

Labor Senators' Additional Comments

1.1 The Crimes Legislation Amendment (Sexual Crimes Against Children and Community Protection Measures) Bill 2017 (the bill) would make a number of changes to the *Crimes Act 1914* (Crimes Act), the *Criminal Code Act 1995* (the Criminal Code) and other related legislation largely targeted at responding to child sex offending.

1.2 Labor Senators make the following additional comments in relation to the measures contained in the bill.

Labor's commitment to protecting children

1.3 Sex crimes against children are abhorrent. Children are the most precious and vulnerable members of our community. They deserve our protection and support.

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

1.5 This bill builds on many legislative reforms enacted under Labor Governments. These include the world-leading offences targeting Australians who engage in the sexual abuse of children overseas introduced by the Keating Labor Government in 1994, and the preparatory offences and other protection measures contained in the *Crimes Legislation Amendment (Sexual Offences Against Children) Act 2010*, introduced by the Rudd Labor Government.

1.6 Legislation alone cannot prevent and respond to these awful crimes. Labor has a longstanding commitment to delivering policies in government that prevent child sexual abuse, improve detection and enforcement, and support victims.

1.7 In 2009, Labor brought federal, state and territory governments together to implement the National Framework for Protecting Australia's Children, which included a funding commitment of \$63.6 million over four years from the Commonwealth Government.¹ In 2013, Labor appointed Australia's first National Children's Commissioner to advocate for the rights of Australia's young people.²

1.8 Labor also established the Royal Commission into Institutional Responses to Child Sexual Abuse (the Royal Commission)—the first inquiry of its kind at a national level. The Royal Commission was, among other things, 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

1 Kevin Rudd (Prime Minister), *National Framework for Protecting Australia's Children*, media release, 30 April 2009.

2 Julia Gillard (Prime Minister), Speech at announcement of new National Children's Commissioner, Canberra, 25 February 2013.

abuse in institutions.³ We are concerned that the bill has been introduced before the publication of the Royal Commission's Final Report, which is expected in December 2017.

Measures contained in the bill

1.9 Labor is broadly supportive of the objects and many of the measures contained in the bill.

1.10 This inquiry has received submissions from a range of stakeholders, including peak bodies, advocacy groups, academics and the Attorney-General's Department. The evidence provided by these submissions confirms Labor's strong belief that we must do more to prevent these crimes.

1.11 This bill would implement a number of changes to our Federal criminal justice system largely targeted at responding to child sex offending. These include additional assistance for vulnerable child witnesses,⁴ the criminalisation of grooming of third parties for the purpose of procuring a child for sexual activity,⁵ and an increase to the maximum penalties for certain Commonwealth child sex offences.⁶

1.12 Labor wants this bill to be as strong and as effective as possible. We note that some submissions to the inquiry raised concerns about various unintended consequences of the bill, as discussed in the Committee's report and recommendations.

1.13 Labor believes that these concerns should be seriously considered and, where appropriate and possible, addressed by the Government. Labor also believes that there are areas of the bill that could and should be strengthened. Labor will be looking to work with the Government to ensure this bill is as effective as possible.

Senator Louise Pratt

Australian Labor Party

3 Julia Gillard (Prime Minister), *Government formally establishes Royal Commission*, media release, 11 January 2013.

4 Schedules 2 and 3.

5 Schedule 4.

6 Schedule 5.