



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

### Sixtieth session

29 May –15 June 2012

Item 4 of the provisional agenda

Consideration of reports of States parties

## Optional Protocol on the sale of children, child prostitution and child pornography

List of issues concerning additional and updated information related to  
the consideration of the initial report of Australia  
(CRC/C/OPSC/AUS/1)

Addendum

Written replies of Australia\*

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\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

1. Australia considers that the sale of a person, including a child, is slavery. As slavery and slavery-like practices are among the exploitative purposes for which an individual may be trafficked, Australia's strategy to combat slavery falls within Australia's strategy to combat people trafficking. To date, all convictions under Australia's slavery provisions have involved a transnational element and commenced as an investigation into people trafficking.

**Reply to the issues raised in paragraph 1 of the list of issues (CRC/C/OPSC/AUS/Q/1)**

**Sale of children—adoption**

2. Australia's National Principles for Adoption incorporate obligations arising out of Australia's compliance with the Convention on the Rights of the Child and the Optional Protocol, including in relation to obtaining proper consents for adoption. The Principles, which are currently under review, underpin adoption laws, policies and practices in Australia.

**Sale of children—slavery**

3. The Australian Government has a comprehensive strategy in place to target slavery, which focuses on prevention, detection and investigation, prosecution, and victim support and protection.

4. Australia also has in place a visa framework that enables suspected victims of trafficking or other exploitative practices, including slavery, to remain lawfully in Australia if they do not already hold a valid visa. The framework includes a visa that allows victims and immediate family members to stay in Australia permanently if the victim has assisted with an investigation or prosecution of an offender, and the victim would be in danger if returned to their home country as a result of that assistance.

5. In April 2011, the Australian Federal Police (AFP) and all State and Territory police forces endorsed the Australian Policing Strategy to Combat Trafficking in Persons 2011–2013. The Strategy outlines a number of obligations, primarily for the AFP, but also for State and Territory law enforcement. These include promoting awareness of people trafficking and slavery as a crime, maintaining partnerships with government and non-government organizations (NGOs) and developing prevention programmes, and ensuring all suspected victims are referred to the contracted welfare service provider. The AFP is currently developing the implementation plan for this strategy from submissions provided by State and Territory police.

6. The Australian Government, primarily through AusAID, funds a number of international activities to combat labour exploitation, including slavery and forced labour. One example of this is Project Childhood (A\$7.5 million; 2010–14), a multi-year programme to prevent the commercial sexual exploitation of children in the Mekong Sub-region. Partnering with the United Nations Office on Drugs and Crime and Interpol, and assisted by the AFP, Project Childhood is working to train local law enforcement agencies and increase regional and international cooperation to combat this crime. Project Childhood also targets prevention, working with NGO World Vision Australia to increase awareness in vulnerable communities, government and tourism companies through public campaigns, training and telephone hotlines.

**Child pornography**

7. Child abuse material, including child pornography, is prohibited under Australian law. The Online Content Scheme set out in the *Broadcasting Services Act 1992* (Cth) regulates illegal and offensive online content in Australia with reference to the National Classification Scheme. Under the Online Content Scheme, the Australian Communications and Media Authority (ACMA) may investigate and take action with regard to online child abuse material.

8. If child abuse material is found to be hosted in Australia, the ACMA will direct the content provider to remove or prevent access to the content from their service. For child

abuse content hosted overseas, the URL to the material is added to a list of prohibited URLs managed by the ACMA. Regardless of where the content is hosted, the ACMA notifies Australian law enforcement agencies of material likely to breach criminal offences, including child pornography.

9. As part of a national strategy under the auspices of the Australian and New Zealand Police Advisory Agency (ANZPAA) Child Protection Committee, work is progressing on the trial of internet technology that aims to reduce the flow of child exploitation material across the internet within Australia. This technology utilizes the known hash values of offending images as a means of identifying inappropriate content being exchanged on peer to peer networks. Work is also progressing on the introduction of the national Child Exploitation Tracking System (CETS), which will enable seizures of child exploitation material to be analysed and compared against known holdings. CETS also utilizes hash values of images as a means of identification.

#### **Child prostitution**

10. Australian policing agencies, under the auspices of ANZPAA, have developed a holistic strategy to reduce the physical and sexual abuse of children, which may include child prostitution. The strategy has seven key priorities for action: education and training; research and knowledge; policy and legal process; incident response and investigation; early interventions; partnerships, communication and information sharing; and indigenous communities.

#### **Reply to the issues raised in paragraph 2 of the list of issues**

##### **Commonwealth**

11. The Australian Institute of Criminology conducts research into a broad range of criminal activity involving children, including child sex offenders, child pornography sentencing, the online behaviour of sex offenders and online child grooming. This research identifies that victims of child sexual exploitation come from all social classes, geographic areas of residence and ethnic and cultural backgrounds.

12. The research indicates that while child sex offending involving a preference for males has been identified at approximately twice the rate of a preference for females, girls are more likely to be victims of sexual abuse and online sexual solicitation. In particular, pubertal females aged between 13 and 17 are most at risk of becoming the victims of sexual exploitation. The research also highlights that children are most at risk of being abused by people known to them, although data suggests that strangers comprise nearly one in five perpetrators of child sexual abuse of male children. Social networking and rapid change in online technology have been identified as new and emerging risks requiring further investigation to determine who offends and the relationship of online offending to committing contact offences (physical and sexual assaults).

13. The AIC has also established a regular monitoring programme on people trafficking in Australia and in the region, which aims to monitor trends in the incidence and nature of people trafficking over time. In future years the indicators for monitoring, and the data definitions and collection processes, will be improved to enhance this monitoring.

##### **New South Wales**

14. The Victims Services Unit (VSU), part of the New South Wales (NSW) Department of Attorney-General and Justice, has developed the Victims of Crime Clearinghouse, which is an online database of journal articles, reports, papers, books and other publications focusing on victims of crime—including child and sexual abuse victims. The Clearinghouse will create a research database for disseminating information about victims of crime. In addition, VSU will launch a research programme for people interested in researching victims of crime issues, including sale of children, child prostitution and child pornography. Both initiatives will be formally launched in February 2012.

### **Western Australia**

15. In June 2010, the Sex Crime Division of Western Australia (WA) Police prepared a profile titled 'Child prostitution in Western Australia'. This intelligence document found no substantiated evidence of organized child prostitution within the State. No incidents relating to the 'sale of children' were reported in the 2010–11 financial year and intelligence holdings do not indicate this activity is prevalent in WA.

### **Reply to the issues raised in paragraph 3 of the list of issues**

16. Australia recognizes the importance of comprehensive and accurate data in informing policies relating to children, youth and crime. There is no single mechanism for gathering data on the sale of children, child prostitution and child pornography in Australia and crime statistics are collected at Commonwealth, State and Territory levels by relevant police and government departments.

17. The AFP utilizes the Operational Reporting System to provide data on investigations that appear to involve children from a human trafficking perspective. The AFP Operational Reporting System is a web-based programme used to interrogate a variety of databases, and provide results as tables, pivot tables and charts. It is mainly used to query the AFP's information system, PROMIS (Police Real-time On-line Management Information System) for detailed operational data about AFP investigations, such as spreadsheets of data relating to apprehensions or arrests for statistical reporting purposes.

18. The AFP is also coordinating the development of an Intelligence Collection Plan for the Australian Policing Strategy to Combat Trafficking in Persons. This will assist Government stakeholders better quantify human trafficking in Australia and provide a rationale for requisite resourcing decisions from State and Territory police.

