

2022

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Suzanne Orr)

Period Products and Facilities (Access) Bill 2022

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Period Products and Facilities (Access) Bill 2022

A Bill for

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:

1 **Part 1 Preliminary**

2 **1 Name of Act**

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

4 **2 Commencement**

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

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

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

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

14 **3 Dictionary**

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

16 *Note 1* The dictionary at the end of this Act defines certain terms used in this
17 Act, and includes references (signpost definitions) to other terms defined
18 elsewhere.

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

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

27 **4 Notes**

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

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

1 **5 Object of Act**

- 2 (1) The main object of this Act is to reduce and prevent period poverty
3 in the ACT.
- 4 (2) This Act aims to achieve its object by—
- 5 (a) providing free access to period products for people experiencing
6 period poverty in the ACT; and
- 7 (b) improving access to toilets, handwashing facilities and sanitary
8 waste facilities; and
- 9 (c) providing public information about menstruation and menstrual
10 hygiene.

11 **6 Meaning of *period poverty***

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

- 15 (a) period products;
- 16 (b) menstrual hygiene information;
- 17 (c) toilets;
- 18 (d) handwashing facilities;
- 19 (e) sanitary waste facilities.

1 **Part 2 Access to period products**

2 **Division 2.1 Access in the community**

3 **7 Suitable places for accessing period products**

4 (1) The Minister must maintain a list of places at which period products
5 are to be made available to people experiencing period poverty
6 (the *suitable places list*).

7 (2) The suitable places list must include the following:

8 (a) public places in a range of geographical locations in the ACT to
9 ensure reasonable access for people experiencing period
10 poverty;

11 (b) any approved suitable place.

12 **Examples—suitable places**

- 13 • community facility
14 • health centre
15 • library

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

17 **8 Access to period products at suitable places**

18 (1) The director-general must ensure period products are made available
19 at each place on the suitable places list, free of charge, to people
20 experiencing period poverty.

21 (2) In making period products available at a public place on the suitable
22 places list, the director-general must comply with the access
23 arrangements for the place.

24 (3) In making period products available at an approved suitable place, the
25 responsible entity for the place must comply with the access
26 arrangements for the place.

- 1 **9** **Access arrangements—suitable places**
- 2 (1) The director-general with administrative responsibility for a public
3 place on the suitable places list must make arrangements, in writing,
4 for access to period products at the place.
- 5 (2) The director-general must make arrangements, in writing, for access
6 to period products at approved suitable places.
- 7 (3) Access arrangements for a place must provide for—
- 8 (a) how a person accesses a period product at the place in a way that
9 respects the dignity of the person accessing the product; and
- 10 (b) a reasonable range of period products to be available at the
11 place.
- 12 **Examples—respects the dignity of the person**
- 13 1 providing a reasonable amount of privacy for a person seeking access
- 14 2 protecting the personal information of a person seeking access
- 15 **10** **Approved suitable places**
- 16 (1) An entity may apply to the Minister to have a place included on the
17 suitable places list if the entity—
- 18 (a) provides services to people who are, or are likely to be,
19 experiencing period poverty; and
- 20 (b) provides the services from the place; and
- 21 (c) satisfies any other eligibility criteria under the approval
22 guidelines.
- 23 (2) The director-general may approve the place to be an approved
24 suitable place if satisfied that—
- 25 (a) the application complies with any requirements for the
26 application under the approval guidelines; and
- 27 (b) the inclusion of the place on the list is likely to improve access
28 to period products for people experiencing period poverty.

- 1 (3) An approval may be subject to conditions.
- 2 (4) The responsible entity for an approved suitable place must report to
3 the director-general on the entity's compliance with the access
4 arrangements for the place each year, or as otherwise requested in
5 writing by the director-general.
- 6 (5) The director-general may remove an approved suitable place from the
7 suitable places list if not satisfied the responsible entity for the place
8 is complying with—
- 9 (a) the access arrangements for the place; or
10 (b) any condition on the approval.

11 **11 Approval guidelines**

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

1 **Division 2.2** **Access for students**

2 **12** **Access to period products on education provider**
3 **premises**

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

10 **13** **Access arrangements—government schools**

- 11 (1) The director-general responsible for administering the *Education*
12 *Act 2004* must make arrangements, in writing, for access by students
13 of government schools to period products on government school
14 premises.
- 15 (2) An access arrangement for government school premises must provide
16 for—
- 17 (a) how a student accesses a period product on the premises in a
18 way that respects the dignity of the student accessing the
19 product; and
- 20 (b) a reasonable range of period products to be available on the
21 school premises.

