

## Strengthening Child Sexual Abuse Laws in NSW Submission

I welcome the opportunity to be able to present my submission to the NSW Department of Justice regarding the strengthening of Child Abuse laws in NSW.

In particular my submission relates to Recommendations 30, 31 and 76 in the Royal Commission into Child Abuse Report:

*30. State and territory governments should introduce legislation on to remove any remaining limitation on periods, or any remaining immunities, that apply to child sexual abuse offences, including historical child sexual abuse offences, in a manner that does not revive any sexual offences that are no longer in keeping with community standards.*

*31. Without limiting recommendation 30, the New South Wales Government should introduce legislation to give the repeal of the limitation period in section 78 of the Crimes Act 1900 (NSW) retrospective effect.*

*76. State and territory governments should introduce legislation to provide that sentences for child sexual abuse offences should be set in accordance with the sentencing standards at the time of sentencing instead of at the time of the offending, but the sentence must be limited to the maximum sentence available for the offence at the date when the offence was committed.*

And to Questions 11 and 12 in the NSW Discussion paper:

*11. Should NSW adopt the Royal Commission's recommendation that in historic child abuse matters an offender is sentenced by applying current sentencing principles but in accordance with the historic maximum penalty?*

*12. Should the repeal of the limitation period for certain child sexual offences committed against females aged 14 and 15 years be made retrospective as recommended by the Royal Commission?*

I don't have a legal background but come from a family shattered by historical child abuse. I hope that by sharing my family's story the Department of Justice will be convinced of the need to urgently remove any limitations to clear the way for all victims of historical child sexual abuse to finally get justice.

### **BACKGROUND**

My sister who is 12 years younger than me is one of the many, many victims of historical child sexual abuse who have their cases on hold with the DPP until the limitation periods are repealed with retrospective effect.

My sister came forward last year after keeping her secret for 40 years. Her life has been ruined. The first 6 years of her life were very traumatic and she was removed from her mother, an alcoholic. After several abusive placements in foster homes she was placed in my family's home at age 6.

There she found a secure and happy environment and was very loved. That peace lasted for about 7 years before a family member began to sexually abuse her. She was a very shy girl too afraid to speak out. The offender threatened her. Her life spiralled downward for many, many

years despite unwavering support from my parents and after my mother died by my father. My sister remained silent about the abuse.

Last year my sister came forward after the offender, a family member, was convicted on 11 counts of child sexual abuse against his stepdaughter in the late 1980s and 90s. The offender is currently in prison serving a 10-year sentence with a minimum parole period of 5.5 years. His stepdaughter is a very traumatised young woman.

In 1979 the offender, while a serving NSW police officer, was convicted of indecent sexual assault on an 18 year old male. The offender was immediately removed from the Police Force.

Several years later the offender became a Youth Officer and worked for approximately 10 years with disadvantaged youth in NSW some of whom I have been told he took on remote camping trips or brought them to live at his home.

He later moved to the Northern Territory working in Remote Aboriginal Communities and ran, among other things, domestic violence and child abuse programs.

I believe there will be many other victims.

## **CURRENT SITUATION**

Currently in our family we have:

- Two very traumatised victims of historical child abuse
- The same offender
- In the same state (NSW)
- One victim has been able to pursue her case and obtain justice. (The police had obtained evidence in taped conversations between the offender and the victim.)
- The other victim, my sister, is prevented from obtaining justice because of the limitation period in section 78 of the *Crimes Act 1900* (NSW).

The scales of justice on this matter are very much out of balance.

My sister's case has been thoroughly investigated by an excellent detective and is with the DPP. The case cannot move forward and my sister cannot get justice until the limitation periods are repealed with retrospective effect.

The horror of the abuse and the devastating life long effects are in no way diminished because the abuse occurred in a particular month, year or decade. Nor should the ability to obtain justice be determined by the week, month or decade of the offences.

There were so many fears, taboos and lack of processes for such crimes to be reported decades ago. The victims were treated as though they were the criminals. What young girl who had already been removed from her family home and placed in several abusive foster homes would speak out in those years? She thought she would be removed from our family. She had parents who loved her. Why would she do anything that might result in her removal?

The offender is a repeat offender who had made his career working with disadvantaged youth and in remote Aboriginal communities. He needs to be brought to justice for the crimes against my sister. Hopefully, other victims will come forward.

It's taken a tremendous amount of courage for my sister to come forward. She's been through the trauma of reliving the events, while making her statement to police and revealing her story to family and to this point it's all to no avail. It's devastating! Devastating to her and to all of our family!

We are all getting older, the victims, the witnesses and the offenders. There is no time for delay in repealing retrospectively any limitation periods in historical child abuse cases.

With regard to sentencing standards and procedures in historical cases - any change that will facilitate the ability of judges to impose longer sentences should be adopted. However, I would make the comment that as the victims have suffered for decades, are still suffering today with their lives ruined while the offender has lived unpunished for decades, it seems unfair that today's penalties cannot be applied.

## **CONCLUSION**

In order for all victims of historical child sexual abuse in NSW to get justice I ask that the NSW Justice Department take immediate steps to:

- introduce legislation to give the repeal of the limitation period in section 78 of the *Crimes Act 1900* (NSW) retrospective effect. The horror of the abuse and the devastating life long effects of child sexual abuse are in no way diminished because the abuse occurred in a particular month, year or decade. Nor should the ability to obtain justice be determined by the week, month or decade of the offences.
- introduce any other legislation required to remove any other limitation on periods or any remaining immunities that apply to child sexual abuse offences, including historical child abuse offences
- recognise that the changes must be dealt with urgently as victims, witnesses and offenders are all getting older and too many victims have their cases on an agonising hold.
- make the necessary changes to sentencing standards and procedures to facilitate the ability of judges to more adequately make the punishment fit the crime and the lifelong effects of the crime. This includes making the maximum sentence mandatory for repeat offenders with multiple victims and convictions over decades.

I hope this submission convinces the Department of how desperate so many victims are for legislation regarding limitation periods, remaining immunities and sentencing standards in relation to historical child sexual abuse to be introduced and passed as a matter of urgency.