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20 January 1998

Received  
27/1/98

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

Dear Ms Gamin

Thank you for inviting my Department to comment on the *Criminal Law (Sex Offenders Reporting) Bill 1997*.

My Department wholeheartedly supports any action that will help to protect children from the risk of sexual abuse. There are just a few issues which may need to be addressed to ensure the effectiveness of the proposed legislation in achieving that aim.

The scheme may make it easier to locate suspects where an offence has been committed, but may be of limited effect in actually preventing the commission of offences, given the limited disclosure of the information obtained. In this regard, it would be useful to know the effectiveness of a similar scheme operating in the United Kingdom. In terms of the operations of this Department, the disclosure of sex offender information may be of limited use as the Department is already permitted to access relevant criminal histories of potential employees and carers (under an exemption to the *Criminal Law (Rehabilitation of Offenders) Act 1986*). In addition the Bill appears to assume a link between an offender's residence and where they are likely to offend, whereas the actual effect of the reporting requirement may be to shift the location of offending in order to avoid detection.

Further consideration may need to be given to whether 'child' needs to be defined for the purposes of the Bill. Because the Bill applies to persons convicted in other jurisdictions, there may be significant variations in the definition of 'child' for the purposes of offences elsewhere. While there is not significant variation between Australian jurisdictions, this may not be the case in overseas countries.

For example, if the age of consent was particularly high, this could result in someone being subjected to a reporting requirement for something that would not be an offence anywhere in this country. This disparity could be exacerbated by widely divergent sentencing regimes.

As Clause 8(4) imposes restrictions on the disclosure of information, consideration might be given to penalising publication of the information to non-authorised persons.

Central to the proposed scheme is the notification by sex offenders of their whereabouts. Although there are penalties in place for non-compliance with the legislation, these may not provide a sufficient deterrent to the most intractable offender - one who is predisposed to commit offences that carry a much greater penalty.

The Bill does not require any reporting if the offender stays or intends staying in Queensland for a period of not less than 14 days. However, under clause 6(4), an offender must give notice of an intention to leave Queensland, even if this were for relatively short periods such as a day trip to Northern N.S.W. These two provisions appear to be incongruent.

Consideration might be given to the removing the requirement for personal reporting at a police station as a possible means of improving compliance with the legislation. There are concerns that an offender may not be prepared to present themselves in a (relatively) public place, but might be more likely to comply with a requirement to notify in writing or by telephone. This information could then be independently verified by police which would also overcome, in part, the problem of false addresses being provided.

I trust the Committee will find these comments helpful. Please advise if any clarification is needed or if my Department can be of further assistance.

Yours sincerely

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

The Honourable Kev Lingard MLA