### **New South Wales**

19. The NSW Bureau of Crime and Statistics Research (BOCSAR) holds information on all criminal incidents reported to or detected by NSW Police. The police data separately identifies incidents of child prostitution and possession/dissemination of child pornography. BOCSAR has a record of all criminal charges finalized in NSW courts. On request, data can be provided for any specific offence.

### **Victoria**

20. Victoria Police maintains an intelligence database of individuals or organized groups involved in child pornography, prostitution and sexual assault.

### **Western Australia**

21. In WA, government departments keep and collate statistics and there is a Crime Research Centre at the University of Western Australia. There are no specific (numerical) targets. Objectives to ensure the eradication of the practices of sale of children, child prostitution and child pornography are contained in legislative and administrative policies.

### **Tasmania**

22. Tasmania Police has an Ecrime unit, which investigates incidents of child pornography, and a Victim Crime Unit, which investigates matters regarding child prostitution. Other information is obtained through intelligence databases and reports from the public.

### **Northern Territory**

23. All criminal activities, including the criminal activities in question, reported to or detected by the NT Police are recorded in the Northern Territory (NT) Police administrative system. As such, the NT Government is able to monitor such criminal activities over time.

24. The NT Police records information, intelligence, investigations and prosecution data for offences against children. This includes any data that would relate to sale of children,

child prostitution and child pornography offences committed in the NT. There are no specific targets addressing these issues.

**Reply to the issues raised in paragraph 4 of the list of issues.**

25. Since 2003, the Australian Government has committed more than A\$100 million to support a range of domestic, regional and international initiatives that target trafficking and exploitative conduct such as slavery and slavery-like practices.

26. The AFP Child Protection Operations (CPO) teams investigate and target offenders who travel offshore and commit sexual offences or use the internet to facilitate the sexual exploitation against children. As part of this, the AFP works closely with foreign law enforcement agencies prosecuting offenders in these countries or uses extra-territorial laws to conduct the prosecutions in Australia. CPO has investigation teams in all National Offices, with the Evaluation and Victim Identification teams based in Canberra. The CPO has a budget of A\$6.436 million for 2011–12.

27. The Government also funds non-government organizations (NGOs) to target slavery. Anti-Slavery Australia is a specialist legal and policy centre focused on slavery, trafficking and extreme labour exploitation. Australian Catholic Religious Against Trafficking in Humans also works to raise awareness, share information and build networks nationally and globally to target exploitative practices, including slavery. These organizations have each received A\$600,000 in funding since 2008. The Government has also allocated almost A\$500,000 to two NGOs, two union bodies and an industry association to carry out similar work to combat labour exploitation, including slavery and forced labour, in susceptible industries.

**Western Australia**

28. The Child Abuse Squad in WA Police has a total budget of A\$5.38 million for 2011–12. The 2011–12 budget for the Child Assessment and Interview Team is A\$1.79 million. WA Police also have an Online Child Exploitation Squad (OCES), which investigates online offences committed against children and a proportion of offences relating to child exploitation material. The 2011–12 budget for OCES is A\$1.13 million.

**Tasmania**

29. Tasmania has not allocated a specific budget for prevention, prohibition and protection with regard to the sale of children, child prostitution and child pornography. There is a normal budgetary allocation for personnel involved in enforcement of the legislation relating to child prostitution and pornography.

**Reply to the issues raised in paragraph 5 of the list of issues.**

30. There is no single, specific Government agency at the national level responsible for the implementation of the Optional Protocol. Responsibility for the Optional Protocol is divided amongst individual Commonwealth agencies and States and Territories according to their areas of responsibility. For example, jurisdiction for criminal matters in Australia is shared between the Commonwealth, State and Territories depending on the circumstances and where the offence occurs. There are a number of mechanisms/arrangements that ensure a coordinated approach between agencies and between State and Territory institutions, including Ministerial Councils, ministerial correspondence, officer meetings and consultations, and agency case management.

**Sale of children—adoption**

31. The Australian Government Attorney-General's Department, as the Australian Central Authority under the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, manages Australia's inter-country adoption arrangements. Under the Commonwealth-State Agreement for the Continued Operation of Australia's Intercountry Adoption Program, the Australian Government closely cooperates

with State and Territory Central Authorities, who are responsible for the delivery of inter-country adoption services, including post-adoption support. Australian Central Authorities work closely with the Department of Immigration and Citizenship on relevant policies such as the health requirements for adoption visa applicants and the guardianship of children prior to adoption finalization.

#### **Sale of children—slavery**

32. Responsibility for the offence of slavery rests with the Commonwealth. The Attorney-General's Department is responsible for Australia's whole-of-government strategy to combat exploitative practices such as slavery. Australia's strategy is overseen by the Anti-People Trafficking Interdepartmental Committee, which is responsible for monitoring the implementation of the strategy, reporting to the Government on its effectiveness, and ensuring that emerging issues are addressed on a whole-of-government basis. Relevant agencies remain responsible for administering individual components of the strategy.

33. States and Territories are responsible for regulating the sex industry. Most States and Territories in Australia have enacted an offence of sexual servitude, which is enforced collaboratively by State and Federal police. However, where sexual servitude involves people trafficking, the general practice is for jurisdictions to refer suspected offences/offenders to the Federal authorities for investigation.

#### **Child pornography**

34. The AFP, through its High Tech Crime Operations unit, is responsible for the investigation of crimes associated with online child sex exploitation and child sex tourism. The AFP is a member and current chair of the Virtual Global Taskforce, an alliance of law enforcement agencies from around the world who are working together to fight online child abuse. Additionally, action between Australian States is coordinated through the ANZPAA Child Protection Committee mechanism. The AFP also works closely with other government departments, industry and not-for-profit organizations.

#### **Western Australia**

35. In WA there is the Department for Child Protection, the WA Police Child Abuse Squad, and the Child Assessment and Interview Team (CAIT). Criminal investigations and prosecutions are the responsibility of the Police and the Director of Public Prosecutions. The Child Abuse Squad primarily targets the investigation of high priority child sexual and serious physical violence offences. CAIT provides a specialist interview capability and is responsible for interviewing child victims and witnesses. The Department for Child Protection responds to the protection and care needs of children subject to abuse and neglect, including victims of child pornography and child prostitution.

#### **South Australia**

36. The Commissioner for Victims' Rights South Australia (SA) collaborates with State, Territory and Federal agencies and organizations that help victims. The Commissioner is a member of the National Work-group established by the then Standing Committee of Attorneys-General and is currently working under the auspices of the National Justice Chief Executives. The Work-group has members dealing with policy and practice pertaining to victims of human trafficking (adult and child) and with victims of domestic/family violence, including children.

#### **Reply to the issues raised in paragraph 6 of the list of issues.**

#### **New South Wales**

37. There are no additional government agencies specifically responsible for implementation of the Optional Protocol in NSW (noting that the NSW Police Force's Child Protection and Sex Crime Squad referred to in annex I of Australia's initial report is now called the Sex Crimes Squad and Joint Investigation Response Squad).

38. However, the law, policy and its implementation in the areas of child pornography, child prostitution and sexual servitude are handled by the Justice cluster, which includes the Department of Attorney General and Justice (including Corrective Service NSW and Juvenile Justice) and the Ministry of Police and Emergency Services (including input from the NSW Police Force). In 2008–09, the Department of Attorney-General and Justice chaired a Child Pornography Working Group, which included representatives from stakeholders in the NSW legal system. The working group made a number of recommendations for law reform, including limiting the artistic merit defence in relation to child pornography, and adopting the term ‘child abuse material’ to replace the term ‘child pornography’.

