



6th January 2020

Committee Secretary
Legal Affairs and Community Safety Committee Parliament House
George Street
Brisbane Qld 4000

**Submission to: Legal Affairs and Community Safety Committee on
the Criminal Code (Child Sexual Offences Reform)
and Other Legislation Amendment Bill 2019**

The Centre Against Sexual Violence (CASV) Inc. is a community based sexual assault service which is dedicated to providing counseling, support, advocacy, and information to the Logan, Beaudesert and Redlands communities. The CASV is committed to providing safe, respectful and trauma-informed services to assist women and young women on their path to healing; to work towards dispelling the social and cultural myths surrounding sexual violence; and to encourage the community to take responsibility for the eradication of sexual violence.

The CASV receives funding from the Queensland Government to provide specialist counselling, support, advocacy and community education to women and young women 12 years and over. CASV also receives funding from the Department of Social Services (DSS) to offer support and information for women eligible to make an application to the National Redress Scheme for Institutional Child Sexual Abuse.

The CASV was also central to the establishment and ongoing collaboration of the Queensland Royal Commission Support Services Network. The network is comprised of Queensland DSS-funded Royal Commission Support Services, DSS, the Royal Commission Engagement Team and Knowmore Legal Service. We have been meeting bi-monthly since the Royal Commission commenced to collaborate and coordinate service responses in Queensland.

The CASV welcomes and supports the following Criminal Justice Report of the Royal Commission into Institutional Responses to Child Sexual Abuse recommendations and puts forward the following feedback:

Recommendation 21- 22

The CASV supports providing for retrospective application of the offence of maintaining a sexual relationship with a child under 16; implementing this recommendation will be effective in removing a major barrier for survivors to access the legal system.

Recommendation 26

The CASV support extending the application of the offence of grooming a child under 16 to recognise grooming behaviour directed at adults. In practice the survivor and the families are impacted by sexual violence. The CASV often hear stories from survivors and families, who speak of the manipulation and tactic employed by perpetrators of sexual violence in order to gain access to their victims. Having this behaviour acknowledged will aid in the recovery of the survivor, their parents and the community.

Recommendation 30

Providing retrospective application of the removal of limitation periods for certain child sexual offences; Implementing this recommendation would be effective in removing a major barrier to people

reporting historical child sexual assault. CASV requests that the removal of limitations be applied to all childhood sexual offences.

Recommendation 33, 34, 35 and 36

Creating a new failure to report offence targeted at child sexual abuse in an institutional context carrying a maximum penalty of three years imprisonment, which specifically addresses religious confessions, and creating a complementary failing to protect against institutional child sexual abuse offence carrying a maximum penalty of five years imprisonment; Implementing this recommendation would be effective in challenging a barrier within institutions in charge of caring for vulnerable children that they must work within the values and expectations of the community in which they work. It is no longer an excuse for institutions to believe that they are morally above others. The welfare and protection of vulnerable children and adults must be paramount and adhered to by all institutions.

Recommendation 44

The CASV support the recommendation of facilitating increased admissibility of evidence of other allegations or convictions of child sexual abuse against the accused person; implementing this recommendation would greatly improve transparency in the legal process. It would give survivors a greater sense that the legal system is a fair process. A holistic approach is one that is being embraced by many institutions – allowing evidence of prior allegations or convictions against the accused would start to close a gap which has protected people accused of child sexual abuse. The CASV believes that admissibility of evidence should be extended to not only allegations or convictions of child sexual abuse but also to: cruelty to animals, having a domestic violence order against them, any charges related to terrorism or extremist views (particularly in relation to misogynist views).

Recommendation 74

CASV supports the recommendation for excluding good character as a mitigating factor at sentence where it has facilitated child sexual offending; The CASV understands good character to include traits of honesty loyalty, accountability, self-control and integrity; which in itself means whole or undivided. A person who is convicted of sexual offences has demonstrated a certain set values that objectifies and sexualizes children. This does not reflect a good character and it is time that we move away from the myth that a certain type of person commits sexual crimes against children and recognise that perpetrators of sexual violence often hide behind a veil of good character. They are everyday people who work and live in their community and are often well know and trusted by their family community and victims.

Recommendation 76

Ensuring offenders for historical child sexual offences are sentenced in accordance with sentencing standards at the time of sentence, rather than the offence; CASV support this recommendation. Historically women and children were often silenced in their attempts to be heard or escape sexual violence. Punishment would have never met the crime as we now understand the impact of sexual violence.

Recommendation 65

Modifying the use of certain common law judicial directions and warnings relating to delay; Survivors accessing counselling from the CASV often say they have not disclosed the abuse to anyone else before. There are many reasons for this, including, fear of repercussions, feelings of self-blame, denial. Delays in reporting are common and can be explained using psycho-social theories.

Comments on other amendments:

Child abuse object offences

Amend the Criminal Code to address an emerging issue by creating new offences criminalising the possession, production and supply of anatomically correct, child replicas used for sexual gratification. The CASV supports creating a new offence against the possession of dolls, robot or other

object used for sexual gratification. Allowing the production of such objects would contribute to a society where rape is part of normal culture. Let's stop rape culture.

The CASV supports the recommendations of the Queensland Sentencing Advisory Council (QSAC) report into child exploitation material (CEM) and agrees that CEM is not a victimless crime and that there are often delays in the criminal justice responses to CEM.

Recommendations 59 and 60

Establish a pilot intermediary scheme to mitigate the difficulties that witnesses of child sexual abuse may experience in participating in the court process and in giving evidence. Whilst the CASV supports this recommendation, we feel that the intermediary scheme should go beyond support that commences at the court process and should start from when the offence is reported to police. Survivors often report that there is minimal communication with police after they have made a formal statement and they are often not kept informed about what steps are being taken or where the investigation is at. This places substantial stress on survivors and could be mitigated by having a consistent liaison person throughout this process.

For the past 2 years, The CASV has supported a group of Logan women – the group is called 'Supporters Against Sexual Violence, SASV' – who have been advocating for the creation of Sexual Assault Police Liaison Officers. Their role would include to support and help guide people considering making a formal complaint to police and going through the legal system. Having SAPLO's would reduce the negative impact of reporting and going through the court process. It has been the SASV members' experience that due to police prosecutors' pressured and busy jobs, that communication is minimal or non-existent, this lack of communication increases survivors' anxiety and PTSD symptoms. CASV asks that serious consideration be given to this proposal and the current trials of Sexual Violence Liaison Officers in Logan and Townsville is broadened to having resourced and trained individual roles that includes ongoing liaison and support to survivors.

The CASV appreciates the opportunity to provide our views in relation to the Criminal Code (Child Sexual Offences Reform) and Other Legislation Amendment Bill 2019. **These views are informed by the voices and stories of survivors of sexual assault.** The CASV strongly supports the implementation of the Criminal Justice Report recommendations of the Royal Commission into Institutional responses to Child Sexual Abuse in a Queensland context.

We hope that you will find this submission useful in implementing the reforms required, so that the children are afforded the protection, that is their right and that survivors of sexual violence receive the justice they deserve.

Yours sincerely



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Centre Against Sexual Violence