

2010

**LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

CRIMES (CHILD SEX OFFENDERS) AMENDMENT BILL 2010

EXPLANATORY STATEMENT

Circulated by authority of
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Crimes (Child Sex Offenders) Amendment Bill 2010

Outline

The Crimes (Child Sex Offenders) Amendment Bill 2010 amends the *Crimes (Child Sex Offenders) Act 2005*.

The *Crimes (Child Sex Offenders) Act 2005* ('the Act') established the ACT's child protection offender registration scheme. The scheme requires convicted child sex offenders, and other specified offenders, to keep Police informed of personal information for a period of time once they are released into the community. The Act also prevents registered child sex offenders from working in child-related employment by making it an offence to apply for or engage in such employment.

For an offender to be included on the child sex offenders register, the offender will either be convicted of a registrable offence, or the court will make a child sex offender registration order.

The Act also provides for a corresponding registrable offender to be included on the ACT's register in order to include offenders when they enter from other jurisdictions. Similarly, the Act captures convicted offenders of registrable offences committed internationally.

On 14 April 2010 the Commonwealth Parliament passed the *Crimes Legislation Amendment (Sexual Offences Against Children) Act 2010*. The Commonwealth Act introduced new offences including criminalising child sex tourism against children overseas and for the overseas dealing in child pornography, child abuse material and using a postal service for a child sex related activity.

These amendments result in the necessity for consequential amendment to the ACT's schedules to ensure that offenders convicted of the new and amended Commonwealth offences are registered on the ACT's child sex offenders register.

Summary of Clauses

1- Name of Act- this is a technical clause that names the Act. The Act is the *Crimes (Child Sex Offenders) Amendment Act 2010*.

2- Commencement- this clause states that the Act commences on the day after the Act is notified.

3- Legislation amended- this is a technical clause that which states that the primary Act being amended is the *Crimes (Child Sex Offenders) Act 2005*.

4- Schedule 1, part 1.2, items 1 to 4- this section omit items 1 to 4 from Schedule 1, part 1.2.

5- New items at Schedule 1, part 1.2, new items 6A to 6G- this section insets new items 6A, 6B, 6C, 6D, 6E, 6F and 6G as a consequence of the amendments to the *Commonwealth Criminal Code Act 1995*.

The substituted offences include sexual intercourse with a child outside Australia, persistent sexual abuse of a child outside Australia and sexual intercourse with a young person outside Australia by a defendant in a position of trust or authority.

6- Omit items at Schedule 2, part 2.2- this section omits items 1 to 7 at schedule 2, part 2.2 of the *Crimes (Child Sex Offenders) Act 2005*.

7- New items at Schedule 2, part 2.2, items 11 and 12- this section substitutes items 11 and 12 for 27 new items.

The new offences encompass sexual activity other than intercourse, and includes offences for grooming a child to engage in sexual activity outside Australia and possessing, controlling, producing, distributing or obtaining child abuse material outside Australia.

8- New item at Schedule 2, part 2.2, item 14A- this section inserts the new *Commonwealth Criminal Code Act 1995* offence of using a carriage service to transmit indecent communication to a person under 16 years of age as a registrable offence in the ACT.