

Strengthening Community Safety Bill 2023

Statement about exceptional circumstances

Prepared in accordance with Part 3 of the *Human Rights Act 2019*

In accordance with section 44 of the *Human Rights Act 2019* (HR Act), I, Mark Ryan, Minister for Police and Corrective Services and Minister for Fire and Emergency Services, make this statement about exceptional circumstances with respect to the Strengthening Community Safety Bill 2023.

In the Bill, amended section 29 of the *Bail Act 1980* includes a subsection which provides that insofar as section 29 relates to a child, the HR Act does not apply. New sections 150A, 150B and 246A of the *Youth Justice Act 1992*, also include subsections which provide that the HR Act does not apply.

The Government accepts that these provisions are incompatible with human rights. Therefore, in this exceptional case, the HR Act is being overridden and its application is entirely excluded from the operation of these new provisions to protect community safety.

There is an acute problem presented by a small cohort of serious repeat offenders who engage in persistent and high-risk offending; the latest Childrens Court Annual Report indicates 17 percent of all youth offenders account for 48 per cent of all youth crime. There is some evidence of growth in the number of this cohort and the intensity of their offending, up approximately seven percentage points from the previous 12-month period. The measures in this Bill are designed to address this serious problem. In the Government's view, this presents an exceptional crisis situation constituting a threat to public safety.

These provisions are intended to serve as the override declaration envisaged by section 44 of the HR Act. In accordance with section 45 of the HR Act, the HR Act has no application to these provisions and, a body performing functions or exercising powers under the HR Act is not a public entity within the meaning of the HR Act in respect of its performance of those functions or exercise of those powers.

Mark Ryan MP
Minister for Police and Corrective Services and
Minister for Fire and Emergency Services