



**Legislative Assembly for the
Australian Capital Territory**

Standing Committee on Health and
Community Wellbeing

Inquiry into the Period Products and Facilities (Access) Bill 2022

Legislative Assembly for the Australian Capital Territory
Standing Committee on Health and Community Wellbeing

Approved for publication

Report 8
10th Assembly
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About the committee

Establishing resolution

The Assembly established the Standing Committee on Health and Community Wellbeing on 2 December 2020.

The Committee is responsible for the following areas:

- Health and health system
- Justice health
- Mental health
- Homelessness and housing services
- Prevention of domestic and family violence
- Families
- Community Services

You can read the full establishing resolution [on our website](#).

Committee members

Mr Johnathan Davis MLA, Chair

Mr James Milligan MLA, Deputy Chair

Mr Michael Pettersson MLA

Secretariat

Dr Adele Chynoweth OAM, Committee Secretary (from 1 July 2022)

Dr David Monk, Committee Secretary (until 1 July 2022)

Ms Sophie Milne, Assistant Secretary

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About this inquiry

The Period Products and Facilities (Access) Bill 2022 was presented in the Assembly on 4 August 2022. It was then referred to the Standing Committee on Health and Community Wellbeing as required by clause 5 of the establishing resolution. This clause allows committees to inquire into and report on bills within two months of their presentation.

The Committee decided to inquire into the Bill on 9 August 2022.

Terms of Reference

The Committee will inquire into and report on:

- a) the financial, social, cultural, or physical circumstances which prevent a person from accessing period products;
- b) the causes and implications of period poverty;
- c) access to period products and facilities at suitable places including:
 - i. places of education;
 - ii. government workplaces; and
 - iii. arrangements for people to report lack of access;
- d) access to education about menstruation; and
- e) any other related matter.

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Acronyms

Acronym	Long form
ACTCOSS	ACT Council of Social Services
AEU	Australian Education Union
CFMEU	Construction Forestry Mining and Energy Union
WHM	Women's Health Matters

Recommendations

Recommendation 1

The Committee recommends that the Private Member review the use of the term ‘dignity’ within the Bill and ensure that within the access guidelines’ provisions (section 19 of the Bill) the nuance and diversity of the meaning of ‘dignity’ is reflected for different populations.

Recommendation 2

The Committee recommends that the Private Member review the definition of period poverty (section 6) within the Bill, with particular attention to paragraphs 6 (c)-(e), that the definition does not conflict with other legislative frameworks, such as Work Health and Safety provisions and the National Construction Codes of Australia.

Recommendation 3

The Committee recommends that the Private Member consult further with the service providers as identified in the Bill and other members of the community, about what supports are needed, physical and financial, to provide period products.

1. Introduction

- 1.1. The Period Products and Facilities (Access) Bill 2022 enables the requirement for the ACT Government to provide period products free of charge at designated and accessible places across the Australian Capital Territory (ACT). The Bill also requires that information on menstrual hygiene is made available to anyone. This aims to help people know where they can access period products, information on menstruation and hygiene facilities if required.
- 1.2. Scotland is the first country in the world to have legislated the right to free period products through its Period Products (Free Provision) (Scotland) Act 2021.¹ Whilst, throughout Australia, in New South Wales, South Australia and Victoria, there are initiatives to provide government school students with free period products, there is no associated legal requirement. In the event of the Period Products and Facilities (Access) Bill 2022 being passed, ACT will be the first jurisdiction in Australia to legally ensure the provision of free menstrual products², not only in schools but for all those who experience period poverty.³ The Scottish Act does not limit access to those experiencing period poverty. Instead, the Act mandates access to period products for all persons. This discrepancy was noted in one of the submissions to this Inquiry.⁴
- 1.3. The recommendations in this report refer to the 'Private Member', being Ms Suzanne Orr MLA.

The Inquiry

- 1.4. The Period Products and Facilities (Access) Bill 2022 was presented by Ms Suzanne Orr MLA on 4 August 2022.
- 1.5. On 9 August 2022, the Standing Committee on Health and Community Wellbeing decided to inquire into the Bill.
- 1.6. On 16 August 2022, a media release, advising the public of the inquiry and inviting submissions, was published.
- 1.7. Nine submissions were received from a range of organisations and one individual. These are listed in **Appendix A**. All submitters supported the Bill, with some providing suggestions for amendments to ensure that the legislation was effective in reaching all who are impacted by external compromises to their menstrual hygiene.
- 1.8. On 12 September 2022, the Committee conducted a public hearing into the inquiry. Witnesses who appeared at the hearing are listed in **Appendix B**.

