

Gail Easton

From: Manager [REDACTED]
Sent: Thursday, 28 June 2012 4:30 PM
To: Legal Affairs and Community Safety Committee
Subject: Criminal Law (two Strike child Sex Offenders) Amendment Bill 2012

Dear Research Director

Thank you for providing the Centre Against Sexual Violence Inc (CASV) an opportunity to respond to the ***Criminal Law (Two Strike Child Sex Offenders) Amendment Bill 2012.***

The CASV is funded to provide counselling and support to young women 12 and over in the Logan, Beenleigh and Beaudesert regions who have been victims of child sex offences.

Unfortunately due to time constraints imposed with a three day window allocated to compile the submission, the CASV is unable to provide a well considered and researched response to your request. We do however note a few brief issues within the time constraints to be considered in the implementation of such a bill.

While the Amendment Bill may contribute somewhat to the prevention and victimisation of our most vulnerable community members, children; the entire legal process and response to child sex offenders needs to be reviewed and is outside the scope of this response.

With reference to the amendment bill 2012, individual circumstances need to be taken into consideration around the nature of the child sex offence including factors relevant to offence seriousness and the degree of power abuse and exploitation of the child. An example contrary to this may be where a young woman 15 years of age is engaging in a sexual relationship with a male 18 years of age compared to a 40 year old offender carefully and deliberately sexually exploiting and violating a 12 year old child. Applying a blanket amendment of life imprisonment for both these offenders on a second offence is not appropriate.

Economic advantage/disadvantage also play a significant role in an offender being held accountable for a child sex offence. While the opportunist offender from a disadvantaged background (ie Disability, ATSI, CALD, economic) is more likely to be apprehended and prosecuted whether guilty or not guilty, the sophisticated careful planned and large scale offence offenders are more likely to evade apprehension; and if this does occur, have the resources to defend their case and be acquitted.

The criminal justice system is imperative in the deterrence of sexual violence against children at an individual level. In addition, it is crucial that an integrated holistic approach is systematically applied to achieve prevention. Very few perpetrators are ever held accountable for their actions. The bulk of sophisticated offenders remain actively embedded within the community because they are never convicted of a child sexual offence in the first place.

We hope this information and feedback on the process and the amendment bill will be useful. If you require further information, please do not hesitate to contact me.

Yours sincerely

Debbie Aldridge
Manager

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Centre Against Sexual Violence
P O Box 243
WOODRIDGE 4114
phone: 38083299
Fax: 38089900
website: www.casv.org.au

