



Submission cover sheet

Inquiry into the Bail Amendment Bill 2026

Submission number: 018

Submitter: Shop, Distributive and Allied Employees' Association NSW-ACT

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SUBMISSION TO THE ACT GOVERNMENT CONSULTATION ON BAIL LAW REFORM

SHOP, DISTRIBUTIVE AND ALLIED EMPLOYEES' ASSOCIATION
NEW SOUTH WALES BRANCH

Bernie Smith, Branch Secretary

1. Introduction

- 1.1 The Shop, Distributive and Allied Employees Association (SDA) represents thousands of workers across the retail, fast food, pharmacy, and warehousing sectors in the Australian Capital Territory (ACT). These sectors are among the largest youth employers in the Territory. Our members include a significant number of young workers, many under the age of 18, who are particularly vulnerable in the workplace.
- 1.2 We welcome the opportunity to contribute to the review of the *Bail Act 1992* (ACT) and advocate for reform to ensure that bail conditions provide adequate protections for children working in these industries.
- 1.3 Over 500,000 children work in Australia, yet they are not adequately protected. Most Australians would be surprised to learn that there are few requirements for adults working alongside children to get working with children checks (WWCCs). This has led to incidences where adults charged, or even convicted, with child sex offences are working alongside children in retail, fast-food and hospitality settings. In March 2024, the South Australian Government passed legislation that banned sex offenders from working with children. In the Northern Territory, reporting laws require any adult who is aware of abuse to report that abuse to authorities. The laws vary around the country, and it is time to act to prevent sexual abuse of children in the workplace.
- 1.4 In November 2024, the McKell Institute, in conjunction with the SDA, released a report *Safety Not Guaranteed: Preventing Young Workers From Experiencing Predatory Behaviour* (see Appendix 1 to this submission). A key recommendation of that report was to tighten bail conditions & reform sex offender registries.

2. Recommendations

- 2.1 We recommend that the ACT Government **amend relevant legislation to prevent individuals charged with child sex offences or violence against children from working in proximity to child employees while on bail**. Specifically, we make the following recommendations.

Recommendation 1: Amendments to the *Bail Act 1992* (ACT)

Amend section 24 to include a mandatory bail condition for individuals charged with child-related offences, modelled on section 11(2ab) of South Australia's *Bail Act 1985* (SA):

(2ab) If the applicant is a class 1 or class 2 offence suspect, any grant of bail to the applicant must, subject to this section, be made subject to the following conditions:

- (a) a condition that the applicant agrees not to engage in child-related work;*
- (b) a condition that the applicant agrees not to apply for child-related work.*

This provision should apply to offences involving harm or risk of harm to children, particularly sexual and violent offences.

Recommendation 2: Expansion of the Definition of “Child-Related Work” in the *Crimes (Child Sex Offenders) Act 2005 (ACT)*

Insert a new paragraph under section 124(1) to explicitly include workplaces where children are employed:

- (t) *working in or providing services to workplaces where children are employees.*

This ensures that bail conditions and supervision orders can prohibit such individuals from environments where they could pose a risk to child employees.

Recommendation 3: Update to the *Working with Vulnerable People (Background Checking) Act 2011 (ACT)*

Amend Schedule 1 Part 1.1 to include a new regulated activity:

- 1.8 *Working with child employees*

An activity or service is a regulated activity if—

- (a) *any of the usual functions of the activity or service are carried out in workplaces where children are employees; or*
- (b) *any of the usual functions of the activity or service are carried out with child employees.*

This addition will align the Working with Vulnerable People framework with the updated bail and child protection provisions.

3. Rationale

- 3.1 Retail, fast food, and pharmacy workplaces are often entry points into the workforce for children and young people. These environments must be subject to the same rigorous child protection safeguards that apply in formal care, education, or recreational settings.
- 3.2 Currently, there is a legal gap that permits individuals charged with serious offences against children to continue working in child-populated environments while awaiting trial. This undermines community safety, workplace confidence, and the well-being of young employees.
- 3.3 Adopting the proposed reforms would provide clear statutory authority to prevent this unacceptable risk and align ACT law with best practice child safeguarding measures.

4. Conclusion

- 4.1 The ACT has a strong record in protecting children and vulnerable people. Closing this legislative gap is a necessary step to maintain that standard. We urge the government to implement the proposed amendments to ensure that bail conditions are responsive to the risks posed to child employees in everyday workplaces.