



## PACT - Protect All children Today Inc.

12 December 2011

LAPCSESC  
Criminal & Other Legislation  
Submission 013

RECEIVED

22 DEC 2011

Legal Affairs, Police, Corrective Services  
and Emergency Services Committee

Research Director  
Legal Affairs  
Police, Corrective Services and Emergency Services Committee  
Parliament House  
George Street  
BRISBANE Q 4000

Dear Sir/Madam

### Re: Criminal and Other Legislation Amendment Bill 2011

We refer to the letter from the Chairperson inviting comments on the above legislation.

As you may be aware, Protect All Children Today Inc. (PACT) is a non profit community organisation established in 1986 as a service provider of court support and therapy 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 who are required to give evidence in the courts, either as victims of, or witnesses to, a crime.

Please note that PACT demonstrates impartiality and does not have a vested interest in the outcome of court cases and will never comment on specific sentences. Therefore, we offer the following comments from a child advocacy perspective.

#### *Criminal Code:*

We are supportive of increased penalties for offences using the internet to procure children. We believe that all children under 16 years should be protected adequately, regardless of their age, level of impairment etc. and therefore, question the need to impose greater sentences for crimes against children under 12.

Again, we support increased sentences for crimes involving child exploitation, grooming, etc.

These comments reflect PACT's child focussed philosophy, which is mandated by:

#### **Convention of Rights of Children -**

- **Article 3.1** "In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration".
- **Article 19** "Children must be protected against all forms of physical and mental violence".

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

**Section 21 AA of the Evidence (Protection of Children Amendment Act) 2003** – States that with respect to a child witness the court is; “to require wherever practicable that an affected child’s evidence be taken in an environment that limits, to the greatest extent practicable, the distress and trauma that might otherwise be experienced by the child when giving evidence.”

**Part 2 of the Child Protection Act 1999** – ... having regard to the principle that it is in the best interests of the child for the application to be heard as soon as possible.

**Section 60C, A-G Commonwealth Family Law Act** – Child’s best interests paramount consideration in making a parenting order.

PACT does not have the expertise to comment on issues in regard to the cruelty of animals but generally supports initiatives in this area.

PACT is also not able to offer significant comment on the amendment of the *Drugs Misuse Act 1986*, but is supportive of interventions that prevent drugs being supplied to children.

We appreciate the opportunity to provide comment on these valuable pieces of legislation.

Yours sincerely



Nicholas Tucker  
Chairperson



Jo Bryant  
Chief Executive Officer



6 July 2011

*COPY FOR  
YOUR INFORMATION*

Ms Louise Shephard  
Assistant Director  
Strategic Policy  
Department of Justice and Attorney-General  
GPO Box 149  
BRISBANE Q 4001

Dear Ms Shephard

**Re: Criminal Law Amendment Bill 2011**

We refer to the letter from the Director-General providing a consultation draft of the Criminal Law Amendment Bill 2011 and inviting comments by 15 July 2011.

As you may be aware, PACT is a non profit community organisation established in 1986 as a service provider of court support and therapy 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 who are required to give evidence in the courts, either as victims of, or witnesses to, a crime.

We offer the following comments in relation to the proposed amendments to the Criminal Law Amendment Bill 2011:

PACT believe that all children under the age of 16 should be protected adequately, regardless of whether they have a diagnosed impairment of the mind. We question the need to impose greater sentences for crimes committed against a child with impairment, rather than a child generally.

Whilst we recognise the intention is to protect a class of children considered as especially vulnerable, it is our position that all children are to be treated equally and that if it is the case that a class of children is seen as requiring further protection it must be the case that all children required that greater protection.

We respectfully remind that to engage in a process that values children differentially is to open a Pandora's box for unintended discrimination, that is contrary to both our treaty obligations and the framework for child protection in this country.

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

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These comments reflect PACT's child focussed philosophy, which is mandated by:

**Convention of Rights of Children -**

- **Article 3.1** *"In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration".*
- **Article 19** *"Children must be protected against all forms of physical and mental violence".*

**Section 21 AA of the Evidence (Protection of Children Amendment Act) 2003** – States that with respect to a child witness the court is; *"to require wherever practicable that an affected child's evidence be taken in an environment that limits, to the greatest extent practicable, the distress and trauma that might otherwise be experienced by the child when giving evidence."*

**Part 2 of the Child Protection Act 1999** – ... *having regard to the principle that it is in the best interests of the child for the application to be heard as soon as possible.*

**Section 60C, A-G Commonwealth Family Law Act** – *Child's best interests paramount consideration in making a parenting order.*

Whilst PACT has no vested interest in the outcomes of the court process, we are supportive of stronger sentences for crimes committed against children. However, we believe that these should be applied consistently for all child sexual offences.

PACT does not have the expertise to comment on issues in regard to the cruelty of animals but generally supports initiatives in this area.

PACT is also not able to offer significant comment on the amendment of the *Drugs Misuse Act 1986*, but is supportive of interventions that prevent drugs being supplied to children.

We appreciate the opportunity to provide comment on these valuable pieces of legislation.

Yours sincerely



Nicholas Tucker  
Chairperson



Jo Bryant  
Chief Executive Officer