

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ATTORNEY-GENERAL'S PORTFOLIO

Program: Australian Federal Police

Question No. SBE16/004

Senator Kakoschke-Moore asked the following question at the hearing on 17 October 2016:

Senator KAKOSCHKE-MOORE: My questions are directed to the AFP and they are in relation to section 474.26 of the Criminal Code Act 1995, which is the section in relation to an adult using a carriage service with the intention of procuring a child under the age of 16 in order to engage in sexual activity, otherwise known as the grooming role. In the past financial year how many charges have the AFP laid in relation to section 474.26 of the Criminal Code Act 1995?

Mr Colvin: I will have to take that on notice, Senator. We do not have those figures in front of us. We can get them, though.

...

Senator KAKOSCHKE-MOORE: Also, what was the average penalty imposed for those convictions?

Mr Colvin: We will have to take all of that on notice. We can get that.

The answer to the honourable senator's question is as follows:

- 33 defendants were charged during last financial year with at least one offence against s474.26: Using a carriage service to procure a person under 16 years of age
- 23 defendants (17 State police matters, 6 AFP matters) whose matters were finalised during last financial year were convicted of at least one offence against s474.26: Using a carriage service to procure a person under 16 years of age
- Of the 23 matters:
 - 17 defendants were sentenced to immediate imprisonment.
 - 4 defendants were sentenced to imprisonment released forthwith (no AFP matters).
 - 2 defendants were sentenced to Community Corrections Order (no AFP matters)
 - The shortest minimum sentence was two years, to be released after three months on a recognisance to be of good behaviour for five years (for the AFP the lowest sentence was two years to be released after six months on a recognisance).
 - The longest minimum sentence was five years, seven months; with a non-parole period of three years 11 months (for the AFP it was 30 months, to serve 15 months).