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MEDIA RELEASE – FOR IMMEDIATE RELEASE

ACT Bar Association raises concerns about a Bill before the Legislative Assembly that will create new criminal offences involving children.

The President of the ACT Bar Association has raised 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 next week.

The Bill amongst other things, contains the Government’s legislative response to recommendations made by the Royal Commission into Institutional Responses to Child Sexual Abuse.

“The ACT Bar Association supports changes to the Crimes Act that will provide appropriate protections to children. However, 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 sexual acts between young people in a previously lawful and consensual sexual relationship will now be criminalised and will attract prison sentences.

“The offences set out in the Bill are alarming and cannot possibly be enacted in the form in which they have been presented,” Mr Archer said.

“Further, the amendments will have retrospective effect. Conduct that was previously legal, will now be subject to criminal sanction. That outcome is intolerable in any community.”

Mr Archer indicated that the Bar was in discussion with the Attorney-General and the Opposition as to how the Bill can be modified to avoid these results.

“Members of the Assembly must tread carefully in this area. It is simply unfair to criminalise behaviour that is intended to be protective of children. To send people to prison for behaviour that at the time it was undertaken was legal, cannot be what the Government intends. The Courts will be asked to declare the legislation to be incompatible with the Human Rights Act if it is enacted in its present form, “ said Mr Archer.

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