2022

Public Act 2022 No 8
Date of assent 18 March 2022
Commencement see section 2

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Contraception, Sterilisation, and Abortion (Safe Areas) Amendment Act 2022.

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent.

3 Principal Act

This Act amends the Contraception, Sterilisation, and Abortion Act 1977.

4 Section 2 amended (Interpretation)

- (1) In section 2, definition of **safe area**, replace “section 17(1)” with “section 13C(1)”.
- (2) In section 2, insert in its appropriate alphabetical order:
premises, in relation to the provision of abortion services, means—
 - (a) the building in which the abortion services are provided; and
 - (b) the land on which that building is sited

5 New sections 13A to 13C inserted

After section 13, insert:

13A Certain behaviour prohibited in safe areas

- (1) A person must not—
 - (a) obstruct a person in a safe area who is approaching, entering, or leaving any building in which abortion services are provided; or
 - (b) make a visual recording of another person in a safe area in a manner that is likely to cause emotional distress to a person accessing, providing, or assisting with providing, abortion services; or
 - (c) do any of the following in a safe area in a manner that could be easily seen or heard by another person (A) who may be accessing, providing, or assisting with providing, abortion services:
 - (i) advise or persuade A to refrain from accessing or providing abortion services (unless the advice or persuasion is by a person who is, with the consent of A, accompanying A):
 - (ii) inform A about matters related to the provision of abortion services, other than during the course of providing those services, or assisting with provision of those services (unless the information is provided by a person who is, with the consent of A, accompanying A):
 - (iii) engage in protest about matters relating to the provision of abortion services.
- (2) A person who contravenes this section commits an offence and is liable on conviction to a fine not exceeding \$1,000.

13B Power of constable to arrest without warrant

If a constable reasonably believes that a person is engaging in prohibited behaviour in a safe area, the constable may—

- (a) require the person to stop engaging in the prohibited behaviour; and
- (b) if the person fails to stop engaging in the prohibited behaviour, arrest the person and take the person into custody without a warrant.

13C Regulations: safe areas

- (1) The Governor-General may, by Order in Council made on the recommendation of the Minister of Health after consultation with the Minister of Justice, make regulations for the purposes of section 13A prescribing as a safe area—
- (a) any specified premises at which abortion services are provided; and
 - (b) an area around those premises that is an area having a boundary of not more than 150 metres from the perimeter of the premises.
- (2) The Minister of Health may recommend the making of regulations under subsection (1) if the Minister is satisfied that prescribing a safe area—
- (a) is desirable to address any risk to the safety and well-being of persons doing any of the following, and to respect the privacy and dignity of those persons:
 - (i) accessing abortion services:
 - (ii) providing, or assisting with providing, abortion services:
 - (iii) seeking advice or information about abortion services:
 - (iv) providing, or assisting with providing, advice or information about abortion services; and
 - (b) can be demonstrably justified in a free and democratic society as a reasonable limitation on people's rights and freedoms.
- (3) Not later than 5 years after making any regulations under subsection (1) prescribing a particular safe area, and then at subsequent intervals of not more than 5 years, the Director-General, in consultation with the Secretary for Justice, must—
- (a) review the regulations (if they are still in force) to determine whether that prescribed safe area is still—
 - (i) desirable for the purposes specified in subsection (2)(a); and
 - (ii) demonstrably justified as specified in subsection (2)(b); and
 - (b) report to the Minister of Health and the Minister of Justice on whether the regulations should be—
 - (i) continued without amendment; or
 - (ii) continued with amendment; or
 - (iii) revoked.
- (4) An Order in Council made under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section

Publication	PCO must publish it on the legislation website and notify it in the <i>Gazette</i>	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114

Disallowance It may be disallowed by the House of Representatives LA19 ss 115, 116
This note is not part of the Act.

Legislative history

28 July 2020	Introduction (Bill 310–1)
10 March 2021	First reading and referral to Health Committee
28 October 2021	Reported from Health Committee (Bill 310–2)
15 February 2022	Second reading
2 March 2022	Committee of the whole House
16 March 2022	Third reading
18 March 2022	Royal assent

This Act is administered by the Ministry of Health.