

Criminal Law (Coercive Control and Affirmative Consent) and Other Legislation Amendment Bill 2023

Erratum to Statement of Compatibility

Title of the Bill

Criminal Law (Coercive Control and Affirmative Consent) and Other Legislation Amendment Bill 2023

Reason for Erratum

To correct technical errors in the Human Rights Statement of Compatibility for the Criminal Law (Coercive Control and Affirmative Consent) and Other Legislation Amendment Bill 2023 to ensure clarity in the operation of the amendments.

Statement of compatibility

On page 18 of the Statement of Compatibility, under the ‘(a) nature of the right’ section for **Affirmative consent, mistake of fact and stealthing** replace the word ‘evidential’ with ‘legal’ at lines five and six of the fourth paragraph.

The replacement content should read:

While the Crown retains the legal onus to prove an absence of mistake of fact where it reasonably arises on the evidence, this will place an additional legal burden on an accused person which may limit their right to the presumption of innocence and right to a fair hearing.

On page 19, at line one of the first paragraph, replace the words ‘an evidential’ with ‘a legal’.

The replacement content should read:

The amendments place a legal onus on an accused person who wishes to rely on the safeguard provision.