

# WE LIFE WITHOUT BARRIERS VE

6 January 2019

Mr Peter Russo MP.  
Chair  
Legal Affairs and Community Safety Committee  
Parliament House  
George Street  
Brisbane Qld. 4000  
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**Submission by Life Without Barriers on the *Criminal Code (Child Sexual Offences Reform) and other Legislation Amendment Bill 2019.***

Life Without Barriers appreciates the opportunity to make a submission to the *Criminal Code (Child Sexual Offences Reform) and other Legislation Amendment Bill 2019* introduced into the Queensland Parliament by the *Hon Yvette D’Ath MP, Attorney-General and Minister for Justice*. The Bill has been referred to the Legal Affairs and Community Safety Committee for examination.

This response has been prepared in the context of the stated policy objective of the Bill to improve the responsiveness of the criminal justice system to child sexual offending and the victims of child sexual offences by amending a range of legislation to:

- implement recommendations of the *Criminal Justice Report of the Royal Commission into Institutional Responses to Child Sexual Abuse*
- implement recommendations of the Queensland Sentencing Advisory Council’s report on the classification of child exploitation material for sentencing purposes
- create new offences criminalizing the possession, production and supply of anatomically correct, life-like child replica’s used for sexual gratification and some other minor technical amendments.

In this context the stated commitment of the Queensland Government to improve the responsiveness of the criminal justice system to child sexual offending and the victims of child sexual offences by amending a range of legislation is strongly commended and supported by Life Without Barriers.

This approach aligns directly with our shared responsibility for child safety and our stance on child safety and wellbeing detailed in our “*We Put Children First*” strategic approach.

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Life Without Barriers is one of Australia's largest not-for-profit organisations, providing care and support to more than 23,000 vulnerable and marginalized people in over 500 communities across Australia and New Zealand. Our purpose is to work in partnership with the community, Elders, government, non-government organizations, research institutions and the private sector to improve outcomes for those we support. Our direct interest in the proposed legislative amendments is based on our experience and current funded direct service provision in a Queensland and National context, through the delivery of programs and services caring for children, young people and working with families.

At Life Without Barriers the well-being of children is our greatest concern and ensuring children are well cared for, supported and protected is an absolute, non-negotiable priority. Every day we offer support and care to children and we want each and every one of those children to feel as safe and respected as they should. We all have a responsibility to ensure their safety comes first and they are well cared for, protected from abuse, and given the respect they deserve. Valuing children and their rights is the fundamental basis of being a child safe organisation. We acknowledge that as an organisation we need to continue to ensure we act in children's best interests, actively listen to children and respond to their needs, and to hearing the voices of children.

We are steadfast in our commitment to the findings and recommendations of reviews and enquiries including the *Commission of Inquiry; the Child Sexual Abuse Royal Commission; and QFCC* reviews. In this context we acknowledge the Royal Commission findings that child sexual abuse is a contemporary problem, it is a community responsibility to acknowledge that children are vulnerable to abuse and to do what we can to protect them, and that organisations have a responsibility to consider and respond to the findings.

Understanding and implementing the recommendations of the *Royal Commission into Institutional Responses to Child Sexual Abuse* final report has been a priority for us since its release in December 2017. As a leader in the sector, we have invested in reviewing and implementing the recommendations to strengthening our approach to keep children and young people safe.

Family Inclusive Practice ensures that families are included in children's lives and in all child-related decision making whenever safe and possible. At Life Without Barriers we recognize that family is a child's first and most important relationship, and that families are part of the solution.

"*We Put Children First*" is Life Without Barriers commitment to keeping children and young people safe, supported and protected from abuse. It has a focus on assisting our employees and carers understand what is and isn't acceptable behaviour, how to recognize potential signs of abuse, and what to do if abuse is suspected or disclosed. As part of this, in 2018-2019, we also commenced a campaign to assist children and young people understand their rights, what they should expect from adults and how to raise concerns, using the SAFE Book Series developed by the NSW Office of the Children's Guardian.

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In focusing on investing in our *We Put Children First* strategy and our commitment to be a child safe organisation we see it as essential to provide ways for children to raise their concerns. In this context, in 2019 we conducted our second Child Voice survey, speaking to 1,606 children and young people in care across Australia about their views on where they live and how they feel. The survey found more than 95% felt safe and 92% felt they were part of the family.

The rights of children have been a focal point in our social policy work through the *Children in Care Collective*, which made several submissions this year on topics including to the *National Office of Child Safety* offering support in implementing targeted Royal Commission recommendations. We were also proud to join the “*It Takes a Village Campaign*” led by the *Community Council of Australia* to raise the profile of education and the role we all play in supporting children to remain focused and motivated at school so they can reach their full potential.

As an organisation we are also proud signatories of the Family Matters Statement of Commitment and are committed to ensuring Aboriginal and Torres Strait Islander children and young people grow up safe and cared for in family, community and culture. We acknowledge the over representation of Aboriginal and Torres Strait Islander Children, particularly in the Queensland child protection system. We believe reconciliation must live in the hearts and minds of all Australians. The only way to close the gap in life expectancy, well-being and opportunity between Aboriginal and Torres Strait Islander people and the rest of the community is to work together, in partnership, and as a nation.

