
The Laws About Sexual Child Abuse

Children in society often encounter many inherent disadvantages as they are much less aware of their rights and thus require greater protection. Child protection refers to strategies and structures aimed at protecting children from abuse, exploitation, neglect and violence (Save the Children, 2010). The laws in Queensland relating to the protection of children to a considerable extent, are adequate and protect children and their rights which is paramount, with a particular focus on the sexual abuse of a child.

There are numerous laws that protect children and their rights, which include, The Child Protection Act 1999 (QLD) and the Family Law Act 1975. The Child Protection Act 1999 provides the legislative framework for the protection of children in Queensland. The main principle of The Child Protection Act 1999 is that the safety, wellbeing and best interests of a child are paramount (Department of Communities, Child Safety & Disability Services, 2017). In particular, Section 9 of The Child Protection Act, defines harm to a child as any detrimental effect of a significant nature on the child's physical, psychological or emotional wellbeing. Harm can be caused by physical, psychological or emotional abuse, neglect, sexual abuse or exploitation (Australian Institute of Family Studies, 2019). Additionally, The Family Law Act 1975 (Cth), applies across Australia, which nationalised and standardised the family law system to ensure the rights of all Australian children are adequately ensured. It focuses on the rights of children and the equal responsibilities that each parent has towards their children (Commonwealth of Australia, 2019). Accordingly, The Child Protection Act 1999 (QLD) and the Family Law Act 1975, provide adequate protection of children with Queensland and Australia and therefore protect children and their rights, which consequently is revealed through recent statistics and data.

Recent studies show the increasing reports in Australia, which outlines how the laws are protecting children and their rights. The most recent national figures retrieved from the AIHW indicate that during the years of 2015 to 2016, there 355,925 notifications of either sexual, physical or emotional abuse and neglect issued by state and territory authorities which is a rate of 42.0 notifications per 1,000 Australian children. This represents an increase of 11.2% from the 320,169 reports made in the previous year. The rate of notifications has risen in total from 33.8 per 1,000 children in 2011-12 to 42.0 per 1,000 in 2015-16 (AIHW, 2011, 2017). The increasing number of notifications may well be due to a greater awareness of child abuse over the period reviewed and the fact that some of the States and Territories have made amendments to their laws. The Queensland Child Protection (Mandatory Reporting-Mason's Law) Amendment Act 2016 was passed in 2016 and establishes mandatory reporting laws for childcare workers to report suspected child sexual and physical abuse cases to authorities (Horn, 2016). This amendment protects the most vulnerable and paramount of Australia's society. This is indisputable, as from the period of September 2016 to June 2017, with is under 9 months, reports from childcare workers, regarding potential child abuse cases increased more than 20 per cent. And in the year of 2017 from January to March, the number of calls from childcare personnel to department staff had increased by 217 compared to the same period in 2016. These statistics display how the amendment of the Child Protection Act 1999, was recognised and acted upon before Mason's Law was officially enforced. The statistics of increasing reports and the new amendment demonstrates how the current laws in Queensland

are adequate relating to the protection of children and their rights, particularly child protection in cases of sexual abuse.

When dealing with a sexual abuse case, there are many stakeholders that are affected. These being, the child, whom the abuse was enforced on and the family of the child. Sexual abuse inflicted on a child is a particularly sinister type of trauma as the shame from the incident instils the victim during their childhood and through their adult life (Hudson, 2013). Child victims at the time cannot completely comprehend what took place and know how to seek help, depending on their age. Another stakeholder is the parents and family of the child abused. The family members are often called the “secondary victims” or the “forgotten victims” as they also experience trauma from the event. Parents can experience a wide range of negative emotional responses towards their child’s victimisation and these reactions may influence what support the parent will be able to provide. Parents can experience anger, sadness and guilt, can become overprotective of their child and isolate themselves from their children, partners, family and friends (J. McCourt, J. C.F, Peel & Price O’Carroll 2007). The stakeholder is not only the victim, but the people impacted on a personal level due to the sexual abuse. The Child Protection Act 1999 (QLD) and the Family Act 1975, both adequately protect stakeholders and their rights. The Child Protection Act 1999, S14, part 1 explains the Substantiation of alleged harm and outlines the responsibilities the chief executive must immediately act upon, if there is an alleged harm or risk of harm to a child, and the child is in need of protection. Furthermore, S18 outlines that a child at immediate risk may be taken into custody for protection (Australian Government – Queensland, 2018). The families and parents of the victim are also protected through the current laws and processes in place. The Queensland government has numerous services for help and support available to those affected by sexual abuse. Therefore, the current laws in Queensland are adequate as they protect the child and their rights.