¹ Scottish Government, *Period Products Act comes into force*, 14 August 2022.

[Period Products Act comes into force - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/period-products-act-comes-into-force/pages/1-1.aspx)

² Donna Lu, 'ACT could be first government in Australia to provide free period products', *The Guardian*, 15 December 2021.

[ACT could be first government in Australia to provide free period products | Australian Capital Territory \(ACT\) | The Guardian](https://www.theguardian.com/australia-news/2021/dec/15/act-could-be-first-government-in-australia-to-provide-free-period-products)

³ Period Products and Facilities (Access) Bill 2022 (ACT), Part 1, Section 5.

⁴ Dal Cuore, *Submission 1*, p.3.

2. Recommendations

The notion of dignity

2.1. The Period Products and Facilities (Access) Bill 2022 refers to the dignity of the person who accesses period products and exemplifies dignity as ‘providing a reasonable amount of privacy for’ and ‘protecting the personal information of’ a person seeking access.⁵

2.2. The notion of dignity is central to the rationale of Share the Dignity, a charity, founded in 2015 by Rochelle Courtenay, which provides free period products throughout Australia. Courtenay stated:

Period products are not a luxury item, they are necessity. Everyone deserves dignity and this Bill would make a world of difference to the women and girls we support.⁶

2.3. Share the Dignity denotes dignity as a mode of discrete access to period products. The organisation’s *Bloody Big Survey*, conducted in 2021 with over 125,000 Australian respondents, found that ‘46 per cent of girls will not have a conversation and are embarrassed about period products’.⁷

We can put out baskets of full packets of pads and tampons for people but, if they have to be seen to go and get them or to ask somebody, they just will not do it. That is why we have the Dignity vending machines. People can just access them when they want to and in their own discreet way.⁸

2.4. Some submitters advocate for the expansion of examples, in the Bill, in relation to the notion of dignity. Women’s Health Matters (WHM) recommended that the examples should not be confined to privacy.⁹ The Australian Education Union (AEU) notes that the term ‘dignity’ is relatively undefined in Australian law and therefore requires specificity in order to ensure legislative efficacy.¹⁰

2.5. The AEU suggests using a human rights approach to the definition of dignity which may be sourced from Daly and May, *Dignity Under Law: A Global Handbook* (2021, Dignity Rights International).¹¹ This rationale informs AEU’s suggested revised list of exemplified definitions in the Bill:

- a) Examples—respects the dignity of the person:
 - i. providing a reasonable amount of privacy for a person [/student] seeking access and protecting their personal information;

⁵ Period Products and Facilities (Access) Bill 2022 (ACT), s 9. The Bill also includes access to toilets, handwashing facilities and sanitary waste facilities (section 17).

⁶ Share the Dignity, *Submission 8*, p. 1.

⁷ Ms Rochelle Courtenay, Share the Dignity, *Committee Hansard*, pp. 34-35.

⁸ Ms Rochelle Courtenay, Share the Dignity, *Committee Hansard*, p. 35.

⁹ Women’s Health Matters, *Submission 4*, p. 6.

¹⁰ Australian Education Union, *Submission 5*, p. 2.

¹¹ available at: [Dignity Under Law: A Global Handbook \(Judicial Edition\) \(americanbar.org\)](https://www.americanbar.org/publications/dignity-under-law-a-global-handbook-judicial-edition/)

- ii. respecting the cultural and religious background of the person [/student] seeking access;
 - iii. ensuring, as far as is reasonably practicable, equal access for all people regardless of their gender or disability; and
 - iv. providing access in a way that avoids humiliation and enables age-appropriate agency and participation in decision-making.¹²
- 2.6. In relation to iv above, the AEU notes that access to period products should not be confined to ‘one-off “emergency” provisions’¹³ because those experiencing period poverty, may need many period products per month.¹⁴
- 2.7. Dignity may be compromised, as the ACT Human Rights Commission notes, when students and employees are questioned about their taking leave for complications surrounding menstruation. This predicament may ‘constitute sex discrimination under the *ACT Discrimination Act 1991*’.¹⁵ The Commission therefore urges the Bill to legislate for information about such discrimination ‘available from multiple sources that is accessible by both being readily available to community members across the ACT and is available in easy English and community-based language’.¹⁶
- 2.8. Dignity may also be realised through the availability of waste facilities which are regularly cleaned, emptied and widely available so that an individual’s menstruation needs are kept private.¹⁷

Recommendation 1

The Committee recommends that the Private Member review the use of the term ‘dignity’ within the Bill and ensure that within the access guidelines’ provisions (section 19 of the Bill) the nuance and diversity of the meaning of ‘dignity’ is reflected for different populations.

