



Northern Territory Legal Aid Commission

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13 August 2019

Committee Secretary
Senate Legal and Constitutional Affairs Committee
PO Box 6100
Parliament House
Canberra ACT 2600

By email only: legcon.sen@aph.gov.au

Dear Secretary,

Re: SUBMISSION TO INQUIRY INTO *COMBATTING CHILD SEXUAL EXPLOITATION LEGISLATION AMENDMENT BILL 2019*

The Northern Territory Legal Aid Commission (NTLAC) welcomes the opportunity to make a submission to this Inquiry. The Commission notes the March 2019 Report of the Committee into the substantially similar Bill introduced but not passed during the life of the previous Parliament.

Having read the submissions to the earlier Inquiry, NTLAC is of the view that between them the key issues that arise for consideration in relation to the Bill have already been effectively addressed. Given the unusually brief time frame allowed for the current Inquiry, rather than attempt to reinvent the wheel, NTLAC's submission herein simply comprises endorsement of the contents summarised below of five of the earlier submissions.

In compiling its Report, the Committee is urged to have particularly careful regard to the following submissions to the earlier Inquiry.

- Law Council of Australia: opposition to mandatory sentencing features of the Bill; concern at the erosion of protections against self-incrimination and legal and professional privilege. Technical issues raised regarding fault elements and related matters.
- Australian Lawyers Alliance: supports provisions to impose on the Commonwealth a duty not to expose children in the custody or care of the Commonwealth to the risk of abuse, including children in immigration detention.
- International Justice Mission: The Bill should be amended to cover the use, storage and dissemination of live-streamed recordings of child sexual abuse.
- Yourtown: Stronger provisions should be included to limit the prosecution of children for offences under the Bill, such as offences arising from "sexting".

- Uniting Church: If a mandatory reporting scheme is introduced, it should be supported and complemented by an advisory service to support and train the affected Commonwealth officers; the terminology “child pornography” should be replaced with “child abuse material”; the further criminalisation of forced marriage is a blunt instrument that will do more harm than good unless supported by a co-ordinated national operational framework to protect victims of forced marriage.

Yours faithfully,

SUZAN COX QC OAM
Director