



Speech by

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SEXUAL OFFENCES (PROTECTION OF CHILDREN) AMENDMENT BILL

Mr SPRINGBORG (Southern Downs—NPA) (Leader of the Opposition) (11.30 a.m.): The Queensland National Party opposition will be supporting the Sexual Offences (Protection of Children) Amendment Bill. We will seek to move an amendment during the committee stage to strengthen the provisions with regard to sentencing offenders who commit offences against children.

This bill has a number of key features. As we all know, one of the most important things we as members of parliament and as a community at large can do is protect our most vulnerable citizens—our children. These are people who in many cases are not aware of their rights, who are not aware that the things that are being done to them or against them are criminally wrong, who feel powerless and unable to take the necessary steps to ensure that justice is done, and who are unaware that they are protected and, importantly, that any impact which may accrue to them, either physically or psychologically, can be addressed.

Many of the people who prey on children are recidivists. They have absolutely no respect for dignity. From reading press reports and looking at some of the circumstances, it is apparent that recidivist sexual offenders against children tend to befriend the parents or the guardians. They set themselves up such that people think butter would not melt in their mouths. That is craftily done over a period of time. Next thing the children are abused, sometimes over a long period of time. The offenders have the children in a situation such that they do not know what is right or wrong. Subtle threats and embarrassment are used against children involved in these situations.

It is very important that we have a judicial regime in Queensland which is appropriate to deal with the issue of sexual offences against children. We need to ensure police specialise in dealing with these issues, and they do. We have some very good Queensland police who know how to handle these particular issues. In actual fact we have a division that deals with them. Then we need to make sure that our prosecution service is in a situation such that it is understanding of and sensitive to the needs and requirements of children. We also need to ensure that our judicial system does not continue to victimise children when they go to court as witnesses.

The justice system in Queensland has a very important role to play in this. We have to ensure that only people who have, beyond reasonable doubt, committed offences against children are subject to the full force of the law. That is why we need the rules of natural justice. That is why we need to ensure our court system works well and effectively.

We also have to be concerned to ensure that the balance does not tip too much one way or the other. I say that with an air of caution, because I think the balance has probably been against children. We have to be very careful in the future that we do not just assume that all allegations of child sexual abuse made against people are based on foundational truth. That is what our court system is about—sorting out those sorts of things. There is no doubt that in some cases malicious or vengeful intention has resulted in people being taken through the court process. We hope the process is robust enough and transparent enough to ensure that justice is done, not only for the person who is making the allegation but also for the person being accused.

I have absolutely no time for people who offend against children. As I indicated, my great concern is to ensure we have a fair court process that gets to the truth. Once these people have been

convicted of sexual offences against children, as far as I am concerned the book needs to be thrown at them and they have to go to jail and go to jail for a very long time.

It is difficult to get hold of figures relating to the re-offence rate of sexual offenders who prey on children. I have seen and heard figures in the past that around 60 per cent of people who have offended against children will re-offend against children at some future time. I have heard those figures within criminology circles. Last year the Police Minister indicated some different figures. I think the recidivism rate amongst the general prison population is just over 30 per cent. That goes to show that the majority of people in our prisons will not re-offend once released. About one-third of them will re-offend.

Unfortunately, the re-offence rate is much higher amongst those people who offend against children. Whether that is their predatory nature, whether it is psychological or whatever I do not know. I do not understand enough about these people. What that says to me is that we need to ensure we have a sentencing and incarceration regime in Queensland which is not only about rehabilitation but is also about punishment and community protection. I think they are the three fundamental tenets of our corrections system when dealing with sexual offenders who offend against children.

We know of the hullabaloo in Queensland recently with regard to the release of a recidivist child sex offender. The government was trying to find a way to ensure this person could be monitored after his release from prison. That is one of the real deficiencies in Queensland law at present. We need to look at what has been done in the United Kingdom; that is, if a person has been sentenced to a definite prison term of, say, 12 or 15 years, they serve out their term to the very last day. If the authorities, who have been in the best position to monitor that person's behaviour or rehabilitation, are of the opinion that he or she continues to be a major threat and may re-offend, then we need to be able to not only monitor them but also keep them in some sort of custody. The Blair Labour government has actually done that. People will jump up and down, carry on and say, 'That is against natural justice. That is against their civil liberties.' I think we should be primarily concerned about the civil liberties of children. This is all about protecting children.

