



## Changes to Norfolk Island Laws: Criminal Justice

# FACTSHEET

### Improving Sexual Offence and Telecommunications Laws

The *Norfolk Island Legislation Amendment (Criminal Justice Measures) Ordinance 2019* makes changes to a number of laws in Norfolk Island to help protect vulnerable people. The changes will ensure that people in Norfolk Island receive comparable protections to those in other Australian jurisdictions and that Norfolk Island police and courts have the authority and ability to take action against people who perpetrate sexual abuse or violence.

The Norfolk Island community was consulted about these changes in discussions and meetings on-island in March and April 2018.

#### What changes have been made?

##### NI Criminal Code

The new laws amend the *Criminal Code 2007* (NI) (the Criminal Code) to update definitions and increase penalties for some sexual offences. They also insert two new sexual offences that deal with adults who are in positions of trust or authority in relation to young people.

##### New offences

New offences of sexual intercourse and acts of indecency with a person aged at least 16 but under 18, where the defendant is in a position of trust or authority have been inserted in the Criminal Code. The penalty for sexual intercourse is 10 years imprisonment and the penalty for acts of indecency is 7 years imprisonment. These offences and the penalties are similar to those in other Australian jurisdictions and are also in line with recommendations made by the Royal Commission into Institutional Responses to Child Sexual Abuse. These offences help protect young and vulnerable people who may suffer from power imbalances in relationships with other people such as parents, teachers, coaches, religious leaders, and other people in positions of authority.

##### Updated and new definitions

The definition of 'sexual intercourse' has been updated to reflect changes to Australian laws generally, and in particular to reflect changing attitudes towards the way people think about gender and sexual violence. A definition of 'act of indecency' has also been included in the Criminal Code, which clarifies the meaning of indecency. This reflects the modern meaning of terms adopted in other Australian jurisdictions.

##### Increased penalties

The penalty for sexual intercourse with a young person under 10 years has increased from 17 to 20 years imprisonment. The penalty for committing acts of indecency without consent has increased from 5 to 7 years and the penalty for committing acts of indecency without consent and in company with another person, has increased from 7 to 9 years. These higher penalties reflect penalties imposed in other Australian jurisdictions and are in keeping with the serious nature of the offences.

## Telecommunications Act

The *Telecommunications Act 1992* (NI) (the Telecommunications Act) has been updated to allow some telecommunications to be intercepted without a warrant in emergency situations. For example, a communication may be able to be intercepted if a person's life or safety is threatened and it is so urgent that there is no time to apply for a warrant. This change aims to protect people at risk and allows the police to act more quickly to deal with violent crime. This change reflects the law in other Australian jurisdictions.

### Why was the law changed?

Since the Criminal Code and the Telecommunications Act were enacted in Norfolk Island there have been changes in the approach to sexual offending and to measures that address risks to personal safety. It is important that people in Norfolk Island have the same protections as people in the rest of Australia.

The changes outlined in this fact sheet will enhance the protection of young and vulnerable people, and address recommendations in a number of important reviews, including by the Australian Law Reform Commission and the Royal Commission into Institutional Responses to Child Sexual Abuse.

### Who will enforce these changes?

The changes to the laws will be enforced or implemented by the police and the courts.

## Contacts

For further information, please contact the Department of Infrastructure, Regional Development and Cities by email at [ni\\_legislation@infrastructure.gov.au](mailto:ni_legislation@infrastructure.gov.au) or your personal legal practitioner.

Compilations of continued Norfolk Island laws are available online at the Federal Register of Legislation at <https://www.legislation.gov.au/Browse/ByTitle/NorfolkIslandLegislation/InForce>

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