



**Australian Government**  
**Department of Foreign Affairs and Trade**

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3 October 2007

Ms Jackie Morris  
Committee Secretary  
Senate Legal and Constitutional Affairs Committee  
Department of the Senate  
PO Box 6100  
Parliament House  
CANBERRA ACT 2600

Dear Ms Morris

**Crimes Legislation Amendment (Child Sex Tourism and Related Measures) Bill 2007**

I thank the Senate Legal and Constitutional Affairs Committee for the opportunity to respond to Questions on Notice in relation to its inquiry into the Crimes Legislation Amendment (Child Sex Tourism Offences and Related Measures) Bill 2007.

I attach the Department's responses to the questions provided to us (**Attachment A**).

The action officer for this matter is Greg Nichols who can be contacted on (02) 6261 3548.

Yours sincerely

A handwritten signature in black ink that reads "Alison Purnell".

Alison Purnell  
Director  
Ministerial, Cabinet and Parliamentary Services Section

## SENATE

### Crimes Legislation Amendment Bill 2007

#### Child Sex Tourism Offences and Related Measures

The Legal and Constitutional Affairs Senate Committee asked the Minister for Foreign Affairs, upon notice, on 24 September 2007:

- (1) What existing powers are there in relation to the cancellation or surrender of passports where an individual is suspected, charged or convicted of committing child sex offences overseas? What difficulties, if any, do the Department or the Minister experience in relation to the exercise of those powers?
- (2) What powers does the Minister have to cancel, or to refuse to issue, a passport if there are suspicions that an individual intends to commit child sex offences overseas? What difficulties, if any, do the Department or the Minister experience in relation to the exercise of these powers?

Mr Downer – the answer to the honourable member's question is as follows:

- (1) The *Australian Passports Act 2005* (the Act) empowers the Minister for Foreign Affairs to cancel and/or refuse to issue an Australian travel document at the request of a competent authority - usually Australian law enforcement authorities - who suspects on reasonable grounds that a person would be likely to engage in conduct that might endanger the health or physical safety of other persons (whether in Australia or a foreign country), and/or might constitute an indictable offence against a law of the Commonwealth.

The Minister may also order the surrender of foreign travel documents under similar legislative provisions contained in the *Foreign Passports (Law Enforcement and Security) Act 2005*.

These legislative provisions and the associated implementation arrangements provided by the Australian Passport Office have been used successfully on a number of occasions to prevent or restrict international travel of child sex offenders since coming into force on 1 July 2005. The effectiveness of the arrangements is further increasing as law enforcement agencies become more familiar with the powers provided under the Acts to prevent travel by child sex offenders.

- (2) The Minister may exercise the power to cancel and/or refuse to issue a passport under the *Australian Passports Act 2005* (the Act), in particular section 14, where a competent authority suspects on reasonable grounds that, if an Australian passport were issued to a person, the person would be likely to engage in harmful conduct in Australia or overseas. This conduct includes, inter alia, child sex offences.

Similar provisions enabling the Minister to order the surrender of foreign travel documents are contained in the *Foreign Passports (Law Enforcement and Security) Act 2005*, in particular section 15.

These legislative provisions and the associated implementation arrangements provided by the Australian Passport Office have been used successfully on a number of occasions to prevent or restrict international travel of child sex offenders since coming into force on 1 July 2005. The effectiveness of the arrangements is further increasing as law enforcement agencies become more familiar with the powers provided under the Acts to prevent travel by child sex offenders.

## SENATE

### Crimes Legislation Amendment Bill 2007

#### Child Sex Tourism Offences and Related Measures

The Legal and Constitutional Affairs Senate Committee asked the Minister for Foreign Affairs, upon notice, on 24 September 2007:

Can you provide details of the consular assistance provided by the Department to Australians overseas as a result of child sex offence charges or convictions. Please also provide a break up of the numbers of Australians, by country, currently receiving consular assistance as result of child sex offence charges or convictions.

Mr Downer – the answer to the honourable member’s question is as follows:

All Australian citizens arrested overseas for any reason are entitled to receive the standard consular services set out in the attached departmental publication, [\*If you are arrested or jailed overseas\*](#). These include: visiting the arrested person in detention to monitor his or her health and welfare; arranging for nominated next-of-kin to be informed of the person’s arrest; providing the person with a list of lawyers; assisting the person to arrange funds from family or other sources; assisting the person to maintain contact with nominated next-of-kin; and monitoring the person’s legal proceedings to seek to ensure equitable treatment under local law.

The following table provides a breakdown of Australians currently receiving consular assistance overseas as a result of child sex charges or convictions.

Country	Number
Cambodia	2
Fiji	1
India	3
Indonesia	2
Mexico	1
New Zealand	4
Papua New Guinea	1
Thailand	2
The Philippines	2
United Kingdom	2
USA	5