



"Protecting children against sexual assault"

Monday, 1 March 2010

Committee Secretary
Senate Legal and Constitutional Committee
PO Box 6100
Parliament House
Canberra, ACT 2600
E-mail: Monika.Sheppard@aph.gov.au

Submission re:
Criminal Code Amendment (Misrepresentation of Age to a Minor) Bill 2010

To Whom It May Concern:

Bravehearts Inc. is a not for profit organisation dealing exclusively and specifically with child sexual assault. Bravehearts has been operating for 13 years providing therapeutic, support and advocacy services to survivors. We are also actively involved in education, prevention, early intervention and research programs relating to child sexual assault. Bravehearts operates at a National level, from our Head Office on the Gold Coast, advocating and lobbying across the country, with a physical presence in three States: Queensland (Gold Coast, Brisbane and Cairns), New South Wales (Sydney and Shoalhaven) and Victoria (Shepparton).

As an agency that is focussed on advocating for appropriate and effective responses to child sexual assault, Bravehearts supports the implementation of legislation designed to increase the protection and safety of children and young people in the on-line environment.

Bravehearts wholeheartedly supports the intention behind the *Criminal Code Amendment (Misrepresentation of Age to a Minor) Bill 2010*. The on-line grooming of children and young people is a vital concern that needs to be addressed with effective responses and preventative measures. Legislating against the misrepresentation of age in communicating with children and young people is an important step to take.

Experience has demonstrated that adults seeking to groom children frequently misrepresent themselves as of the young person's age group, to gain trust and establish a relationship with them.

Bravehearts does have concerns that the terminology contained in the proposed amendment is too broad in scope and does not adequately define the concerning behaviour. This may result in unintended consequences if accepted in its current form.

Our concern is that there may be instances where a person over the age of 18 does not disclose their adult status for intentions that are not negative. For example, Bravehearts'

education program character, Ditto, is presented as 'of a child's age' to ensure that the children engaging in the program feel a connection to the character. As it stands, the amendment could interpret this as a criminal offence.

We believe that the proposed amendment needs to more specifically target individuals who misrepresent their age to a minor where the intention is to groom a child in order to commit an offence or to commit an offence against a child. Defining aspects of this might include:

- A person over 18 years of age is misrepresenting his true identity and age, specifically targeting an individual child under the age of 18 years of age; the communication is occurring directly and specifically between the individual adult and the individual child/young person rather than the adult misrepresenting themselves on a general scale to a broad audience.
- On-line communication is occurring on a one-to-one basis over a period of time; that is - the communication that is occurring between the adult and the young person is ongoing.
- The person over 18 years of age is otherwise unknown to the child or has not disclosed that they are known to the child; that is, the adult does not know the child outside of the contact established on-line or where the identity of the adult is, or otherwise would be, known to a child, but is deliberately withheld.

We thank you for the opportunity to provide this submission and look forward to hearing the outcome of this process. Please contact us if further information or clarification is required. Bravehearts would be happy to consult further around these issues if requested.

Warm Regards

Hetty Johnston
Founder and Chair

Carol Ronken
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Research and Policy Manager