



QCSLAN QLD CHILD SAFETY LEGISLATION ACTION NETWORK

"In justice anywhere is a threat to Justice everywhere."

Child Protection (Offender Reporting
- Publication of Information)
Submission 002

Submission to:

.Child Protection (Offender
Reporting - Publication of
Information) Amendment Bill
2013

&

.Child Protection (Offender
Reporting) Amendment Bill
2013

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
& Child Protection (Offender Reporting) Amendment Bill 2013**

With reference to a letter from Mr Ian Berry, Chairman Legal Affairs, & Community Safety Committee, seeking submissions to the above proposed Bill, I offer the following comments and summary and thank you for the opportunity to provide some input.

Comments:

- Firstly I must express my abhorrence of sexual crime, particularly against vulnerable children. The impact of such crime is to rob (victims) children of a normal transition from childhood to adult. It is my strong belief that ALL necessary steps MUST be taken to protect children and their families from sexual crime.
- I agree with the proposed amendments in principal but offer my concerns as to some of the detail.

Research:

- After researching the issues and the models from other jurisdictions, I do have some concerns re the eventual outcomes of the proposed amendments.
- I have attached a list of just a few of the research papers pertaining to the “publication of information about particular offenders”, of which there is a proliferation of information both for and against the “publication of information about particular offenders.” Or naming and blaming as some would call it.
- I found that much of this discussion arose from “Meagan’s Law”¹ in the US and “Sarah’s Law” In the UK, some of this research suggests that these laws may have been more emotionally driven due to the horror and circumstances of these cases and media attention, rather than through a thorough investigative process.²
Some of the conclusions that were drawn were more the result of media sensationalism or stranger attacks than the more frequently occurring domestic and familial attacks that are often omitted from the journalistic vista and may

¹ Meagan’s law and the Juvenile Justice System (Rutgers School of Social Work)Centre for Violence Against Women and Children)

² Deborah’s Law: The Effect of Naming & Shaming on Sex Offenders in Australia (page 4 Meagan’s Law & Public Notifications) www.epublications.bond.edu.au/hss_pubs/85

place children at greater risk. Some believe that a far more investigative process is needed to develop a law that, as a priority actually protects the victims from familial as well as stranger danger and high profile sex offenders and also amends the possible anomalies within the current Law.³

- The question remains, ‘will the proposed Law deliver greater protection for children?’ If this is the consensus, then this may well outweigh the perceived risks of “naming and shaming” (Fitch 2006) Fitch suggests that Meagan’s Law (US) was not found to be significantly reducing the incidents of sexual abuse of children. Is there a better way?
- Some of the possible negative impacts of the proposed amendments may be :
 - A false sense of security in communities/ Complacency
 - Offenders go underground. / Offenders compliance/ locating offenders.
 - Cost of implementing Community notification is high. Is it effective spending? Or look and sound good? (Fitch)
 - Plea-bargaining ⁴ Pages 18 to 20. The ability of sex offenders to plea-bargain to lesser offences that may not be recordable is seen as a negative to the successful operation of “Naming and shaming.” This not an un-common practise as was seen in the case of Rose / Queen. ^{5 6} Jason Freeland and William Wainwright “When is Community Protection Putting Community a Risk’? P6
- Meagan’s Law: Does it protect Children? Kate Fitch⁷ Note pages 8 / 9
 - “There is no evidence that community notification has resulted in fewer assaults by strangers on children. (Fitch)
 - “There is some evidence that victims of intra-familial abuse may be deterred from reporting crimes because of fears related to community notification.” (Fitch)
- “When is Community Protection putting Community at Risk” ⁸ Pages 5/6/7. “Although the underlying presumption of CNL (Community Notification Laws) is the enhancement of public safety, what may result is a false sense of security. In reality there is a significant number of sex offenders who do not come into contact with the Criminal Justice System as approximately 90% of victims aged fifteen and over fail to report incidents of sexual assault and 69% of these offenders reported to police are cleared (Canadian centre for Justice Statistics, 1995. P7)

A common miss-conception held by community is that sex offenders are primarily strangers, which is most likely due to the media’s selective description of sexual offending and resulting community hysteria reinforcing this. (66% of sexual assaults occur at home or by a person know to the victim, 23% involved a stranger perpetrator.)

