



Speech by

**Hon. M. FOLEY**

**MEMBER FOR YERONGA**

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Hansard 20 July 1999

**MINISTERIAL STATEMENT**

**Convicted Child Sex Offenders; Notification Orders**

**Hon. M. J. FOLEY** (Yeronga—ALP) (Attorney-General and Minister for Justice and Minister for The Arts) (9.50 a.m.), by leave: Current legislation enables courts to order certain persons convicted of sexual offences against children upon their release from custody to report their address to police under section 19 of the Criminal Law Amendment Act 1945. Section 20 of that Act then provides that the Attorney-General has power to provide certain limited information about the offender to any person with a legitimate and sufficient interest in obtaining that information, namely, that the offender is subject to a reporting order under section 19 and details of any sexual offences of which the offender has been convicted.

This legislation has a number of defects, in particular the undesirability of involving in the administration of criminal justice in a particular case an exercise of discretion by a serving politician, albeit the Attorney-General, instead of an independent body at arm's length from the political process, such as the Queensland Community Corrections Board, the body charged with risk assessment management in the case of offenders released from custody back into the community.

Secondly, the nature of the information authorised to be disclosed does not extend, contrary to some Opposition claims, to the address of the offender, nor does it authorise the disclosure of any other relevant information, such as the modus operandi of the offender. Those defects should be rectified and, accordingly, the Queensland Cabinet has given the Minister for Police and Corrective Services, the Honourable Tom Barton, and me authority to prepare legislation amending the Criminal Law Amendment Act and the Corrective Services Act.

In essence, the changes to the Criminal Law Amendment Act will mean the Queensland Community Corrections Board, instead of the Attorney-General, will have the relevant statutory power to disclose information about offences of a sexual nature committed by a person released from custody who has been ordered, under section 19, to report his or her address to police. This change will ensure the administration of criminal justice in Queensland occurs at arm's length from the political process. Under the proposed changes, the courts not only will be able to order a child sex offender to report his or her address and change of address but also will be able to order that person to report any change of name.

The changes also will clarify the fact that, once a convicted child sex offender is ordered to report, all sex offences committed by that person, irrespective of when they were committed, become relevant for the purpose of deciding what information, if any, should be released. The proposed changes will mean the Community Corrections Board will have the power to disclose other relevant information, such as the address of an offender, any change of name of the offender and his or her modus operandi. The person given the information must have a legitimate and sufficient interest, as required under the current legislation. The proposed changes will provide a fair, reasoned and balanced way of releasing such information, without letting people take the law into their own hands and without whipping up the hysteria we have seen in other places.

It is significant to note also a number of other actions relevant to improving the way the law deals with sexual offences against children. The Queensland Law Reform Commission is examining the

laws of evidence relating to child witnesses and we await with interest the findings of the Queensland Crime Commission's report on paedophilia. Moreover, the whole of the Criminal Code, including the area of sexual offences, is being examined by the Women's Task Force, which will come forward with recommendations later this year. The proposed changes to the Criminal Law Amendment Act 1945 will remedy defects in the existing laws to provide for the release of relevant information by an independent body in those cases where the offender has been made subject to an order by the convicting court.

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