

*CASA Forum Submission: Sex Offenders Registration*

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**Purposes**

**1. To what extent does the Sex Offenders Registration Act fulfil its stated purpose?**

The stated purpose of the Victorian Sex Offenders Register scheme is to

- reduce the likelihood of re offending.
- aid investigation and prosecution of any future offences that these people may commit.
- To prevent registered sex offenders from working in child-related employment.
- To authorise the Office of Police Integrity to monitor how the Chief Commissioner of Police administers the Sex offenders Register.

Given the complexity of the purpose of the Victorian Sex Offenders Register scheme as noted above, this is not a question that can be answered at this time. In order to answer this question it requires a sophisticated evaluation of the operation of the register. What we can say is

- putting juveniles on the Sex Offenders Register serves no useful purpose. There is a considerable amount of research which shows that juveniles generally do not keep committing sex offences especially if they receive treatment. The Minister for Police and Emergency Services stated when introducing the legislation in Parliament, adult sex offenders are unlike other offenders who tend to “settle down” as they get older. However, there is research that shows juveniles who commit sex offences do tend to “settle down” and either move onto a crime free life or victimless crimes such as burglary or carjacking.
- Treating all sex offenders who are on the register the same manner is a waste of resources. There should be categories legislated for the purpose of monitoring linked to their offences.
- Research also shows that recidivism is reduced by:
  1. Good treatment programs
  2. Stable mental state
  3. Job
  4. Accommodation
- It does not actively protect children because CASA clinical practise shows that paedophiles target vulnerable women and their children. The current system does not inform women that these children are on the Sex Offenders Register.

**2. Should the Sex Offenders Register be a primary source of information to the Department of Human Services about child protection concerns?**

It is essentially that Victorian Police and DHS should have processes in place for the ongoing exchange of information.

**3. Does the Sex Offenders Registration Act establish an effective scheme for monitoring the activities of convicted child sex offenders who are likely to re-offend?**

No. There are difficulties with recent legislation the Working with Children Act 2005 (Vic) the Serious Sex Offenders (Detention and Supervision) Act 2009 (Vic) and the Children, Youth and Families Act 2005 (Vic) not being cross referenced. There is no process for ongoing communication between the sections and agencies or with CrimTrac.

**Inclusion in the Sex Offenders Register**

**4. Should inclusion in the Sex Offenders Register be an automatic administrative consequence of a person being convicted of and sentenced for a Class 1 or Class 2 offence?**

No. there needs to be a judicial discretion to deal with individual circumstances.

- Juveniles should not be on this adult paedophile register either mandated or with a discretionary power to the judiciary.
- The current legislation does not take account of the proliferation of internet communication technology. For example sexting, YouTube or Facebook.

**5. Should the court have discretionary power to decide whether to order that a person who is convicted of some or all of the Class 1 or Class 2 offences be placed in the Sex offenders Register? What criteria should govern the exercise of any discretionary power?**

Yes. There needs to be judicial discretion to deal with individual circumstances. There needs to be more specific categories than Class 1 or Class 2 that take into account technological and social changes that have occurred since 2005.

**6. Should an order placing a person in the Sex Offenders Register be a matter that the court can take into account when sentencing a person for a Class 1 or Class 2 offence.**

As stated above the court needs discretionary power.

**7. Should it continue to be possible for a court to order that a person convicted of any offence be placed in the Sex Offenders Register if the court is satisfied that the offender poses a risk to the sexual safety of any other person?**

- Not at all if they are under 18.
- Yes, it should be up to the discretionary power of the judiciary in relation to adults.

#### **Duration of reporting obligation**

**8. Should the duration of a registered sex offender's reporting obligations continue to be automatically determined by a legislative classification of offences?**

- No. there should be judicial discretion.
- Juvenile offenders should not be on the register as previously mentioned. However, if they are on the Sex Offender Registry the duration should not be determined by the adult categories just being halved. This is naive and does not take into account the developmental stages of adolescents.

**9. Should the court have a discretionary power to determine the length of the reporting period? What criteria should govern the exercise of any discretionary power?**

Yes.

- age of offender
- categories of abuse
- individual circumstances including that of the victim
- characteristics of high risk offenders

**10. Are the current provisions in the Sex Offenders Registration Act for suspending the reporting obligations of sex offenders adequate?**

Yes.

**11. Should the Chief Commissioner of Police or some other statutory official have the power to apply to a court for an order extending a registered sex offender's reporting obligations?**

Yes.

#### **Content of reports**

**12. Should all registered sex offenders continue to have the same reporting obligations that are automatically determined by the legislation?**

No.

- There needs to be judicial discretion to deal with individual circumstances.

- There needs to be more specific categories as mentioned above.

**13. Should the court have a discretionary power to determine the content of a registered sex offender’s reporting obligation? What criteria should govern the exercise of any discretionary power?**

Yes.

- age of offender
- categories of abuse
- individual circumstances including that of the victim
- characteristics of high risk offenders

**14. Should the Chief Commissioner of Police have additional powers which would permit police officers to test the truth of any report provided by a registered sex offender? If yes, what should those powers be and in what circumstances should they be available?**

Yes, should be similar to Domestic Violence investigative register. There are a list of criteria that Police need to address. This should include pregnancy which would not necessarily have an answer under contact with a child.

**Management, use and disclosure of information in the Register**

**15. Should the Chief Commissioner of Police have an express power to give some or all information in the Sex Offenders Register to CrimTrac for national law enforcement purposes?**

Yes.

**16. Should the Chief Commissioner of Police have an express power to give some or all information in the Sex Offenders Register to the Secretary of the Department of Human Services for child protection purposes?**

Yes.

**17. Should the Chief Commissioner of Police have an express power to give some or all information in the Sex Offenders Registry to any other public body or official for any other purpose?**

No. There has to be limits to the distribution of private information. The purpose of the Sex Offenders Register is to stop children being abused.

**18. Should registered offenders continue to be required to report ‘unsupervised contact’ with a child? If so, should the legislation contain guidance about what is meant by this term? Should registered sex offenders be required to report**

**‘unsupervised contact’ with a child before it occurs rather than after it occurred?  
If reporting were required in advance of contact, should it be before the first contact, a subsequent contact, or at any other point in time?**

Yes, if assessed as required by the Court.

- The legislation should contain guidance. Contact should be the same as listed in Children, Youth and Families Act 2055 (Vic).
- Yes registered sex offenders should report unsupervised contact before it occurs. The situation should then be assessed to determine risk to the children and what should happen in the future.

### **Protection for registered sex offenders**

#### **19. Are there adequate protections for registered sex offenders in the Act?**

It is important that registered sex offenders have adequate protection. Stress is a risk factor for re-offending. In addition, public humiliation impacts on children and young people who are related or abused by that person.

### **Accountability and review**

#### **20. Are the current accountability and review mechanisms in the Act adequate?**

No comment.

### **Management of other information about registered offenders**

#### **21. Should other government agencies be required or permitted by legislation to give the Chief Commissioner of Police information about a registered sex offender for inclusion in the Sex Offenders Register? If so, what type of information?**

No.

#### **22. Should Corrections Victoria be required or permitted by legislation to give the Secretary of the Department of Human Services information about a sex offender that is acquired during any treatment programs undertaken by the offender when in custody or on parole?**

Only if there is no other way of accessing this information.

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