



Honourable Deb Frecklington MP
Attorney-General and Minister for Justice
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9 DEC 2024

Mr Neil Laurie
The Clerk of the Parliament
Parliament House
George Street
BRISBANE QLD 4000

Dear Mr Laurie

I refer to e-Petition 4098-24 tabled in the Legislative Assembly on 10 September 2024 titled *Stronger legal protections and expedited judicial processes for children who are victims of sexual assault*.

Support services

I recognise that children and youth victims of sexual assault require specialised support services, including access to mental health services, legal advocacy, and comprehensive case management. Child and youth sexual abuse is often devastating and traumatic throughout life.

The Department of Justice (DoJ) provided approximately \$15.3 million funding to 23 organisations to provide sexual assault counselling services for adults and children 12 years and over, including counselling for current and historical sexual assault and abuse, in the 2023-24 financial year.

DoJ provides specific funding for youth sexual violence services, including:

- \$2.456 million per annum for nine youth sexual violence and abuse support services in five priority locations (Gladstone, Rockhampton, South Burnett, Moreton, Toowoomba) that deliver youth specific sexual violence counselling;
- \$0.349 million per annum for sexual violence prevention and therapeutic counselling in the Northern Peninsula Area (State funding); and
- \$0.426 million per annum (over 4 years) to True Child and Family Service to provide counselling and support to children and young people, who have experienced sexual violence, or are displaying sexually reactive behaviours.

Protections for witnesses

Under the Queensland *Evidence Act 1977*, courts have a broad discretion to make a range of orders in relation to 'special witnesses' to protect vulnerable witnesses when giving evidence in court. A special witness includes a child under 16 years as well as a person who has, or is alleged to have been, the victim of a sexual offence who is to give evidence about the commission of the offence.

Orders include that a special witness can give their evidence via alternative arrangements or with certain protections, including:

- excluding the accused person from the room or obscuring the accused person from view while the witness is required to appear in court;
- excluding all persons other than those specified by the court from the room while the witness is giving evidence;
- allowing a support person to be present while the witness is giving evidence;
- video-recording the evidence and viewing the evidence instead of requiring the witness to give direct testimony; and
- any other order or direction the court considers appropriate, including rest breaks or a direction that questions be kept simple.

The Queensland Intermediary Scheme (QIS) operates in Brisbane and Cairns, delivering essential communication services and support to child sexual assault victims. The QIS provides intermediaries, who are communication specialists such as speech pathologists and social workers, to assess children under 16 years and adults with an impairment of the mind or difficulty communicating who are witnesses to child sexual offences. Following the assessment, the intermediary provides advice to police and the courts about how to best communicate with the witness to obtain their clearest evidence.

On 2 September 2024, the Sexual Violence Case Management Pilot commenced in the District Court in Brisbane and Ipswich. The Pilot introduces a changed approach to the management of sexual offence proceedings in the District Court with the introduction of Sexual Violence Lists, case management and Mediated Case Conferencing. The practice changes are underpinned by Practice Direction 3 of 2024 which was developed in consultation with key legal stakeholders including the Queensland Law Society, Bar Association of Queensland, Office of the Director of Public Prosecutions and Legal Aid Queensland and outlines best practice principles for the management of all sexual offence proceedings in the District Court of Queensland.

The Practice Direction supports the early identification and resolution of issues, seeks to minimise delays in the Court process, provides greater certainty for all court users and reduces re-traumatisation by improving the experience of witnesses.

Legal protections for child victims

With regard to perpetrators of child sex offending, the Criminal Code provides a number of offences to target this abhorrent conduct, which carry significant penalties, including up to life imprisonment.

Further, the *Dangerous Prisoners (Sexual Offenders) Act 2003*, allows for the preventative detention of sex offenders who are considered to pose a serious danger to the community if released at the end of their sentence. The court can order that these prisoners, beyond the end date of their sentence, be detained indefinitely, or released conditionally and subject to strict supervision.

I can assure you this Government is committed to a zero-tolerance approach to child sexual abuse.

The Crisafulli Government is committed to seeking justice for survivors of child sexual abuse and preventing abuse of other children and will seek to identify opportunities for future reform to achieve these goals.

Tougher conditions for granting bail

The decision to release a person on bail is a decision for the courts, or the police at first instance if the defendant cannot be brought promptly before the courts. The courts (or the police officer at first instance) act within the framework provided by the *Bail Act 1980* (Bail Act).

I want to assure petitioners that the Bail Act provides for when a police officer or court must refuse to grant bail, including if there is an unacceptable risk that the defendant if released on bail: would fail to appear and surrender into custody; commit an offence; or endanger the safety or welfare of a victim or any other person.

Where a court (or police) decides that it is appropriate to grant bail, the Bail Act already permits a defendant's release to be subject to certain special conditions. The court (or police) have extensive powers to impose any special conditions they think fit the circumstances, provided the conditions are not more onerous than are necessary in the circumstances and the public interest.

Special conditions can include curfews, reporting to police, living at a particular address or prohibiting entering certain licensed premises. A Magistrates Court can also impose a condition that the offender participate in a rehabilitation or treatment program. The purpose of any special condition is to ensure, as far as possible, that the defendant: appears at court in accordance with their bail undertaking; does not commit further offences; endanger the safety of the public; or interfere with witnesses whilst at liberty.

The Bail Act also provides a mechanism for the prosecution, a complainant or the defendant to seek a review of, or appeal from, a decision to grant, vary, enlarge or revoke bail. The reviewing court may consider additional information or evidence and may make any order it considers appropriate.

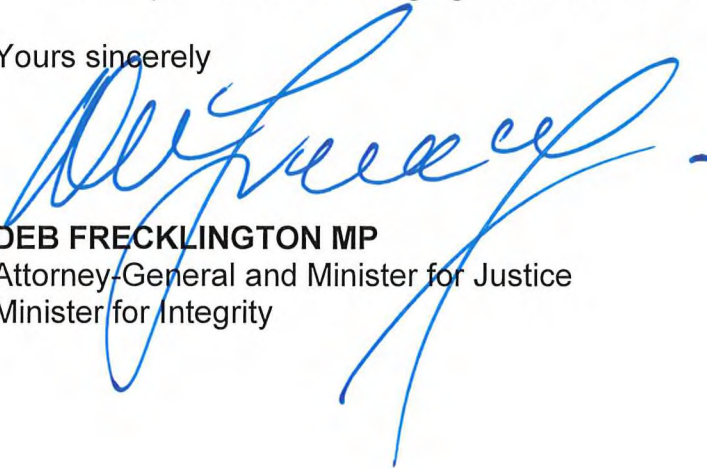
I can assure petitioners that the Crisafulli government is committed to keeping Queenslanders safe, especially our most vulnerable Queenslanders such as children.

As part of my Ministerial Charter Letter, the Premier has asked me to work cooperatively with the Minister for Families, Seniors and Disability Services and Minister for Child Safety and the Prevention of Domestic and Family Violence and the

Federal Government to progress implementation of recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse.

I thank the petitioners for bringing their concerns to the attention of the House.

Yours sincerely



DEB FRECKLINGTON MP

Attorney-General and Minister for Justice
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