



Australian Capital Territory

Period Products and Facilities (Access) Act 2023

A2023-22

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Australian Capital Territory

Period Products and Facilities (Access) Act 2023

A2023-22

An Act to provide free access to period products, facilities and information about menstruation, and for other purposes

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

Part 1 Preliminary

1 Name of Act

This Act is the *Period Products and Facilities (Access) Act 2023*.

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, and includes references (signpost definitions) to other terms defined elsewhere.

For example, the signpost definition ‘*territory-funded work*, for part 3 (Workplace access to facilities)—see the [Government Procurement Act 2001](#), section 22F.’ means that the term ‘territory-funded work’ is defined in that Act and the definition applies to this Act for part 3.

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) improving access to toilets, handwashing facilities and sanitary waste facilities; and
 - (c) providing public information about menstruation and menstrual hygiene.

6 Principles of dignity

In exercising a function under this Act, the following principles (the *principles of dignity*) must be taken into account:

- (a) a person may experience period poverty as a result of either or both of the following, which, if experienced in combination, may worsen period poverty:
 - (i) economic disadvantage;
 - (ii) different aspects of the person's identity, for example, their sexual orientation, gender identity, mental health, nationality, religion or ability;
- (b) not every person who menstruates identifies as a woman;
- (c) a person accessing period products should—
 - (i) be given a reasonable amount of privacy; and
 - (ii) have their personal information protected in a way that complies with the [Information Privacy Act 2014](#); and

- (iii) as far as reasonably practicable, be given the same access to period products as anyone else seeking access to the products, regardless of their identity; and
- (iv) be able to access period products in a way that avoids humiliation and enables age appropriate participation in decision-making.

7 *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) handwashing facilities;
- (e) sanitary waste facilities.

Part 2 Access to period products

Division 2.1 Access in the community

8 Suitable places for accessing period products

- (1) The Minister must maintain a list of places at which period products are to be made available for use by people experiencing period poverty (the *suitable places list*).
- (2) The suitable places list must include the following:
 - (a) public places in a range of geographical locations in the ACT to ensure reasonable access for people experiencing period poverty;
 - (b) any approved suitable place.

Examples—suitable places

- community facility
- health centre
- library

- (3) The suitable places list is a notifiable instrument.

9 Access to period products at suitable places

- (1) The director-general must ensure period products are made available at each place on the suitable places list, free of charge, for use by people experiencing period poverty.
- (2) In making period products available at a public place on the suitable places list, the director-general must comply with the access arrangements for the place.
- (3) In making period products available at an approved suitable place, the responsible entity for the place must comply with the access arrangements for the place.

10 Access arrangements—suitable places

- (1) The director-general with administrative responsibility for a public place on the suitable places list must make arrangements, in writing, for access to period products at the place.
- (2) The director-general must make arrangements, in writing, for access to period products at approved suitable places.
- (3) Access arrangements for a place must—
 - (a) be consistent with the principles of dignity; and
 - (b) provide for—
 - (i) how a person accesses a period product at the place in a way that respects the person’s dignity; and
 - (ii) a reasonable range of period products to be available at the place.

11 Approved suitable places

- (1) An entity may apply to the Minister to have a place included on the suitable places list if the entity—
 - (a) provides services to people who are, or are likely to be, experiencing period poverty; and
 - (b) provides the services from the place; and
 - (c) satisfies any other eligibility criteria under the approval guidelines.
- (2) The director-general may approve the place to be an approved suitable place 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 responsible entity for an approved suitable 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 suitable place from the suitable places list if not satisfied the responsible entity for the place is complying with—
 - (a) the access arrangements for the place; or
 - (b) any condition on the approval.

12 Approval guidelines

- (1) The director-general must make guidelines (the *approval guidelines*) for applying for and approving a place to be included on the suitable places list under section 11.
- (2) Without limiting subsection (1), the approval guidelines may provide for the following:
 - (a) any other 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) any other criteria for deciding applications;
 - (d) the length of an approval.
- (3) An approval guideline is a notifiable instrument.

Division 2.2 Access for students

13 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 use by 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.

14 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) Access arrangements for government school premises must—
 - (a) be consistent with the principles of dignity; and
 - (b) provide for—
 - (i) how a student accesses a period product on the premises in a way that respects the student's dignity; and
 - (ii) 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 access arrangements for a government school.

15 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) Access arrangements for an education provider's premises must—
 - (a) be consistent with the principles of dignity; and
 - (b) provide for—
 - (i) how a student accesses a period product on the premises in a way that respects the student's dignity; and
 - (ii) a reasonable range of period products to be available on the premises.
- (4) An education provider must make access arrangements available to students of the provider.

