

**Submission
No 7**

SENTENCING OF CHILD SEXUAL ASSAULT OFFENDERS

Name: Miss Jemima Whitford
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Jemima Whitford

Honourable Members
Ministers sitting on the Joint Select Committee On Sentencing of Child Sexual Assault
Offenders

23rd February 2014

Dear Ministers,

This letter is to discuss the matter of sentencing and the sentences handed down to Paedophiles for paedophilic acts within Australia. Your government seems to be serious in taking action on this matter and initiating considered, immediate steps towards addressing this problem within Australia with current commission inquiry to the sentencing of Paedophiles and, hopefully, creating and/or adjusting legislation regarding the sentencing of Paedophiles.

Australian sentences given to perpetrators of this abusive and societally destructive crime are too light and neither provide a deterrent, to the committing of this crime by punishing it strongly nor does it provide a punishment which reflects the severity of the acts the victims have been subjective to.

The actions of paedophiles are a life sentence to the victims. The effects of these acts never go away, creating psychological scars which are kept within the victims psyche and physical self for the rest of their lives and often, sadly, also creates a continuation of violence within society and more Paedophiles, as it is well known individuals who suffer abuse in their childhoods often grow to repeat the abuse they were subjected to on others when they are adults.

Sexual abuse created and perpetrated by Paedophiles, results in social and economic costs to individuals, families, communities and our nation. It has huge costs for all people involved, the victims, their family, friends and the community. Its perpetuation makes it difficult for victims to maintain a healthy mindset to enable maintain school or healthy relationships and leaves people vulnerable to long term social problems and mental-health issues like depression etc and all of these issues and many others impact on the community and the health and community systems (amongst many others) as a whole.

Children deserve our protection. Their safety and well being is the responsibility not just of the custodial parent but also of the community at large as they are a very vulnerable group, incapable of being responsible for their own safety. This leaves them exposed and exploitable, available to the paedophilic abuse from adults. Most adults recognise the acts which paedophiles subject children to are abhorrent and unacceptable to the Australian community and larger world community. However, it seems, Paedophiles either do not or are unable control their desires or both. If Paedophiles are unable to live within society and uphold the

expectations of the community regarding conduct and appropriate interaction with children Paedophiles should not be allowed to live within society so as to keep the community and its children safe.

I would encourage the government to change legislation so the maximum sentence now becomes the minimum sentence. I recognise some cases which fall under the Paedophile umbrella are ones in which participants are both 15 years old and fall under this legal umbrella because they are, technically under the legal age considered for a sexual relationship. To address these types of cases a subsection may be added to the legislation: if the individuals in the case have a, for example, 5 year age gap between them this would allow the Judge to be lenient and give a punishment at his discretion is appropriate to the case but does not allow severe cases to be given a light punishment.

During discussion with various professionals regarding this area it has been made know to me Australia allows retrogressive sentencing of Paedophiles thus allowing Paedophiles to be given the sentences legislated at the time of the act rather than the time at which the case is being heard is utilised. This is disrespectful to the victims of the crime who have had to live with these acts in their lives from the point of time the acts were committed to the time the prosecution has begun. This may also be negated by legislating a clause which disallows retrogressive sentencing to happen within these cases specifically.

Respectfully I urge the government to protect our children and give sentences to Paedophiles which reflect the atrociousness of their abusive acts and send a clear message it will no longer be tolerated. I congratulate the states which have legislated the “king hit” punch to be considered murder and urge the legislation regarding sentencing of Paedophiles to reflect the seriousness of the acts committed. Our record of sentencing in this area is an embarrassment to Australia on a world scale and needs to change.

Western society gave children rights only after rights were given to animals. Let’s not continue this ridiculousness and protect the vulnerable in our community creating a better future for our world. Thank you for considering this request and my submission. I would also ask that you respond and indicate the steps that your government will take to address sentencing of Paedophiles in Australia.

Sincerely,

Jemima A Whitford.

[Redacted signature]