



Speech by

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Hansard 26 February 2003

SEXUAL OFFENCES [PROTECTION OF CHILDREN] AMENDMENT BILL

Ms NOLAN (Ipswich—ALP) (2.42 p.m.): I rise to add my strong and heartfelt support for the Sexual Offences (Protection of Children) Amendment Bill. The bill seeks as its broad purpose to further reduce the opportunities for the sexual abuse of children and to crack down on those who commit such awful crimes. The sexual abuse of a child is certainly one of the most heinous crimes a person can commit. Paedophiles prey on the most vulnerable members of our community—children. Most of our instincts tell us to protect children and many of our social institutions, particularly the family, are set up to do just that. While the sex offender may quickly move on from their crime, the effects of sexual abuse on children are felt throughout the victim's life. Many people who have been sexually abused as children find it hard even as adults to cope with stress, to feel the confidence that comes with having been protected during childhood and to trust others, even those they love.

Fortunately, our society has made enormous steps in exposing and preventing sexual abuse of children in recent years. While these things were never talked about in the past, there is now extremely high public awareness that some people in the community, even if a very few, are sexual predators. Parents and schools instruct children to tell them if anyone approaches or touches them in a bad way and most parents are ready to report their suspicions. These changes are probably the most significant steps in preventing child sex abuse. We must remember, though, that these steps are very recent ones. Even when I was a child these things were not talked about. There are many people in our community who are only beginning to adjust to an environment of openness regarding child sex abuse, and for that reason I believe we should all be very cautious about criticising adults who come forward with allegations of child sex abuse. We should not question why they are only coming forward now. In addition to the change in community attitudes, significant improvements are being made in the legislative framework concerning child sex abuse. This bill furthers that process of reform.

While I will not speak on all aspects of the bill—they are covered adequately in the explanatory notes—there are a couple of changes which I strongly support and which I wish to highlight. Sexual abuse of a child is of course illegal, but this bill also outlaws paedophiles using the Internet to provide indecent matter to children under 16 or to procure a child to engage in a sexual act. This change will allow policing of potential paedophiles on the Internet, and paedophiles need to be aware that the vulnerable child they think they are developing a relationship with over the Net could in fact be a police officer.

Secondly, the bill redrafts the Criminal Code concerning the offence of maintaining a sexual relationship with a child. The essence of this change is that the offence does not require a jury to unanimously agree that particular unlawful sexual acts occurred as long as it is satisfied beyond a reasonable doubt that there was in fact a sexual relationship. This change in section 229 of the code changes the requirement of the court to reflect the reality of child victims. It is clearly absurd to think that children who have been persistently sexually abused would specifically recall separate incidents, let alone that they would remember times or dates. Therefore, the establishment of an unlawful relationship is more realistic.

The third change I want to focus on is that which increases sentences and toughens the sentencing guidelines for convicted paedophiles. As a result of this change, the general sentencing principle—that imprisonment is a sentence of last resort will not apply to paedophiles. In addition, the

penalty for indecent treatment of a child under 12 will increase to 20 years or 14 years if the child is under 16. I am not on the 'lock them up and throw away the key' bandwagon for most offenders but, as I said, I believe that these crimes are among the most dreadful and I would think the least clearly attributable to social circumstances. In that context, I consider these sentences appropriate. They are certainly in line with community expectations. The bill also broadens the conditions under which a judge can order that these offenders, once out of prison, must report to police. The current legislation says that a judge can order a convicted paedophile to report to police if he or she is of the view that there is a substantial risk that they will reoffend. This requirement is to be reduced from 'substantial risk' to 'risk'.

There is no doubt that the broader community is horrified by paedophilia; I share that view. I was, however, concerned about the actions of some in Ipswich in January at the time of some hysteria concerning the release of paedophile Dennis Ferguson. At the time of this man's release, the local paper, the *Queensland Times*, I believe quite inappropriately, ran a front-page story virtually identifying a house at West Ipswich to which this man, it claimed, was going to move. The story caused enormous anxiety in the community and led directly to a couple of yobbos getting on the grog, going around to the house that had been on the front page of the *Queensland Times* in the middle of the night and knocking the door down. In the event, Mr Ferguson did not move there anyway.

The course of events, however, was ugly and demonstrated what can happen when the community and the media get into a frenzy. No-one wanted Dennis Ferguson, but no-one had the right to knock down these people's door either. The community does not need vigilantes, who are never in possession of all the facts, let alone all their wits, to pursue these matters of paedophilia on our behalf. These vigilantes are in fact a danger to the community in themselves. The community is more aware of paedophilia. A change of attitude is helping to prevent it and ensuring that it is reported more often. With these changes and others that will follow, the legal system is better equipped to deal with it and I hope that, increasingly, these changes together will create a situation where we have enough faith in the legal system that the vigilantes will stay home. I commend the bill to the House.