

16 August 2019

Committee Secretary
Senate Legal and Constitutional Affairs Legislation Committee

By email to: legcon.sen@aph.gov.au

Dear Committee Secretary

Re: Inquiry into the Combatting Child Sexual Exploitation Legislation Amendment Bill 2019

The Royal Australian and New Zealand College of Psychiatrists (RANZCP) welcomes the opportunity to contribute to the Senate Legal and Constitutional Affairs Legislation Committee's Inquiry into the Combatting Child Sexual Exploitation Legislation Amendment Bill 2019 (the Inquiry). The recent focus on combatting child sex abuse, including the recommendations of the Royal Commission into Institutional Responses into Child Sex Abuse ('the Royal Commission'), presents an opportunity to reduce the risk of children being subjected to sexual abuse, particularly in institutional settings.

The RANZCP is the principal organisation representing the medical speciality of psychiatry in Australia and New Zealand and is responsible for training, educating and representing psychiatrists on policy issues. The College has more than 6500 members, including more than 4900 qualified psychiatrists and over 1500 associate (trainee) members. The RANZCP is guided on policy matters by a range of expert committees, who are well placed to provide insight into the issue of child sex abuse. Earlier this month (6 August), RANZCP representatives, including myself as President, met with the Head of National Office for Child Safety, Ms Kathryn Mandla, to discuss the National Strategy for Preventing Child Abuse and to affirm the RANZCP's active engagement with this issue.

The RANZCP is encouraged to see that the Bill seeks to implement a number of the Royal Commission's recommendations, in particular the introduction of the 'failure to protect' and 'failure to report' offences. The RANZCP considers that the introduction of these offences, and the duties that they incidentally create, will raise community awareness of child sex abuse, prevent abuse from occurring and limit ongoing instances of abuse.

If the Bill is passed into law, Commonwealth officers with a duty to report child sex abuse and protect children from such abuse will require support to ensure that their new duties can be appropriately carried out. Adequate training should be provided to Commonwealth Officers about their new duties to report and protect, how to identify that child sex abuse is occurring or has occurred and how to manage any imminent threats to the child to ensure their protection. They should also have access to professional services to ensure that they are supported through the experience of having witnessed grooming behaviour or child sex abuse to avoid possible trauma. This support should be ongoing, comprehensive and readily available.



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Where victims and their families are assisting an investigation or prosecution of these possible new offences, therapeutic support including psychiatric services should be made available. If the child or their family members are to give evidence in the course of a prosecution, the relevant court should provide adequate protections for them as witnesses to ensure that the process of prosecution is not one which causes further trauma. This would require coordination between protective, legal and therapeutic systems and a trauma-informed approach so as to prevent further harm.

The impact of providing training and/or support to Commonwealth Officers, victims and their families on the mental health system should be incorporated in any implementation of this Bill, if passed into law.

The RANZCP would be very willing to provide further information to the Inquiry as it moves forward.

Yours sincerely

/Associate Professor John Allan
President

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