

## Premier

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Senator Guy Barnett  
Committee Chair  
Legal and Constitutional Affairs Committee  
Department of the Senate  
PO Box 6100  
Parliament House  
CANBERRA ACT 2600

Dear Senator Barnett

I refer to your correspondence dated 20 September 2007 inviting comments on the *Crimes Legislation Amendment (Child Sex Tourism Offences and Related Measures) Bill 2007* (the Bill).

The Tasmanian Government is committed to the protection of children from the threat of sexual abuse, both within and outside Australia. In December 2006, the Tasmanian Government endorsed the Council of Australian Governments (COAG) report on the *Inter-jurisdictional Exchange of Criminal History Information about People Working with Children*. The report provides a framework to improve access to a consistent and expanded range of inter-jurisdictional criminal history information by child related employment screening schemes to improve the safety and protection of children.

The recommendations of the report form the basis for work currently being undertaken by the Tasmanian Government with regard to a whole-of-government approach to the screening of people working with children in Tasmania. However, background checks only capture an individual's convictions and offences committed overseas are often not captured under Australian law. As a result, these offences may not be identified as part of an individual's national police check.

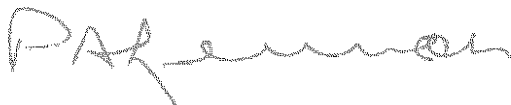
Accordingly, the Tasmanian Government is supportive of the new measures which address the gaps in the current legislative regime and enhance Australia's existing legislation by creating new grooming, procuring and preparatory offences. Such measures will prevent individuals from avoiding prosecution by travelling overseas to engage in child sex tourism activities in countries where laws against such activities are either not in place or not enforced.

The new measures relating to grooming, procuring and preparatory offences will similarly broaden the nature of possible offences reported as part of any background check and, importantly, give law enforcement agencies and prosecutors the mandate to take action before any child is harmed.

I have attached some specific comments in relation to two provisions of the Bill.

Thank you for the invitation to comment.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Paul Lennon', written in a cursive style.

Paul Lennon  
Premier

Comments on the Crimes Legislation Amendment (Child Sex Tourism Offences and Related Measures) Bill 2007

Proposed section 12(3)(a)(ii) of the *Crimes Act 1914*:

The proposed section refers to an investigation or proceedings under a law of the Commonwealth or of a State or Territory. As the conduct in question may have occurred in an overseas jurisdiction, it is suggested that this provision should also extend to investigations or proceedings conducted under the laws of an overseas jurisdiction.

Section 272.3 of the proposed Division 272 of the *Criminal Code Act 1995*:

Section 272.3 includes a definition of the meaning of 'sexual intercourse' which specifically includes penetration of the vagina or anus but not penetration of the mouth. The Tasmanian *Criminal Code Act 1924* defines 'sexual intercourse' as the penetration to the least degree of the vagina, genitalia, anus, or mouth by the penis and includes the continuation of sexual intercourse after such penetration. Notwithstanding the reference in clause 272.3(c) and (d) to fellatio and cunnilingus, it is suggested that the definition proposed for section 272.3 be broadened to include a reference to penetration of the mouth.