



31 January 2013

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

Criminal Law (Child Exploitation  
& Dangerous Drugs)  
Submission 003

Dear Sir/Madam

**Re: Criminal Law (Child Exploitation and Dangerous Drug) Amendment Bill 2012**

We refer to the letter from the Chair dated 4 December 2012 seeking submissions on the above-mentioned Bill by 1 February 2013.

Protect All Children Today Inc. (PACT) is a non profit community organisation established in 1986 as a service provider of court support and therapy as well as advocating for abused and neglected 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.

We offer the following comments in relation to the proposed amendments to the **Criminal Code**:

- We support the amendment to the definition of 'child exploitation material' to capture animated or virtual images of children.
- PACT is very supportive of the inclusion of new circumstances for offences committed against a child with an impairment, but stress the importance of protecting all children under the age of 16.
- PACT is supportive of the addition of 'grooming' as a new offence in order to greater protect children and young people under 16 years of age.
- In relation to the increases to maximum penalties for various child related offences, PACT is generally supportive of legislation that better protects children and young people. However, we express concerns in relation to the likelihood of fewer guilty pleas and the impact that this will have, including:
  - the possibility of more children and young people being required to give evidence as victims or witnesses.
  - Harsher sentences will also place a greater burden on the current Criminal Justice System and members of the judiciary.
- PACT is supportive of the need to close the loophole under section 222.

---

*PACT's Vice Regal Patron: Her Excellency, Ms Penelope Wensley, AC, Governor of Queensland*

PO Box 6011, Logan Central, Q 4114  
51 Jacaranda Avenue, Logan Central  
**Website:** <http://www.pact.org.au>

ABN: 38 133 812 087

**Telephone:** (07) 3290 0111  
**Fax:** (07) 3290 0499  
**Email:** [pact@pact.org.au](mailto:pact@pact.org.au)



Similarly, and whilst PACT is supportive of the proposed penalties and minimum non-parole period for drug trafficking offences against children in the ***Drugs Misuse Act 1986***, it is concerned about the financial cost to the State in housing increased prisoner numbers.

PACT does not believe that harsher sentences will necessarily address the issue. Instead, PACT considers that there should be a greater focus on crime prevention, restorative justice and early intervention to prevent crimes of this nature.

Please note, these 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 1977** – *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."*

**Part 2 of the Child Protection Act 1999** – *... having regard to the principle that it is in the best interests of the child for the application to be heard as soon as possible.*

**Section 60C, A-G Commonwealth Family Law Act** – *Child's best interests paramount consideration in making a parenting order.*

We greatly appreciate the opportunity to provide comment on these valuable pieces of legislation.

Yours sincerely



Alexandra Marks  
Chairperson



Jo Bryant  
Chief Executive Officer