



Speech by

**GEOFF WILSON**

**MEMBER FOR FERNY GROVE**

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Hansard 26 February 2003

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

**Mr WILSON** (Ferry Grove—ALP) (3.28 p.m.): It is my pleasure to rise in support of the Sexual Offences (Protection of Children) Amendment Bill 2002 and to give my wholehearted support to this initiative of the Beattie Labor government. I also congratulate the Attorney-General on bringing forward this fine initiative. The bill addresses five key areas of significant legislative reform in this important area of sexual offences against children. There are few offences that could be more repugnant or reprehensible than sexual offences against children.

I now turn my attention to one of the five key areas that the legislation focuses upon, namely, the amendments to the Criminal Law Amendment Act 1945 to expand the powers of the courts to require ongoing reporting of child sex offenders. In its 2001 election policy statement prior to its re-election for its second term, the Beattie Labor government included as a key point in its Tough on Crime, Tough on the Causes of Crime 2001 and Beyond policy statement a policy to respond to the Project Axis report on paedophilia by, among other things, examining options to encourage the courts to make greater use of section 19 of the Criminal Law Amendment Act 1989.

A number of amendments are made to the Criminal Law Amendment Act by the legislation before the House today and it is those that I wish to focus on. The first is an amendment to section 19 of the Criminal Law Amendment Act, which does as follows. The current section provides that an order is not to be made by a court in relation to a sex offender unless the court is satisfied that there is a substantial risk that the offender is someone who will commit another offence of a sexual nature upon or in relation to a child under 16 years of age. The amendment in the bill before the House deletes the word 'substantial' so that under the proposed change the court must only be satisfied of a risk rather than a substantial risk existing that an offender will commit a further offence.

The second significant change to the Criminal Law Amendment Act is the insertion of a new section 19A, which will extend the court's power to require an offender to report to police at nominated intervals after his or her release from custody. This will enable police to be fully aware of the location of the child sex offender. In this regard, we are talking about someone who has already been convicted of a child sexual offence and who is still in custody and seeking to achieve their liberty at the expiry of their full term.

In addition, the amendment would also require the regular reporting to be done in person by the sexual offender. The reason that these two significant alterations and the four other key areas are so important, in my mind, is threefold. Firstly, the unacceptably high level of repeat sexual offences by sexual offenders. Secondly, sexual offences against children constitute an unacceptably high component of all serious offences against children. Thirdly, the consequences of sexual offences against children are wide ranging, life changing and life lasting.

Taking the first of those points, the Australian Institute of Criminology, in a report titled *Child sexual abuse—offender characteristics and modus operandi*, concluded that the rate of sexual reoffence by sexual offenders is something in the order of 10 per cent to 41 per cent. Elsewhere, in a publication called the *Australian paedophile and sex offender index*, the researcher concludes that throughout Australia it is very difficult on the data presently available to identify with much precision the extent of recidivism amongst sexual offenders. She reports that the research so far in Australia, sparse as it is, can indicate that the rate of recidivism is somewhere between three per cent and 100 per cent.

She reports that sex crimes are almost never isolated. A 1998 California study over a 15-year period identified that the rate of repeat offending by sexual offenders is in the order of approximately 20 per cent. A Washington study between 1990 and 1993 reported that the rate of recidivism was approximately 22 per cent.

Going to my second point, as I said, sexual offences against children constitute an unacceptably high component of all serious offences against children. In the period 1997 to 1998, 5,362 offences of a serious nature were committed against children or victims under the age of 18. These are offences that involve homicide or related offences, acts intended to cause injury, sexual assault and related offences or neglect of a person under care. Of those 5,362 offences, 2,321—in other words, 43 per cent—were sexual offences against children. The breakdown of that figure shows that many more of the sexual offences were committed against girls, about 77 per cent, than against boys, at 23 per cent.

In relation to the offenders, most reported offences against children were committed by male offenders. Male offenders outnumbered female offenders by more than 90 to 1 in the category of sexual offences and related sexual offences. When we break down the sexual offences figures, 70 per cent of the offenders were those 25 years and over and, of that component, 26 per cent—a quarter—were between the ages of 25 and 34. The great majority of offenders against children of all of those categories of crime were actually known to their victims. In the case of sexual assault and related offences, only eight per cent of the offenders were categorised as strangers to the victim.

The third point I was making was that this legislation is absolutely welcome and timely because the effects of sexual offences on children are so wide ranging. In the Queensland Crime Commission and the Queensland Police Service report of June 2000, *Project Axis—child sexual abuse in Queensland: the nature and extent*, some recent Queensland data is reported about the effects of child sexual abuse. I will list some of the recorded findings.

The impact of sexual abuse on children produces the following range of consequences. There is often the sexual abuse or revictimisation of an adult. Often the victim later becomes involved in a violent relationship as an adult. The victims experience higher rates of depression and eating disorders. They exhibit poorer reported levels of general health and report higher levels of unhappiness and higher rates of alcohol dependency and drug use. There is an increased risk of sexually transmitted infections and sexual dysfunction. Consensual sexual activity occurs at a younger age. They significantly have more sexual partners throughout their life. This legislation, as I said at the beginning, is very welcome legislation and I thoroughly commend it to the House.