



Speech by

## Miss FIONA SIMPSON

MEMBER FOR MAROOCHYDORE

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Hansard 26 February 2003

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

**Miss SIMPSON** (Maroochydore—NPA) (12.10 p.m.): I rise in support of the bill. We acknowledge that this is one of those issues that is still coming out of the shadows. While there has been increasing media attention in recent years, tragically the full extent of the problem and the overall damage which has been done to such a large sector of the community is still not fully understood. When I talk to my local counselling services that deal with people who have been through sexual assault, the remark they make is that often the people who are presenting had an offence committed against them when they were children. That in no way diminishes the very significance of the fact that this person has then gone on to counselling, because the damage done to that child goes on for years and years. It has affected them at that most early developmental stage when their whole concept of their sexual identity, their whole concept of their self-esteem and their whole concept of their place in the world is damaged by somebody using their position of authority in an abusive way.

There are studies now being undertaken which show that the impact upon people with regard to suicide, the impact with regard to mental health, the impact with regard to relationships and family breakdown and a whole range of ongoing health problems and other particular social problems can stem from the abuse that occurred to people as a child, and this is an overwhelming problem in our community. It is time that we talked further about how we can best protect children. There are provisions in this bill which are a step in the right direction in terms of the justice system, because when taking a child through the criminal justice system it is difficult to get a prosecution. We also recognise that there needs to be a balance in those procedures because of the difficulty of taking evidence from a young child. However, there have been obstacles in that process. We need to do whatever we can fairly and appropriately do to help and support victims who are willing to take their cases through the criminal justice system.

During my contribution to debate on this bill I also want to mention issues relating to recidivism of sexual offenders and the inappropriateness or sometimes the inadequacy of follow-up programs for recidivist sexual offenders, particularly those who have been predatory towards children. While some research has shown that some programs can be effective for a time, their long-term effect has been questionable. This is where the need for ongoing monitoring and ongoing tracking of offenders is vital. I would like to say it was otherwise. I do believe it is possible for many people from terrible backgrounds to have their lives transformed. Unfortunately, with regard to child sexual offenders, the figures show that there is such a high recidivism rate that we need to balance our interests as a community towards the child. We need to ensure that we do everything possible to protect the child and to protect other children who may become potential victims. We need to look at ways to track and effectively monitor such people, but I would prefer that those who have a track record of recidivism remain firmly behind bars.

There is one issue that I have not heard many people address, and that is what happens when a child has been sexually abused and they then get to a certain age where they are in fact abusing other children. This is a problem that the lid has still not been lifted on. This is a significant problem, because many people who offend as adults have in fact had a pattern of offence against them as children and so there is a terrible cycle. If they are in their teenage years in particular, there is the potential that they could cause considerable harm to younger children. I have received complaints from

parents in that they knew that a situation was about to occur. They had seen that a child had exhibited patterns of offensive behaviour and sought assistance and there was nowhere for assistance to be found. As a result, in the case I am referring to, a male teenager offended against a younger child in a very serious way. That young offender has subsequently found himself in the juvenile justice system.

This is an issue that we need to tackle. These are difficult issues, but we need to look at how we can best deal with people who were offended against when they were young who then go on to be offenders themselves. Obviously, prevention is the best form of addressing this problem, but there is a significant proportion of older children who are offending against younger children. It is a very difficult issue but one that we need to look at. Where this has been identified there needs to be earlier measures of intervention than when there has been a serious offence committed against another child.

I have to acknowledge that funding has recently been given to one of my local service providers to help counsel younger children, because this is an area where there has been a deficit of services. However, we need to have a greater awareness as a community, and there is a need for those mechanisms for earlier intervention rather than intervention when a child has been offended against. We need to make the justice system as accessible as possible—even though many people do not want to go through the justice system—and have access to appropriate counselling not only for the victim but also for the parents, because the parents have to live with these issues for many years to come. It damages their lives and may significantly impact on the way they interact with the child. I welcome this funding, but this is an area where early intervention mechanisms have to be more significant. They have to be more significant in the way that they are interfaced with our school chaplaincy services and other health services in the community.

The recently named Australian of the Year, Professor Fiona Stanley, has undertaken some outstanding work in the area of child health problems. One thing that really struck me in a presentation she gave in Brisbane last year was that some of the causal pathways for the problems that we see with children—be it suicide, mental health and depression issues or the juvenile justice system—are in fact very similar. There may be different manifestations, but the root problems that send children off on these dysfunctional pathways can often be very similar. There may have been a significant family breakdown and the relationships around that. Child sexual abuse is one that comes up time and time again. It has such incredible ongoing ramifications in our community. We need to be more vigilant in this area. The criminal justice system has been weighted in favour of the offender, so we need to look for practical ways that we as a community can protect children. We must find ways to advise people that they need never be afraid to be alert on behalf of their children or to ask the questions that need to be asked and not suppress the questions that they think might have an answer that they do not want to hear.

Mention has been made that this bill addresses issues relating to people trying to procure children for sexual offences or sexual acts through the electronic media. This bill will seek to address that by giving power to the police to be involved in entrapment. That will be viewed as controversial by some, but this is a significant issue. With predatory sex offenders, particularly those who target children, there is a maxim which I believe is true: what you feed will grow. What people feed in secret will grow. Access to the Internet has been a classic way to grow in the dark of people's own homes a chronic problem because of the perverse opportunity it provides to exploit children. For that reason, I strongly support this particular provision. I also support my colleague the Leader of the Opposition with regard to his call for minimum sentences. In some cases it has been recognised that significant offences have been committed against a child, yet the penalty imposed on the offender in no way reflects the harm caused by the offence.

We must start to look at the actual sentences that are handed down rather than just the maximums that are sitting on the statute books. Maximums on the statute books are fine if we start to see heavier penalties implemented, but the evidence today has been that some of the actual penalties handed down have in no way come near the maximum. This is why we believe there needs to be a press towards minimal sentencing for those who commit serious offences against children, who are some of our most vulnerable in the community. I speak in favour of that because to date I do not believe that there has been enough recognition of the damage that is done to children.

Another area which is not being addressed by this bill but which I will also flag is that of another particularly vulnerable area of our community in regard to sexual offences: those who are mentally or physically disabled. Like children, it is much more difficult to use their evidence in court. Like children, they are vulnerable. Like children, they do not necessarily have the protection mechanisms because they do not have the maturity of an adult to know they have every right to say no. I believe we need to put in place more appropriate protection measures, whether through law or through administrative processes with institutions or community placements. This issue, like that of children, is a problem which is underestimated in our community.

I speak in support of this legislation but, in particular, in support of the additional amendments which my colleague has tabled. I commend this bill to the House.