

Commonwealth of Australia

Submission on the consultation paper 'Criminal Justice'

Introduction

1. The Commonwealth welcomes the opportunity to provide input to the Royal Commission into Institutional Responses to Child Sexual Abuse's consultation paper on 'Criminal Justice' and supports the work of the Royal Commission on this important topic.
2. In preparing this submission the Commonwealth received input from the Attorney-General's Department and notes that the Commonwealth Office of the Director of Public Prosecutions has prepared its own submission.
3. The Commonwealth notes that States and Territories have primary responsibility for criminal justice within their jurisdictions, with each managing their own criminal justice system and related programs including policing. States and Territories are generally responsible for the enactment, and enforcement, of offences directed at the crimes of child abuse, child sexual abuse and child pornography, and for legal assistance for survivors.
4. While the Commonwealth does not have primary responsibility for criminal justice matters, the following may be of interest to the Royal Commission.

Inter-jurisdictional working group on responses to child sexual offenders

5. On 21 October 2016, the Law, Crime and Community Safety Council, which comprises the ministers responsible for law and justice, police and emergency management from the Commonwealth, each Australian State and Territory, and from New Zealand, discussed measures concerning child sexual offenders. The Council agreed to form a working group of senior justice and police officials to examine emerging operational and legislative issues and approaches in relation to child sexual offenders across jurisdictions.
6. The working group, chaired by the Commonwealth, will include representation from senior police and justice officials from each of the States and Territories and the Commonwealth, as well as appropriate operational expertise.

Protection of community from risks posed by Commonwealth child sexual offenders

7. The Australian Government is actively considering how best to enhance existing measures which aim to protect the community from the risks posed by Commonwealth child sexual offenders, from sentencing through to parole and beyond. This work is in its initial stages and is being informed by the Attorney-General's Department's experience of being responsible for the release to parole of Commonwealth child sexual offenders in accordance with Part IB of the *Crimes Act 1914* (Cth). The Royal Commission's Consultation Paper has also been beneficial in informing this work, as will the Royal Commission's final report and recommendations.