22 **Examples—respects the dignity of the student**

- 23 1 providing a reasonable amount of privacy for a student seeking access
24 2 protecting the personal information of a student seeking access
- 25 (3) The director-general responsible for administering the *Education*
26 *Act 2004* must give public notice of an access arrangement for a
27 government school.

- 1 **14 Access arrangements—other education provider**
2 **premises**
- 3 (1) This section applies to an education provider other than a government
4 school.
- 5 (2) The education provider must make arrangements, in writing, for
6 access by students of the provider to period products on the provider’s
7 premises.
- 8 (3) An access arrangement for an education provider’s premises must
9 provide for—
- 10 (a) how a student accesses a period product on the premises in a
11 way that respects the dignity of the student accessing the
12 product; and
- 13 (b) a reasonable range of period products to be available on the
14 premises.
- 15 **Examples—respects the dignity of the student**
- 16 1 providing a reasonable amount of privacy for a student seeking access
17 2 protecting the personal information of a student seeking access
- 18 (4) An education provider must make the access arrangements available
19 to students of the provider.

- 1 (2) A public employee may ask an appropriate person to make a report
2 on their behalf for this section.
- 3 (3) In this section:
- 4 *appropriate person* includes the following:
- 5 (a) a colleague;
- 6 (b) a union representative;
- 7 (c) a work health and safety representative.

1 **Part 4** **Information and guidelines**

2 **18** **Information about menstruation**

- 3 (1) The director-general must ensure that information about
4 menstruation, including menstrual hygiene, is available for use in the
5 community, including by publishing the information on an ACT
6 government website.
- 7 (2) The director-general must take reasonable steps to ensure that the
8 information mentioned in subsection (1) is—
- 9 (a) published in languages, other than English, that are in use by
10 people at risk of experiencing period poverty in the ACT; and
- 11 (b) includes age appropriate information for a range of different age
12 groups.

13 **19** **Access guidelines**

- 14 (1) The director-general may make guidelines (the *access guidelines*)
15 about how to comply with an obligation under this Act to respect the
16 dignity of a person seeking access to period products, toilets,
17 handwashing facilities and sanitary waste facilities.
- 18 (2) Without limiting subsection (1), the access guidelines may—
- 19 (a) apply to a particular industry or sector; and
- 20 (b) state procedures for providing a reasonable amount of privacy
21 for a person seeking access; and
- 22 (c) state procedures for protecting the personal information of a
23 person seeking access.
- 24 (3) An access guideline is a notifiable instrument.

1 **Part 5** **Miscellaneous**

2 **20** **Report on operation of Act**

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

6 (2) The statement must include information about each report made
7 under section 17 (Reporting lack of access by public employees).

8 **21** **Review of operation of Act**

9 (1) The Minister must review the operation of this Act as soon as
10 practicable after the end of every 3rd year of its operation.

11 (2) The Minister must present a report of the review to the Legislative
12 Assembly at a time decided in consultation with the Speaker.

13 **22** **Regulation-making power**

14 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 9; and
- (b) for government school premises—the arrangements made for the premises under section 13; and
- (c) for the premises of an education provider other than a government school—the arrangements made for the premises under section 14.

access guidelines—see section 19 (1).

approval guidelines—see section 11 (1).

approved suitable place means a place approved to be included on the suitable places list under section 10.

- 1 **education provider** means—
- 2 (a) a government school; or
- 3 (b) a registered training organisation under the *National Vocational*
- 4 *Education and Training Regulator Act 2011* (Cwlth), section 3;
- 5 or
- 6 (c) a registered higher education provider under the *Tertiary*
- 7 *Education Quality and Standards Agency Act 2011* (Cwlth),
- 8 section 5; or
- 9 (d) an entity prescribed by regulation.
- 10 **government school** means—
- 11 (a) a school established under the *Education Act 2004*,
- 12 section 20 (1); or
- 13 (b) a school-related institution established under the *Education*
- 14 *Act 2004*, section 20 (3).
- 15 **period poverty**—see section 6.
- 16 **period product** means a manufactured item designed to absorb or
- 17 collect menstrual flow.
- 18 **Examples**
- 19 • menstrual cup
- 20 • period underwear
- 21 • sanitary pad
- 22 • tampon
- 23 **responsible entity**, for an approved suitable place, means the entity
- 24 who applied for the place to be included on the suitable places list
- 25 under section 10.
- 26 **sanitary waste facility** means a facility for the hygienic disposal of
- 27 waste period products.
- 28 **student** means a person who is enrolled, or regularly attends classes,
- 29 with an education provider.

1 ***suitable places list***—see section 7 (1).

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

4 ***workplace***, for part 3 (Workplace access to facilities)—see
5 section 15.

Endnotes

1 Presentation speech

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

2 Notification

Notified under the [Legislation Act](#) on 2022.

3 Republications of amended laws

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

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