



QUEENSLAND POLICE SERVICE



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Our Ref:

Your Ref:

Criminal Law - Two Strike
Child Sex Offenders
Submission 016

28 June 2012

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

Dear Sir/Madam,

I refer to your letter of 21 June 2012, regarding the *Criminal Law (Two Strike Child Sex Offenders) Amendment Bill 2012*.

Thank you for seeking a response to the proposed amendments to the above Bill. I note that the Queensland Police Service (QPS) was consulted in the drafting of the Bill.

I believe a number of implications arise out of the current proposal, that require further consideration. I note the Explanatory Notes state there are no alternative ways of achieving the criminal law reform. However, there is potential to identify and implement options to achieve the policy objective without recourse to legislative change. For example, further ongoing judicial education in relation to the impacts and effects of child sexual abuse may result in increased sentences, more reflective of community expectations, while retaining discretion based on the unique facts of each case.

The QPS note the following issues:

- as the proposed 20 year non-parole period will apply for both murder and repeat child sex offences, an offender may consider killing the child victim to evade punishment under the rationale there is little incentive to leave a child witness alive;
- there may be a reduction in reporting of child sex offences, particularly where a witness makes a complaint with the aim of seeking a stop to the offending conduct rather than have the offender facing mandatory punishment. This is particularly relevant in relation to intra-familial offending which comprises a significant proportion of the complaints made; and

- o there is a likelihood more matters will be contested in court, leading to additional impact on victims being subject to more intense cross-examination, greater impact on courts, and possible delays in matters being heard.

Consideration should also be given to the following possible consequences of the implementation of this proposal.

The proposal removes the incentive for the offender to plead guilty, leading to more children being required to submit to extensive cross-examination by the defence. This may also result in an increase in the number of appeals against conviction, leading to further trauma to the victim child.

Research suggests approximately 90% of child sex offences are committed by family members or people known to the child. There is also extensive research that identifies child victims of sexual offences are ambivalent about reporting family or friends. There is also likely to be increased pressure on the child to not report the offence, or to recant the allegations.

There is an assumption children are 'inherently unequipped to protect themselves from such predation' (Explanatory Notes, p3). The Queensland Government and non-government agencies provide a range of programs educating children and their parents about protective behaviours.

I note that there are likely to be significant resource implications for other departments involved in the criminal justice system resulting from the implementation of this proposal. These would flow from the additional number of matters going to trial.

The proposal is likely to impact on the effectiveness of the multiple regimes currently in place in relation to rehabilitation and supervision of offenders (for example, legislation relating to dangerous prisoners, serious violent offenders, and convicted sexual offenders).

Should you have any further inquiries in relation to this matter please contact Detective Superintendent Cameron Harsley on telephone (07) 3364 6191.

I trust that this information is of assistance.

Yours sincerely



ROSS BARNETT
DEPUTY COMMISSIONER
(SPECIALIST OPERATIONS)