

“Concern over rise in under-17 rape victims”, *The Australian*, 10 December, 2018, page 5.

Tessa Akerman

Nearly 20 per cent of rape complaints to Victorian Police last year were made by victims under 17, raising concerns about growing sexualisation of children and young teenage girls. New figures obtained from the Crime Statistics Agency show 426 cases of rape reported by a person 16 or under were reported between July 2017 and June this year compared with 304 cases in 2013-2014...

Many court cases linked to these underage rape reports show the statistics often relate to teenage girls with older boyfriends. Bravehearts chair Hetty Johnston said young people no longer knew what was right or wrong.

“The whole thing is spiraling out of control,” she said. “Young people just don't know what's normal anymore.”

The high number of child sexual assault reports are matched by sentencing in the County Court where nearly three times as many offenders were hailed last year for sexual penetration offences against a child as for rape offences against an adult.

In 2017-18, the County Court recorded 125 people were sentenced for the principal proven offence of sexual penetration of a child compare with 46 for rape.

The data for sexual penetration of a child included the offences of sexual penetration of a child under 12, sexual penetration of a child under 16, sexual penetration of a child under 16 or 17 under care...

While the number of sentences for sexual offending against children in the County Court was significantly higher, the average sentence was lower.

The average sentence for rape in 2017-18 was 78 months, The average sentence for sexual penetration of a child was 57 months...

Comment: In Darwin and the Northern Territory, the rates of child sexual abuse and in general sexualisation of children is the highest in Australia, and has been so for decades. Amongst a subculture of homeless and street youths, promiscuous sex is common. From the viewpoint of people like Hetty Johnston, these young people “just don't know what is normal anymore (although it may seem normal to those who have experienced sexual and physical abuse in the home). There may not be any sense that casual sex between children under 16 is “wrong”. This is the environment in which the accused in the 2003 Darwin case was living. On a sleepy public holiday in May he chanced upon two bored teenage girls waiting at a bus stop. One of the girls accompanied him into the school yard where they were observed in an intimate embrace and later walking back to the road together, where the girl's young friend had been waiting for 45 minutes. Kyle thought nothing more of it, until picked up by police while waiting at a nearby bus stop. Three and a half years later, now 18, Kyle faced Chief Justice Brian Martin in the Darwin Supreme Court, a judge under extreme media pressure after sentencing an Aboriginal man to one month's jail for the rape of a 14-year-old girl. Judge Martin made it clear to the jury that an offence had occurred because a girl under the age of 16 could not give consent; however law enforcement officers recognise such behaviour amongst teenagers would be impossible to police. Indeed, after being charged on 3 May, 2003, Kyle was free to live in Darwin without restraint for the next three and a half years, in which time he found a partner and the two had become parents to a baby daughter, born while Kyle was awaiting sentencing. The Chief Justice expressed surprise that the only detention Kyle had served was from the November date of his conviction in his 2006 trial. For his juvenile alleged offence, Kyle received 84 months in Notorious Berrimah prison.

Concern over rise in under-17 rape victims

EXCLUSIVE

TESSA AKERMAN

Nearly 20 per cent of rape complaints to Victoria Police last year were made by victims under 17, raising concerns about growing sexualisation of children and young teenage girls.

New figures obtained from the Crime Statistics Agency show 462 cases of rape reported by a person 16 or under were reported between July 2017 and June this year compared with 304 cases in 2013-2014.

By comparison, 2098 rape cases were reported by adult victims last year and 1303 cases were reported in 2013-2014.

Many court cases linked to these underage rape reports show the statistics often relate to teenage girls with older boyfriends.

Bravehearts chair Hetty Johnston said young people no longer knew what was right or wrong.

"The whole thing is spiralling out of control," she said.

"Young people just don't know what's normal anymore."

She said while the royal commission into institutional child sexual abuse had lifted the lid on the prevalence of child sexual assault, the highlighted abuse was not the norm.

"The research is clear, most child sexual assault occurs in and around the home and is committed by someone known and trusted — often loved," she said.

Assistant commissioner of Family Violence Command Dean McWhirter said the royal commission had played a critical role in getting victims to come forward, especially reporting historical abuse.

"The fastest-growing number of sexual offence reports received by police, in the last few years, relate to historical offences," he said.

Last year, 48 reports of sexual penetration of a person aged between 10 and 16 were made with 28 reports of sexual penetration of a child under 10; both charges have not been in use since 1991.

The high number of child sexual assault reports are matched by sentencing in the County Court where nearly three times as many offenders were jailed last year for sexual-penetration offences against a child as for rape offences against an adult.

In 2017-18, the County Court recorded 125 people were sentenced for the principal proven offence of sexual penetration of a child compared with 46 for rape. The data for sexual penetration of a child included the offences of sexual penetration of a child under 12; sexual penetration of a child under 16; sexual penetration of a child 16 or 17 under care/supervision/authority; persistent sexual abuse of child under 16; sexual penetration of child or lineal descendant; sexual penetration of stepchild and incest — by parent/lineal ancestor/step-parent. The data also includes prior versions of these offences that have been repealed.

While the number of sentences for sexual offending against children in the County Court was significantly higher, the average sentence was lower.

The average sentence for rape in 2017-18 was 78 months. The average sentence for sexual penetration of a child was 57 months.

Sentencing Advisory Council chair Arie Freiberg said the sentences handed down to child-sex offenders had started to toughen with judges now talking about the inherent violence of the offence and the long-term harm.

"I think the discourse has really changed dramatically," he said.

"I think there's now an acceptance of the seriousness of the long-term consequences and the nature of the harm."

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