



Australian Medical Association (WA)

Safe Access Zones

**AMA (WA) Submission to the Proposal
for reform in Western Australia**



The Australian Medical Association (Western Australia)

The Australian Medical Association (WA) is Western Australia's peak medical representative body and the only independent organisation acting on behalf of WA's doctors and medical students.

We represent the professional interests of WA's medical profession and advocate for the best interests of our patients to government and the wider community.



The AMA (WA) supports the introduction of 'safe access zones' around premises that provide abortion services in Western Australia

Everyone has the right to access healthcare and the AMA (WA) supports the right of all individuals to make their own decisions about reproduction. The law permits termination of pregnancy and individuals who seek to access this service, or information about this service, should not be subject to discrimination or stigmatisation.

The AMA (WA) agrees with the principles outlined in the Australian Medical Association Position Statement, "*Ethical Issues in Reproductive Medicine*".¹

Specifically, the ability to regulate and control fertility should be regarded as a principal component of the physical, mental, economic and social well-being of women of reproductive age. Family planning can contribute to the survival and health of mothers and children. Family planning services may include, but are not limited to contraception, sterilisation, and termination of pregnancy.

The AMA (WA) notes that individuals or groups engaging in behaviour such as protests or 'sidewalk counselling' outside healthcare facilities, often do so to prevent or discourage people from accessing healthcare services. The Discussion Paper references behaviour which is intended to intimidate and discourage patients and staff from accessing or providing healthcare. Further, there are documented cases of physical violence occurring in Australia outside premises that provide abortion services.

The presence or threat of such activity occurring outside a healthcare facility is enough to deter or prevent a patient from accessing a health service that constitutes a principle component of their physical, mental, economic and social well-being. The WA Government has an obligation to ensure that obstruction, intimidation or deterrence does not prevent patient access to healthcare facilities and services. The AMA (WA) believes that 'safe access zones', by proscribing such behaviours in certain areas, would enable equitable access to healthcare services in WA, protecting patient's physical, mental, economic and social well-being.

The AMA (WA) also believes that, while medical practitioners should not be expected to participate in clinical or research activities that conflict with their personal convictions, a medical practitioner who chooses to provide clinical services should not be subject to discrimination or stigmatisation because of their decision to do so.² Likewise, all staff working at or connected to premises that provide abortion services should not be obstructed, discriminated against or stigmatised for working at these healthcare facilities.

¹ Australian Medical Association, "*Ethical Issues in Reproductive Medicine*" Position Statement, 04 December 2013, Source:<<https://ama.com.au/position-statement/ethical-issues-reproductive-medicine-2013>>, last accessed: 28 May 2019

² *Ibid.*



All staff who work at healthcare facilities should be able to attend work without fear or threat of judgement, discrimination, stigmatisation, violence, interruption or distraction designed to prevent the delivery of healthcare.

‘Safe access zones’ should apply around premises to ensure unobstructed access to health services and to prevent discrimination or stigmatisation of patients and staff

In order for ‘safe access zones’ to effectively ensure unobstructed access to healthcare and to prevent discrimination, stigmatisation or intimidation, there should be consideration of the potential limited impact of having ‘safe access zones’ which only apply for limited periods of time.

The AMA (WA) believes that facilitating ‘safe access zones’ only at certain times during the day, week or year, may defeat the purpose of having ‘safe access zones’ altogether. Employees will often work outside office hours and facility opening times. As such, a limited application of ‘safe access zones’ could still result in healthcare facility staff being subjected to intimidation, stigmatisation and other behaviours referenced in the Discussion Paper.

Likewise, patients seeking to access healthcare services may still feel threatened or deterred from accessing healthcare, due to the presence of protestors, picketers or ‘sidewalk counselling’, even if this only occurs at certain times of the day, week or year.

‘Safe access zones’ should extend to areas around a healthcare facility to ensure they are effective

The AMA (WA) believes that in order to ensure effective implementation of ‘safe access zones’, there should be specific consideration for applying ‘safe access zones’ to areas that include patient and staff access points. This should include pedestrian routes to healthcare facilities from public transport, facility-specific car parks, adjacent available public parking and taxi ranks.

Prohibited behaviour, buffer zones and premises other than abortion clinics

The AMA (WA) encourages Western Australia to build on the experience of interstate jurisdictions who have implemented similar legislation.

The AMA (WA) believes that the effective implementation of ‘safe access zones’ should proscribe all behaviour which serves to obstruct or impede access to healthcare facilities and healthcare services, or stigmatise patients and staff who work at healthcare facilities.

The AMA (WA) would support reasonable application of ‘safe access zones’ to any healthcare facility, not just limited to premises that provide abortion services, provided there was a need to enable and protect unobstructed access for patients and facility staff, or prevent behaviour that is intended to discourage individuals from accessing legally available healthcare services.