

Summary: Proposed changes to Norfolk Island laws to enhance the protection of women, children and young people

The Australian Government will be consulting on 12 proposed legislative measures which are required to ensure Norfolk Island laws are modernised and comparable to elsewhere in Australia.

We have asked the Hon. Anthony Whealy QC to participate in this legal consultation process. Anthony Whealy QC is a former NSW Supreme Court Judge and a past member of the NSW Law Reform Commission. The Judge will attend meetings on Island from 3–6 April 2018, convened by the Administrator.

A longer consultation paper: *Proposed changes to Norfolk Island laws to enhance the protection of women, children and young people* is now available online. Printed copies of the paper are also available at the Administrator's Office.

You can make comments in writing to the Office of the Administrator (office.administrator@infrastructure.gov.au) or by attending public consultations at Governor's Lodge on 4 April (5:30-7:00pm) and 5 April (12:30 – 2:00pm). The closing date for comments is **5pm Monday 9 April 2018**.

Measure 1	An amendment to modernise and broaden the definition of 'sexual intercourse' in the NI Criminal Code, modelled on laws in other jurisdictions
Measure 2	An amendment to the <i>Criminal Code 2001</i> (NI) to introduce a new offence of sexual intercourse with a child under special care.
Measure 3	An amendment to the <i>Criminal Code 2001</i> (NI) to introduce a new offence of sexual intercourse with a person with a cognitive impairment. The offence will be modelled on the <i>Crimes Act 1990</i> (NSW).
Measure 4	Minor increases to the sentences for offences of acts of indecency without consent and sexual intercourse with a child
Measure 5	An amendment to the <i>Forensic Procedures Act 2002</i> (NI) to ensure the most up-to-date forensic procedures laws apply on Norfolk Island.
Measure 6	An amendment to allow police to intercept telecommunications on Norfolk Island in urgent or emergency circumstances. These amendments would include relevant safeguards to prevent misuse.
Measure 7	An amendment to introduce new special measures for witnesses to give evidence such as closing the court, having a support person in court when a witness gives evidence and having a victim's record of interview admitted as evidence in a trial.
Measure 8	An amendment to the <i>Criminal Procedure Act 2007</i> (NI) to allow records of the victim's evidence in a trial to be admitted in any subsequent trial or retrial
Measure 9	Introduce provisions in the <i>Criminal Procedure Act 2007</i> (NI) to prevent particular witnesses being examined by self-represented accused people.
Measure 10	Update evidence law by repealing the <i>Evidence Act 2004</i> (NI) and replace it with the <i>Evidence Act 1995</i> (NSW).
Measure 11	Amend the <i>Sentencing Act 2007</i> (NI) so good character is excluded as a mitigating factor where it helped or facilitated the offender committing the offence.
Measure 12	Amend the <i>Sentencing Act 2007</i> (NI) so that home detention orders are not available for a person convicted of sexual offences or domestic violence offences.