



Judy Gamin, MLA  
Chairperson  
Legal, Constitutional and Administrative Review Committee  
Parliament House  
George Street  
Brisbane, 4000

5 January, 1998

Dear Ms Gamin:

**Re: Comments on proposed Criminal Law  
(Sex Offenders Reporting) Bill 1997**

I have been asked by Professor Mary Sheehan, Head, School of Social Science to respond to your letter dated 5 December 1997 regarding the above. I also take this opportunity of congratulating your committee in seeking relevant input on such vital legislation.

The proposal as presented is brief and concise. However, there is no clear definition or appropriate reference to defining "unsoundness of mind". Legally this term indicates that it is the opinion of the court that the offender cannot be held responsible for his/her actions due to some mental disorder. Without getting into a moral/philosophical argument, elimination of defining "unsoundness of mind" makes the proposed Bill weak and unclear.

While the proposal clearly establishes procedures and expectations of an offender in the reporting process, problems can arise for those who are acquitted on the grounds of "unsoundness of mind". If the court acquits an individual based on this decision it begs the question, will such people be able to comply with the reporting process? Is the proposed legislation biased against them? And does it infringe on their rights?

I would suggest that it may be necessary to add that it is the responsibility of a nominated person (spouse, parent, Minister) or support agency to assist such an individual to comply with the expectations of reporting. It is my opinion that reference to a person acquitted due to "unsoundness of mind" in the proposed legislation must be expanded on upon.

Sincerely,

Dr Tricia A. Fox  
Lecturer, Corrective Services  
Queensland University of Technology

**Queensland University of Technology**

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