#### **Victoria**

39. Victoria Police has specialist squads and organizational structures dedicated to preventing, detecting and prosecuting sexual offences against children. These include the Sexual Crimes Squad, the Sex Offender Registry, which monitors registered sex offenders under the Sex Offenders Registration Act 2004 (Vic), and the Sexual Offences and Child Abuse Investigation Teams.

40. The Sexual Crimes Squad maintains specialist expertise in the investigation of rape and other serious sexual offences against adult and child victims. It investigates networked groups or serial offenders responsible for the sexual assault of children. It also maintains an intelligence database on individuals or groups involved in child pornography, prostitution or sexual abuse, as well as maintaining a liaison function with other areas of the police force and other government and external agencies.

41. Sexual Offences and Child Abuse Units are staffed by experienced and qualified police members specially trained to assist with responding to and investigating sexual assault and child abuse.

42. Victoria also has a Victims Support Agency and Victims of Crime Assistance Tribunal. Please refer to the reply to the issues raised in paragraph 10 of the list of issues for more information.

#### **Reply to the issues raised in paragraph 7 of the list of issues.**

##### **Slavery**

43. Slavery is criminalized under Division 270 of the Criminal Code Act 1995 (Cth) (the Criminal Code). Section 270.1 of the Criminal Code defines ‘slavery’ as ‘the condition of a person over whom any or all of the powers attaching to the right of ownership are exercised, including where such a condition results from a debt or contract made by the person’. These offences apply to all persons, regardless of whether the conduct occurs within, or outside of, Australia. These offences have a maximum penalty of 25 years imprisonment.

44. Specialist teams within the AFP have been established to investigate slavery matters. To date, there have been no slavery matters involving children.

##### **Child sex offences**

45. Responsibility for enacting and enforcing child sex offences is shared between the Commonwealth and the States and Territories. Under the Australian Constitution, the Australian Government can create offences that criminalize the exploitation of children where there is an international element to the crime, or where the offences are committed online. Commonwealth child sexual exploitation laws were strengthened in April 2010 when the Commonwealth Parliament passed the Crimes Legislation Amendment (Sexual Offences Against Children) Act 2010 (Cth). The States and Territories have wider legislative powers for offences concerning the exploitation of children.

46. In the Criminal Code, the Commonwealth has enacted overseas child pornography and child abuse material offences, and child pornography and child abuse material offences

involving the use of the postal service or a carriage service (for example, viewing or downloading a child pornography image from a website, emailing a child pornography video, explicit text or chat).

47. Commonwealth child pornography offences carry penalties of up to 15 years imprisonment, with higher penalties (up to 25 years) applying to aggravated offences. Aggravated offences apply to those who offend on multiple occasions along with other offenders as part of a child pornography network.

48. As part of the reforms, child sex tourism laws were moved from the Crimes Act 1914 (Cth) to Division 272 of the Criminal Code. These provisions enable offences committed by Australians overseas to be investigated and prosecuted within Australia. Australians who sexually abuse children overseas can be jailed for up to 20 years. Aggravated offences with penalties of up to 25 years apply to persons who engage in offences while they are in positions of trust, take advantage of a child's mental impairment or engage in sex with a child over a sustained period.

49. Under the new laws, Australians who prepare, or plan, to commit child sex tourism offences can be imprisoned for up to 10 years. The inclusion of a preparatory offence allows law enforcement to intervene at an earlier stage. A focus on preventing child sex tourism, rather than just addressing the conduct after the fact, goes further towards protecting children from such behaviour.

50. Together with relevant State and Territory offences, these Commonwealth offences are aimed at addressing Australia's obligations under article 3 of the Optional Protocol. A list of the specific offences contained in the Commonwealth Criminal Code is at annex I.

#### **Criminal procedure provisions protecting victims of crime**

51. Sections 272.21 and 273.10 of the Criminal Code allow witnesses of child sex, child pornography material or child abuse material offences committed outside Australia to give evidence by video link in certain circumstances, including when attendance of the witness at the court to give evidence would cause the witness to become so intimidated or distressed that his or her reliability as a witness would be significantly reduced.

52. Part IAD of the Crimes Act provides for the protection of children in proceedings for sexual offences by regulating the admissibility of evidence, disallowing unnecessarily aggressive or inappropriate cross-examination, restricting unrepresented defendants from cross-examining a child witness, the use of closed-circuit television and the use of video recordings of interviews.

#### **Reply to the issues raised in paragraph 8(a) of the list of issues**

53. There is no explicit prohibition of the sale of children in any State or Territory.

#### **New South Wales**

54. Section 8 of the *Surrogacy Act 2010* (NSW) prohibits commercial surrogacy. The arrangement will be commercial if, for fee, reward or other benefit, a person agrees to enter into or enters into a surrogacy arrangement, or gives up a child of the surrogacy arrangement to be raised by the intended parent or intended parents, or consents to the making of a parentage order in relation to a child of the surrogacy arrangement.

#### **Victoria**

55. The *Adoption Act 1984* (Vic) provides that it is an offence to make, give, receive, or to agree to make give or receive a payment or reward for an adoption. This has not changed since 2008.

#### **Western Australia**

56. There is no specific prohibition in WA law. However, Schedule 2 of the *Adoption Act 1994* (WA) contains the Hague Convention on Protection of Children and Co-

operation in Respect of Intercountry Adoption. A key commitment of the Convention is to prevent the abduction, the sale of, or traffic in children for the purposes of inter-country adoption.

### **South Australia**

57. Section 28 of the *Adoption Act 1988* (SA) makes it illegal for a parent or guardian of a child to receive payment or other benefit for consent to the adoption of the child. The maximum penalty for the offence is A\$10,000 or two years imprisonment.

### **Northern Territory**

58. Payments are prohibited in relation to adoption of a child in the NT under section 69 of the *Adoption Act* (NT).

### **Reply to the issues raised in paragraph 8(b) of the list of issues**

### **Tasmania**

59. While there are some provisions in the Tasmanian Criminal Code that criminalize relevant acts relating to children under 16 years, there are a number of other provisions in the Criminal Code and other Acts that criminalize relevant acts relating to children under 18 years.

60. Section 9 of the Sex Industry Offences Act (Tas) provides that a person must not procure, cause or permit a child to provide sexual services in a sexual service business, and makes it an offence to receive a fee or award for the same. A child is defined as a person under 18 years.

61. Section 130 of the Tasmanian Criminal Code makes it an offence to involve a person under the age of 18 years in the production of child exploitation material. ‘Child exploitation material’ is defined to mean material that describes or depicts a person who is or appears to be under the age of 18 years engaged in sexual activity, in a sexual context or as the subject of torture, cruelty or abuse (whether sexual or not). Sections 130A–130D also set out various offences relating to production, distribution, possession and access to child exploitation material.

62. As indicated in paragraph 82 of Australia’s initial report, the Classification (Publications, Films and Computer Games) Enforcement Act 1995 (Tas) also contains offences for making, reproducing, possessing, distributing and procuring a child to be involved in child exploitation material. A child is defined as a person under 18 years.

### **New South Wales**

63. Section 80D of the Crimes Act 1900 (NSW) criminalizes the causing of sexual servitude. Under section 80C(a), the offence is aggravated where the alleged victim is under the age of 18. Section 91D of the Crimes Act criminalizes child prostitution (child is defined as a person under 18 years).

