

## SEXUAL OFFENCES

3 July 2008

**The Hon. D.G.E. HOOD:** When Family First first gained representation in this parliament on 9 February 2002, the situation at the time was that no person could be prosecuted for a sexual offence if the offence had been committed prior to 1 December 1982. My colleague the Hon. Andrew Evans MLC sought to overturn this ban and this parliament supported that measure, to its credit. The new laws operated retrospectively to make available for prosecution those people who had committed sexual offences prior to 1 December 1982. This was a unique prohibition at the time which had been in effect since 1952.

At the time he introduced the bill on 10 July 2002, the honourable member said in concluding his second reading contribution:

Such offenders will be brought to justice; some, who may even still be offending, will have to face the courts. Finally, we will honour the victims.

On motion of the minister and with a concurring motion in another place by the Attorney-General, a select committee was formed on 29 August 2002 and comprised the minister (Hon. Gail Gago) as chair, the Hon. Robert Lawson, the members for Enfield and Reynell and the former member for Hartley. The select committee received 34 submissions, 25 of which supported removing the immunity from prosecution. Not surprisingly, I note that one opposing submission was from the Criminal Law Committee of the Law Society.

This parliament's select committee concluded on 28 May 2003, recommending removal of the bar to prosecution, and on 17 June 2003 the bill became law and came into effect. We have therefore just passed the five-year anniversary of that enactment. The Hon. Andrew Evans' bill saw so many victims come forward concerning abuse that they had suffered before 1 December 1982 that an investigation into abuse in state care was commenced: the Mullighan inquiry into the abuse of wards of the state, about

which we heard the multi-partisan apology on our last sitting day, 19 June 2008. My questions are:

1. How many people have been prosecuted as a direct consequence of the Hon. Andrew Evans' bill?
2. How many sex offenders are now behind bars because of the honourable member's bill?
3. What other impact has the honourable member's bill had on exposing child sexual abuse in South Australia?

**The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning):**

I thank the honourable member for his question and, indeed, the honourable member has very accurately outlined the chain of events that began with the Hon. Andrew Evans' initiative in relation to removing the time limit for prosecution of certain sexual offences.

What we have seen since that time is a very significant change in attitude right across the community. If one looks beyond the statistics, whatever the number of people who are charged and the subsequent Mullighan commission, I think we can say that we have probably changed forever the complacency and indifference—if I can describe it as that—surrounding child sexual abuse that was apparent not so many years ago. As the honourable member said, it was only five years ago that there was that sort of indifference and complacency towards child sexual abuse. That has changed, and I think that is far and away the most important and lasting legacy of that chain of events.

In relation to the statistics, I have some information with me in relation to prosecutions, but if there is any more information I will take that part of it on notice and bring it back. The Paedophile Task Force has provided the Director of Public Prosecutions with 85 investigation files since 2004. These files are coming at the rate of approximately 30 per year. The Paedophile Task Force

is currently investigating 39 matters that do not relate to the Children in State Care Commission of Inquiry. Those 39 investigations involve 131 victims with 73 suspects. The Paedophile Task Force has received 151 referrals from the Children in State Care Commission and expects to receive further referrals up to about 200 in total. These referrals to date relate to 371 suspects. To date only 14 such matters have been referred to the Office of the Director of Public Prosecutions, and I think the anticipation is that around 20 per cent of the suspects will eventually be charged, which in itself still represents a considerable body of work, given the defendants involved and the number of victims, which may necessitate separate trials.

The advice I have is that the next 15 matters to be referred to the Paedophile Task Force are very complex, but the expectation is that it will continue to refer matters at the rate of about 30 or so per year. In addition, I am advised that there are currently 40 pre-1982 sex offence investigations being handled by the local service areas of the police force and, given the complexity of these, hopefully at least half will lead to arrests or reports in the next 12 months, and the remainder after that.

As the honourable member said when he quoted the Hon. Andrew Evans, a number of people will not be charged under this because many of the perpetrators are deceased and there are questions of evidence. Beyond those statistics, the whole attitude of society has changed, as it needed to, in relation to the tolerance of such incidents, and the chain of events put in place by the Hon. Andrew Evans will be a significant lasting legacy of his contribution.

**Honourable members:** Hear, hear!