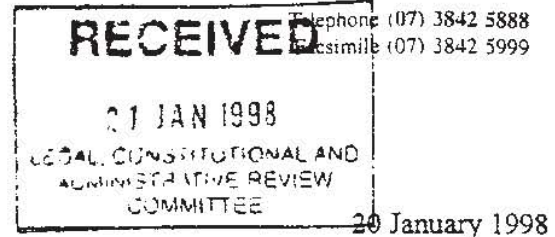




Queensland Law Society Inc

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20.1.98
No. 16.



Your Ref:

Our Ref: SSC:km:1490

Ms Judy Gamin MLA
Chairman
Legal, Constitutional and Administrative Review Committee
Legislative Assembly of Queensland
Parliament House
George Street
BRISBANE QLD 4000
Facsimile No: 3406 7070

Dear Ms Gamin,

CRIMINAL LAW (SEX OFFENDERS REPORTING) BILL 1997

Thank you for your invitation to comment on the Criminal Law (Sex Offenders Reporting) Bill 1997 introduced as a Private Members' Bill.

The Society is opposed to the Bill on fundamental philosophical grounds. The Bill proposes procedures requiring report and the maintenance of a register in respect of certain "sex offenders". The nature of the obligations upon offenders who have completed their sentence in respect of any former offence or have been otherwise dealt with in respect of unsoundness of mind in relation to the alleged offence, are harsh and inconsistent with any concept of rehabilitation. The purposes of the legislation are not clearly spelt out but the underlying philosophy must be that certain members of the community have a propensity to break the law and that propensity requires special obligations and restraints. The philosophy is not one with which the Society can agree.

Persons who breach the law in this State will be dealt with in relation to penalty by a court guided by the relevant legislation in respect of penalty and with regard to the facts of the offence and the criminal history of the offender.

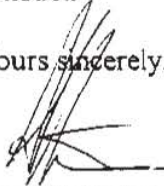
Any offenders, including sexual offenders, who have satisfied the sentencing obligations imposed by the court and other obligations in relation to probation or parole, should not thereafter be subjected to a supervisory regime, the justification for which can only be the perception of the Private Member who brought this Bill forward, of the propensity to commit fresh offences.

In addition it is observed that the register which is to be maintained in relation to the information reported may lead to the dissemination of the information to many persons and organisations. As a result the risks of unnecessary disclosure harmful to the former offender occurring in circumstances unrelated to any bona fide future police investigation, must be significant.

Lastly, it is observed on behalf of the Society that the operation of the Bill would be particularly harsh in respect of persons acquitted on the ground of unsoundness of mind. It is a fact that the Mental Health Tribunal procedures may not involve any detailed examination or conclusions in respect of the facts of the alleged offence.

If the purpose of the Bill is to guard against re-offending then it is nowhere made clear how the Bill is intended to achieve that object. Reporting conditions associated with bail or with early release arrangements are notoriously difficult to police and do not, in any event, appear to inhibit criminal conduct.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Scott S Carter', written over a horizontal line.

Scott S Carter
Solicitor to the Society