### **Victoria**

64. Sections 45, 47–49 of the Crimes Act 1958 (Vic) provide offences for adults who engage in an indecent act or sexual penetration of a child under 16 years, and under the age of 18 years only if it is a child under their care, supervision or control (for example a parent, teacher, police officer), unless they are married. Section 58 makes it an offence for an adult to solicit or procure a child (that is, child prostitution) under the age of 16 years for sex or an indecent act and a child under the age of 18 years only if it is a child under their care, supervision or control, unless they are married. This has not changed since 2008.

**Northern Territory**

65. Section 13 of the Prostitution Regulation Act (NT) provides it is an offence to cause or induce an infant to take part in prostitution. Under section 17 of the Interpretation Act (NT) an infant is a person under 18 years of age. Section 125E of the NT Criminal Code provides it is an offence to use, offer or procure a child for the production of child abuse material or for a pornographic or abusive performance. For the purposes of this legislation a child is a person under 18 years of age.

**Western Australia**

66. Section 33B of the Criminal Code (WA) provides for 20 years imprisonment for a person who compels a child under the age of 18 years to provide a sexual service.

**Reply to the issues raised in paragraph 8(c) of the list of issues**

67. These offences apply when the child is under 16 years of age, as this is the age of consent to sexual activity in most Australian States and Territories, with the exception of Tasmania and South Australia, where the age of consent is 17 years.

**Commonwealth**

68. Division 474 of the Criminal Code criminalizes the use of a carriage service to groom or procure a person under the age of 16 for sexual activity. This is consistent with the age of consent to sexual activity in most Australian jurisdictions. These offences apply when a defendant of at least 18 years of age uses a carriage service with the intention of grooming or procuring a child for engagement in sexual activity with the defendant or with another person and the child is, or the defendant believes the child to be, under 16 years of age. Division 474 also criminalizes the use of a carriage service for sexual activity with a person under 16 years of age where the defendant is at least 18 years of age.

69. These offences attract penalties of up to 15 years imprisonment, or 25 years imprisonment for the aggravated offence of using a carriage service involving sexual activity with a child with mental impairment, or where the child is under the care, supervision or authority of the defendant.

70. The Criminal Code offences regarding child pornography material and child abuse material apply where the person depicted or represented is, or appears to be, less than 18 years of age (Criminal Code s 473.1). This is a higher age threshold than that applying to the grooming and procuring offences in the Criminal Code because child pornography involves the exploitation (often for commercial purposes) of children. The threshold of 18 years of age for child pornography and child abuse material offences is in line with the majority of Australian States and Territories and is consistent with international standards.

**New South Wales**

71. Section 91D(1)(a) of the *Crimes Act 1900* (NSW) provides that it is an offence for a person by any means to cause or induce a child to participate in an act of child prostitution (child is defined as a person under 18 years). Contacting a person online for this purpose could constitute causing or inducing a child to participate in an act of child prostitution or at least an attempt to do so.

**Western Australia**

72. Part 3 of the *Prostitution Act 2000* (WA) creates offences for causing, permitting, or seeking to induce a child to act as prostitute (s 16), obtaining payment for prostitution by a child (s 17), and agreement for prostitution by a child (s 18). Currently, section 204B of the *Criminal Code* (WA) only creates an offence for a person to use electronic communication to procure a child under the age of 16 years to engage in sexual activity or to expose a child under 16 years to any indecent matter. However, section 16 of the Prostitution Act makes it an offence for a person to cause, permit or seek to induce a child to act as a prostitute. A

child for the purposes of this offence is a person under the age of 18 years. Although not specific to online contact, it may capture such contact.

### South Australia

73. Section 63B of the *Criminal Law Consolidation Act 1933* (SA) deals with communication with a child (defined as under 17 or under 18 if the alleged offender is in a position of trust in relation to the child) for a prurient purpose or to make the child amenable to sexual activity or with the intention of procuring the child to engage in or submit to sexual activity. However, there are no provisions that specifically deal with contacting children online.

### Tasmania

74. Section 125D of the *Criminal Code Act 1995* (Tas) provides that it is an offence to make a communication with the intention to procure a person under the age of 17 years to engage in an unlawful sexual act.

### Reply to the issues raised in paragraph 9 of the list of issues.

### Commonwealth

75. See annex II for data on prosecutions conducted by the Commonwealth Director of Public Prosecutions since 2008–09.

76. Within the 2008–11 reporting period, Australia has recorded only three trafficked minors. These involved a matter where the suspected victim did not want to cooperate with authorities, a matter still under investigation that may involve sexual servitude, and another matter currently before the courts. Given these small numbers, further information or disaggregation is not possible on confidentiality grounds.

### Child sex offences — Apprehension Statistics for 2008–2011 (Australian Federal Police)

<i>Incident Type</i>	<i>Arrest/Summons</i>
Combined child sex offences	620 offenders for 282 charges
Child sex offences – Online child sex exploitation	598 offenders for 784 charges
Child sex offences – Not child sex tourism	9 offenders for 114 charges
Transnational – Child sex tourism	13 offenders for 30 charges

### New South Wales

77. As at November 2011, there had been no prosecutions for commercial surrogacy in NSW.

78. Victims of child pornography offences may not be identified at the time of prosecution, limiting statistics available on these offences. See annex III for data in relation to sentence outcomes for individual child pornography and prostitution offences. There were no victims of child prostitution offences recorded between October 2008 and September 2011.

### *Number of child pornography victims recorded by NSW Police by victim's age, gender and Indigenous status*

Victim's age	Victim's gender	Victim's Indigenous status	Oct, 2008 to Sept, 2009	Oct, 2009 to Sept, 2010	Oct, 2010 to Sept, 2011
Pornography offences					
<1 to 10	Female	Indigenous	NA	NA	0

*Number of child pornography victims recorded by NSW Police by victim's age, gender and Indigenous status*

11 to 18	Female	Indigenous	6	NA	NA
<1 to 10	Female	Non-indigenous.	10	12	14
11 to 18	Female	Non-indigenous.	56	49	56
<1 to 10	Female	Unknown	0	2	1
11 to 18	Female	Unknown	3	7	9
<1 to 10	Male	Indigenous	0	NA	0
11 to 18	Male	Indigenous	NA	5	0
<1 to 10	Male	Non-indigenous	5	7	7
11 to 18	Male	Non-indigenous	7	5	12
<1 to 10	Male	Unknown	0	0	2
11 to 18	Male	Unknown	1	2	1

Source: NSW Bureau of Crime Statistics and Research

NOTE: to protect the identity of individuals, where a category had a count of 1 to 4 'NA' appears.

**Victoria****Child pornography and child prostitution offences recorded by police for 2008–09 and 2009–10 from Victoria Police Crime Statistics**

<i>Child pornography offences</i>	<i>2008–09</i>	<i>2009–10</i>
571AI – Knowingly possess child pornography	208	263
571AJ – Make/produce child pornography	407	122
571E – Possess child pornography for use – carriage service	4	4
571F – Use carriage service – access child pornography	10	4
571G – Procure minor for making/producing child pornography	38	45
572EB – Use online information to publish child pornography	14	40
<b>Total</b>	<b>681</b>	<b>478</b>

  

<i>Child prostitution offences</i>	<i>2008–09</i>	<i>2009–10</i>
595BB – Cause/induce child take part in prostitution	1	0
595DC – Cause child to take part in prostitution	6	3
595DD – Induce child take part in prostitution	1	1
<b>Total</b>	<b>8</b>	<b>4</b>

**Western Australia**

79. The following information can be provided for 2011:

### Sale of children

80. No incidents reported or investigated.

### Child prostitution

81. One incident investigated resulting in the arrest of a 38 year old male who has been charged with one count of seeking agreement for prostitution by a child. The victim is a 16 year old female. The matter is currently before the courts.