Division 2.3 Access for patients and visitors

16 Meaning of *hospital*—div 2.3

- (1) In this division:
hospital—
 - (a) means a public hospital or a public day hospital; and
 - (b) includes a health facility prescribed by regulation.
- (2) In this section:
approved mental health facility—see the [Mental Health Act 2015](#), dictionary.

day hospital means a facility where a person is admitted for surgical or medical treatment and discharged on the same day.

health facility—see the [Health Act 1993](#), section 6.

public hospital includes an approved mental health facility that provides mental health services for inpatients only.

17 Access to period products on hospital premises

- (1) The director-general responsible for administering the [Health Act 1993](#) must ensure period products are made available on hospital premises, free of charge, for use by patients and visitors at the hospital who are experiencing period poverty.
- (2) In making period products available on hospital premises, the director-general must comply with access arrangements for the premises.

18 Access arrangements—hospitals

- (1) The director-general responsible for administering the [Health Act 1993](#) must make arrangements, in writing, for access by patients and visitors at hospitals to period products on hospital premises.
- (2) Access arrangements for hospital premises must—
 - (a) be consistent with the principles of dignity; and
 - (b) provide for—
 - (i) how a patient or visitor accesses a period product on the premises in a way that respects the patient’s or visitor’s dignity; and
 - (ii) a reasonable range of period products to be available on the premises.
- (3) The director-general responsible for administering the [Health Act 1993](#) must give public notice of access arrangements for a hospital.

Part 3 Workplace access to facilities

19 Definitions—pt 3

In this part:

territory-funded work—see the [Government Procurement Act 2001](#), section 22F.

workplace does not include the home of a territory worker even if the territory worker performs some or all of their work from home.

20 Workplace access to facilities

- (1) This section applies to a person who—
 - (a) works in territory-funded work; or
 - (b) is a public employee.
- (2) The person must have access at their workplace to toilets, handwashing facilities and sanitary waste facilities in a way that—
 - (a) is consistent with—
 - (i) the object of this Act; and
 - (ii) the principles of dignity; and
 - (iii) any guidelines under section 22 (Access guidelines); and
 - (b) respects the dignity of the person accessing the facilities.

Part 4 Information and guidelines

21 Information about menstruation

- (1) The director-general must ensure that information about menstruation is available for use in the community, including by—
 - (a) publishing the information on an ACT government website; and
 - (b) making hard copies of the information available at various locations, without charge, during ordinary business hours.

Examples—information about menstruation

- 1 information about menstrual hygiene
 - 2 information about where a person can access healthcare or advice about menstruation
 - 3 information about whether a person is entitled to leave for reasons related to menstruation
 - 4 information about menstruation for people who do not menstruate
- (2) The director-general must take reasonable steps to ensure that the information in subsection (1)—
 - (a) is published in languages, other than English, that are in use by people at risk of experiencing period poverty in the ACT; and
 - (b) includes age appropriate information for a range of different age groups.

22 Access guidelines

- (1) The director-general may make guidelines (the *access guidelines*) about how to comply with an obligation under this Act to respect the dignity of a person seeking access to period products, toilets, handwashing facilities and sanitary waste facilities.
- (2) The access guidelines must be consistent with the principles of dignity.

- (3) Without limiting subsection (1), the access guidelines may—
 - (a) apply to a particular industry or sector; and
 - (b) state procedures for providing a reasonable amount of privacy for a person seeking access; and
 - (c) state procedures for protecting the personal information of a person seeking access.
- (4) An access guideline is a notifiable instrument.

Part 5 Miscellaneous

23 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*.

24 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.

25 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
- Minister (see s 162)
- public employee
- public notice
- Speaker
- territory instrumentality.

access arrangements, in relation to a place, mean—

- (a) for a place on the suitable places list—the arrangements made for the place under section 10; and
- (b) for government school premises—the arrangements made for the premises under section 14; and
- (c) for the premises of an education provider other than a government school—the arrangements made for the premises under section 15; and
- (d) for hospital premises—the arrangements made for the premises under section 17.

access guidelines—see section 22 (1).

approval guidelines—see section 12 (1).

approved suitable place means a place approved to be included on the suitable places list under section 11.

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).

hospital, for division 2.3 (Access for patients and visitors)—see section 15 (1).

period poverty—see section 7.

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

Examples

- menstrual cup
- period underwear
- sanitary pad
- tampon

principles of dignity—see section 6.

responsible entity, for an approved suitable place, means the entity who applied for the place to be included on the suitable places list under section 11.

sanitary waste facility means a facility for the hygienic disposal of waste period products.

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

suitable places list—see section 8 (1).

territory-funded work, for part 3 (Workplace access to facilities)—see the [Government Procurement Act 2001](#), section 22F.

workplace, for part 3 (Workplace access to facilities)—see section 19.

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 4 August 2022.

2 Notification

Notified under the [Legislation Act](#) on 23 June 2023.

3 Republications of amended laws

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

I certify that the above is a true copy of the Period Products and Facilities (Access) Bill 2023, which originated in the Legislative Assembly as the Period Products and Facilities (Access) Bill 2022 and was passed by the Assembly on 7 June 2023.

Clerk of the Legislative Assembly

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