

EXPOSURE DRAFT

Suzanne Orr

(Prepared by Parliamentary Counsel's Office)

Period Products (Access) Bill 2022

Contents

		Page
Part 1	Preliminary	
1	Name of Act	2
2	Commencement	2
3	Dictionary	2
4	Notes	2
5	Object of Act	3
6	Meaning of <i>period poverty</i>	3

	Page
Part 2	Access to period products
Division 2.1	Access in the community
7	Access to period products at suitable places 4
8	Suitable places for accessing period products 4
9	Access arrangements—suitable places 5
10	Approving places for inclusion on suitable places list 5
11	Approval guidelines 6
Division 2.2	Access for students
12	Access to period products on education provider premises 7
13	Access arrangements—government schools 7
14	Access arrangements—other education provider premises 8
Part 3	Miscellaneous
15	Information about menstruation 9
16	Report on operation of Act 9
17	Review of operation of Act 9
18	Regulation-making power 9
Dictionary	10

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Period Products (Access) Bill 2022

A Bill for

An Act to provide free access to period products and information about menstruation

The Legislative Assembly for the Australian Capital Territory enacts as follows:

Part 1 Preliminary

1 Name of Act

This Act is the *Period Products (Access) Act 2022*.

2 Commencement

This Act commences on a day fixed by the Minister by written notice.

Note 1 The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](#), s 75 (1)).

Note 2 A single day or time may be fixed, or different days or times may be fixed, for the commencement of different provisions (see [Legislation Act](#), s 77 (1)).

Note 3 If a provision has not commenced within 6 months beginning on the notification day, it automatically commences on the first day after that period (see [Legislation Act](#), s 79).

3 Dictionary

The dictionary at the end of this Act is part of this Act.

Note 1 The dictionary at the end of this Act defines certain terms used in this Act.

Note 2 A definition in the dictionary applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see [Legislation Act](#), s 155 and s 156 (1)).

4 Notes

A note included in this Act is explanatory and is not part of this Act.

Note See the [Legislation Act](#), s 127 (1), (4) and (5) for the legal status of notes.

5 Object of Act

- (1) The main object of this Act is to reduce and prevent period poverty in the ACT.
- (2) This Act aims to achieve its object by—
 - (a) providing free access to period products for people experiencing period poverty in the ACT; and
 - (b) providing public information about menstruation and menstrual hygiene.

6 Meaning of *period poverty*

For this Act, a person experiences *period poverty* if the person is in financial, social, cultural or physical circumstances that prevent the person from accessing, when needed, any of the following:

- (a) period products;
- (b) menstrual hygiene information;
- (c) toilets;
- (d) hand-washing facilities;
- (e) waste management facilities.

Part 2 Access to period products

Division 2.1 Access in the community

7 Access to period products at suitable places

- (1) The Minister must ensure period products are made available at each place on the suitable places list, free of charge, for people experiencing period poverty.
- (2) In making period products available at a place, the Minister must comply with the access arrangements for the place.
- (3) However, for an approved place, the entity that applied for approval must comply with the access arrangements for the place.

8 Suitable places for accessing period products

- (1) The director-general must maintain a list of suitable places (the *suitable places list*) at which period products are to be made available.

Examples—suitable places

- community facility
- health centre
- library

- (2) The suitable places list must include—
 - (a) public places in a range of geographical locations in the ACT to ensure reasonable access for people experiencing period poverty; and
 - (b) a place approved by the director-general for inclusion on the list under section 10 (3) (an *approved place*).
- (3) The suitable places list is a notifiable instrument.

9 Access arrangements—suitable places

- (1) The director-general must make arrangements, in writing, for access to period products at each place on the suitable places list.
- (2) An access arrangement for a place on the suitable places list must provide for—
 - (a) how a person accesses a period product at the place in a way that respects the dignity of the person accessing the product; and
 - (b) a reasonable range of period products to be available at the place.

10 Approving places for inclusion on suitable places list

- (1) An entity that provides services to people who are, or are likely to be, experiencing period poverty may apply to the director-general to have a place included on the suitable places list if the entity—
 - (a) satisfies any eligibility criteria under the approval guidelines; and
 - (b) provides the services from the place.
- (2) The director-general may approve the place to be included on the suitable places list if satisfied that—
 - (a) the application complies with any requirements for the application under the approval guidelines; and
 - (b) the inclusion of the place on the list is likely to improve access to period products for people experiencing period poverty.
- (3) An approval may be subject to conditions.

