



The Royal
Australian &
New Zealand
College of
Psychiatrists



26 September 2019

Committee Secretary
Senate Legal and Constitutional Affairs Legislation Committee
PO Box 6100
Parliament House
Canberra ACT 2600

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

Dear Committee Secretary

Re: Inquiry into the Crimes Legislation Amendment (Sexual Crimes Against Children and Community Protection Measures) 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 Crimes Legislation Amendment (Sexual Crimes Against Children and Community Protection Measures) Bill 2019 (the Inquiry).

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, such as the Faculty of Child and Adolescent Psychiatry, which are well-placed to provide advice in relation to the effect of child sex abuse on children, their families and communities.

The RANZCP has continuously been active in policy discussions surrounding child sex abuse. In August 2019, the RANZCP provided a [submission](#) to the previous Inquiry into the Combatting Child Sex Exploitation Legislation Amendment Bill 2019 and a RANZCP Fellow, Dr Denise Riordan, attended the Inquiry's public hearing. We supported the Royal Commission into Institutional Responses to Child Sexual Abuse by providing various responses to consultation and issues papers. The RANZCP has also issued a [position statement](#) in relation to child sex abuse, which outlines the role of psychiatrists in identifying and reporting child sex abuse, as well as assessing and treating children who have been sexually abused. In August this year, 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 notes that the Crimes Legislation Amendment (Sexual Crimes Against Children and Community Protection Measures) Bill 2019 (the Bill) would increase maximum penalties for federal child sexual offences, as well as introduce mandatory sentencing, presumptions for cumulative sentences and for offenders actually serving sentences of imprisonment. We believe that the inclusion of these provisions reflects current community expectations, as acknowledged by Attorney-General Porter in his second reading speech to the Bill, and that they are appropriately balanced with a requirement for courts to consider rehabilitation in sentencing an offender, including imposing treatment conditions. Research has demonstrated that treatment can reduce rates of recidivism in sexual offenders [1]. The Commonwealth Government should ensure that courts are equipped to consider rehabilitation and conditions relating to treatment in an informed way to ensure that offenders have access to treatment programs which will have the best chance of reducing recidivism. Prison-based programs may not be effective for all groups, and may be more effective when linked to community-based programs [2] and when they are designed taking into account culturally-relevant factors [3]. The RANZCP is pleased to see that the Bill distinguishes the sentencing and rehabilitation options for intellectually disabled offenders from offenders more broadly, acknowledging that options may need to be modified to be effective for that population. Appropriate resources must be allocated to these programs to ensure that they operate effectively.

The RANZCP supports the Bill's focus on community safety, in particular the insertion of 'community safety' as a factor relevant to the revocation of parole, and the presumption against bail for more serious offences and repeat offenders. The RANZCP believes that these reforms would provide further safeguards against child sex abuse by restricting offenders' access to children after being charged with a child sex offence. The RANZCP also supports the Government's response to emerging trends, such as aggravated offences, offences relating to the use of electronic services and offences which relate to the grooming of third parties. The proposed third party grooming offences recognise the abuse of trust that occurs in the context of child sex abuse, not only in the relationship between the offender and the child, but also the child's family and community. It also raises awareness amongst families and communities that third-party grooming is occurring. The RANZCP does, however, note that it may be challenging to successfully prosecute these offences, as it may be difficult to establish the requisite mens rea and differentiate 'friendly' behaviour from 'grooming' behaviour, especially early in the grooming process [4].

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

Yours sincerely

/Associate Professor John Allan
President

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3. Mcgregor S. Sex Offender treatment programs: effectiveness of prison and community based programs in Australia and New Zealand. Australia: Indigenous Justice Clearinghouse; 2008. 14.
4. Mcalinden A. "Setting 'Em Up": Personal, Familial and Institutional Grooming in the Sexual Abuse of Children. *Social and Legal Studies*. 2006; 15(3): 339-362.