

2020

**LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

CRIMES (OFFENCES AGAINST VULNERABLE PEOPLE) LEGISLATION AMENDMENT BILL 2020

SUPPLEMENTARY EXPLANATORY STATEMENT

**To be moved by
Gordon Ramsay MLA
Attorney-General**

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Crimes (Offences Against Vulnerable People) Legislation Amendment Bill 2020 Government Amendments

Outline of Government Amendments

On 7 May 2020, the Crimes (Offences Against Vulnerable People) Legislation Amendment Bill 2020 (the Bill) was introduced to the Legislative Assembly. The Bill introduces new offences and sentencing reforms to better protect vulnerable adults who rely on the care of others.

The explanatory statement accompanying the Bill provides a detailed account of the provisions contained in the Bill and can be accessed at:

https://www.legislation.act.gov.au/b/db_62217/

The Government amendments to the Bill (the Government amendments) are required to address issues that have been identified following the introduction of the Bill. The Government amendments:

1. provide more time for implementation arrangements, including education and awareness raising, training and procedural changes, to be put in place before the new provisions commence;
2. remove an irrelevant example attached to the definition of *relevant institution*; and
3. require the review of the new offences introduced in Part 2 to occur earlier.

Human Rights

As outlined in the explanatory statement to the Bill, the Bill engages and limits a number of rights under the *Human Rights Act 2004* (the HRA). The Government amendments do not further engage the HRA.

**Crimes (Offences Against Vulnerable People)
Legislation Amendment Bill 2020
Government Amendments**

Detail

Government amendment 1 – Clause 2, page 2, line 5

This amendment substitutes a new commencement provision that provides the Bill is to commence 8 months after notification.

The Bill, as presented, provided for the new offences to commence 3 months after notification.

Feedback following the introduction of the Bill from a range of organisations representing the interests of people with disabilities, older Canberrans, and those who care for and provide services to them, was that a longer period was required to prepare for commencement of the provisions of the Bill. This longer, 8 month, period will allow relevant awareness raising and training to be undertaken and any new procedures put in place to support the implementation of the new laws.

Government amendment 2 – Clause 5, page 6, line 18

This amendment removes ‘out-of-home carers’ from the examples attached to the definition of a *relevant institution*.

‘Out-of-home care’ most commonly refers to the statutory out-of-home care of children or young people who cannot live in their family home where a legal order is in place to support the arrangement.

As the new provisions apply to institutions that provide services for vulnerable adults, ‘out-of-home carers’ is not a relevant example of the type of institutions the definition seeks to capture.

Government amendment 3 – Clause 6, Page 11, line 12

This is an amendment to proposed new section 442C, that provides for a review of the operation of the new offence provisions introduced by the Bill. The amendment replaces the Bill’s existing requirement for a review no later than 2 years after the day those provisions commence to, instead require the review of the new offences to commence as soon as practicable after the end of their first 12 months of operation.

The Bill’s formal review mechanism will enable timely consideration of any practical issues that arise after the offences commence.