In Summary

Amending the Child Protection (Offender Reporting – Publication of Information) and the Child Protection (Offender Reporting) Amendment Bill of 2013 may seem to be a

³ <http://www.aifs.gov.au/cfca/pubs/> Who Abuses Children Alister Lamont

⁴ The war on Sex Offenders: Community Notification in perspective. School of Criminology, Griffith University

⁵ David Field (2010) “Keeping Incest in the Family www.epublications.bond.edu.au/law_pubs/336

⁶ www.aic.gov.au/conference/2005-cp/ “ When is Community Protection putting Community at Risk”

⁷ NSPCC Meagan’s Law: Does it protect Children? Kate Fitch www.nspc.org.uk

⁸ www.aic.gov.au/conference/2005-cp/ “ When is Community Protection putting Community at Risk”

step towards making Communities safe places to raise families. However, if the above comments do raise possible anomalies in this proposed Law, then I would ask that the Committee further research ways of educating communities re the real risks (not so much of stranger danger) but rather that of intra-familial sexual abuse of children, noting particularly the negative & somewhat dangerous impacts of Offender Reporting. Only then will we deliver safety to families and communities.

Some Comments on the Amendment Bill as above:

Throughout these proposed amendments, I have some concern re the use of words in a discretionary way. “soon as practicable, may (74AI)” I would like to see the words” that the Commissioner MUST “take into account, act “. I believe that should these Amendments be approved, then care needs to be taken with possible interpretation of words.

Section 74AE – Clear safeguards are needed to protect innocent people being victimised. AS mentioned in my concerns, the proposed Amendments would incur expense that may be better delivered to equip more Police and Parole officers to monitor offenders.

Section 744F-Current monitoring of sexual offenders does not appear to be adequate or keeping communities safe, as mentioned in my comments (sending offenders underground and presenting a false sense of security), I ask that there be further research into this proposed model prior to the Amendments being made. (UK 3 step model)

Section 74AG & I- My concern here, as mentioned above, would the risk of re-victimising the child through published photos (especially familial abuse) far outweigh any “pseudo” safety these Amendments may deliver? Publishing of information and/or photos that could potentially identify an abused child must be taken very seriously by the Police Commissioner and evaluated as to outcomes.

74AG (6) I am concerned as to how accurate an assessment of the offender can be and that any risk always be assessed with the victims as a priority. Also as mentioned above many offenders have avoided criminal records due to plea-bargaining and therefore do not have criminal record. Children must be protected, not made more vulnerable.

74AN- Animosity and harassment towards offenders. I believe that media sensationalism is often the source of such treatment of offenders. Family and friends of victims are the ones who will be rightly angry and no doubt feeling very unsafe and even re-victimised, so both publishing of information and impacts on the offender are of key importance. Whether hardened sex criminals should ever be released into communities is to me very questionable? I believe that far more research and review must take place on this whole issue prior to the Amendments being made.

Again thank you for the opportunity to be able to comment on this Legislation. I look forward to working with the Queensland Government towards safe communities where children can grow from babies and transition to adults in safe surroundings, free from the impacts of abuse and violence.

Sincerely
Beryl Spencer

Beryl J Spencer

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Public Disclosure: Sex Offenders' perceptions of the pilot scheme in England. Compliance, legitimacy and living a "Good Life". Hazel Kemshall, Jane Dominey & Sarah Hilder. DeMontfort University, Criminal Justice, Hawthorn, The gateway, Leicestershire, LE1, UK

Who Abuses Children" Alister Lamont NCPD resources sheet.