



Speech by

**JOHN MICKEL**

**MEMBER FOR LOGAN**

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Hansard 9 December 1999

**CRIMINAL LAW AMENDMENT BILL**

**Mr MICKEL** (Logan—ALP) (6.23 p.m.): I want to support the Criminal Law Amendment Bill. I think it is necessary to help give some assurances to people whose children have been violated. Earlier this year a constituent of mine came to see me about the alleged atrocities committed against her children. Not unnaturally, she was distraught and it was quite an emotional moment for her and for me in my electorate office as she related her story. She said to me that the offender had not long been released from jail where he was serving time for, I understand, what had been a similar offence.

This change to the law proposed by the Attorney-General may help others. It will certainly not help her. Who knows the emotional and psychological scars that have been caused to her children as a result of the incidents that occurred? It is just simply too horrible to contemplate.

She asked me to ask the Attorney-General and, in fact, ask the Government what steps are being made to rehabilitate these people prior to their release into the community. She put to me the argument that, in jail, these people are not surrounded by children; it is only when they re-enter the community that they are again surrounded by children and by the sexual attraction that these deviants have for children. I would ask the Government on behalf of my constituent to concentrate on the rehabilitation program for these people because, as parents, we all want reassurance and, as a parent who suffered that violation, my constituent certainly wanted that assurance.

Not unnaturally this case—and I do not want to go into it any further—provoked widespread community discussion. Not long after that, there was a television show which showed how abused children were, in turn, abused within the justice system. Indeed, a study undertaken by the Australian Institute of Criminology found that, when a female child who has been sexually abused becomes involved with the justice system, the courts become the lawfully sanctioned context in which the child is further abused. The process of cross-examination appears to ignore the developmental and psychological needs of the young victims of sexual assault and causes further trauma for the child.

The court system, not unnaturally, is foreign to a child. Kids believe that all they have to do is go in and tell the truth and, because they have told the truth, the person will be found guilty and go to jail. The adversarial nature of the courts often destroys this innocence for children. Defence lawyers, because they are acting diligently, I suppose, on behalf of their clients, can confuse young witnesses through repetitive questioning, demanding unrealistic specific times and details, rapid questioning and repeated interruptions. In addition to the trauma of facing the offender or hearing the offender in court during the giving of their testimony, the presence of the jury, difficulties with the legal language and age appropriate questioning all add to the trauma that children face. For young girls, this is also personally difficult because a study found that three-quarters of sexually abused girls were abused by either a relative or a family friend.

I hope this law will go some way towards addressing the wrongs that these young people have faced, the abominations that they have faced. Today I wanted to raise this case in particular on behalf of my constituent who went through that personal anguish when her own children suffered this trauma. I hope that this change will at least benefit some others because I would not want any other honourable members to share the trauma that I had to share with that woman when she came to me on behalf of her children. I hope the work being undertaken within the judicial system will make the court system fairer for children who have been abused whilst also guaranteeing a fair trial for the accused.