Period poverty

- 2.9. Period poverty is defined in the Bill as ‘financial, social, cultural or physical circumstances that prevent the person from accessing’ period products, menstrual information and facilities.¹⁸ Period poverty is emphasised in the Bill, evident in several references throughout (sections 5, 6, 7, 8, 10, 12 and 18).

¹² Australian Education Union, *Submission 5*, p. 3.

¹³ Australian Education Union, *Submission 5*, p. 3.

¹⁴ Australian Education Union, *Submission 5*, pp. 3-4.

¹⁵ ACT Human Rights Commission, *Submission 1*, p. 2.

¹⁶ ACT Human Rights Commission, *Submission 1*, p. 2.

¹⁷ Australian Education Union, *Submission 5*, p. 3.

¹⁸ Period Products and Facilities (Access) Bill 2022 (ACT), s 6.

- 2.10. Women’s Health Matters, an independent think tank that acts to improve the health and wellbeing of women in the ACT, emphasises, in its submission, the Multicultural Centre for Women’s Health’s definition of period poverty:

a lack of access to sanitary products, education about menstrual health, toilets, handwashing facilities, and waste management due to financial, social or physical circumstances.¹⁹

This definition is echoed in the Bill.

- 2.11. The broad meaning of period poverty may result in creating barriers to period product access, especially if a person’s poverty status requires assessment in order to determine their eligibility.²⁰
- 2.12. Clarity surrounding period poverty may be served by an acknowledgment of community groups that may be particularly impacted by lack of access to period products, for example, women who are:
- a) refugees and migrants;
 - b) young;
 - c) homeless;
 - d) on a low income;
 - e) disabled;²¹
 - f) living in remote Indigenous communities where the cost of period products is inflated;
 - g) escaping domestic violence; and
 - h) living in drought-stricken communities.²²

Rochelle Courtenay, Founder and Managing Director of Share the Dignity exemplified the how some, experiencing poverty, may manage their period:

[O]ne woman told me she would steal socks from the laundromat to use for her period. Another told me she would buy rolls of cotton wool for 99 cents to manage her period.²³

- 2.13. Such classifications as means to understand those who experience period poverty may be complicated by the findings in the Productivity Commission’s Rising Inequality Report. The Report found that ‘approximately 50 per cent of Australians...[spent] at least 12 months in poverty between 2001 and 2016’.²⁴ Therefore, those experiencing period poverty may not comprise an easily identifiable and fixed cohort. Thus, Dal Cuore, an organisation which

¹⁹ Women’s Health Matters, *Submission 4*, p.1.

²⁰ Dal Cuore, *Submission 1*, pp. 1-2.

²¹ Women’s Health Matters, *Submission 4*, p.2.

²² Share the Dignity, *Submission 8*, p.1.

²³ Share the Dignity, *Submission 8*, p.1.

²⁴ Dal Cuore, *Submission 1*, p. 2.

advocates for women, recommend that the Bill be amended so that it enables universal free access as per the Period Products (Free Provision) (Scotland) Act 2021.²⁵

- 2.14. In employment settings with significant distance away from standard workplaces, described as ‘in the field’ (for example: traffic control, road maintenance), female staff members, when needing access to a toilet, have been instructed to ‘just go behind the bush’.²⁶ If women’s toilets are available then they may be located at a greater distance from the workplace than toilets for male employees. This results in women having longer time away from the workplace, rendering them vulnerable to bullying and criticism. In addition, access to a toilet may not result in access to sanitary disposal facilities.²⁷
- 2.15. The Senior Legal Officer and Women’s Officer of the ACT branch of the CFMEU spoke about the experience of one of their members who was working on an isolated site for an ACT government road project:
- A portaloos was supplied but it did not have any sanitary disposal facilities. This woman was wrapping her used tampons in a plastic bag, putting them in her pocket and taking them home. She was working 12-hour shifts, which is pretty normal on those jobs, because you go out a long way and then you come back. It is necessary for her to be able to change her period product during the course of her shift.
- I said to her, “We can raise this issue. You have a right to have that sanitary disposal; it’s in the Work Health and Safety Act.” She said, “No, I’m a casual. I like this job. I need this job. I don’t want to raise it, because I don’t want to be more expensive than the next man who comes along and who is able to do it without access to that sanitary bin.”²⁸
- 2.16. A suggested solution is ensuring that all employees have access to public toilet facilities (keys, for example).²⁹ Another suggestion is to enshrine access to menstrual hygiene facilities within the procurement code of the ACT Government’s [Secure Local Jobs](#) initiative.³⁰
- 2.17. Another response was informed by acknowledgment of other legal instruments. Dal Cuore suggested that the inclusion of washing and waste management facilities be removed from the object of the Bill,³¹ on the basis that this access issue may be more appropriately addressed in the National Construction Code of Australia and Occupational Health and Safety Laws.³²
- 2.18. The Construction Forestry Maritime Mining and Energy Union (CFMEU), too, note the need for cognisance of other laws in relation to access to facilities. For example, the quantitative