### Child pornography

82. 173 files were received relating to the investigation of child exploitation material. 28 offenders were apprehended. Ten offenders received juvenile cautions and the remaining 18 are at various stages within the judicial process. 107 files are still under investigation.

### South Australia

83. The below data covers the period 2009–10 and is sourced from the Office of Crime Statistics and Research (unpublished), December 2011. The data is limited to South Australian legislation and there is no specific South Australia legislation for the sale of children. Demographic details of the victim are not recorded for victims of child pornography and are not available for cases relating to child prostitution.

	<i>Offences recorded by SA Police</i>	<i>Apprehensions by SA Police</i>	<i>Cases finalized in SA criminal courts</i>	<i>Percentage of those cases with guilty outcome</i>
Child pornography <sup>1</sup>	339	190	205	49.3%
Child prostitution <sup>2</sup>	0	0	4	0%

*Major penalty associated with cases finalized in SA criminal courts with guilty outcome (with or without conviction) for at least one child pornography<sup>1</sup> offence*

Imprisonment	26.7%
Suspended imprisonment	53.5%
Bond (with or without supervision)	15.8%
Other penalty	4.0%

<sup>1</sup> All offences under Division 11A (Child pornography and related offences), *Criminal Law Consolidation Act 1935* (SA).

<sup>2</sup> All offences under section 68 (Use of children in commercial sexual services), *Criminal Law Consolidation Act 1935* (SA).

### Reply to the issues raised in paragraph 10 of the list of issues.

#### Commonwealth

84. The Support for Trafficked People Program, funded by the Australian Government and run by the Australian Red Cross, provides individual case management assistance to eligible victims of slavery. This assistance includes access to accommodation, financial assistance, legal and migration advice, training and social support. It also aims to provide opportunities for clients to learn new skills and to develop options for when they leave the programme.

**New South Wales**

85. Victims of all these offence types are able to access counselling through the Approved Counselling Scheme within Victims Services if the crime happened in NSW. Victims of child pornography offences may not be identified at the time of prosecution. In cases where the victim of child pornography is identified they can apply to the Victim Services Unit (VSU) for Victims Compensation and government funded counselling. To date, VSU has received approximately 20 claims for compensation from victims of sex trafficking; only one of these was a child at the time of the offence.

86. The VSU website provides information for victims of all crimes about the investigation of crimes, court processes and other referrals. The Victims Access Line provides free 24-hour telephone information and referral advice and crisis support to any victims of crime.

**Victoria**

87. In Victoria, the Victims Support Agency (VSA) within the Department of Justice represents victims of crime and coordinates a whole-of-government approach to services for victims. It funds State-wide services to provide counselling and practical assistance to help victims recover from the effects of crime and is pivotal in linking the service system so victims do not need to continuously repeat their story at different agencies. The VSA has a central role in bringing key stakeholders together to learn, exchange information and work in partnership. Development of these partnerships and protocols ensures quick and appropriate responses by police, justice and human service agencies, and best assists victims of crime.

88. Financial assistance to victims of crime committed in Victoria is provided by the Victims of Crime Assistance Tribunal (VOCAT). VOCAT may award financial assistance for reasonable counselling, medical, safety-related and funeral expenses, lost earnings and other reasonable expenses to assist a victim of crime in their recovery, when assistance for those expenses is not available from another source. Lump sum payments may also be made to certain victims of crime for special financial assistance and distress to assist victims in their recovery. Foreign and national victims are not treated differently.

**Western Australia**

89. Special procedures apply to give children support and assistance when giving evidence at trial (see ss 106D and 106E of the Evidence Act 1906 (WA)). Victims of crime must be treated by police and other public bodies in accordance with the guidelines established under the Victims of Crime Act 1994 (WA). In addition, as victims of crime, children are entitled to assistance from the Victim Support Service and may seek compensation under the Criminal Injuries Compensation Act 2003 (WA). Sentencing principles also require the effect of the crime on victims to be taken into account (s 6, Sentencing Act 1995 (WA)).

90. In WA victims of crime may receive compensation under the Criminal Injuries Compensation Act or by ex gratia payments. Both the legislation and the administration of ex gratia payments do not differentiate between foreign and national victims.

91. The Department for Child Protection funds 15 non-profit organizations through the Child Sexual Abuse Treatment Services programme. These services provide support, counselling and therapeutic responses to children, young people and their families affected by child sexual abuse, and would include responding to child victims of child pornography.

**South Australia**

92. SA has a State-funded victim compensation scheme for victims of crimes that occur in SA. Victims may apply for compensation or an ex gratia payment. If the victim is a child and a compensation order is made, the amount paid is often put in trust with the Office of the Public Trustee. An administrative arrangement exists between the Public Trustee and the relevant department to protect the child-victim's interest.

**Northern Territory**

93. The NT Government Sexual Assault Referral Centre (SARC) is able to provide a service for children who have been sexually assaulted and endeavours to provide all service components (medical and counselling services) to children who are the victims of child prostitution and child pornography, including both national and foreign victims residing in Australia.

94. Compensation is provided through the NT Victims of Crime Compensation Scheme. Victims of violent offences in the NT are eligible to apply for crimes victims' assistance. The Victims of Crime Assistance Act (NT) aims to assist the rehabilitation of victims of violent acts by implementing schemes to provide counselling and financial assistance for financial loss and compensable violent acts and injuries.

**Reply to the issues raised in paragraph 11 of the list of issues****Commonwealth**

95. Division 272 of the Criminal Code criminalizes sexual intercourse or sexual activity with a young person outside Australia, where the young person is at least 16 but under 18 and the defendant is in a position of trust or authority. Such conduct may, in some cases, involve prostitution. Examples of a person in a position of trust or authority include the young person's parent, step-parent, grandparent, foster parent, guardian, teacher, spiritual leader, sports coach, health professional, employer, or a member of a police force or correctional institution who has duties in relation to the young person. These offences attract penalties of up to 10 years imprisonment.

96. As noted above in response to the issues raised in paragraph 8 of the list of issues, Australian child pornography material and child abuse material offences apply where the person depicted or represented is, or appears to be, less than 18 years of age (Criminal Code s 473.1).

**Reply to the issues raised in paragraph 12 of the list of issues****Commonwealth**

97. Australia's slavery offences apply to all persons, regardless of whether the conduct occurs within, or outside of, Australia. These offences have a maximum penalty of 25 years imprisonment. Legal persons are only held liable for intentional and reckless acts relating to slavery.

98. Under sections 272.6 and 273.2 of the Criminal Code, Commonwealth child sex tourism offences and offences applying to overseas dealings by Australians in child pornography or child abuse material apply to 'a person', which is defined to include Australian citizens, residents of Australia and bodies corporate.

99. The child pornography material and child abuse material offences in Division 474 of the Criminal Code apply to 'a person', which is defined to include Australian citizens, residents of Australia, bodies corporate, Commonwealth authorities that are not bodies corporate and bodies politic.

**New South Wales**

100. The Crimes Act 1900 (NSW) prohibits a person from causing sexual servitude (Division 10A), promoting or engaging in acts of child prostitution (s 91D), and using a child under the age of 16 for the production of child abuse material (s 91G(2)). Section 4 of the Crimes Act defines a person to include any society, company or corporation.

101. Section 8 of the Surrogacy Act 2010 (NSW) provides that a person must not enter into, or offer to enter into, a commercial surrogacy arrangement. Section 21 of the Interpretation Act 1987 (NSW) defines a person to include an individual, a corporation, and a body corporate or politic.

