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Submission: Crimes (Child Exploitation Offences) Amendment Bill

Organisation name	Safeguarding Children
Location	Aotearoa New Zealand
Focus	Children and young people
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Safeguarding Children welcomes the opportunity to submit our views on the Crimes Act 1961 131B.

Our Organisation

Safeguarding Children is a registered charity dedicated to preventing child abuse and neglect in Aotearoa New Zealand. Our charity has become a leading provider of safeguarding and child protection education, consultancy and child advocacy. To date, we have trained over 24,500 New Zealanders on recognising and responding to child abuse and neglect. Prevention forms a key part of this essential learning. Safeguarding Children provides this service nationwide and has worked across every sector, including communities, Non-Government Organisation's (NGO's), Ministries and Crown Entities.

Our Vision

The children and young people of Aotearoa New Zealand are safe from abuse and neglect.

Why are we concerned?

Currently, the Crimes Act 1961 131B only relates to online grooming. Furthermore, the Crimes (Child Exploitation Offences) Amendment Bill does not go far enough to protect children and young people. We want a full review of the legislation to reflect the complexity of grooming and how it occurs.

Grooming can happen in person as well as online. The Crimes Act 1961 does not include grooming by someone in an institution, community or family situation. There are many situations where the child is known to the perpetrator prior to or without any electronic communication. Examples of grooming being used as a tactical behaviour to enable child abuse in New Zealand can be found in the media and The Royal Commission of Inquiry into Abuse in Care.



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Tiakina ngā tamariki

What is grooming?

- Grooming refers to a person's tactics and strategies to facilitate the sexual abuse of a child. The intention of grooming is to gain or increase access to a child, build trust, obtain the child's compliance and maintain the child's secrecy to prevent them from disclosing.
- Grooming can occur online AND in person.
- It is increasingly more common for grooming to be committed via the internet and through text messages. However, grooming can also be committed by attending venues likely to attract children such as shopping malls, schools, children's activities or gaining employment working or volunteering with children.
- In-person grooming behaviours can include:
 - Offers of help such as childcare, babysitting, overnight stays and trips
 - Giving gifts to children or a particular child
 - Providing any unmet needs of a child such as giving them attention
 - Enabling or encouraging the child to gain access to alcohol, drugs or opportunities that parents would disapprove of
 - Putting themselves in a position of power over a child's success and progression in a chosen sport, activity or interest .
- Children and young people who are groomed can be sexually abused, exploited or trafficked.
- A child or young person may not realise grooming is taking place.
- Grooming can involve gradual boundary crossing or breaking of codes of conduct all of which can indicate a pattern of behaviour that indicates the intention to sexually abuse a child or children.
- Grooming does not necessarily involve any sexual activity or even discussion of sexual activity; it may only involve establishing a relationship with the child, parent or carer to facilitate sexual abuse at a later time.
- To gain access to a child or young person any protective adults around them will also be groomed.
- Grooming tactics always involve establishing a position of trust and creating a disguise of respectability.
- It is important to recognise that grooming targets not only the child, but also other individuals around the child, the setting (e.g. home, school, club, organisation) and often a whole community.
- Children of any age can be groomed. In babies and younger children there will be no online communication with them, however there will be behaviours that enable the person to have regular access to the child. These behaviours will involve the manipulation of adult carers.

Examples of a few recent grooming cases in New Zealand:

- [Christchurch businessman admits filming repeated and regular sex abuse of little girl](#)
- [Child sex abuse couple committed 'worst possible violation'](#)
- [Predator teacher 'flagged' in 1999](#)
- [Lee Suckling: How grooming child sex abuse works](#)
- [Porn-addicted teacher posed as girl](#)
- [Rugby coach Alosio Taimo labelled 'predator' as he's sentenced to 22 years in prison](#)



Australian Grooming Legislation

Victoria

The Crimes Amendment (Grooming) Act 2014, which commenced in Victoria on 9 April 2014, introduced the offence of Grooming for sexual conduct with a child under the age of 16 years. This offence targets predatory conduct designed to facilitate later sexual activity with a child.

The Betrayal of Trust report recommended the grooming offence, given how many sex offenders target their victims, taking into account that grooming can be conducted in person or online, for example, via interaction through social media, web forums, emails etc.

Many perpetrators of sexual offences against children purposely create relationships with victims, their families, or carers to create a situation where abuse could occur. For this reason, parents, carers or other family members who perpetrators have targeted to gain access to a child are also victims. **The Victim's Charter Act 2006** was amended to expressly provide that a child and a family member of that child are victims of a grooming offence and are entitled to provide a victim impact statement to a court.

New South Wales

Grooming a child

Grooming a child for unlawful sexual activity is an offence under **Section 66EB (3) of the Crimes Act 1900** and carries a maximum penalty of 10 years in prison or 12 years if the child was under 14 years of age. Groomed means to expose a child to indecent material, or provide a child with an intoxicating substance, or with any financial or material benefit, intending to make it easier to procure the child for unlawful sexual activity.

To establish the offence, the prosecution must prove beyond reasonable doubt that:

- the perpetrator was at least 18 years of age,
- they groomed a child for unlawful sexual activity, and
- they did so intentionally.

Grooming an adult

Grooming an adult to gain access to a child for unlawful sexual activity with a child is an offence **under Section 66EC of the Crimes Act 1900** and carries a maximum penalty of 5 years in prison or 6 years if the child was under 14 years of age.

To establish the offence, the prosecution must prove beyond reasonable doubt that:

- the perpetrator was an adult,
- they provided another adult with a financial or material benefit, and
- they did so intending to make it easier to procure a child under that adult's authority for unlawful sexual activity.

Those with authority over a child include:

- the child's parents or guardians, and
- any other adult/s with responsibility for the child at the relevant time.



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Our View

Grooming does not only occur online. If the crime of grooming only relates to online contact moving into real world contact, then many opportunities to prevent child sexual abuse will be missed.

As it currently stands, the Crimes Act 1961 131B fails to recognise the complexity and nature of grooming and child sexual abuse. Only referring to online grooming creates a gap which potential abusers can slip through. It is indicative of a knee jerk response to the real threat online grooming poses without consideration to the other risks children face at home, in their family, institutions, community and places they go. The children and young people of Aotearoa New Zealand, along with their parents and carers, deserve better. They should have the same rights to be protected as those in Australia, where the risk of grooming in its entirety has been considered and addressed. If grooming in-person is recognised and charges can be laid, then sexual abuse of a child or children can be prevented.

Safeguarding Children Recommendation

A full review of Crimes Act 1961 131B taking into account the complexity and nature of grooming and the impact of child sexual abuse.

I would like to speak to my submission.

Willow Duffy
CEO Safeguarding Children