²⁵ Dal Cuore, *Submission 1*, pp. 2-3.

²⁶ Ms Chantelle Candy, *Submission 3*, p.1; Construction Forestry Maritime Mining and Energy Union (CFMEU), *Submission 7*, p. 1.

²⁷ Construction Forestry Maritime Mining and Energy Union (CFMEU), *Submission 7*, pp. 1 -2.

²⁸ Ms Rosaline Read, CFMEU, *Committee Hansard*, p. 4.

²⁹ Ms Chantelle Candy, *Submission 3*, p.1.

³⁰ Ms Rosaline Read, CFMEU, *Committee Hansard*, p. 4.

³¹ Period Products and Facilities (Access) Bill 2022 (ACT), s 5. Access to facilities is also included in the definition of period poverty in section 6.

³² Dal Cuore, *Submission 1*, p. 2.

requirements for the provision of toilets in the Work Health and Safety Act 2011 (Cth) do not address the needs of women working in the construction industry:

While there is a role to play for numerical standards, as a determinant of appropriate levels of access we say that they fail to deal adequately with the access issues which arise in highly gender segregated industries and occupations where people who menstruate are in a minority.³³

Recommendation 2

The Committee recommends that the Private Member review the definition of period poverty (section 6) within the Bill, with particular attention to paragraphs 6 (c)-(e), that the definition does not conflict with other legislative frameworks, such as Work Health and Safety provisions and the National Construction Codes of Australia.

Financial impact

- 2.19. The Committee heard that the ACT Government would undertake the costings associated with the Bill.³⁴ Examples of costs were provided to the Inquiry through submissions and the public hearing.
- 2.20. ACTCOSS note that menstrual health may be compromised for those people on low incomes who delay consulting a GP because they cannot afford it. Therefore, ACTCOSS recommends that the ACT Government needs to ensure the increase in the number of medical providers who bulk bill.³⁵
- 2.21. The authors of one submission view the Bill as an opportunity to prioritise re-usable period products to not only support waste reduction, but also as a cost-saving measure.³⁶
- 2.22. In addition, and in relation to the above observation, Paula McIntosh from Zero Waste Schools Australia noted the cost of the Victorian Government's initiative, announced in 2020, to provide single-use period products in schools throughout the state. The Victorian Government partnered with a company that provided the dispensers free of charge, on the proviso that the Government would buy single use period products from the same company to keep refilling the dispensers. The cost was \$21 million over three years³⁷

I would not provide single-use pads and tampons to Victorian public school students. I would use that money to provide them with reusable period underwear, which lasts longer than three years and, on my numbers, gets much better bang for the taxpayers' buck. That \$21 million divided by the number of menstruating students in Victorian high schools, means that students could get at

³³ Construction Forestry Maritime Mining and Energy Union (CFMEU), *Submission 7*, p. 3.

³⁴ Ms Suzanne Orr MLA, *Committee Hansard*, p. 40.

³⁵ ACTCOSS, *Submission 2*, p. 4.

³⁶ Red Flag Canberra, Ainslie Community Pantry, Dignity and Desire Women and Children's Pantry, Pam's Pantry, This is My Brave Australia, *Submission 6*, p. 3.

