



Child Protection (Offender Reporting) OLAB 2014
Submission 002

QCSLAN QLD CHILD SAFETY LEGISLATION ACTION NETWORK

"In justice anywhere is a threat to Justice everywhere."

Response to :

Child protection (offender reporting)

and

other legislation amendment bill 2014

Beryl Spencer "Live and Let Live"



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

Dear Sirs,

RE: Child protection (Offender Reporting) and Other Legislation Amendment
Bill 2014

Having perused at length the Policy objectives and reasons containing the Amendments to CPORA, I wish to make brief comment on this Bill as follows:

- I agree in principle with the amendments as explained in Explanatory Notes.
- I Still have a little concern re dot point 5 (remove section 210 of the Criminal Code as an exclusion offence for juvenile child sex offenders)

I have taken time to discuss this issue with QPS, and while I agree with the principle behind this, I remain concerned that this particular wording is not sufficient to deliver the desired (and needed) outcomes. I am informed that the exclusion will allow for the reporting of juvenile sex offenders and I am in agreement with this.

I reiterate my previous comments re the exclusion:

I acknowledge that this has also been mentioned in a submission from Acting Commissioner for Children and young People and Child Guardian. While it may seem appropriate to remove this as “persons at the lower end of the scale of offending may be caught by the provisions”, it may also trap a child who is being abused by a defacto/sibling in the ‘family’.

- Example: A boy of 17 years could sexually abuse girl under 16 years or even a very young child (birth upward). If this is then a reportable offense, the opportunity for restorative justice to be applied, could be a far better outcome? ¹ Note here is given of the recent Daniel Morecombe case. Mr Cowan is said to have been involved in sexual abuse of other children from a boy himself. It is also believed that there have been 30 to 60 offences of child abuse since then. (Some very serious physical harm and Daniel was murdered)

These young offenders MUST be apprehended at this time, while the potential is there to prevent/divert them from becoming more serious offenders and a risk in family, school and community settings and a possible life of crime. (Always a huge cost impact to Governments and communities)

1 Criminal Law Act 1997

While I agree with the “exclusion” factor of 210, and what I am told are the implications, I am not convinced that there will be strong enough action to introduce the necessary counselling and behaviour changes to be sure that either other siblings or members of schools and community will be safe from re-offending by Juvenile offenders.

I will include supporting information for these statements.

I propose that this section of the Legislation include a statement such as follows:

1. “When a reportable Juvenile sex offender is identified, it is mandatory for the offender to undergo psychological examination and to receive appropriate counselling for the sexual/ abusive behaviour. “
2. That such Juvenile sex offenders be placed in the care of the Child Guardian to follow through all counselling. The first approach in this must be one of restorative justice, however should an offender not take this opportunity and response, then the Legislation MUST have the ability to administer justice and in so doing deliver justice also to the victim.
3. In this I note 84 of the proposed CPOROA Bill 2014 Single offence by a child against Criminal Code, s210.
 - (a) when the person was a child
I believe that in the case of sexual offences, that the so called “first single sex offence” must be regarded as serious, as it may well be the first act in the process toward being an adult sexual offender. There is much evidence to support the dealing with such sexual offences, prior to them becoming perpetrated again and becoming more serious.
4. One of my concerns in this and with much of the wording is that it seems to be more focused on protecting the offender (even though seen as a juvenile) that the awful risks to the victim. What may be seen as a first offence by the sexual offender, has an impact and has hurt and damaged a victim, possibly caused long term psychological damage.

Supporting information:

In recent comments from the Royal Commission research Gerard Webster makes strong comments re juvenile offenders, many of whom are pre-pubertal children.²

Both Gerrard Webster and Elizabeth have expressed concern at the enormity of the findings of these findings and the impact on families.

I also draw your attention to another Paper “Profiling Parental child sex abuse” While this paper is dealing mainly with parental sexual abuse, it clearly states the risks of familial abuse. Juvenile sex offenders may well be acting out the offences in their homes.³

² <http://www.abc.net.au/am/content/2014/s3992552.htm>

³

<http://www.aic.gov.au/publications/current%20series/tandi/461-480/tandi465.html>

I have also attached a copy of my previous submission to The Health & Community Committee as I refer in it to these issues.⁴

The reluctance of families, schools, and institutions to actually report juvenile sexual abuse has perhaps become one of the greatest shames on this Nation. The idea of ‘cover up” and because others don’t know, it won’t be seen, must be further uncovered. The Federal Royal commission appears to be doing a broad investigation into these issues, however the need for recognition of familial sexual abuse and the risks to other children in the family, must be seen as dictating the future for thousands of children. Governments seem to be willing to recognise adult sex offenders and legislate appropriately; it seems that some are prepared to ‘hope it will go away’. Other children are the victims of this juvenile sex offending, and as a Government, this MUST be recognised and addressed appropriately.⁵

I ask that your Committee fully research these issues and recommend appropriate changes when the CPORA Amendment Bill of 2014 again is put to parliament, and that this Legislation will be such that protects children adequately and also has the ability to deliver restorative justice to juvenile offenders.

 ⁴ Child Protection Reform amendment.pdf

 ⁵ children problem sexual behaviours.pdf