I welcome the broadening of powers to police to run special covert operations into tracking paedophiles operating over the Internet. We all know that the Internet is being used to attract children into abuse situations. Whilst the Internet is a marvellous tool for research, commerce and communication, it is also being used as a very sinister tool to prey on people for sexual or financial reasons. I welcome this provision. It is certainly a good step. I believe and hope it will work well in tracking Internet paedophiles. We do know that there are elaborate rings. Paedophiles do not always work individually; they work in rings and cohort with each other.

I also welcome, with some degree of questioning and trepidation, the increase in the maximum penalty of imprisonment from 10 years to 14 years for indecent treatment of a child under 16 years of age. If the child is aged under 12 years or there are aggravating circumstances, the penalty will be increased from 14 to 20 years imprisonment.

I have said it a lot in the past and I will say it again today that some of my concern has been that we tend to look at the maximums—and in many cases the maximums were increased in 1997—but there have been hardly any occasions, maybe one, where that maximum has been enforced. I note the Attorney-General's indication that if he sets a maximum, that will be the express desire of the Attorney-General and the parliament to the sentencing judge that that is what they would like the judge to impose. We will have to see how the judges will respond to the government's intention.

I just think that sometimes we are probably looking at this the wrong way. We need to really judge the effectiveness of this legislation in a couple of years to see how offenders, for offences committed after the implementation of this provision, have been sentenced in our courts upon conviction. I believe honestly that we need to be looking at the issue of minimum sentences.

Anyone who offends sexually against children should not be able to dodge around a jail term. To me, it hardly ever seems to be a random or spontaneous act. A lot of these people are fairly calculating characters. They know what they are on about. That is why the opposition is proposing to move in the committee stage an amendment that will seek to impose a two-year minimum term of imprisonment for sexual offences against children. I note that the Attorney-General will oppose that for various reasons, as is his right, but our concern is that we need to deal with the bottom of the sentencing range in Queensland, not always necessarily the maximum. There is a reason for that, that is, we seek to give the impression in the community that we are serious about it—and no doubt we are all serious about it. The real problem that people have is when somebody offends against children and that person is not sent to jail, or people perceive that such offenders have received an inadequate sentence at the bottom end of the scale. That is where the Attorney-General comes in in terms of his appeal powers. But that is the concern that I have.

The new reporting powers, which are a broadening of section 19 of the Criminal Law Amendment Act 1945, were part of a provision that was put in place in the late 1980s, as I recollect. It

was not activated until about 1997 and it has been used on various occasions since then. Basically, it empowers the court to put one of these reporting or naming orders on an offender who is considered to be at substantial risk of reoffending. That is a value judgment to be made by the sentencing judge at the time of the sentencing of that offender.

As I understand the Attorney-General's provision—and I welcome his amendment—he removes the term 'substantial' and inserts the term 'risk'. So the term is broader and it should allow the courts to be able to impose those reporting orders more freely and, therefore, hopefully, as a consequence protect our kids. A couple of years ago in a radio interview with Hettie Johnson when we were having a debate on the issue of reporting and naming orders—and Hettie has had quite significant personal dealings with these sorts of issues—she made the point, 'If somebody is at substantial risk of reoffending, why should they be out in the community, anyway?' That is not an illegitimate proposition. I suppose the sentencing judge has to make a value judgment when he or she is sentencing such offenders. That is why we have to make sure that all of those matters are dealt with properly and appropriately and that we do all that we can to put in place the proper protective mechanisms.

I understand further that there are other aspects of the Attorney-General's reform package, such as the Evidence (Protection of Children) Amendment Bill, which is a draft bill that was released last year and which the Law Reform Commission looked at over a period. It will be not before time when that comes into being. I also understand that there will be some other amendments to this legislation that will correct some technical errors or things that were done inadvertently during the passage of bills through this parliament over the past couple of years. I think one of them was an amendment to the Bail Act. From what I have seen, I do not really have a problem with that. No doubt we will deal with that matter during the committee stage. The opposition is broadly supportive of the principles enunciated in the government's bill. As I said, we will seek to move the amendment on minimum sentencing during the committee stage.