

19 February 2018

**ACT Bar Association President, Mr Ken Archer has repeated concerns about a Bill before the Legislative Assembly that will create new criminal offences involving children.**

The President of the ACT Bar Association has repeated concerns about a Bill before the Legislative Assembly that will create new criminal offences involving children. The *Crimes Legislation Amendment Bill (No 2) of 2017* is due to be debated in Parliament on Tuesday 20 February 2018. The Bill amongst other things contains the Government's legislative response to recommendations made by Royal Commission into Institutional Responses to Child Sexual Abuse.

"The ACT Bar Association is alarmed by what is being proposed. Under the guise of outlawing the grooming of children, the Government will instead criminalise innocent conduct and thrust upon an accused person the responsibility of proving they are innocent.

As I have said previously, the amendments to the *Crimes Act* that the Government has proposed will mean that parents, other children and teachers will be liable to be prosecuted in relation to quite innocent conduct which should not attract a jail sentence. Sex education classes, the provision of contraception to young people and young people in lawful and consensual sexual relationships, will now be unlawful and will attract prison sentences unless evidence is produced by an accused person excusing what is obviously innocent and lawful conduct. It is wrong to cast upon obviously innocent people the burden of proving their innocence," said Mr Archer.

"The offences set out in the Bill have been introduced hurriedly and without proper consultation. Whilst everyone is concerned to protect children you achieve the best legislative protections by criminalising the conduct you actually intend to criminalise. If the intention is to prohibit grooming conduct then it should be an element of the offence that the conduct is done with an intent to groom a child. That is not what the proposed Bill says. It is a common sense suggestion but one the Government has chosen not to take up.

"The Bill should be referred to a Committee for proper consideration," Mr Archer said.

**End**

To download letter from the ACT Bar Association's President Mr Ken Archer to the Attorney General dated 8 February 2018, click [here](#).

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