

Your Ref: Child sexual offending terms of reference

Our Ref: 21000339/175: Criminal Law Committee

5 October 2011

Ms Anne Edwards
Director
Sentencing Advisory Council
GPO Box 2360
Brisbane QLD 4001

By Post and Email to: Anne.Edwards@justice.qld.gov.au; SAC@justice.qld.gov.au

Dear Director

RECENT RESEARCH ON CHILD SEXUAL OFFENDERS

We write on behalf of the Criminal Law Committee of the Queensland Law Society in relation to your current project on the sentencing of child sexual offenders. The Australian Institute of Criminology (AIC) has recently released a report entitled, 'Misperceptions about child sex offenders' by Dr Kelly Richards.

The report is **enclosed** here for your convenience and can also be accessed at:

<http://www.aic.gov.au/en/publications/current%20series/tandi/421-440/tandi429.aspx>

The Society supports the views presented in this paper, which challenge some of the most common myths regarding child sex offenders by providing clear evidence. For example, the research demonstrates that most victims are children that are known to the offenders (such as relatives of the offenders). This dispels the commonly held view that more protection is needed to safeguard children from arbitrary sexual offending by strangers. In fact, this would indicate that there should be more emphasis on protecting children against sexual offending that occurs within their families and communities.

This paper also clearly highlights that there are various differences in the profiles of people who engage in this behaviour, and there are different reasons for the offending. In our view, this supports our position that sentencing for child sex offenders must be flexible and that these varying factors must be taken into account when sentencing individual offenders. We therefore reiterate our position that any recommendation to change the sentencing regime for child sexual offenders should not erode judicial discretion.

In conclusion, we agree with the paper's position that:

“Although sexual offending against children is a highly emotive issue, it is important that the empirical literature on this topic underpins any public policy response to child sex offenders (e.g. risk assessment, treatment, investigative and court processes, sentencing, child protection policies) in order to ensure the implementation of approaches that are best placed to enhance public safety and protect children from sexual abuse.”

We thank you for considering our comments in relation to your project. If you have any questions regarding the contents of this letter please contact Ms Binny De Saram on (07) 3842 5885 or b.desaram@qls.com.au; or Ms Raylene D'Cruz and (07) 3842 5884 on r.dacruz@qls.com.au.

Yours faithfully

Bruce Doyle
President

Enclosed: AIC report on Misperceptions about child sex offenders