



Criminal Law Amendment Bill 2014
Submission 001

26 May 2014

Research Director
Legal Affairs and Community Safety Committee
Parliament House
George Street
BRISBANE Q 4000

Dear Sir/Madam

Re: Criminal Law Amendment Bill 2014

We refer to the letter from the Chair dated 12 May 2014 seeking submissions on the above-mentioned Bill by 6 June 2014.

Protect All Children Today Inc. (PACT) is a non-profit community organisation established in 1986 as a service provider of court support as well as advocating on behalf of children young people and their families.

PACT's Child Witness Support Program provides support for children and young people who are required to give evidence in the courts, either as victims of, or witnesses to, a crime.

Please note that much of the contents of this Bill are outside PACT's area of expertise and supporting children and young people. However, we offer the following comments in relation to the proposed amendments to the Criminal Law Amendment Bill 2014.

Part 5 - Clause 26 Amendment of s 229G (Procuring engagement in prostitution)

PACT is supportive of increased penalties in relation to the procurement of a child or person with impairment of mind for the purposes of prostitution. Authorities should prioritise the protection of these vulnerable people from sexual exploitation, due to their impaired capacity.

Part 9 - Clause 43 Amendment of Schedule (Dictionary)

We are very supportive of the amendments to the definition of serious sexual offence to include not only offences against a child, but also a fictitious person represented to the prisoner as a real person, whom the prisoner believe to be a child under the age of 16. This provision should dissuade the targeting and grooming of vulnerable children and young people, leading to enhanced protection of actual children and young people.

Part 10 - Clause 50 – Division 3A Use of audio visual links or audio links for expert witnesses

We welcome any initiatives that streamline current court processes. If the giving of expert evidence by audio visual mechanisms reduces the time taken to finalise child related court matters, it can only benefit the child victims and witnesses involved.

Vice Regal Patron: Her Excellency, Ms Penelope Wensley AC, Governor of Queensland

Part 13 – Clause 74 282 BA Detention centre employees may provide services at boot camp centres

Whilst we appreciate the need for detention centre officers to be able to maintain good order and discipline, we believe that it would be more beneficial to motivate good behaviour through rewards. We express concern over the potential use of undue/unnecessary force due to misinterpretation of the imposed guidelines. Careful monitoring of the identified safeguards is vital to ensure that breaches do not result in serious harm or injury to vulnerable community members.

Please note, the above comments reflect PACT's child focussed philosophy, which is mandated by:

Convention on the Rights of the Child -

- **Article 3.1** *"In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration".*

- **Article 19** *"Children must be protected against all forms of physical and mental violence".*

Section 21 AA of the Evidence Act 1997 – States that with respect to a child witness the court is; *"to require wherever practicable that an affected child's evidence be taken in an environment that limits, to the greatest extent practicable, the distress and trauma that might otherwise be experienced by the child when giving evidence."*

We greatly appreciate the opportunity to provide comment on the Criminal Law Amendment Bill 2014 and trust that our input has been of value.

Yours sincerely



Alexandra Marks
Chairperson



Jo Bryant
Chief Executive Officer