**Victoria**

102. Section 54 of the Crimes Act 1958 (Vic) provides an offence for the owner, occupier or person managing or assisting in managing a premise to allow a child under 17 years to enter and remain for the purposes of the unlawful act of sexual penetration.

**Western Australia**

103. The WA Criminal Code criminalizes the production, distribution and possession of child exploitation material (ss 217A–221B), sexual servitude involving children (ss 331A–331D), and child stealing (s 343). Both natural persons and companies may be criminally liable for these offences. However, companies will be liable only if the elements of the relevant offence are compatible with the company's corporate character.

**Northern Territory**

104. A corporation may be liable for possession, distribution, production, sale or offering or advertising for distribution or sale of child abuse material under section 125B of the NT Criminal Code. A corporation may be liable for using a child for production of child abuse material or pornographic or abusive performance under section 125E of the NT Criminal Code.

## Annexes

### Annex I

#### **Sale of children, child pornography and child prostitution in the Commonwealth Criminal Code**

- Division 270—Slavery, sexual servitude and deceptive recruiting
  - 270.2—Slavery is unlawful
  - 270.6—Sexual servitude offences
  - 270.7—Deceptive recruiting for sexual services
- Division 271—Trafficking in persons and debt bondage
  - 271.4—Offence of trafficking in children
  - 271.7—Offence of domestic trafficking in children
- Division 272—Child sex offences outside Australia
  - 272.8—Sexual intercourse with child outside Australia
  - 272.9—Sexual activity (other than sexual intercourse) with child outside Australia
  - 272.10—Aggravated offence—child with mental impairment or under care, supervision or authority of defendant
  - 272.11—Persistent sexual abuse of child outside Australia
  - 272.12—Sexual intercourse with young person outside Australia—defendant in position of trust or authority
  - 272.13—Sexual activity (other than sexual intercourse) with young person outside Australia—defendant in position of trust or authority
  - 272.14—Procuring child to engage in sexual activity outside Australia
  - 272.15—“Grooming” child to engage in sexual activity outside Australia
  - 272.18—Benefiting from offence against this Division
  - 272.19—Encouraging offence against this Division
  - 272.20—Preparing for or planning offence against this Division
- Division 273—Offences involving child pornography material or child abuse material outside Australia
  - 273.5—Possessing, controlling, producing, distributing or obtaining child pornography material outside Australia
  - 273.6—Possessing, controlling, producing, distributing or obtaining child abuse material outside Australia
  - 273.7—Aggravated offence—offence involving conduct on 3 or more occasions and 2 or more people
- Division 471—Postal offences
  - 471.16—Using a postal or similar service for child pornography material
  - 471.17—Possessing, controlling, producing, supplying or obtaining child pornography material for use through a postal or similar service
  - 471.19—Using a postal or similar service for child abuse material

- 471.20—Possessing, controlling, producing, supplying or obtaining child abuse material for use through a postal or similar service
- 474.24—Using a postal or similar service to procure persons under 16
- 471.25—Using a postal or similar service to “groom” persons under 16
- 471.26—Using a postal or similar service to send indecent material to person under 16
- Division 474—Telecommunications offences
  - 474.19—Using a carriage service for child pornography material
  - 474.20—Possessing, controlling, producing, supplying or obtaining child pornography material for use through a carriage service
  - 474.22—Using a carriage service for child abuse material
  - 474.23—Possessing, controlling, producing, supplying or obtaining child abuse material for use through a carriage service
  - 474.25A—Using a carriage service for sexual activity with person under 16 years of age
  - 474.26—Using a carriage service to procure persons under 16 years of age
  - 474.27—Using a carriage service to “groom” persons under 16 years of age
  - 474.27A—Using a carriage service to transmit indecent communication to person under 16 years of age

## Annex II

**Data on prosecutions conducted by the Commonwealth Director of Public  
Prosecutions since 2008–2009**

Table 1 Offence Outcomes (to 22 Dec 2011)						
Category/Act	Outcome	FY08/09	FY09/10	FY10/11	FY11/12	Total
Category I <i>(Criminal Code 272.8 - 272.15)</i> Sexual offences against children outside Australia	Proven Warrant Issued Hung Jury Discontinued Acquitted Other				1	1
	Subtotals				1	1
Category II <i>(Criminal Code 272.18- 272.20)</i> Offences of benefiting from, encouraging or preparing for sexual offences against children outside Australia	Proven Warrant Issued Hung Jury Discontinued Acquitted Other					
	Subtotals					
Category III <i>(Criminal Code 273.5 - 273.8)</i> Offences committed overseas involving child pornography material or child abuse material	Proven Warrant Issued Hung Jury Discontinued Acquitted Other					
	Subtotals					
Category IV <i>(Criminal Code 471.16 - 471.20)</i> Offences relating to use of postal or similar service for child pornography material or child abuse material	Proven Warrant Issued Hung Jury Discontinued Acquitted Other					
	Subtotals					
Category V <i>(Criminal Code 471.24 - 471.26)</i> Offences relating to use of postal or similar service involving sexual activity with person under 16	Proven Warrant Issued Hung Jury Discontinued Acquitted Other					
	Subtotals					
Category VI <i>(Criminal Code 474.19 - 474.27A)</i> Offences relating to use of carriage service for child pornography material or child abuse material	Proven Warrant Issued Hung Jury Discontinued Acquitted Other	131	161	112	108	512
	Subtotals	147	191	124	114	576
Category VII <i>(Crimes Act 50BA-50BD)</i> Sexual offences against children overseas (repealed in 2010 and incorporated into Criminal Code 272.8 - 272.15)	Proven Warrant Issued Hung Jury Discontinued Acquitted Other		2	3	1	6
	Subtotals		3	4	4	11
Totals	Proven Warrant Issued Hung Jury Discontinued Acquitted Other	131	162	115	109	517
	Subtotals	147	192	128	118	585

Category/Act	Penalty	FY08/09	FY09/10	FY10/11	FY11/12	Total
<b>Category I</b>						
Sexual offences against children outside Australia <i>(Criminal Code 272.8 - 272.15)</i>	Gaol Gaol (Fully Suspended) Periodic detention Fine CSO/CBO Recog Order Other				1	1
	<b>Subtotals</b>				1	1
<b>Category II</b>						
Offences of benefiting from, encouraging or preparing for sexual offences against children outside Australia <i>(Criminal Code 272.18- 272.20)</i>	Gaol Gaol (Fully Suspended) Periodic detention Fine CSO/CBO Recog Order Other					
	<b>Subtotals</b>					
<b>Category III</b>						
Offences committed overseas involving child pornography material or child abuse material <i>(Criminal Code 273.5 - 273.8)</i>	Gaol Gaol (Fully Suspended) Periodic detention Fine CSO/CBO Recog Order Other					
	<b>Subtotals</b>					
<b>Category IV</b>						
Offences relating to use of postal or similar service for child pornography material or child abuse material <i>(Criminal Code 471.16 - 471.20)</i>	Gaol Gaol (Fully Suspended) Periodic detention Fine CSO/CBO Recog Order Other					
	<b>Subtotals</b>					
<b>Category V</b>						
Offences relating to use of postal or similar service involving sexual activity with person under 16 <i>(Criminal Code 471.24 - 471.26)</i>	Gaol Gaol (Fully Suspended) Periodic detention Fine CSO/CBO Recog Order Other					
	<b>Subtotals</b>					
<b>Category VI</b>						
Offences relating to use of carriage service for child pornography material or child abuse material <i>(Criminal Code 474.19 - 474.27A)</i>	Gaol Gaol (Fully Suspended) Periodic detention Fine CSO/CBO Recog Order Other	71 48 4 2 2 4	91 57 3 1 1 8	64 46 1 1 1	61 40 2 5	287 191 7 4 5 18
	<b>Subtotals</b>	<b>131</b>	<b>161</b>	<b>112</b>	<b>108</b>	<b>512</b>
<b>Category VII</b>						
Sexual offences against children overseas (repealed in 2010 and incorporated into Criminal Code 272.8 - 272.15) <i>(Crimes Act 50BA-50BD)</i>	Gaol Gaol (Fully Suspended) Periodic detention Fine CSO/CBO Recog Order Other		2	3	1	6
	<b>Subtotals</b>		<b>2</b>	<b>3</b>	<b>1</b>	<b>6</b>
<b>Totals</b>						
	Gaol Gaol (Fully Suspended) Periodic detention Fine CSO/CBO Recog Order Other	71 48 4 2 2 4	92 57 3 1 1 8	67 46 1 1 1	62 40 2 5	292 191 7 4 5 18
	<b>Subtotals</b>	<b>131</b>	<b>162</b>	<b>115</b>	<b>109</b>	<b>517</b>

