



QUEENSLAND COMMUNITY
CORRECTIONS BOARD

No.3.

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22 December 1997

Received
5/1/98

Ms Judy Gamin MLA
Chairman
Legal, Constitutional and Administrative
Review Committee
Parliament House
George Street
BRISBANE 4000

Dear Ms Gamin,

I refer to your letter of 2 December 1997 regarding the Criminal Law (Sex Offenders Reporting) Bill 1997. The Queensland Community Corrections Board has considered the Bill and has directed I forward the following comment.

In the Board's opinion legislation of this nature ought to give effect to the following policies:-

1. Providing processes by which parents or guardians of young children may be warned against known paedophiles.
2. Allowing police to quickly inform themselves of known paedophiles living in a particular locality in the event of a sexual offence being committed there against a child.
3. Permitting persons who have previously committed sexual offences against children and who have genuinely reformed to live down their past without harassment.

Item 1 is nowhere provided for: see clause 8 (4) and the list of persons to whom information may be provided.

Item 2 is only poorly provided for. 'Sex offender' is defined as child sex offender who has been sentenced to serve at least 6 months imprisonment. The methods of many child sex offenders are such that, when caught, they are caught at the early stages of their behaviour and before much harm has been done. In these circumstances the sentence usually will be for a shorter term than 6 months imprisonment although it can be seen they were engaged in working up to a much more harmful situation. The conduct of such offenders, it is submitted, requires as much future watching as persons who have committed offences leading to 6 months imprisonment.

The suggested period of the reporting condition in clause 7(1) is another matter of concern. Paedophilia is a persistent condition and many offenders will practice it intermittently until late in life. To make an offender sentenced to imprisonment for 6 months subject to a reporting condition for only 15 months in many cases would not adequately deal with the mischief with which the community is rightfully concerned.

We would respectfully advise the whole Bill be recast. The reporting conditions to be imposed and the length of them ought to be assessed on a case by case basis. This means by the sentencing judge or magistrate. Perhaps it may be appropriate that at a certain level of criminality reporting conditions become mandatory. We also think the Attorney-General should be given the power to release particulars of the information contained in the register of offenders to persons who, he is satisfied, possess a proper interest in having the information made available to them. To provide a simple example, this would allow him to inform parents who have become reasonably concerned about the activities of their new next-door neighbour that he is a convicted child offender.

Yours faithfully



W J KENNEDY

Secretary

Queensland Community Corrections Board