

Domestic and Family Violence Protection (Combating Coercive Control) and Other Legislation Amendment Bill 2022

Statement of Compatibility

FOR

Amendments to be moved during consideration in detail by the Honourable Shannon Fentiman MP, Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence

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

In accordance with section 38 of the *Human Rights Act 2019* (HR Act), I, the Honourable Shannon Fentiman MP, Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence make this statement of compatibility with respect to the amendments to be moved during consideration in detail (ACiDs) of the Domestic and Family Violence Protection (Combating Coercive Control) and Other Legislation Amendment Bill 2022 (the Bill).

In my opinion, the ACiDs for the Bill are compatible with the human rights protected by the HR Act. I base my opinion on the reasons outlined in this statement.

Overview of the amendments

When the *Public Sector Act 2022* (PS Act) commences on 1 March 2023, it will provide non-permanent public sector employees with a right to request a review, or a right to be reviewed, for consideration of being converted to permanent employment.

Amendments to the *Public Guardian Act 2014* (PG Act) are required to ensure community visitors, who are appointed under the PG Act but are public sector employees under the PS Act, will have the same rights as other public sector employees under the PS Act when it commences.

The ACiDs will:

- remove the three-year cap on appointment of community visitors under section 113(1);
- retain the ability for the public guardian to appoint community visitors on a casual basis under section 109; and

- provide a clear legislative basis for the temporary and permanent appointment of community visitors on a full-time or part-time basis.

Human Rights Issues

Human rights relevant to the Bill (Part 2, Division 2 and 3 *Human Rights Act 2019*)

In my opinion, the human rights under the HR Act that are relevant to the ACiDs are:

- Recognition and equality before the law (section 15)
- Taking part in public life (section 23)

These human rights are only engaged to the extent that they are promoted and strengthened by the proposed amendments. Specifically, the amendments will safeguard the rights for community visitors to seek conversion to permanent employment to further maximise their employment security as public sector employees.

Conclusion

In my opinion, the ACiDs for the Bill are compatible with human rights under the HR Act because they do not limit a human right.

SHANNON FENTIMAN MP
Attorney-General and Minister for Justice
Minister for Women
Minister for the Prevention of Domestic and Family Violence