

**Submission to the
COMMUNITY PROTECTION (OFFENDER REPORTING)
AMENDMENT BILL 2023**

PERSONAL PROFILE:-

I am 81 years old and been married to the same lady for over 60 years during which time we have successfully raised two children, ...both long grown up now and 'fled the nest'.

I have no legal experience whatsoever however I learnt very early on in our marriage that my wife, from a very early age, had suffered significant and serious sexual abuse from her Father consequently am fully aware of mental and physical trauma survivors from child sexual abuse can suffer and would like to stamp such a disease within our society hence the reason for this Submission which is submitted in good faith.

SUBMISSION:

'The aim of the amendments are to ensure that appropriate and adequate information is recorded on the register and able to be disclosed for the purpose of monitoring offenders, protect children and mitigate the risk of the serious harm that we know is caused to children and the community by sexual offending.'

'We are interested in hearing what you think about the proposed changes including whether they are good or bad or could be improved.' {Extracted from the Tas Police website Community Protection (Offender Reporting) Amendment Bill 2023}.

Some of the key changes brought about by amendments will be:

- Information on the register will be made freely available to agencies involved in monitoring offenders and/or involved in child protection to better enable prevention of child sex abuse.
- **I see this as a good move which I agree with and support.**
- A new disclosure scheme will allow parents and guardians to apply for information about whether a person who

has regular unsupervised contact with their child is a registered sex offender.

- **I see this as a good move which I agree with and support.**
- New offences for breaches of confidentiality, vigilantism and inciting animosity towards registered offenders will balance the disclosure of information from the register.
- **I 'think' the original intent of this proposed change has been misinterpreted (maybe because of the wording?) however I still have serious concerns about this proposed change believing it is confusing and inappropriately worded.**
- **I do not support 'vigilantism or animosity' towards any section of the community in any way whatsoever and the proposed Bill should not be drafted in a manner which could easily be misinterpreted and thus encourage such activities.**
- New provisions to ensure that youthful offenders are not unnecessarily exposed to the criminal justice system through registration as a sex offender

In an initial response I wonder if 'registration as a sex offender' actually does expose youthful offenders to the criminal justice system?

My understanding is that it does not, ...unless a prison sentence is also involved.

My personal belief is that I do not believe that children below the age of 16 should be incarcerated except in cases where the crimes have been so horrific, and there are plenty such cases on record, where there really is no alternative.

Having done as much research as I can on the topic (see Appendix) I have now formed the opinion that placing youthful offenders on the 'register' would not necessarily expose them to the criminal justice system.

- New provisions to ensure that persons convicted of minor sexual offences are not recorded on the register in circumstances where they pose little or no risk to children or the community.

Before giving a response to this proposal I would like to have been aware of who makes a decision as to whether the offender would ‘pose little or no risk to children or the community’:

My own opinion is that it should be a Judges decision guided by a panel consisting of at least three highly qualified persons specialised in the field of child sexual abuse.

After due research and consideration (see Appendix) I now believe that in order to prevent any future undesirable outcomes: “persons convicted of minor sexual offences ‘should’ be recorded on the register in circumstances where they pose little or no risk to children or the community.”

- Strengthened wording to ensure the court is able to consider the safety and protection of children and the community as paramount in deciding whether or not to make an order of registration for a convicted sex offender.
- **I see this as a good move which I agree with and support.**
- Extra provisions to prevent reportable offenders from working in child related area’s of employment.
- **I see this as a good move which I agree with and support.**
- Extra provisions to allow police to notify an employer or prospective employer, that an employee or prospective employee has been charged with a reportable offence, allowing the employer to understand and manage any associated risk to assist in maintaining a safe workplace.
- **I see this as a good move, one I agree with and support with the proviso that I do have concerns that ‘some’ employers could express some vindictive attitudes and actions towards such prospective employees.**

- Extra provisions to assist with the investigation and prosecution of recidivist sex offenders
I see this as a good move which I agree with and support.
- Extra reporting provisions aimed at deterring re-offending
I see this as a good move which I agree with and support.
- Stronger penalties for non-compliance with the Act
I see this as a good move which I agree with and support.

THANK YOU for providing me with the opportunity to express my views and opinions on this very important subject.

Submitted by

Jim Collier

of

Redacted

Phone:

Date: 14 February 2024

Appendix

'Some' of the reading I perused during my research for this submission:

In an excellent article written by Kate Warner and Lorana Bartels entitled:-

“Juvenile Sex Offending: Its Prevalence and the Criminal Justice Response” and published in the University of New South Wales Law Journal it is stated:

A recent review by the Court of Criminal Appeal in Director of Public Prosecutions v NOP^[119] of sentences for rape of a child victim by a young offender has shown that the courts have consistently held that only a sentence of imprisonment or detention can fulfil the requirements of deterrence and denunciation in the case of rape.

Elsewhere in the article it is stated:

However, it is not widely appreciated that a considerable proportion of sex offending is perpetrated by other children or adolescents, including members of the victim’s family.^[4]

I am aware that the:

‘Law Council of Australia’ is of the view that only offenders who pose a demonstrated risk to children should be required to register.

The Victorian Government’s ‘Child Protection Manual’ states:

From a child protection perspective, the serious risks posed by convicted child sex offenders are the same whether they are registered or not.

Further online research (JB Solicitors) reveals that in NSW Class 2 offences are registrable; ...this includes activities such as: grooming a person under 16 years of age for unlawful sexual activity and

acts of indecency

According to JB Solicitors webpage:

‘The Child Protection Register or sex offender registry (SOR) is a database that stores information about individuals convicted of sexual offences against a child. It is under the supervision of the New South Wales Police Force. The registry aims to reduce the risk of sexual offences and ensure that the community is aware of the presence of convicted sex offenders.

‘Conclusion

Juvenile sex offending is a serious and harmful behaviour that requires an immediate and careful response. It is clear that children and young people who sexually offend have different needs to adult sex offenders and this must be considered when they come before the courts. It is also clear that early intervention and appropriate treatment are vital if young people who have sexually offended are to lead healthy and respectful sexual lives. The challenge for judicial officers and justice

officers, then, is to develop appropriate sentencing and treatment regimes that promote offender rehabilitation and accountability, while also providing justice and safety for victims and communities. This paper has shown that Australian judicial officers are active in this pursuit and generally emphasise treatment in their sentencing, even when specific deterrence and community safety are prominent concerns. Multi-systemic and ecological approaches to treatment have shown promising results in reducing sexual recidivism. However, access to treatment can be inadequate in rural and remote areas and treatment will have limited efficacy if not culturally and individually tailored. There is also a great need to address the very high rates of case attrition for juvenile sex offences and to consider innovative judicial measures that better meet the needs of victims and offenders, such as restorative justice conferencing and therapeutic treatment orders. In particular, it must be remembered that although juvenile sex offenders may have committed serious offences, including against other children, they themselves are also vulnerable and responses therefore need to take this into account.

Australian Government - Australian Institute of Criminology
Trends & issues in crime and criminal justice
No. 555 July 2018

*Conclusion (Virtually the same as the above)
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