³⁷ Ms Paula McIntosh, Zero Waste Schools Australia, *Committee Hansard*, p. 27.

retail cost, six pairs each, which will last a lot longer than three years, which is the duration of this initiative.³⁸

- 2.23. Share the Dignity has installed 355 vending machines, throughout Australia, which dispenses a free period pack of single-use products. These vending machines are located in schools, universities, community centres, libraries and hospitals. Each vending machine costs \$10,000 to install plus ongoing costs of refill stock.³⁹

Service providers

- 2.24. The Committee heard that the Bill, if passed, would enable the dispensation of period products through education providers, workplaces and community service partners. The Bill also allows the flexibility for the public to provide suggestions for sites of dispensation.⁴⁰
- 2.25. Dal Cuore suggested that the implementation of the Bill would require research concerning contact points between those experiencing period poverty and community services.⁴¹
- 2.26. ACTCOSS identified organisations that currently provide period products to those in need:
- i. Domestic Violence Crisis Service
 - ii. Canberra Rape Crisis Centre
 - iii. homelessness services
 - iv. women's organisations
 - v. travelling services such as those provided by St Vincent de Paul and food vans.

However, ACTCOSS identified cost as a barrier for the community sector in providing full support (products and facilities) for those experiencing period poverty.

- 2.27. The Bill places the responsibility of the provision of free period products on the ACT Government as specified in the Explanatory Statement:

The Bill establishes requirements for the Government to provide free period products of various types in designated places in the community and to designated community partners for distribution for those who might otherwise struggle to acquire them.⁴²

- 2.28. The Committee heard that the intention of the Bill is to increase awareness in schools, for example, of the need for access to period products. The Committee expressed concern that this program 'may fall disproportionately on teachers'. The Committee heard that the availability of information, which as element of the Bill, is not 'solely applicable' to schools, as the intent of the legislation is to have information that is publicly available.⁴³

³⁸ Ms Paula McIntosh, Zero Waste Schools Australia, *Committee Hansard*, p. 28.

³⁹ Ms Paula McIntosh, Zero Waste Schools Australia, *Committee Hansard*, p. 28.

⁴⁰ Ms Suzanne Orr MLA, *Committee Hansard*, p. 41.

⁴¹ Ms Kishwar Rahman, Dal Cuore, *Committee Hansard*, p. 21.

⁴² Period Products and Facilities (Access) Bill 2022 Explanatory Statement, p. 2.

⁴³ Ms Suzanne Orr MLA, *Committee Hansard*, p. 39.

Recommendation 3

The Committee recommends that the Private Member consult further with the service providers as identified in the Bill and other members of the community, about what supports are needed, physical and financial, to provide period products.

3. Conclusion

- 3.1. The Committee makes three recommendations.
- 3.2. The Committee would like to thank everyone who contributed to this inquiry, including all witnesses who appeared at the hearing and those who made a written submission.

Mr James Milligan MLA
Acting Chair
28 September 2022

Appendix A: Submissions

No.	Submission by	Received	Published
1	Dal Cuore	2/09/2022	12/09/2022
2	ACT Council of Social Services	2/09/2022	12/09/2022
3	Chantelle Candy	2/09/2022	12/09/2022
4	Women's Health Matters	2/09/2022	12/09/2022
5	Australian Education Union – ACT Branch	2/09/2022	12/09/2022
6	Multiple organisations (Red Flag Canberra, Ainslie Community Pantry, Dignity and Desire Women and Children's Pantry, Pam's Pantry, This is My Brave Australia)	2/09/2022	12/09/2022
7	Construction Forestry Maritime Mining and Energy Union	2/09/2022	12/09/2022
8	Share the Dignity	6/09/2022	12/09/2022
9	ACT Human Rights Commission	8/09/2022	15/09/2022

Appendix B: Witnesses

Monday, 12 September 2022

CFMEU

- **Ms Rosalind Read**, Senior Legal Officer and Women's Officer

ACTCOSS

- **Dr Gemma Killen**, Head of Policy
- **Ms Avan Daruwalla**, Policy Advisor

Australian Education Union – ACT Branch

- **Ms Angela Burroughs**, Branch President
- **Dr Bianca Hennessy**, Research and Policy Officer

Women's Health Matters

- **Ms Lauren Anthes**, CEO
- **Dr Romy Listo**, Senior Health Promotion Officer

Dal Cuore

- **Ms Kishwar Rahman**, Director

Zero Waste Schools Australia

- **Ms Paula McIntosh**, Teacher

Share the Dignity

- **Ms Rochelle Courtenay**, Founder and Managing Director

Legislative Assembly for the Australian Capital Territory

- **Ms Suzanne Orr MLA**, Presenter of Period Products and Facilities (Access) Bill 2022