



Meegan Fitzharris MLA

Member for Yerrabi

Minister for Health

Minister for Transport and City Services

Minister for Higher Education, Training and Research

Mr Tom Duncan
Clerk of the ACT Legislative Assembly
GPO Box 1020
CANBERRA ACT 2601

Dear Mr Duncan *Tom,*

Thank you for your letter of 11 August 2016 regarding Petition No 8-16 - Repeal of ban on Pro-Life actions near abortion clinics.

As referenced in your letter, standing order 100 requires the Minister responsible to lodge a response with the Clerk for presentation to the Assembly within three months of the tabling of the petition. As this date is after the conclusion of the Eighth Assembly I formally submit my response as follows.

Petition No 8-16 states that the legislative amendments introduced by the *Health (Patient Privacy) Amendment ACT 2015* seek to ban pro-life actions in designated areas near an abortion clinic, including praying. The petition further argues that these provisions trample on basic human rights involving freedom of expression which are essential in a democracy such as Australia.

I am confident that the Act does not impinge on basic human rights as the legislation was developed in consultation with key stakeholders, including the ACT Human Rights Commission and ACT Policing. The intention of the Act is to strike a balance between a woman's right to access safe and legal health care and the rights of protesters to voice their opinion.

The former ACT Attorney General undertook a compatibility assessment between the Act and the *Human Rights ACT 2004*, particularly in relation to the right for the Freedom of Movement and Peaceful Assembly. The limitations on human rights in this Bill were found to be proportionate and justified because they are the least restrictive means available to ensure that Canberrans can access these particular services without the potential for intimidation or harassment.

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The ACT Government's focus when delivering health care services remains with the patient at the centre of care. In this way, the ACT Government recognises the principles set out in the *Australian Charter of Health Care Rights*, that everyone has the right to access health care in a way that respects the patients, their cultural beliefs, values and personal characteristics.

The Government's primary intention is to ensure access to care by preventing the behaviours which may act to increase emotional distress or prevent women from accessing legal, medically recognised health services. The Act does not limit the ability to protest in other settings, such as the ACT Legislative Assembly or other public areas.

It is my belief that the repeal of the legislation provisions referred to under Petition No 8-16 is not warranted.

Thank you for allowing me to provide a response to this petition.

Yours sincerely



Meegan Fitzharris MLA
Minister for Health

8 November 2016