

Royal Commission into Institutional Responses to Child Abuse.

Criminal Justice Issues.

Classification of Crimes.

Recommendations:

1. **All Australian jurisdictions adopt uniform legislation regarding childhood sexual (CSA) assault related crimes.** *Reason – The nature of the crimes are the same regardless of location. For the purposes of consistency, efficiency and certainty for victims, these crimes should be identically defined and prosecuted.*
2. **The crime of “grooming” a child be clearly defined and included in Uniform CSA legislation.** *Reason – Grooming can have serious long term detrimental effects on children – many of which are not dissimilar to the physical and emotional impacts of sexual abuse. Many child abusers have a number of children whom they are grooming at any one time.*
3. The crime of grooming family members be defined and included in Uniform CSA legislation.
4. The crime of “Unlawful Sexual Relationship” be defined and included in Uniform CSA legislation.

The Criminal Justice “System”

Recommendations:

1. **Dedicated sexual assault courts with specialist prosecutors, judges, and “victim advocates” be established and these be more closely aligned with an “inquisitorial” rather than adversarial approach.** *Reason: The adversarial approach is process driven, competitive and often confronting for victims. It is intended to provide a “winner” rather than necessarily to discover the “truth”. In CSA matters, the hearing often becomes one person’s word against another’s. An inquisitorial system in these circumstances offers the potential for greater balance between the parties.*
2. **Dedicated CSA officers should be placed in all police commands.** *Reason: Police stations are generally busy and stressful locations. “Front counter” staff can lack even the most basic of people skills – due in large part to the nature of their daily work. Such an environment is potentially disastrous for a CSA victim making a first disclosure to Police about their abuse. A failed presentation at the police station counter will almost certainly result in the complainant not trying again – or at least subsequently presenting as hostile and lacking credibility.*
3. **As far as is possible, dedicated CSA officers in police commands should maintain continuity of cases.** *Reason: Trust is very hard earned with most CSA victims. Changes in personnel can therefore be psychologically difficult for them.*
4. **As far as is possible, legal practitioners in the sexual assault courts should maintain continuity of cases.** *Reason: See n.3 above.*
5. **Restorative justice approaches in CSA matters should never be considered.** *Reason: Restorative justice requires the establishment of an equal footing and a genuine desire on*

the part of the perpetrator to make amends. Research shows that very few CSA offenders feel any genuine remorse. Restorative justice processes then become a farce entered into by the perpetrator to potentially reduce punishment.

6. **There should be no time limitation on reporting of CSA offences.** *Reason: It is well documented that many CSA victims can take decades to report the offences against them. Anything which limits their capacity to make a complaint serves only to allow child abusers to act with impunity.*

Education

Recommendations.

1. **All new Police officers receive CSA training as a mandatory part of all cadet intakes.**
2. **All existing Police officers receive basic CSA training through Continuing Professional Development Programs.** *Reason 1 and 2 : Many uniformed Police officers present as authoritarian and are generally disinterested in men presenting with a complaint of sexual abuse. As noted above, such a response will potentially cause the complainant to walk away and not return.*
3. **All universities which offer law, social work, psychology, police studies, nursing, general medical practice and the like, develop a standard academic unit regarding the legal and psychological peculiarities of CSA. Such unit to be mandatory for all law students, Police Studies students, general medical practice and psychiatry students. (In lieu of an elective unit of study)** *Reason: Childhood sexual assault takes place in many environments and has increasingly well understood consequences for victims. Every professional who will potentially come into contact with CSA victims should be well informed about the issues.*
4. All legal practitioners, as part of their CPD programs be offered short courses in CSA through their professional bodies. Such CPD to be mandated for all legal practitioners engaged in the sexual assault courts, and who might potentially be involved in compensation claims/litigation.

Third party crimes

Recommendations.

All Australian jurisdictions adopt uniform “third party” offences regarding “knowledge” of CDA offences occurring and failing to act to report the offending and to prevent its further occurrence. Such offences should be drafted to “capture” both organisations and individuals within the “management” structure. *Reason: To date, no Australian citizen, and potentially no-one in the world has been convicted for concealing the offences of repeat CSA offenders. This is both a moral and legal issue which is at odds with community expectations. Allowing a person to commit crime, safe in the knowledge that no personal consequence attaches, cannot be allowed to continue.*

The Commonwealth Government, through its involvement in the United Nations should lobby the Security Council and General Assembly to withdraw the recognition of the Catholic Church/Vatican/Holy See as a Nation State. *Reason: No other religion enjoys such status and the majority of requirements for recognition as a Nation State are not met by the Catholic Church. It currently uses its Nation State status to avoid accountability for its behaviour, and to influence other nation states regarding its religious agendas.*