

## Penalties and Sentences (Sexual Offences) and Other Legislation Amendment Bill 2025

**Submission No:** 5  
**Submitted by:** Fighters Against Child Abuse Australia  
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Firstly, FACAA would like to thank the committee for the opportunity to make a submission on behalf of all of the victim-survivors and their advocates who follow our charities social media pages (in excess of 250,000 people) . We would also like to applaud the QSAC for taking on this committee and inviting public comment in doing so. FACAA would like to speak from the point of view of the victim-survivors of these horrendous crimes. Firstly in regards to expanding sentencing purposes to include recognition or harm caused to a victim, we would like to point out that sexual offences are very different to other forms of crime. The victims are much less likely to report the crime, at least not immediately, than a victim of non-domestic violence related physical assault, families of a homicide victim, or victims of property crimes. This is due to the very specific harms caused to a victim, which are largely unique to these types of crimes. Victims feel not only the fear of being further harmed, but also often a deep shame and feelings of guilt for not being able to avoid or stop the attack. This means that when a victim does come forward, they have already suffered both the crime and the deep personal torment prior to making the decision to make a report. The legal system then unfortunately is often very retraumatizing, making the victim discuss intimate details to strangers, often many times over. These experiences add to the very specific type of Post Traumatic Stress Disorder experienced by survivors of a sexual crime. For too many years, we have heard Magistrates and Defence Counsel say things like “At least it wasn’t a violent crime.” All sexual crimes are violent crimes, make no mistake about that. A person’s body is used and abused by a perpetrator “that is violence. Harm caused to the victim does not stop when the offending stops, it is often life-long. This can manifest in many ways, with the most common including, but not limited to; hypervigilance, inability to form and maintain intimate relationships, parenting issues, problems with maintaining employment or education, addiction, associated mental health disorders such as anxiety and depression, homelessness and suicide. This is in addition to any physical impacts left by the crime, which can include problems with fertility or carrying a child to term. These crimes impact upon individuals and their families for many, many years. FACAA would like to discuss the character references in sentencing amendments. While we applaud the changes made to the act overall and the fact that changes are being made, we would like to see a complete removal of all character references used in child sexual abuse cases. As a large part of their offending is grooming and using positions of power to access their future victims, it seems entirely unreasonable to allow them to use the relationships they have formed, specifically to access their victims, as a mitigating factor when being sentenced for their crimes. Judges have shown that they consistently hand down sentences that are not in line with public expectations of what is fair and just. We believe, that removing character references in child abuse cases, will help rebuild the confidence of the public in our justice system as the public are sick of seeing these offenders get reduced sentences because someone thinks they’re a “good guy.” How they act away from the crimes they commit is irrelevant and generally a façade aimed at giving them greater access to their future victims. With regards to the introduction of a statutory aggravating factor for rape and sexual assault against children aged 16 or 17 years we wholeheartedly applaud this move because for too long now those seen on or above the “legal age of consent” have felt alienated when it came to the prosecution of their abusers due to the defence counsel claiming the crime was not as bad as if it occurred 4 days (in some cases) previously. This is simply not the case in terms of post traumatic stress caused by the crime, in terms of lifelong effects of the crime or on the emotional guilt and turmoil undergone by the victim-survivor while seeking justice. The introduction of a false

representation of government agency crime is an absolute must and once again wholeheartedly applauded by FACAA. We have several victim survivors of child abuse who have told us that they're abuser utilized a false government departmental identification to gain access to them while they were in a vulnerable state. The fact that this use of false documentation was not taken into account during their subsequent sentencing is wrong and we are very pleased to hear it won't be happening again. Children are especially vulnerable to people in government positions of authority. For those positions of authority to be falsified needs to be made a crime immediately. The current QLD Blue card system, like all working with children checks is not fit for purpose for a few reasons. Reason one is there is no penalty for not complying with the blue card system. I could open up a martial arts school with no blue card and get insurance from a foreign insurer and the school would lease me their hall to do so. Some schools check blue cards but some do not, some halls like community centres or Scout halls will rent to literally anyone with valid public liability insurance. Anyone dealing with children in anyway need to have a current blue card which is enforceable by fines and prison terms should they not comply which would make the crime checkable by QLD POL. This will fix this major loophole. Secondly the current blue card system has a loophole through the QLDCAT. The civil administrative tribunal can be appealed to in order to have a blue card returned to someone previously marked as not appropriate to hold a blue card if they can prove financial hardship to not possess blue card clearance. This needs to be stopped anyone denied a blue card clearance must remain without one in order to adequately protect children from harm. We at FACAA would like to thank you once again for the opportunity to make a submission on behalf of our members, victim-survivors and their advocates. If you have any questions about what we have said or would like one of our representatives to appear before you we will happily do so.