

Moves to protect overseas children from sex abusers

Australian child sex abusers who travel overseas to commit their crimes may receive hefty jail terms under the Crimes (Child Sex Tourism) Amendment Bill 1994.

Commonwealth Justice Minister Duncan Kerr recently introduced the Bill into Parliament. He said the Bill sent a clear message to child sex abusers and those who profited from their activities.

"The principal aim of this legislation is to provide a real and enforceable deterrent to the sexual abuse of children, outside Australia, by any Australian citizens and residents," Mr Kerr said.

"It is unfortunate that a number of Australian citizens and residents are now known internationally as major offenders in several Asian countries. The Bill aims to ensure that cowardly crimes committed against children outside Australia, which are not prosecuted in the country in which they were committed, can be prosecuted in Australia.

"The Bill also focuses on the activities of those who promote, organise and profit from child sex tourism. Provided they operate from Australia, or have a relevant link with Australia, they, too, will be subject to prosecution for their contribution to the abuse of children overseas."

This legislation was discussed and endorsed by the Standing Committee of Attorneys-General. "State and Territory jurisdictions not only support the Commonwealth initiatives, they have agreed to enact whatever supplementary legislation is needed to close

possible jurisdictional gaps," Mr Kerr said.

"The intention is to strike the right balance between the need to minimise the enforcement difficulties that arise where overseas evidence is required, and which are exacerbated when child witnesses are involved, and the need to ensure the rights of the defendant are protected.

'... a number of Australian citizens and residents are known as major offenders in several Asian countries ...'

"These problems have been tackled in a number of ways. First, if a judge hearing the case is satisfied that a witness is willing to give evidence from outside Australia, these amendments will enable the use of video evidence.

"The judge can actually require a video link to be used if they are satisfied on a number of counts such as the unreasonable expense of travel or the trauma caused to a witness appearing in a court. "The Bill has taken practical steps to address common defences and to deal sensitively with the cultural issues which are raised. It also seeks to strike a balance between different rules of evidence and ages of consent in the states and territories."

Mr Kerr said the Bill created prescribed sexual offences committed overseas against children under 16 and aggravated sexual offences where children were under 12 years. These sexual offences are:

- * engaging in sexual intercourse, with maximum penalty, 14 years of imprisonment (17 years for the aggravated offence);
- * inducing children to have sexual intercourse with others in the person's presence, 14 years imprisonment (17 years for the aggravated offence);
- * committing an act of indecency on, or in the presence of, a child in the prohibited age ranges, 10 years imprisonment (12 years for the aggravated offence);
- * submitting to an act of indecency committed by, or

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Cabinet approves new priorities from law enforcement report

Federal Cabinet has approved key recommendations of the Report of the Review of Commonwealth Law Enforcement Arrangements.

The announcement was made late last month by the Federal Minister for Justice, Duncan Kerr.

Essentially, the Report concluded that Australia has all the right legislative and law enforcement tools to tackle organised crime but that there is room for fine tuning and adjustment of priorities in most agencies.

The starting point of the review was the paramount need to ensure that all Commonwealth agencies with law enforcement responsibilities are able to adapt to the changing criminal environment and work together to pursue the government's law enforcement interests.

It found that the keys to achieving this are a more integrated strategic intelligence effort to support policy making and better coordination processes among law enforcement agencies.

The principle of co-ordination will be embodied in the new non-statutory Commonwealth Law Enforcement Board, to be chaired by National Crime Authority (NCA) Chairman Tom Sherman.

The Commonwealth Government will establish the Board immediately.

Other members will include heads of the Australian Securities Commission, plus the Australian Federal Police (AFP) and the Commonwealth Attorney-General's Department.

The establishment of a new Office of Strategic Crime Assessments under the Board will give the government regular access to comprehensive and high quality assessments of the changing criminal environment.

Both the NCA and the AFP were examined in the review, which found improvements could be made to avoid the potential for overlap and competition.

"I will be taking the review's proposals concerning the NCA and the National Common Police Service bodies to the next meeting of the Ministerial Council on the Administration of Justice at the end of May," Mr Kerr said.

The government will soon establish an independent review of the role, focus, priorities and resources of the Australian Institute of Criminology (AIC).

The review was critical of the contribution being made by the AIC to the Commonwealth's law enforcement effort.

It found that a proper refocusing of the institute would produce significant savings. The review of the AIC will report to Mr Kerr by the end of May.

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in the presence of, a child in the prohibited age ranges, 10 years imprisonment (12 years for the aggravated offence);

* inducing children to commit, submit to or to participate in, or be present while a third person commits, acts of indecency in the presence of the person, but which are not committed by or on him or her, 10 years imprisonment (12 years for the aggravated offence);

* inducing children in the prohibited age ranges to be

present while others engage in sexual intercourse in the presence of the person, 10 years imprisonment (12 years for the aggravated offence);

* engaging in sexual intercourse in the presence of a child in the prohibited age ranges with the intention of deriving gratification from the presence of the child, 10 years imprisonment (12 years for the aggravated offence).

There are further offences of encouraging or benefiting from child sex tourism. These offences carry a maxi-

mum penalty of 10 years imprisonment. "As a result of talks with government leaders and officials during my visit to the south-east Asian region in July, I believe that the Commonwealth has strong support for its initiatives on child sex tourism in the region," Mr Kerr said.

He said the initiatives were "an important opportunity ... to defeat the appalling practice of sexually abusing children".

The amendments on child sexual abuse are expected to be passed when Federal Parliament meets in May.