



Speech by

Mrs J. GAMIN

MEMBER FOR BURLEIGH

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FAMILY SERVICES AMENDMENT BILL

Mrs GAMIN (Burleigh—NPA) (4.31 p.m.): I support the Family Services Amendment Bill 1999 because it tightens existing procedures surrounding the conduct of criminal history checks in respect of staff who are employed, or will be employed, by the Department of Families, Youth and Community Care. As a result of this amendment Bill, criminal history checks will be broadened to provide information about not only a person's criminal history but also about charges which had not led to convictions or had not proceeded to trial. This same power already exists in checking other employee groups, such as teachers, taxidivers and casino staff. It is important that Family Services staff be subject to the same level of checking.

In her second-reading speech, the Minister said that there are a number of circumstances in which the presence of certain charges, even without convictions, is a relevant factor in making employment decisions. This is particularly the case in relation to sexual offences against children. The Bill describes a serious offence as including serious violent offences such as incest, rape and manslaughter, as well as the offence of possessing dangerous drugs. I note the listing, in the Schedule to the Bill, of other serious offence provisions of the Criminal Code.

This House may remember that on 18 November 1997, Mrs Lorraine Bird, the former member for Whitsunday, introduced into the Legislative Assembly a private member's Bill, the Criminal Law (Sex Offenders Reporting) Bill 1997. On Mrs Bird's motion, the Assembly resolved to refer the Bill to the Legal, Constitutional and Administrative Review Committee for investigation and report. I chaired the committee at that time. That particular Bill proposed that persons who commit sex offences against children be required to report their personal details and details of their convictions in this regard to the police. The Bill further provided that the Police Commissioner may keep a sex offenders register which may include, among other matters, those personal details. Provision was also made in the Bill for information from that register to be disclosed to certain persons.

The committee's very difficult task at that time, in view of the fundamental issues of competing rights and interests contained in the Bill, was to determine the appropriate balance between the problem that the legislation was trying to overcome and the appropriateness of the proposed legislation in addressing that problem. The committee's decision is now history. We recommended that before Parliament gave further consideration to the Bill, the member for Whitsunday should clearly clarify the Bill's objectives and consult with the then newly formed Queensland Crime Commission. We believed this consultation to be particularly important, given its jurisdiction with respect to paedophilia. The Bill lapsed when Parliament was prorogued prior to the 1998 State election.

Although that failed Bill really has nothing to do with the Family Services Amendment Bill, I have mentioned the background to Mrs Bird's proposed Bill in this context because some of the LCARC's research is pertinent to the problems with the legislation before the House that members are trying to tackle today.

In Chapter 2 of its report to Parliament in February 1998, the committee provided Parliament with important background material to which it had given serious consideration and which it believed was necessary in making its assessments. I strongly recommend that members refresh their memories of the report and study the background research as detailed in Chapter 2. I will not go through that chapter in detail but will summarise some of the points raised from this well-researched document,

because it is the unacceptable risk of paedophile behaviour that the Minister for Families, Youth and Community Care is trying to address in the amendment Bill that members are debating today, and which—as the member for Indooroopilly has advised the House—the Opposition will try to tighten up even further in amendments at the Committee stage.

Paedophiles, correctly identified, are in a special category of offender because they often regard their sexual activities as acceptable, and paedophile behaviour does increase with time. In this context, the need for early intervention with child and adolescent offenders was noted in the Legal, Constitutional and Administrative Review Committee's report. Paedophiles are often respected people in the community and, indeed, can come from any walk of life. Studies show that long-term treatment of paedophiles is of little success and that the risk of reoffending is numerically high. The importance of intervention in the case of young paedophiles was also noted in the LCARC's report. Some paedophiles show little remorse and are thus dangerous. Paedophiles who have a real risk of reoffending are, of course, also dangerous, whether or not they are remorseful.

The true extent of paedophilia has been underestimated in the past. This would appear to be particularly so in the case of extra-familial offenders or offenders against male victims. There is a divergence of opinion as to the precise definition of "paedophile", although there is a general agreement that a paedophile is a person whose sexual desire is directed towards children, usually of prepubertal or early pubertal age. The victims of paedophiles are particularly vulnerable because of their age.

It is extremely difficult to determine the extent of child sexual abuse in Australia, particularly as sexual abuse is underreported. Child sexual abuse exists both within the family—familial—and outside it—extra-familial, and some sex offenders may seek to become part of a family in order to gain access to child members. Child sex offenders can be classified as preferential or situational, the latter meaning that the sexual abuse occurs more as a result of easy access to children rather than preference. Offenders who commit sex offences in the family setting are generally considered to be situational. However, these two classifications can be confused and, therefore, familial sex offenders should be accorded careful attention in any coordinated scheme to combat child sexual abuse.

The extra-familial sex offender is usually known to the child and seeks to establish a long-term relationship. This relationship is formed by a number of means, but often an essential element is the ability to provide the child with material or emotional support which they otherwise lack. There is a high rate of extra-familial abuse and an increasing awareness of the existence of males as victims of sexual assault. The Queensland Crime Commission, together with the Queensland Police Service's Task Force Argos, have specific roles in relation to targeting paedophilia in Queensland. While there may not be organised groups of paedophiles in the organised crime context, there are networks of paedophiles in Australia.

There is a high rate of recidivism among child sex offenders. Punishment seems to have little value in reducing recidivism. Whether treatment will reduce recidivism is unresolved. However, there is evidence to suggest that some treated sex offenders reoffend less, and also less often, than their untreated counterparts. Research has also shown that offenders do not like to be exposed. Adolescent sex offending is, however, different and there is more likelihood of success in treatment. The damage to the victim beyond the incidence of the abuse is often horrendous. There is evidence that this extends to later criminal activity by the victim and even, in some cases, child sexual abuse by them, thus completing a vicious cycle.

I have gone through the points made in the LCARC's report because I want to stress how important they are. The objective of the Family Services Amendment Bill 1999 is to strengthen the criminal history checks applicable to employees of and persons being considered for engagement in any capacity within the Department of Families, Youth and Community Care.

There is an increasing community awareness of issues surrounding child abuse and the care of children by the State. Children in care and people with intellectual and other disabilities should not be subject to abuse by the criminal activities of staff who are employed to protect. The Government has a duty of care to ensure that this does not occur. This duty of care will be enhanced by strengthening the ability of the Department of Families, Youth and Community Care to access information held by the Queensland Police Service on employees or potential employees of the department in relation to charges, background of charges and current investigations relating to serious offences.

There are safeguards in the legislation to ensure that the new powers are not used unfairly or capriciously. The Opposition will seek to tighten up this legislation even further in two amendments to be moved by the shadow Minister in the Committee stage. These amendments are directed at toughening up the penalties and, more importantly, banning sex offenders from even applying for a job. Persons convicted of an offence of a sexual nature must not even seek to be engaged by the Department of Families, Youth and Community Care, with serious penalties for breach. I commend the Bill and the Opposition amendments to the House.