



Speech by

**Mr D. BRISKEY**

**MEMBER FOR CLEVELAND**

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**SEXUAL OFFENCES [PROTECTION OF CHILDREN] AMENDMENT BILL**

**Mr BRISKEY** (Cleveland—ALP) (11.57 a.m.): I rise to speak in support of the Sexual Offences (Protection of Children) Amendment Bill 2002. In his paper to the Australian Institute of Criminology: *'Paedophilia, the Public Health Problem of the Decade'*, Bill Glasser says—

Imagine a society afflicted by a scourge which struck down one-quarter of its daughters and up to one in eight of its sons. Imagine also that this plague, while not immediately fatal, lurked in the bodies and minds of these children for decades, making them up to 16 times more likely to experience its disastrous long-term effects. Finally, imagine the nature of these effects: life threatening starvation, suicide, persistent nightmares, drug and alcohol abuse and a whole host of intractable psychiatric disorders requiring lifelong treatment.

Of course, in making this comment Glasser paints an accurate picture of the lifelong trauma suffered by child victims of sexual abuse. Child abuse is one of the greatest scourges on our society and a significant public health problem facing us in the 21st century. Our children by their very nature are vulnerable and there exists a duty upon all of us to protect all children from child sexual abuse. As the Attorney-General mentioned in his second reading speech, this bill delivers what is the first of two major reform packages and reflects the significant change in the way the criminal justice system in Queensland deals with the scourge of child sexual abuse. I take this opportunity to commend the Attorney-General on the reforms both within this bill and within the consultation draft of the Evidence (Protection of Children) Amendment Bill 2002. That bill, to come from the draft consultation, will form the second stage of reforms and deals specifically with the way children are treated in the court process.

Members will recall that Project Axis, the wide-ranging inquiry into child sex offending in Queensland, made a number of recommendations in relation to this very issue. Specifically, the inquiry identified that, while difficulties in prosecuting child sex offenders had come a long way in the past decade, much remained to be done to improve the court experience for a child witness. The following proposed changes to the existing legal process were identified by the inquiry: the provision of certainty in the court process for a child; active judicial case management to ensure that cases involving children were processed as quickly as possible through court process; the child to have control, as far as possible, about certain aspects of the court process and to understand proceedings; continuity of legal representation through both the committal and trial process; greater awareness by the judiciary and the legal profession of the developmental needs, behaviour and capacity of children generally; and appropriate and independent support for child witnesses.

I am confident that the draft consultation on the Evidence (Protection of Children) Amendment Bill will enable all stakeholders to discuss these recommendations and more. It is important that we get this process right. The court process is a harrowing process for any child witness and it is in the interests of protecting our children that we improve their protection and limit the trauma and distress they face in a judicial setting.

Turning to the bill before the House, the Sexual Offences (Protection of Children) Amendment Bill 2002 takes a three-pronged approach to reform. It changes the sentencing guidelines for child sex offenders, increases the penalties and introduces two new offences, and enhances the power of the courts and corrections boards to require ongoing reporting by offenders. This morning I wish to focus on one of the new offences introduced in this bill, a new section 218A that creates an offence of using the Internet to procure a person under the age of

16 years. The insertion of this new offence will give our police the powers they need to run operations which trap paedophiles who prey on our children using the Internet.

While the Internet has become one of the most significant advances in technology over the past decade, it has created a host of problems for law enforcement agencies all over the world, and a host of problems for parents such as me, with four children on the Internet daily. There are many problems to be faced by all of us with regard to children's use of the Internet. The Internet provides a haven for cyberpredators. The new offence in the Criminal Code will carry a maximum penalty of 10 years imprisonment for using electronic means with the intent to procure a child under 16 to commit a sexual act or using electronic means with the intent to expose a child under 16 to pornography. Importantly, it will be irrelevant for the offence that the child is a fictitious person represented by an adult.

In the past, law enforcement officers involved in undercover operations to track down these cyberpredators have hit a problem in the law. The fact that they were merely posing as a child on the Internet for the purposes of the operation raised the issue of entrapment. The new section 218A ensures that this is no longer the case and will permit law enforcement agencies to conduct operations to detect paedophiles using the Internet to procure children to engage in a sexual act. This bill sends the clearest possible signal that the criminal justice system will be effective in detecting the crime of sexual and physical abuse of children, bringing the offenders to court, convicting those who are guilty and ensuring that appropriate sentences are then imposed. Once again, I congratulate the Attorney-General on the bill and take much delight in commending it to the House.