



Criminal Law - Two Strike
Child Sex Offenders
Submission 019

28 June 2012

Mr Peter Wellington MP
Deputy Chair
Legal Affairs and Community Safety Committee
Parliament House
George Street
BRISBANE Q 4000

Dear Mr Wellington MP

Re: Criminal Law (Two Strike Child Sex Offenders) Amendment Bill 2012

Thank you for your letter dated 21 June 2012 seeking comments on the above Legislative reform.

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 for abused and neglected children/young people and their families.

PACT's Child Witness Support Program provides support for children and young people (3-17 years) who are required to give evidence in the courts, either as victims of, or witnesses to, a crime. PACT recruits, carefully screens and trains Child Witness Support Volunteers to provide child victims and witnesses with support and information about the Criminal Justice System.

As an advocate for children and young people, we would like to express our support for this initiative, whilst acknowledging that careful consideration needs to be given to the likely effects of such reform. Some of the possible impacts of the Two Strike Policy may include:

- given the lengthier sentences, offenders are less likely to plead guilty, which would result in more children and young people being required to give evidence in criminal courts.
- the likely increase in appeals, which may lead to children and young people having to give evidence on multiple occasions, which contravenes the principles of the Evidence Act.
- the increased number of court cases and appeals will result in lengthier delays for matters to be heard, adding further trauma for children and young children, especially over their formative years, again contravenes the Evidence Act.
- risk of increased motivation for the Defendant, or their sympathetic family members, to put undue pressure on a child or young person to change or withdraw their allegations.
- the resource impost that the initiative will have on the current judicial, legal and not-for-profit community sector as they may be required to support a child or young person for longer periods and multiple court appearances.
- possible jury reluctance to convict if they consider sentences are too harsh.

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

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- the cost of housing serious child sex offenders for the duration of their lengthy sentences. Community supervision is cheaper to society and rehabilitation more effective.
- the deterrent effects of increased sentencing are statistically negligible. Research suggests that increased resourcing for Police (CPIU, Argos) and correlating increased apprehension of offenders, pose greater deterrence and is more effective.
- the need for therapeutic intervention to be available for first time offenders (whether housed in prison or the community) to reduce further recidivism.
- preventative programs should be enhanced to assist potential perpetrators prior to contact with the Criminal Justice System.
- alternatives such as education of children in protective behaviours is likely to lead to increased reporting and is more cost effective.

Concern is expressed that the serious offences include carnal knowledge of children under 16, which arguably is a charge that has greater mitigating factors that should be considered on a case by case basis.

Consideration should also be given to the requirements of the *Evidence Act*, in relation to the Protection of Children (as outlined in the attached overview) to ensure that these are incorporated into any proposed legislation to protect children and young people in their dealings with the Criminal Justice System.

We appreciate the opportunity to provide comment into this valuable initiative and wish the Legal Affairs and Community Safety Committee every success with their Report to Parliament.

Yours sincerely



Nicholas Tucker
Chairperson



Jo Bryant
Chief Executive Officer

CC: The Honourable Jarrod Bleijie MP
Attorney-General and Minister for Justice
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