

Mental Health
Tribunal.



JUDGES' CHAMBERS
SUPREME COURT
BRISBANE.

RECEIVED

15 DEC 1997

LEGAL, CONSTITUTIONAL AND
ADMINISTRATIVE REVIEW
COMMITTEE

11 December 1997

Mrs Judy Gamin MLA
Chairman
Legal, Constitutional and Administrative
Review Committee
Legislative Assembly of Queensland
BRISBANE Q 4000

Dear Mrs Gamin,

Thank you for your letter of 2 December. Several provisions in the *Criminal Law (Sex Offenders Reporting) Bill 1997* warrant comment.

Firstly the presumption underlying the Bill seems to be that a person acquitted by reason of unsoundness of mind should be treated as though he or she were in fact convicted. Such treatment is inconsistent with principle and lacks any factual justification. There is no basis for assuming that all such persons pose a continuing threat of re-offending. An important object of the regime established by the *Mental Health Act* is to determine whether a patient poses such a risk and to protect the community when there is such a risk.

Secondly, the imposition of a reporting regime may impact adversely upon treatment of the patient. The Committee should seek psychiatric advice as to the likely consequences of the proposed reporting provision.

Thirdly, the application of the Bill to persons acquitted before the commencement of the *Act* would be inconsistent with principle and difficult to apply in practice.

If I can be of any further assistance please do not hesitate to contact me.

Yours sincerely
John Dowsett

THE HON. MR JUSTICE J.A. DOWSETT