There are many cases that relate to the sexual abuse of a child, all of which the protection of the child is foremost paramount. A recent case of sexual abuse involves George Pell, the Vatican treasurer and the third most senior Catholic in the world. In 2019 he was convicted of five charges. A jury delivered the unanimous verdict on 11 December in Melbourne’s county court and was found guilty of sexually penetrating a child under the age of 16 as well as four charges of an indecent act with a child under the age of 16. The offences occurred in December 1996 and early 1997 at St Patrick’s Cathedral, months after Pell was inaugurated as Archbishop of Melbourne. One of the complainants at the centre of the case who’s identify is protected stated that, “Like many survivors I have experienced shame, loneliness, depression and struggle.” During the case the law protected the victim’s identity as he testified behind closed doors during the trial. This conviction of George Pell displays the importance of protecting the victims, who were children at the time it occurred regardless of how long ago it was. Another case which demonstrates the protection of children and their rights involves a Toowoomba primary school former principal. Gerard Vincent Byrnes had been convicted of 44 child sex offences involving 13 girls aged between eight and 10-years of age as a result of complaints from several parents (Davies, 2014). Byrnes is now serving 10 years in jail. This conviction again shows the protection of children, as Byrnes was convicted, and the children and families have justice. Both cases demonstrate how the Queensland law adequately protects children and their rights, which is paramount. However, to further protect children, awareness, mandatory reporting and rehabilitation and support can be implemented to protect children and their rights.

Firstly, raising awareness and knowledge in children and the broader community about risks

can foster protective behaviours and may help to increase detection of abuse (Boyd & Bromfield 2006; Irenyi et al. 2006). Awareness of the nature of child sexual abuse and its multiple dimensions is an essential condition for prevention, recognition, and action, and is required at individual, institutional, and societal levels. It is vital to educate young people about healthy relationships. Awareness first and foremost, must be developed in the children themselves and within parents and caregivers, professionals in education, childcare, health, law enforcement, social welfare and other organisations, as these are the trusting adults whom the children turn towards. Improved awareness of these factors would greatly assist the response to child sexual abuse. (Collin-Vézina, D., De La Sablonniere-Griffin, M., Palmer, A. and Milne, L. (2015). Furthermore, mandatory reporting of any signs of physical or sexual abuse needs to be implemented into sporting or social organisation as everyone among the community has a responsibility to protect children and their rights. Lastly, providing adequate rehabilitation for victims and victims friends and family crucial for victims for get the help and support they need. Like adult victims, children experience significant psychological and emotional distress which can continue into their adulthood if not addressed properly.

With the introduction of awareness and mandatory reporting amongst the community, and adequate rehabilitation, children will further be protected by Queensland law and procedures.

The laws in Queensland relating to the protection of children to a considerable extent, are adequate and protect children and their rights which is paramount, with a particular focus on the sexual abuse of a child. These laws include the Child Protection Act 1999 and the Family Law Act 1975 which both outline the importance of and take action upon the protection of children and their rights. Through the implementation of awareness, mandatory reporting and rehabilitation, the laws will further be adequate and protect the most vulnerable in society, which is paramount.