

## **Dissenting report by the Australian Greens**

1.1 The Senate inquiry into the Criminal Code Amendment (Protecting Minors Online) Bill 2017 (the bill) received eight submissions in total. While a number of submissions were supportive of the bill, legal stakeholders raised significant concerns that the bill would not achieve its intended outcomes.

1.2 Despite the evidence provided and concerns raised, the Chair's report has recommended that this bill be passed.

1.3 The Australian Greens are supportive of legislative measures that address protecting children online, but the proposed offences are not necessary or proportionate.

1.4 The Australian Lawyers Alliance in its submission stated:

Preparatory acts for crimes against children are already criminalised. It is thus unclear what the proposed provisions would add in terms of protecting children from harm. The need for this amendment has not been elucidated in the Explanatory Memorandum or second reading speech.<sup>1</sup>

1.5 The Law Council of Australia submitted that the conduct the bill seeks to address may already be captured by the offences in section 474.26 and 474.27 of the Criminal Code.<sup>2</sup>

1.6 The Australian Greens have concerns with the breadth of the offence and that the bill imposes liability too early in the criminal process. It criminalises activities which have no potential to cause harm. In evidence to the inquiry the Law Council stated:

...the Law Council believes that the Criminal Code need not proceed into this new territory. To do so would risk penalising a person for broad intentions which they may never have acted upon or, worse, risks exposing entirely innocent activity to ruinous prosecution.<sup>3</sup>

### **Recommendation 1**

**1.7 The Australian Greens recommend that the bill be rejected by the Senate.**

**Senator Nick McKim**  
**Senator for Tasmania**

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1 Australian Lawyers Alliance, *Submission 3*, p. 6.

2 Law Council of Australia, *Submission 1*, p. 7.

3 Mr Stephen Odgers SC, Member, National Criminal Law Committee, Law Council of Australia, *Proof Committee Hansard*, 2 June 2017, p. 8.

