



## QUEENSLAND POLICE SERVICE

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28 JAN 1998

Our Ref:

Your Ref:

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

Received  
29/1/98

Dear Ms Gamin

Reference is made to your letter of 2 December 1997 in which you invite the Queensland Police Service to make comment on the proposed *Criminal Law (Sex Offenders Reporting) Bill 1997*.

The Queensland Police Service has a number of serious concerns regarding this Bill, the first of which is the absence of consultation during the drafting process. Given that a Bill of this nature would undoubtedly have a significant impact upon police resources and procedures, it is considered vital that meaningful deliberations should have occurred before the document was presented as a fait accompli.

The focus of the proposed legislation is extremely narrow in that it is solely directed towards maintaining an information register on convicted paedophiles. Moreover, it conveys the impression that Queensland has made a unilateral decision to move in a particular direction without taking into consideration the intentions of other Australian jurisdictions in respect to this issue. It should be noted that a national register of this nature is currently being considered by the Australian Police Minister's Council, however, their considerations extend to a much wider class of offender. It is also understood that the Australian Bureau of Criminal Intelligence is involved in a national project relating to this type of register.

In respect to the legislation being directed solely towards offenders whose victims are children, it should be noted that historically, this type of crime is generally solved because the offender is usually known to the victim and therefore readily identified or located. Predatory offenders who randomly select victims are extremely rare. Therefore, to maintain a register such as that proposed would be extremely resource intensive yet yielding little by way of return.

If the purpose of the legislation is directed towards maintaining a system of information to enable the ready identification and location of sex offenders, then consideration should be given to expanding it to include sex offenders who commit serious sexual assaults against adult victims. Statistics indicate that these crimes are solved less frequently than those against children.

Also, the legislation is directed towards maintaining information on convicted sex offenders. This does not allow for the maintenance of information concerning suspected or admitted offenders who, for a variety of reasons, have not been convicted of an offence. Police consider that these offenders pose a more serious risk to the community than those who have been convicted.

Furthermore, the maintenance of this register has major implications for both the Queensland Police Service and the Department of Justice. At present, there are few systems in place that enable the courts to give direct advice to the police. To facilitate the exchange of information required by the proposed legislation would require the installation of new infrastructures. Moreover, the legislation places the onus upon the police for the maintenance of this register. This would undoubtedly have a significant impact upon both staffing resources and procedural matters.

Basically, this Bill requires police to act as parole officers to convicted paedophiles, a function that is outside the core business of policing and is already performed by officers of the Queensland Corrective Services Commission (QCSC). Further, the information to be contained in the proposed register is already contained in records maintained by QCSC. Offenders who are subject to the proposed legislation are usually released from prison under some form of supervision order, the conditions of which require them to report regularly to QCSC and provide information on their whereabouts. Therefore, the proposed legislation imposes duplicitous conditions upon these offenders that could deter their compliance.

The penalties for non-compliance with the requirements of the proposed legislation are minimal and obviously intended for summary jurisdiction and proceedings. Given the serious nature of the crimes for which these offenders have been convicted, the inconsequential penalty for non-compliance hardly seems to merit the costs that would be involved in implementing this legislation.

The requirement on sex offenders to advise the Commissioner of their presence in Queensland or change in circumstance presents a number of logistical problems for police. Whilst the Bill makes provision to cover offenders entering Queensland temporarily, the



legislation appears vague and relies upon the intention of the offender which generally poses difficulties or exculpation.

While the proposed Bill has presumably been prepared as part of an effort to improve arrangements for the protection of children from sexual predators, it should be noted that legislation reflecting the so-called "Megan's Law" principle already exists in the Queensland statutes. Section 19 of the *Criminal Law Amendment Act 1945* makes provision for a court to order a person, who has been convicted of an indictable offence of a sexual nature committed against a child under the age of 16 years, to report their address to the officer in charge of a specified police establishment within 48 hours of being released from custody. Further, a person who fails to comply with an order made under this section is guilty of committing an offence and liable upon summary conviction to a fine of 20 penalty points or 6 months imprisonment.

The Queensland Police Service does not support the passage of this Bill.

Yours sincerely

  
J P O'SULLIVAN  
COMMISSIONER