

# Media Release

## The Dangers of ‘Failure to Protect’ Laws

Peninsula Community Legal Centre is concerned about proposed new laws that could see mothers jailed for up to three years for failing to report to police the sexual abuse of their children, and warns that such laws could further harm the very children it seeks to protect.

Acting Principal Lawyer, Brendan Stackpole, says:

“The Victorian government recently introduced into Parliament the Crimes Amendment (Protection of Children) Bill 2014 as part of its response to the way child abuse has been handled by religious and other non-governmental organisations. We support the creation of a new criminal offence for a person “in authority” failing to report child abuse to police. However, we are concerned about clause 4 of the Bill which requires “any person” to report to police a sexual assault of a child under the age of 16.

For example, this could mean that a mother who was the non-abusive parent, and was herself the victim of family violence from the same perpetrator, could be jailed. She would then be unable to protect and support the child in their recovery, while the child may be left in the care of the State, or in some cases even with the perpetrator of the abuse.

Although the legislation includes a defence of “reasonable excuse” if the person feared for the safety of another person, we are concerned that this does not offer adequate protection, as the dynamics of family violence are often misunderstood, with unsafe or unrealistic expectations being placed on women.

Contrary to its intention, we fear that this law could act as a disincentive to women seeking help for themselves and their children.

We also believe that prosecuting the non-violent family member sends the wrong message to the community, when it is the perpetrator who needs to be held accountable for the family violence and sexual abuse that they commit.”

Peninsula Community Legal Centre has been providing free legal services since 1977 and has extensive experience in working with people who experience family violence. The Centre provides a duty lawyer at Frankston Magistrates’ Court three days a week to assist with intervention orders, as well as providing advice and ongoing assistance from its offices in Frankston, Frankston North, Cranbourne, Rosebud and Bentleigh and outreach locations in Hastings and Chelsea.

For more information about free legal services, please call 03 9783 3600 or visit [www.pclc.org.au](http://www.pclc.org.au).

END.

### CONTACT:

Andrea Staunton  
General Manager, Volunteers & Education  
PENINSULA COMMUNITY LEGAL CENTRE INC.



Peninsula Community  
Legal Centre Inc

Registered No. A8T  
ABN 23 591 244 622

**Head Office**  
441 Nepean Highway  
Frankston Vic 3199

t 03 9783 3600  
1800 064 784  
f 03 9770 5200  
dx 19953 Frankston  
e [pclc@pclc.org.au](mailto:pclc@pclc.org.au)  
[www.pclc.org.au](http://www.pclc.org.au)

**Bentleigh Branch**  
82 Brady Road  
Bentleigh East Vic 3165  
t 03 9570 8455

**Cranbourne Branch**  
Bella Centre, Suite 12  
33-39 High Street  
Cranbourne Vic 3977  
t 03 5995 3722

**Pines Branch**  
2A Candlebark Crescent  
Frankston North Vic 3200  
t 03 9786 6980

**Rosebud Branch**  
1375 Point Nepean Road  
Rosebud Vic 3939  
t 03 5981 2422

**We gratefully acknowledge  
the financial assistance of:**

- Commonwealth Attorney-General’s Department
- Department of Justice (Vic)
- Consumer Affairs Victoria
- Victoria Legal Aid
- City of Casey
- City of Glen Eira
- City of Kingston
- Frankston City Council
- Mornington Peninsula Shire

**Donations over \$2.00  
are tax deductible**

*Service to the  
Community  
since 1977*

