

## **Crimes Amendment (Sexual Procurement or Grooming of Children) Bill 2007**

This explanatory note relates to this Bill as introduced into Parliament.

### Overview of Bill

The object of this Bill is to make it an offence for an adult to procure or groom a child for unlawful sexual activity. The proposed preparatory offences will be subject to the following range of penalties depending on the age of the child (irrespective of the nature of the sexual activity for which the child has been procured or groomed):

- (a) Procuring a child under 14 years of age—Imprisonment for 15 years,
- (b) Procuring a child under 16 years of age—Imprisonment for 12 years,
- (c) Grooming a child under 14 years of age—Imprisonment for 12 years,
- (d) Grooming a child under 16 years of age—Imprisonment for 10 years.

### Outline of provisions

**Clause 1** sets out the name (also called the short title) of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on a day to be appointed by proclamation.

**Clause 3** is a formal provision that gives effect to the amendments to the *Crimes Act 1900* set out in Schedule 1.

**Clause 4** is a formal provision that gives effect to the consequential amendments to the *Criminal Procedure Act 1986* set out in Schedule 2.

**Clause 5** is a formal provision that gives effect to a consequential amendment to the *Child Protection (Offenders Registration) Act 2000* set out in Schedule 3.

**Clause 6** provides for the repeal of the proposed Act after all the amendments made by the proposed Act have commenced.

### **Schedule 1 Amendment of Crimes Act 1900**

**Schedule 1 [1]** inserts proposed section 66EB into the *Crimes Act 1900* to make it an offence for an adult to procure or groom a child under 16 years of age for unlawful sexual activity, with the range of maximum penalties set out in the Overview. Proposed section 66EB (1) defines expressions used in the proposed section. “Conduct” is defined to include communication by the internet, and “unlawful sexual activity” is defined to include acts of sexual intercourse or indecency with children and child prostitution and pornography offences.

Proposed section 66EB (2) provides that the procurement offence is committed if an adult person intentionally procures a child for unlawful sexual activity with that adult person or another person.

Proposed section 66EB (3) provides that the grooming offence is committed if an adult person engages in any conduct that exposes a child to indecent material (or provides a child with an intoxicating substance) with the intention of making it easier to procure the child for unlawful sexual activity with that adult person or another person.

Proposed section 66EB (4) provides that it is not necessary to specify or prove the particular unlawful sexual activity for which the child was or was to be procured.

Proposed section 66EB (5) extends the offence to a case in which a person who is being procured pretends to be a child (for example, by an investigating official in any communication over the internet).

Proposed section 66EB (6) requires the age of the child to be set out in the charge before the higher maximum penalties for children under 14 years can be imposed.

Proposed section 66EB (7) provides a defence if the accused reasonably believed that the person concerned was not a child.

Proposed section 66EB (8) makes provision for alternative verdicts.

**Schedule 1 [2]** ensures that the consent of the child is not a defence to a prosecution for an offence under proposed section 66EB.

**Schedule 1 [3]** extends the personal violence offences to which the AVO provisions of the Principal Act apply to the offences under proposed section 66EB.

### **Schedule 2 Consequential amendments to Criminal Procedure Act 1986**

**Schedule 2 [1]** extends the procedural protections for child victims of sexual offences (and other related provisions) of the Act to offences under proposed section 66EB of the *Crimes Act 1900*.

**Schedule 2 [2]** enables proceedings for the offences under proposed section 66EB of the *Crimes Act 1900* to be heard and determined summarily without a jury in certain cases.

### **Schedule 3 Consequential amendment to Child Protection (Offenders Registration) Act 2000**

**Schedule 3** extends the child sex offender registration scheme to persons convicted of offences under proposed section

66EB of the *Crimes Act 1900*.