**Annex III NSW Criminal Courts Statistics January 2008 to June 2011**  
**Number of persons found guilty of a principal offence<sup>1</sup> under selected sections of the Crimes Act 1990 by penalty**

From January 2008 to June 2011, no persons were found guilty of the following offences:

- Procure person by violence for prostitution (s 91B)
- Cause child under 14 to participate in child prostitution (s 91D(1)(a))
- Participate as client with child under 14 in prostitution (s 91D(1)(b))
- Obtain benefit from child prostitution (s 91E(1))
- Operate premises where child participates in prostitution (s 91F(1))
- Employ child under 14 years for pornographic purposes (s 91G(1)(a))
- Use child < 14 years for pornography purposes (s 91G(1)(a))
- Use child  $\geq 14$  & < 18 years for pornographic purposes (s 91G(1)(a))
- Procure child  $\geq 14$  & < 18 years for pornographic purposes (s 91G(1)(b))

The following penalties are available as sentencing options for the NSW Criminal Courts, but were not used for relevant offences between January 2008 and June 2011:

- Control order
- Home detention
- Intensive correction order
- Nominal sentence
- Conviction without penalty
- Dismissed with caution
- No conviction recorded

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<sup>1</sup> Where a person has been found guilty of more than one offence, the offence which received the most serious penalty is the principal offence.

		2008										
<i>Section</i>	<i>Short description</i>	Imprisonment	Periodic detention	Suspended sentence with	Suspended sentence	Community service order	Probation order	Bond with supervision	Bond without supervision	Fine	Bond without conviction	Other proven outcomes
66EB(3)	Groom child for unlawful sexual activity	-	-	-	-	-	-	-	-	-	-	-
66EB(3)	Groom child for unlawful sexual activity	-	-	-	-	-	-	-	-	-	-	-
66EB(2)	Procure child for unlawful sexual activity	-	-	-	-	-	-	-	-	-	-	-
66EB(2)	Procure child for unlawful sexual activity	-	-	-	-	-	-	-	-	-	-	-
66EB(2)	Procure child under 14 years for unlawful sexual activity	-	-	-	-	-	-	-	-	-	-	-
66EB(2)	Procure child under 14 years for unlawful sexual activity	1	-	-	-	-	-	-	-	-	-	-
91A	Procure person not prostitute for prostitution	1	-	-	-	-	-	-	-	-	-	-
91D(1)(a)	Cause child $\geq 14$ & $< 18$ to do act of child prostitution	1	-	-	-	-	-	-	-	-	-	-
91D(1)(b)	Act as client with child $\geq 14$ & $< 18$ in	-	-	-	-	-	-	-	-	-	-	-

		2008										
<i>Section</i>	<i>Short description</i>	Imprisonment	Periodic detention	Suspended sentence with	Suspended sentence	Community service order	Probation order	Bond with supervision	Bond without supervision	Fine	Bond without conviction	Other proven outcomes
	prostitution											
91G(1)(a)	Use child under 14 years for pornographic purposes	2	-	-	-	-	-	-	-	-	-	-
91G(1)(b)	Procure child under 14 years for pornographic purposes	1	-	-	-	-	-	-	-	-	-	-
91G(2)(a)	Use child over 14 years for pornographic purposes	-	-	-	-	-	-	-	1	-	-	-
91H(2)	Disseminate/produce child pornography	3	-	2	1	-	-	1	-	-	-	1
91H(2)	Produce, disseminate or possess child abuse material	-	-	-	-	-	-	-	-	-	-	-
91H(2)	Produce, disseminate or possess child pornography	-	-	-	-	-	-	-	-	-	-	-
91H(3)	Possess child pornography	36	8	16	10	-	-	5	11	2	-	-
91J(1)	Observe person in private act without consent	-	-	-	-	-	-	-	-	-	-	-
91K(1)	Film person in private act without	-	-	-	-	-	-	-	-	-	-	-

		2008										
<i>Section</i>	<i>Short description</i>	Imprisonment	Periodic detention	Suspended sentence with	Suspended sentence	Community service order	Probation order	Bond with supervision	Bond without supervision	Fine	Bond without conviction	Other proven outcomes
	consent											
91K(6)	Attempt to commit offence under s 91K(1)	-	-	-	-	-	-	-	-	-	-	-
91L(1)	Film person's private parts without consent	-	-	-	-	-	-	-	-	-	-	-
91L(3)	Film person's private parts without consent—aggravated	-	-	-	-	-	-	-	-	-	-	-
91L(6)	Attempt to commit offence under s 91L(1)	-	-	-	-	-	-	-	-	-	-	-
91M(1)	Install device, adapt building etc to observe or film other	-	-	-	-	-	-	-	-	-	-	-

		2009										
<i>Section</i>	<i>Short description</i>	Imprisonment	Periodic detention	Suspended sentence with supervision	Suspended sentence without supervision	Community service order	Probation order	Bond with supervision	Bond without supervision	Fine	Bond without conviction	Other proven outcomes
66EB(3)	Groom child for unlawful sexual activity	1	-	-	-	-	-	-	-	-	-	-
66EB(3)	Groom child for unlawful sexual activity	-	-	1	-	-	-	-	-	-	-	-
66EB(2)	Procure child for unlawful sexual activity	-	-	-	-	-	-	-	-	-	-	-
66EB(2)	Procure child for unlawful sexual activity	1	-	-	-	-	-	-	-	-	-	-
66EB(2)	Procure child under 14 years for unlawful sexual activity	-	-	-	-	-	-	-	-	-	-	-
66EB(2)	Procure child under 14 years for unlawful sexual activity	-	-	-	-	-	-	-	-	-	-	-
91A	Procure person not prostitute for prostitution	-	-	-	-	-	-	-	-	-	-	-
91D(1)(a)	Cause child $\geq 14$ & $< 18$ to do act of child prostitution	-	-	-	-	-	-	-	-	-	-	-
91D(1)(b)	Act as client with child $\geq 14$ & $< 18$ in prostitution	1	-	-	-	-	-	-	-	-	-	-
91G(1)(a)	Use child under 14 years for pornographic purposes	-	-	-	-	-	-	-	-	-	-	-
91G(1)(b)	Procure child under 14 years for pornographic purposes	-	-	-	-	-	-	-	-	-	-	-
91G(2)(a)	Use child over 14 years for pornographic purposes	-	-	-	-	-	-	-	-	-	-	-
91H(2)	Disseminate/produce child pornography	7	-	-	-	-	-	1	1	-	-	-
91H(2)	Produce, disseminate or possess child abuse material	-	-	-	-	-	-	-	-	-	-	-
91H(2)	Produce, disseminate or possess child pornography	4	2	4	1	-	1	1	-	1	-	-

