

**Submission on the Queensland Government's  
Proposed Criminal Law (Two Strike Child Sex  
Offenders) Amendment Bill 2012**

**Brisbane Rape and Incest Survivors Support Centre (BRISSC)**

**June 2012**

The Brisbane Rape and Incest Survivors Support Centre (BRISSC) welcomes the opportunity to provide a written submission to the Legal Affairs and Safety Committee on the proposed *Criminal Law (Two Strike Child Sex Offenders) Amendment Bill 2012*. BRISSC acknowledges and appreciates the role of the Legal Affairs and Safety Committee in reviewing sentencing of child sex offenders in Queensland. In this case, however, the timeframe provided our organisation to prepare a submission has been significantly small and has impacted on the ability of the service to prepare a detailed response.

The Brisbane Rape and Incest Survivors Support Centre (BRISSC) is a support service for women aged 15 years and older who have experienced sexual violence at any time in their lives. BRISSC services are available to women affected by sexual assault throughout the Greater Brisbane and Moreton Bay regions. BRISSC provides individual and group support, advocacy, referral and information for women and their supporters and community education and prevention to the broader community.

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BRISSC would like to highlight the following concerns in relation to the proposed Bill.

**Concerns relating to the primary objectives of the Bill**

The introduction of mandatory life sentencing is a significant amendment to the legislative responses to child sexual offenses in Qld. Our concerns in relation to such an amendment are

- A blanket mandatory sentencing does not take consideration of the circumstances of a case. While we believe that child sexual abuse is a heinous crime our concern is that if circumstances of individual cases were not taken into consideration it could result in unjust imprisonment (an example of this is teenagers in a relationship where one is over the age of consent (e.g. 17 years) and the other is not (e.g. 15 years). We believe to avoid unjust imprisonment sentencing should have the ability to take into consideration
  - The nature of the sexual offence
  - Harm to the victim
  - Offender culpability and
  - Aggravating or mitigating factors
- We also highlight that the Bill needs to take into consideration any unintended consequences. That before any significant change to sentencing is introduced it should be taken into consideration the effect the change would have on specific groups of people,

particularly young people, women, Aboriginal and Torres Strait Islander people and people with intellectual disabilities.

- In relation to the impact on the victim it is our recommendation that available research relating to the long term affects of child sexual assault be consulted. The Australian Centre for the Study of Sexual Assault at the Australian Institute of Family Studies maintains a register of current research, and
- In relation to Offender Culpability we are aware that there are particular behaviours that relate to serious sexual offenders, such as grooming of victims. Therefore it is our recommendation that the Sentencing Court adopts a position that the offenders culpability is deemed high where there is evidence of grooming, coercive and exploitative behaviour.

It is important that careful consideration of the impacts of the proposed Bill be undertaken by the Legal Affairs and Safety Committee. The timeframe for responses from community around this Bill has made it difficult to prepare a more detailed document. It is worth noting that future proposals should allow a timeframe that provides adequate time for broad community responses to proposed changes.