



Leanne Castley MLA

Liberal Member for Yerrabi

Deputy Leader of the Opposition
Shadow Minister for Health and Wellbeing
Shadow Minister for Business
Shadow Minister for Families, Youth and Community Services
Shadow Minister for Prevention of Domestic and Family Violence

Peter Cain MLA
Chair
Standing Committee on Justice and Community Safety (Legislative Scrutiny Role)
ACT Legislative Assembly
GPO Box 1020
CANBERRA ACT 2601

Dear Mr Cain,

I am writing in response to the comments of the Standing Committee on Justice and Community Safety (Legislative Scrutiny Role) (the Committee) in Scrutiny Report 44 of August 2024.

The Committee commented on three aspects of the *Crimes (Coercive Control) Amendment Bill 2024*'s human rights compatibility statement.

The Committee requested an explanation as to why the potential limitations to the right to work provided by the Bill's amendments to the *Working with Vulnerable People (Background Checking) Act* are reasonable.

The Bill's explanatory statement has been amended to justify this potential limitation to the right to work. It explains that this is a reasonable limitation as it will protect vulnerable people from exposure to coercive control offenders. Offenders convicted of a coercive control offence have already demonstrated an ability or desire to prey on a victim-survivor's vulnerabilities, a behaviour which would be particularly harmful for a vulnerable member of the community. This is set out in the amended explanatory statement.

The Committee also requested an explanation as to why potential limits to freedom of movement and liberty posed by the Bill's amendments to the *Bail Act* should be considered reasonable. The Bill's explanatory statement has been updated to this effect.

The explanatory statement now explains that the Bill may proportionally and justifiably limit the right to freedom of movement as an increased likelihood of being refused bail would restrict an accused's freedom of movement where they are refused bail and remanded in custody while awaiting trial. This is justified as removing the presumption of bail will protect victim-survivors from the ongoing threat posed to their life or safety by an abusive intimate partner or former intimate partner accused of committing a coercive control offence. This is set out in the amended explanatory statement.

LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

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Finally, the Committee requested a statement setting out why the Bill may limit rights to not being tried or punished more than once, and not being held guilty of a criminal offence retrospectively, both of which were listed as potentially limited rights under the original explanatory statement of the Bill.

The Committee's report advises that it is unclear as to how the Bill would limit these two rights. I appreciate and agree with the Committee's advice that the Bill does not limit rights to being tried or punished more than once and not being held guilty of a criminal offence retrospectively. To this effect, those sections have been removed from the explanatory statement's human rights compatibility statement.

I thank the Standing Committee on Justice and Community Safety (Legislative Scrutiny Role) for their comment and advice on the explanatory statement of my private member's bill the *Crimes (Coercive Control) Amendment Bill 2024*.

I have accepted all of the comments made by the Committee and updated the Bill's explanatory statement to this effect. An updated explanatory statement for the Bill will be tabled prior to the debate of the Bill.

Kind regards,

A handwritten signature in black ink, appearing to be 'LC', written in a cursive style.

Leanne Castley
23 August 2024