

**Senate Standing Committees on Legal and
Constitutional Affairs**

**Combatting Child Sexual Exploitation Legislation
Amendment Bill 2019 Report**

Additional Comments from Labor Senators

1.1 This bill seeks to amend a number of Acts to improve the Commonwealth framework of offences relating to child pornography material and child abuse material, overseas child sexual abuse, forced marriage, failing to report child sexual abuse and failing to protect children from such abuse.

1.2 Labor Senators strongly support the objectives of the bill.

1.3 Labor always has and always will fight to protect children here and overseas from exploitation and abuse. Labor is committed to ensuring that we have the appropriate policies and legislative settings in place to protect children and ensure that sex offenders are appropriately punished.

1.4 This bill builds on many reforms and policies enacted under Labor Governments.

1.5 Labor Senators strongly support the implementation of a number of recommendations from the Royal Commission into Institutional Responses to Child Sex Abuse (the Royal Commission).

1.6 Labor established the Royal Commission in Government, which was directed to inquire into how systems have failed to protect children, and make recommendations on how to improve laws, policies and practices to prevent and better respond to child sexual abuse in institutions. Labor Senators strongly support legislative changes to implement the Royal Commissions' recommendations.

1.7 Labor Senators support the additional measures in the bill to target child sexual exploitation and the expanded definition of forced marriage in the bill.

1.8 Labor Senators want this bill to be as strong and as effective as possible. Labor is concerned that the mandatory minimum sentences proposed by this bill will not improve the safety of children. The Government's own Attorney-General's Department has called for mandatory minimums to be avoided as they "create an incentive for a defendant to fight charges, even where there is little merit in doing so"

1

¹ Attorney-General's Department, *Commonwealth Guide to Framing Offences*, 2011, p 38

1.9 Labor Senators do not want to see perpetrators escaping punishment. Labor Senators also note that the Law Council in its submission to the inquiry expressed concern that mandatory sentencing may increase the chance of recidivism among offenders.²

1.10 Labor Senators believe that these concerns should be addressed by the Government. Labor will work with the Government to ensure this bill is as effective as possible.

² Law Council, Submission 13, p 2