

Chiaka Barry MLA
Chair
Standing Committee on Legal Affairs (Legislative Scrutiny Role)
By email: scrutiny@parliament.act.gov.au

Our ref: PRO24/5569

3 March 2026

Dear Ms Barry

I am writing in response to comments made by the Standing Committee on Legal Affairs (Legislative Scrutiny Role) ("the Committee") in Scrutiny Report 14 about the Crimes Legislation Amendment Bill 2025 (No 2) ("the Bill"). I thank the Committee for its consideration of the amendments in the Bill.

I provide the following responses in relation to the Committee's comments on:

- the amendments to the *Crimes (Child Sex Offenders) Act 2005*;
- the amendments to the *Crimes (Sentencing) Act 2005*;
- the amendments to the *Magistrates Court Act 1930*; and
- the amendments to the *Mental Health Act 2015*.

I also write to advise that in the March 2026 sitting period, I will be introducing four minor Government Amendments to:

- extend the commencement period for the amendment to the *Crimes (Child Sex Offenders) Act 2005* (which limits the ability of registrable offenders to engage in certain types of employment) from three months to six months, as this extended commencement period was raised by stakeholders as necessary to ensure sufficient implementation time; and
- "oppose" clauses 70 to 72 of the Bill in relation to the *Mental Health Act 2015*, as recommended by the Committee in its Report.

I **enclose** a Revised Explanatory Statement, which contains amended human rights analysis in relation to the *Crimes (Sentencing) Act 2005* and which updates the clause notes in relation to the Government Amendments and as requested by the Committee.

I further **enclose** a copy of the Government Amendments.

My responses to the Committee's comments are set out below.

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Amendments to the Crimes (Child Sex Offenders) Act 2005

In relation to the amendment to expand the definition of “child-related employment”, the Committee enquired whether any strict liability offences are impacted. I confirm that no strict liability offences are impacted.

Amendments to the Crimes (Sentencing) Act 2005

The Committee requested that I amend the explanatory statement to provide a discussion on the rational connection and proportionality in relation to the rights in criminal proceedings, particularly with respect to the legal burden for the defence in new section 43B. I confirm that I have inserted a new section that considers this in the Revised Explanatory Statement.

Amendments to the Magistrates Court Act 1930

The Committee requested an explanation of why the identification of the decisions that may be subject to the new review framework is delegated to regulations. Part 3.8 of the *Magistrates Court Act 1930* (the MCA) creates a legislative framework where infringement notice schemes are created through making regulations that specify which criminal offences may be enforced through issuing an infringement notice.

This framework is very broad in application, spanning minor offences (such as littering and graffiti) through to corporate regulatory offences (such as dealing with biosecurity matter and the handling and sale of unsafe foods). In order to accommodate this wide range of uses, the review mechanism needs to be fine-tuned to avoid unintended consequences that may undermine the purpose of issuing infringement notices. Given that schemes are created and revoked through regulations, fine-tuning the review mechanism to meet the changing profile of those schemes also needs to be done through a regulation.

The Explanatory Statement has been updated, at the Committee’s request, with an explanation of why the identification of the decision the subject of the new review framework is delegated to regulations.

Amendments to the Mental Health Act 2015

The Committee identified that the amendments proposed to be passed by Clauses 70 to 72 had already been passed by the *Statute Law Amendment Act 2025*. I thank the Committee for its advice and confirm I instructed Parliamentary Counsel’s Office to oppose Clauses 70 to 72 of the Bill, as set out in the enclosed Government amendments.

I trust the above information adequately addresses the Committee’s comments. Thank you once again for the Committee’s careful consideration of the Bill for the benefit of the Assembly and the public.

Sincerely



Tara Cheyne MLA
Attorney-General