

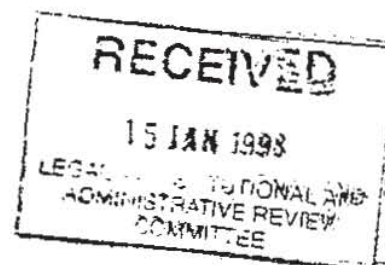


AUSTRALIAN INSTITUTE OF CRIMINOLOGY



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12 January 1998

Judy Gamin MLA
Chairman,
Legal, Constitutional and Administrative Review Committee
Legislative Assembly of Queensland
Parliament House,
George Street
BRISBANE QLD 4000

Dear Chairman,

In reply to your letter of 2 December 1997 inviting the Australian Institute of Criminology to comment on the Queensland Criminal Law (Sex Offenders Reporting) Bill 1997, we wish to raise several points which revolve around the issues of definition, privacy and rehabilitation.

Definition

The range of behaviours and acts which fall within the definitions of "serious offence" and "obscene materials" is not conclusive enough. Uncertain and inconsistent definitions of what constitutes a sex offender leads to unfair or even unlawful discrimination and persecution. At what age should certain acts be considered to be an offence against a young person? What range of acts are considered to fall within the definition of a "sex offence"? These questions are further confused by the inconsistency between jurisdictions in the age of consent and a differing age of consent for consenting heterosexual activity compared with consenting homosexual activity. The lack of clarity on these definitional questions can lead to an inappropriate inclusion of activity within the definition of a sex offence in relation to a child and subsequent labelling and stigmatisation of individuals. Also, there is no distinction between adult offenders and juvenile offenders.

The rapidly emerging issues associated with child pornography transmitted via the internet have not been addressed in enough detail. This also has the potential to develop into child sexual abuses

Privacy

Any legislation relating to sex offences against children must give careful consideration to all interests involved. There are important questions to be addressed. Are the proposed methods going to be effective; will they reduce the incidence of child abuse; do they achieve the aims of prevention? In relation to the introduction of a registrar for sex offenders, there are a number of issues. In seeking to minimise the risk of children being sexually abused there is clearly a need for relevant authorities to know whether someone has a prior conviction for a relevant offence. There is a need to balance public interests. The public interest in the enforcement of the criminal law and in public safety is universally recognised and to a certain degree outweighs an individual's right to privacy. However, there is an entitlement to sex offenders that, once they have served their prison sentence of whatever punishment the criminal justice system has imposed, they be reintegrated into society. Therefore the question of a register for sex offenders has to balance community safety issues with the rehabilitation of the offender. Any dissemination of information from a registrar should take into account the appropriate use of information with consideration for all interests.

Rehabilitation

There appears to be very little emphasis in the legislation on the rehabilitation of the offender. This is an important point. To ensure maximum protection of the community, rehabilitation programs for sex offenders should be an integral part of the criminal justice response. Treatment must be a coordinated effort that includes clinical components as well as the supervision and casework services provided by social workers, probation and parole officers, institutional staff as well as legal officers and court officials. It should include services for adult and juvenile offenders, both incarcerated and outpatient.

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'Adam Graycar', with a stylized flourish at the end.

Adam Graycar
Director