




Speech By  
**James Lister**

**MEMBER FOR SOUTHERN DOWNS**

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

 **Mr LISTER** (Southern Downs—LNP) (5.36 pm): I too rise to make a contribution to the debate on the Criminal Code (Child Sexual Offences Reform) and Other Legislation Amendment Bill 2019. I am a member of the Legal Affairs and Community Safety Committee, along with my honourable friend the member for Toohey and my honourable friends the members for Mansfield, Macalister, Mirani and Currumbin. I note that, prior to the member for Currumbin joining our committee, her position was held by the member for Lockyer, who sat with me during the consideration of this bill.

I would like to add my sympathies and deep regrets on behalf of the people of Southern Downs, as expressed by the member for Toohey, for all of those who have suffered sexual abuse as children, be it an institutional setting or otherwise. It is a terrible thing. Being a member of parliament and having to consider this material has given me a better understanding. I would like to particularly thank Mr Kelvin Johnston from the Queensland Child Sexual Abuse Legislative Reform Council, who is a constituent of mine and who has taken me by the hand and led me through the complexities of government and societal responses to these problems. Thank you very much, Mr Johnston.

The bill aims to achieve the implementation of key recommendations of a series of reports; namely, the *Criminal justice report* of the Royal Commission into Institutional Responses to Child Sexual Abuse, which contains 85 recommendations aimed at providing fairer responses to victims of child sexual abuse, and the Queensland Sentencing Advisory Council's report titled *Classification of child exploitation material for sentencing purposes*, recommending changes to sentencing guidelines.

The bill makes amendments to the Criminal Code and the Penalties and Sentences Act. It creates a number of new penalties—which, as my honourable friend the member for Toowoomba South said in his shadow minister's response, the LNP will be supporting: the failure to report belief of child sexual offending, the failure to protect a child from sexual abuse in an institutional context, grooming a child or parent or carer of a child under 16, and an offence relating to child sex abuse objects.

I would like to go back and confine my comments to the question of failure to protect a child from sexual offences in an institutional context. The royal commission recommended that all Australian jurisdictions implement legislation to create a criminal offence of failure to report targeted child sexual abuse in an institutional context. The bill inserts a new offence, section 229BB, 'failure to protect child from child sexual offence'. A person associated with an institution commits a crime if the person knows there is a significant risk that another adult associated with the institution will commit child sexual offence against a child or a person with an impairment of the mind who is under their care, supervision or control. An institution includes entities such as schools, hospitals, government agencies, religious organisations, childcare centres, licensed residential facilities, sporting clubs and youth organisations. It does not matter that the knowledge was gained by the person during, or in connection with, a religious confession. I would like to talk about that for a moment.

The shadow Attorney-General spoke well about the contribution made by His Grace, the Archbishop of Brisbane, Archbishop Mark Coleridge. He made a very thoughtful and thorough submission to the committee during its consideration of this bill, and I too hold him in very high esteem. I am a practising Anglican—I am not Catholic myself—but he is a man for whom I have great respect. I too regret the impact this has on those Catholics who are very committed to practising their religion in a traditional way in terms of the sanctity of the religious confession. I understand and sympathise with the arguments that the Archbishop made in his very thorough submission to the committee.

It is, however, my view that the constituents of my electorate of Southern Downs take an overwhelming view that any exemption along the lines of a religious confession is unacceptable. I have had concerned Catholics approach me, saying that they wish to see religious confession exempted from the provisions of this bill. I am sorry to disappoint them in that; however, I would ask that they understand that I believe on the balance of public interest it is necessary that there shall be no exclusions, because the safety of children and their interests must be prime over every other consideration. I am sure no-one in this House would disagree with me in saying that. Other than that, I would like to support the bill and I look forward to hearing the contributions of other members.