- (4) The entity that applied for approval for an approved place must report to the director-general on the entity's compliance with the access arrangements for the place each year, or as otherwise requested in writing by the director-general.
- (5) The director-general may remove an approved place from the suitable places list if not satisfied the entity that applied for approval is complying with—
 - (a) the access arrangements for the place; or
 - (b) any condition on the approval.

11 Approval guidelines

- (1) The director-general must make guidelines (an *approval guideline*) for applying for and approving a place to be included on the suitable places list under section 10.
- (2) Without limiting subsection (1), an approval guideline may provide for the following:
 - (a) the eligibility criteria for an entity to apply for approval;
 - (b) the process for applying for approval or reapproval, including the form and content of applications;
 - (c) the criteria for deciding applications;
 - (d) the length of an approval.
- (3) An approval guideline is a notifiable instrument.

Division 2.2 Access for students

12 Access to period products on education provider premises

- (1) An education provider must ensure period products are made available on the provider's premises, free of charge, for students of the provider experiencing period poverty.
- (2) In making period products available on an education provider's premises, the provider must comply with the access arrangements for the premises.

13 Access arrangements—government schools

- (1) The director-general responsible for administering the *Education Act 2004* must make arrangements, in writing, for access by students of government schools to period products on government school premises.
- (2) An access arrangement for a government school must provide for—
 - (a) how a student accesses a period product on the school premises in a way that respects the dignity of the student accessing the product; and
 - (b) a reasonable range of period products to be available on the school premises.
- (3) The director-general responsible for administering the *Education Act 2004* must give public notice of an access arrangement for a government school.

14 Access arrangements—other education provider premises

- (1) This section applies to an education provider other than a government school.
- (2) The education provider must make arrangements, in writing, for access by students of the provider to period products on the provider's premises.
- (3) An access arrangement for an education provider's premises must provide for—
 - (a) how a person accesses a period product at the place in a way that respects the dignity of the person accessing the product; and
 - (b) a reasonable range of period products to be available at the place.
- (4) An education provider must make the access arrangements available to students of the provider.

Part 3 **Miscellaneous**

15 **Information about menstruation**

- (1) The director-general must ensure that information about menstruation, including menstrual hygiene, is available for use in the community, including by publishing the information on an ACT government website.
- (2) The director-general must take reasonable steps to ensure that the information mentioned in subsection (1) is published in languages, other than English, that are in use by people at risk of experiencing period poverty in the ACT.

16 **Report on operation of Act**

The director-general must include a statement about the operation of this Act in the directorate's annual report under the *Annual Reports (Government Agencies) Act 2004*.

17 **Review of operation of Act**

- (1) The Minister must review the operation of this Act as soon as practicable after the end of every 3rd year of its operation.
- (2) The Minister must present a report of the review to the Legislative Assembly at a time decided in consultation with the Speaker.

18 **Regulation-making power**

The Executive may make regulations for this Act.

Dictionary

(see s 3)

Note The [Legislation Act](#) contains definitions relevant to this Act. For example:

- director-general (see s 163)
- entity
- Executive
- public notice
- Speaker.

access arrangement, in relation to a place, means—

- (a) for a place included on the suitable places list—arrangements made by the director-general under section 9; and
- (b) for a government school—arrangements made by the school under section 13; and
- (c) for an educational institution other than a government school—arrangements made by the provider under section 14.

approval guideline—see section 11 (1).

approved place—see section 8 (2) (b).

education provider means—

- (a) a government school; or
- (b) a registered training organisation under the [National Vocational Education and Training Regulator Act 2011](#) (Cwlth), section 3; or
- (c) a registered higher education provider under the [Tertiary Education Quality and Standards Agency Act 2011](#) (Cwlth), section 5; or
- (d) an entity prescribed by regulation.

government school means—

- (a) a school established under the *Education Act 2004*, section 20 (1); or
- (b) a school-related institution established under the *Education Act 2004*, section 20 (3).

period poverty—see section 6.

period product means a manufactured item designed to absorb or collect menstrual flow.

Examples

- menstrual cup
- pad
- tampon

student means a person who is enrolled, or regularly attends classes, with an education provider.

suitable places list—see section 8.

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 2021.

2 Notification

Notified under the [Legislation Act](#) on 2021.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.