<i>Section</i>	<i>Short description</i>	2009										
		Imprisonment	Periodic detention	Suspended sentence with supervision	Suspended sentence without supervision	Community service order	Probation order	Bond with supervision	Bond without supervision	Fine	Bond without conviction	Other proven outcomes
91H(3)	Possess child pornography	28	6	14	5	2	0	1	6	-	1	-
91J(1)	Observe person in private act without consent	-	-	-	-	-	-	-	-	-	1	-
91K(1)	Film person in private act without consent	-	1	-	1	-	-	-	-	-	-	-
91K(6)	Attempt to commit offence under s 91K(1)	-	-	-	-	-	-	-	-	-	-	-
91L(1)	Film person's private parts without consent	--	-	-	-	1	-	-	1	-	-	-
91L(3)	Film person's private parts without consent—aggravated	-	-	-	-	-	-	1	-	-	-	-
91L(6)	Attempt to commit offence under s 91L(1)	-	-	-	-	-	-	-	-	-	-	-
91M(1)	Install device, adapt building etc to observe or film other	1	-	-	-	-	-	-	-	-	-	-

		2010										
<i>Section</i>	<i>Short description</i>	Imprisonment	Periodic detention	Suspended sentence with supervision	Suspended sentence without supervision	Community service order	Probation order	Bond with supervision	Bond without supervision	Fine	Bond without conviction	Other proven outcomes
66EB(3)	Groom child for unlawful sexual activity	1	-	-	-	-	-	-	-	-	-	-
66EB(3)	Groom child for unlawful sexual activity	-	-	-	-	-	-	-	-	-	-	-
66EB(2)	Procure child for unlawful sexual activity	1	-	-	-	-	-	-	-	-	-	-
66EB(2)	Procure child for unlawful sexual activity	2	-	-	-	-	-	-	-	-	-	-
66EB(2)	Procure child under 14 years for unlawful sexual activity	1	-	-	-	-	-	-	-	-	-	-
66EB(2)	Procure child under 14 years for unlawful sexual activity	-	-	-	-	-	-	-	-	-	-	-
91A	Procure person not prostitute for prostitution	-	-	-	-	-	-	-	-	-	-	-
91D(1)(a)	Cause child >=14 & <18 to do act of child prostitution	2	-	-	-	-	-	-	-	-	-	-
91D(1)(b)	Act as client with child >=14 & <18 in prostitution	-	-	-	-	-	-	-	-	-	-	-
91G(1)(a)	Use child under 14 years for pornographic purposes	3	-	-	-	-	-	-	-	-	-	1
91G(1)(b)	Procure child under 14 years for pornographic purposes	1	-	-	-	-	-	-	-	-	-	-
91G(2)(a)	Use child over 14 years for pornographic purposes	-	-	-	-	-	-	-	-	-	-	-
91H(2)	Disseminate/produce child pornography	3	-	2	-	-	-	-	-	-	-	-
91H(2)	Produce, disseminate or possess child abuse material	-	-	-	-	-	-	-	-	-	-	-
91H(2)	Produce, disseminate or possess child pornography	25	3	12	2	2	-	7	2	1	1	-

		2010											
<i>Section</i>	<i>Short description</i>	Imprisonment	Periodic detention	Suspended sentence with supervision	Suspended sentence without supervision	Community service order	Probation order	Bond with supervision	Bond without supervision	Fine	Bond without conviction	Other proven outcomes	
91H(3)	Possess child pornography	11	1	3	3	-	-	2	1	-	-	-	
91J(1)	Observe person in private act without consent	-	-	-	-	-	-	-	-	-	-	-	
91K(1)	Film person in private act without consent	-	-	1	1	-	-	1	2	2	2	-	
91K(6)	Attempt to commit offence under s 91K(1)	-	-	-	-	-	-	-	-	-	-	-	
91L(1)	Film person's private parts without consent	-	-	-	-	-	-	1	2	1	1	-	
91L(3)	Film person's private parts without consent— aggravated	-	-	-	1	-	-	-	-	-	-	-	
91L(6)	Attempt to commit offence under s 91L(1)	-	-	-	-	-	-	1	-	-	-	-	
91M(1)	Install device, adapt building etc to observe or film other	-	-	-	-	-	-	1	1	-	-	-	

January to June 2011

<i>Section</i>	<i>Short description</i>	Imprisonment	Periodic detention	Suspended sentence with supervision	Suspended sentence without supervision	Community service order	Probation order	Bond with supervision	Bond without supervision	Fine	Bond without conviction	Other proven outcomes
66EB(3)	Groom child for unlawful sexual activity	-	-	-	-	-	-	1	-	-	-	-
66EB(3)	Groom child for unlawful sexual activity	-	-	-	-	-	-	-	-	-	-	-
66EB(2)	Procure child for unlawful sexual activity	-	-	-	-	-	-	-	-	-	-	-
66EB(2)	Procure child for unlawful sexual activity	-	-	-	-	-	-	-	-	-	-	-
66EB(2)	Procure child under 14 years for unlawful sexual activity	-	-	-	-	-	-	-	-	-	-	-
66EB(2)	Procure child under 14 years for unlawful sexual activity	-	-	-	-	-	-	-	-	-	-	-
91A	Procure person not prostitute for prostitution	-	-	-	-	-	-	-	-	-	-	-
91D(1)(a)	Cause child >=14 & <18 to do act of child prostitution	-	-	-	-	-	-	-	-	-	-	-
91D(1)(b)	Act as client with child >=14 & <18 in prostitution	-	-	-	-	-	-	-	-	-	-	-
91G(1)(a)	Use child under 14 years for pornographic purposes	1	-	1	-	-	-	-	-	-	-	-
91G(1)(b)	Procure child under 14 years for pornographic purposes	-	-	-	-	-	-	-	-	-	-	-
91G(2)(a)	Use child over 14 years for pornographic purposes	-	-	-	-	-	-	-	-	-	-	-
91H(2)	Disseminate/produce child pornography	-	-	1	-	-	-	-	-	-	-	-
91H(2)	Produce, disseminate or possess child abuse material	3	-	1	-	-	-	-	-	-	-	-
91H(2)	Produce, disseminate or possess child	10	-	5	-	-	-	-	1	1	-	-

		<i>January to June 2011</i>										
<i>Section</i>	<i>Short description</i>	Imprisonment	Periodic detention	Suspended sentence with supervision	Suspended sentence without supervision	Community service order	Probation order	Bond with supervision	Bond without supervision	Fine	Bond without conviction	Other proven outcomes
	pornography											
91H(3)	Possess child pornography	3	-	-	-	-	-	-	-	-	-	-
91J(1)	Observe person in private act without consent	-	-	-	-	-	-	-	-	-	-	-
91K(1)	Film person in private act without consent	1	-	1	-	-	-	3	-	-	-	-
91K(6)	Attempt to commit offence under s 91K(1)	-	-	-	-	-	-	1	-	-	-	-
91L(1)	Film person's private parts without consent	1	-	-	-	1	-	-	2	-	-	-
91L(3)	Film person's private parts without consent— aggravated	1	-	-	-	-	-	1	-	-	-	-
91L(6)	Attempt to commit offence under s 91L(1)	-	-	-	-	-	-	-	-	-	-	-
91M(1)	Install device, adapt building etc to observe or film other	-	-	-	-	-	-	-	1	-	-	-