




Speech By  
**Corrine McMillan**

**MEMBER FOR MANSFIELD**

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**CRIMINAL CODE (CHILD SEXUAL OFFENCES REFORM) AND OTHER  
LEGISLATION AMENDMENT BILL**

 **Ms McMILLAN** (Mansfield—ALP) (5.42 pm): I rise to speak on the Criminal Code (Child Sexual Offences Reform) and Other Legislation Amendment Bill 2019. This is the latest development in the Palaszczuk government's quest to ensure justice for survivors of child sexual abuse. It also reflects the Palaszczuk government's commitment to evidence based policymaking, something that the Palaszczuk government engages in with absolute commitment.

The bill arises from the comprehensive Royal Commission into Institutional Responses to Child Sexual Abuse, and the bill was subject to a rigorous committee process where affected stakeholders were able to make their views heard. This approach has defined the Palaszczuk government's approach to policy formulation and will ensure that justice can be achieved. The bill builds on the Palaszczuk government's already proud record in this space, including: the removal of the statutory limitation on commencing civil claims for child abuse, whether it be sexual, physical or psychological; making it easier for survivors of child sexual abuse to commence actions against institutions; and ensuring Queensland's participation in the National Redress Scheme. Finally, it also ensures it is clear that institutions have a duty to take all reasonable steps to prevent the sexual abuse of children.

These reforms build upon that proud legacy by creating a stronger criminal law framework not only to hold abusers to account but also to ensure that we build a culture of collective responsibility when it comes to stamping out child sexual abuse. The collective responsibility that our community holds to protect our most vulnerable manifests in this bill. In particular, the new failure to report and failure to protect offences recognise that historically child sexual abuse has been perpetrated because of the silence of others.

The new failure to report offence in section 229BC of the Criminal Code is based on the royal commission's recommendations and acknowledges that child sexual abuse is often conducted in a secretive or clandestine environment and is less likely than other forms of serious physical abuse or harm to be witnessed by other people and reported to police. A person must report information to the police where they believe on reasonable grounds that a child sexual offence has been committed against a child under the age of 16 years.

The failure to protect offence applies to an accountable person—an adult associated with an institution other than a regulated volunteer—as opposed to the reporting offence, which applies to all adults. An accountable person commits the offence: if they know there is a significant risk another adult will commit a child sexual offence; the other adult alleged offender is associated with an institution or is a regulated volunteer; or the child is under the care, supervision or control of an institution and is under 16 years or is a child under 18 with an impairment of the mind; and the accountable person has the power or responsibility to reduce or remove the risk and wilfully or negligently fails to reduce or remove the risk.

The royal commission in the *Criminal justice report* stated, in relation to the intention of the offence, that unlike a duty to report, a duty to protect is primarily designed to prevent child sexual abuse rather than to bring abuse that has occurred to the attention of the police. A failure to protect offence can apply to action taken or not taken before it is suspected that child sexual abuse is being or has been committed. While reporting to police may be one of the steps that could be taken to protect a child, it may not be sufficient to reduce or remove the risk. In some circumstances it may be criminally negligent not to take other available steps, particularly if the risk is immediate and other steps are available that will allow an intervention to occur more quickly. It is not, and should not, be sufficient to wait until abuse occurs and then inform the police.

I trust these changes will ensure that as a society we recognise that we all have a role to play when it comes to the protection of children and the betterment of our community more generally. The bill also addresses some of the contemporary challenges of tackling child sexual abuse, including the rise of the use of child sex dolls. These repulsive creations are used to cater to, and profit from, the perversions of particular individuals. By criminalising the supply and possession of these dolls we are able to crack down on this behaviour before it escalates any further and prevent the normalisation of the sexual abuse of children.

Finally, the bill also adopts various recommendations from the QSAC classification of exploitation material report. In particular, the bill implements reforms that will assist the heroic police officers from Task Force Argos who are tasked with bringing individuals with child exploitation material to justice. The Palaszczuk government will always support our frontline police officers.

I thank my fellow committee members, all the submitters who took the time to contribute to this report, and I acknowledge the victims of child sexual abuse. I am proud to be part of a government that addresses these serious crimes against our most vulnerable—our children. I commend the bill to the House.