

House of Representatives

Supplementary Order Paper

Tuesday, 3 March 2020

Abortion Legislation Bill

Proposed amendments

David Seymour, in Committee, to move the following amendments:

Clause 5

In *clause 5, new section 2*, delete the definition of **safe area** (page 4, lines 29 to 31).

Clause 7

In *clause 7*, delete *new sections 15 to 17* (page 6, line 22 to page 8, line 18).

Explanatory note

This Supplementary Order Paper amends *clause 7* of the Abortion Legislation Bill to delete *new sections 15, 16, and 17*, and also amends *clause 5* to delete the definition of **safe area** from *new section 2*, to remove safe areas from the legislation. The Law Commission did not recommend safe areas in the report that led to the Abortion Legislation Bill. While emotional harm caused by protesters is undesirable, proponents of safe areas are mistakenly importing a narrative from America where those accessing abortion services are grossly harassed and obstructed. In New Zealand, protests are more often pitiable than harmful. Such harm is not a common problem and can be adequately dealt with by current legislation, including the Summary Offences Act 1981 and the Trespass Act 1980. Safe areas are an impairment to freedom of expression and create a precedent for future restrictions. What's more the impairment is so arbitrary and weakly justified that it could serve as a justification for almost any future impairment. I note that, in advice to the Attorney General on this Bill, Crown Law has agreed the right to freedom of expression is impaired, and a precedent has been set, but the impairment is justified. I believe Crown Law has done its assessment correctly but failed to weigh the comparative values of freedom of expression and

precedent setting against the limited, if any, harm reduction that will actually occur. The creation of safe areas is bad law-making and should be removed from this Bill.
