



3 December 2013

Child Protection (Offender Reporting
- Publication of Information)
Submission 001

Research Director
Legal Affairs and Community Safety Committee
Parliament House
George Street
BRISBANE Q 4000

Dear Sir/Madam

**Re: Child Protection (Offender Reporting – Publication of Information)
Amendment Bill 2013**

We refer to Mr Ian Berry's letter dated 18 October 2013 seeking Submissions in relation to the above-mentioned Bill and offer the following comments.

Section 74AE - PACT is generally supportive of legislation that better protects vulnerable children and young people. However, we express concern over the potential for human error to occur, whereby innocent peoples' details are disclosed or innocent people with similar names or appearances to an offender being mistakenly identified, opening them up to unwarranted harassment and victimisation. The potential for increases in breaches to an individual's rights to privacy also need to be accommodated through clear safeguards and checks to ensure that the correct information is being disclosed to avoid innocent people being targeted and victimised.

We are concerned that the proposals that involve the release of certain information to the community will not achieve the intended result and might instead lead to an increase in vigilante behaviour, unwarranted harassment and victimisation. We believe that Corrections, Probation, Parole and Police are best placed to monitor offenders, not the community. If there are currently insufficient resources allocated, the Government should move resources into this much needed area, rather than shift responsibility onto community members.

Whilst we appreciate the view that any adverse affects on the rights or liberties of sex offenders is justified with reference to community protection considerations, we express concern that this view places too much power on the community and facilitates a vigilante approach.

Section 74AF - We agree that the current monitoring and supervision of offenders post-release is inadequate and that enhancing monitoring deficiencies will prove costly. However, we believe that alternative options should be considered further before the proposed changes are made. It is our firm view that that the release of information via a website will not adequately protect vulnerable children.

PACT's Vice Regal Patron: Her Excellency, Ms Penelope Wensley, AC, Governor of Queensland

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Vigilantism may result in offenders relocating or going underground to protect their privacy and physical safety, posing a greater risk to the community and vulnerable children.

Many of the families that PACT support come from low socio-economic environments and may not have easy access to a means to be able to view this information. Further, access to such information may provide a false sense of security as the vast majority of offenders are not covered by this legislation. It should also be noted that much offending actually occurs within families so sadly, this legislation would not protect children and young people in these situations.

Section 74AG - We express concern over the likely negative impact and further trauma experienced by a child or young person victim by publishing a photograph of an identified offender on a website. We believe that the Police Commissioner may have difficulty accessing information about the likely impacts on a child or young person given their level of immaturity. We strongly recommend that a mandatory process be introduced to obtain the child's legal guardian's approval for the identified offender's information to be displayed publically. Obviously this will be difficult in cases of an intra-familiar nature or where the carer is unsupportive of the child or young person or is unable to act in the child's best interest.

Section 74AI - We strongly support that matters discussed above in order to ensure that the Police Commission takes into account information about the person that might identify a **child or young person** victim of an offence. Many PACT clients have had to relocate to protect themselves from further contact with the offender or their supporters.

Section 74AJ - PACT is supportive in principle of a child's parent or guardian being informed that a specified person is a reportable offender, especially in cases where the specified person has regular unsupervised contact with their child or young person. However, we express concern over the timing of the release of this information and suggest that a vulnerable child or young person could be placed at risk prior to the notification occurring. Further, if an offender is not engaged in unsupervised contact with a child and is otherwise not in breach of orders, publishing the offender's information is unwarranted.

Section 74AL - We express concern that the publishing of identifying information in error, is likely to lead to the unwarranted harassment and victimisation of an innocent party. There must be strict guidelines and checks in place to ensure that the publication entries are accurate, to avoid a person's identifying information being mistakenly published. Also, harassment and victimisation of an offender has the potential to impede their rehabilitation and result in increased recidivism.

Further, given the requirement for the person to apply in writing to have the matter reviewed, it is likely to take a considerable period of time whereby the identifying information is displayed publically. Policy guidelines must be implemented to ensure that the review is conducted in a timely manner to minimise the impact of this error. The term **as soon as practicable** is open to interpretation and we believe that an identified time period should be applied between the receipt of the application, review, decision and removal of information from the website, with an outcome provided within 7 days of receipt of the application.

Section 74AM – Please refer to comments above in Section 74AL. Concern is again expressed about the likely delay in the parent or guardian being provided with written notice of the outcome of the application and the confirmation or removal of personal information about a reportable offender.

Section 74AN – We believe this area will be very difficult to police. Research indicates that the threat of penalty has not prevented vigilantism in other jurisdictions.

Section 77A - We are very supportive of a review being undertaken to ascertain the benefits or constraints of this legislation.

We greatly appreciate the opportunity to provide input into this valuable legislation and to working collaboratively with the Queensland Government to ensure that the needs of vulnerable children and young people are met.

Yours sincerely



Alexandra Marks
Chairperson



Jo Bryant
Chief Executive Officer