In this context, and with a focus on partnering towards reconciliation, we have a Stretch Reconciliation Action Plan (Stretch RAP). This Stretch RAP details real actions that can have a positive impact by achieving measurable outcomes for Aboriginal and Torres Strait Islander people and communities. The focus of the RAP is on the delivery of client-centered community-based services and inventing new ways of working with people and communities to create more opportunities. We remain committed across all levels of the organisation to furthering the depth of work with Aboriginal and Torres Strait Islander clients, families and communities through our RAP process.

We are committed to engaging with evidence and best practice to find new and better ways to partner with people and change lives for the better. Our strategic direction “*Changing lives- New Directions in Care*” involves strengthening our approach to family inclusion, redesigning our foster and kinship care services and improving our systems, processes and practice to deliver high quality, evidence-based, and nationally consistent services for the children, families and communities with which we partner.

Life Without Barriers incorporates an evidence-based approach to care in partnering with young people in supporting them to thrive. The *Children and Residential Experiences (CARE)* model provides the framework for our care, support and service delivery.

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Our approach to working with children, young people and families is supported by an understanding of the impacts of family dysfunction and the need for trauma informed, strength-based responses and support to families.

In this context it is confirmed the objectives, policy directions and spirit of the proposed legislative changes detailed in the *Criminal Code (Child Sexual Offences Reform) and other Legislation Amendment Bill 2019* are a positive direction forward and directly align with the direction and ongoing commitment of Life Without Barriers to child safety. This includes a focus on reinforcing children and young people's rights in the legislative framework; strengthening children and young people's voices in decisions that affect them; and re-shaping the regulation of care.

More importantly, the proposed amendments will effectively support the stated policy objective of the Bill by improving the responsiveness of the criminal justice system to child sexual offending and the victims of child sexual offences by amending a range of legislation as detailed. It is acknowledged and supported that the way we shape the legislation can have a profound impact on the opportunities and life outcomes of parents, families and their children, and the legislation should reflect shared responsibility and response the across criminal justice and the child safety service systems (government and community).

## FEEDBACK ON PROPOSED REFORMS

The Bill proposes a diversity of reforms in the context of the stated policy objective to improve the responsiveness of the criminal justice system to child sexual offending and the victims of child sexual offences by amending a range of legislation to:

- implement recommendations of the *Criminal Justice Report of the Royal Commission into Institutional Responses to Child Sexual Abuse*
- implement recommendations of the Queensland Sentencing Advisory Council's report on the classification of child exploitation material for sentencing purposes
- create new offences criminalizing the possession, production and supply of anatomically correct, life-like child replica's used for sexual gratification and some other minor technical amendments.

In this context Life Without Barriers appreciates the opportunity to provide a submission to the proposed reforms detailed in the *Criminal Code (Child Sexual Offences Reform) and other Legislation Amendment Bill 2019*. **We confirm our support for all of the reforms detailed in this proposed Legislation Amendment Bill.**

In the context of Life Without Barriers support for the *Criminal Code (Child Sexual Offences Reform) and other Legislation Amendment Bill 2019* the following specific reforms in the Bill are particularly noted:

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- creating a new offence of “*failure to report belief of child sexual offence*” and ensuring that this new offence applies to information gained during, or in connection with, a religious confession
- creating a new offence of “*failure to protect a child from child sexual offence*” that applies in an institutional context
- extending the grooming offence to certain persons other than a child
- provide for retrospective application of the removal of limitation periods on prosecution for certain child sexual offences
- facilitating increased admissibility of evidence of other allegations or convictions of child sexual abuse against the accused persons
- excluding good character as a mitigating factor in sentencing an offender where that good character facilitated the child sexual offending
- ensuring that offenders for historical child sexual offences are sentenced in accordance with contemporary sentencing standards.

## Concluding Remarks

Thank you again for the opportunity to provide feedback on the proposed *Criminal Code (Child Sexual Offences Reform) and other Legislation Amendment Bill 2019* and as detailed in this submission we strongly support the policy objective of the Bill to improve the responsiveness of the criminal justice system to child sexual offending and the victims of child sexual offences by amending a range of legislation.

In this context we commend the work and commitment to the proposed Bill and look forward to the opportunity to continue to work in partnership with government, community organisations, Elders, Queensland communities, children, family and young people and the private sector to “*Change the Story*” and improve the lives of children, young people, victims and their families and communities.

As detailed, Life Without Barriers confirms the objectives, policy directions and “*spirit*” of the *Bill* are a clear and positive direction forward with the potential to pave the way for reform focused on improving the responsiveness of the criminal justice system to child sexual offending and the victims of child sexual offences by amendments to a range of legislation.

Life Without Barriers acknowledges and thanks the Legal Affairs and Community Safety Committee for the opportunity to provide a submission to the *Criminal Code (Child Sexual Offences Reform) and other Legislation Amendment Bill 2019*. We wish you well on the carriage of the Bill through the Parliamentary process.

In relation to the ongoing amendments your ongoing collaboration and partnership with government and community (particularly children, young people and families) is requested. This will contribute to ensuring the potential and actual impacts, consequences and outcomes are actively identified in an ongoing way at the time of development and implementation and in the ongoing monitoring/review/evaluation of the proposed *Criminal Code (Child Sexual Offences Reform) and other Legislation Amendment Bill 2019*.

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Please do not hesitate to contact me if you require any further information or clarification in relation to this submission. As required my contact details are as below.

Regards,



**Carly Jacobitz**  
A/Deputy Director – Child Youth and Family  
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**Championing opportunity for all**

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