



PO Box 1146
Adelaide, SA 5001
(08) 8226 3355

CommissionerCYP@sa.gov.au

11th January 2019

The Hon Peter Dutton MP
Minister for Home Affairs
Government of Australia
PO Box 6022
Canberra, ACT 2600

cc Hon Vickie Chapman MP
Grant Sevens, Commissioner of Police SA

Via email: childexploitation@homeaffairs.gov.au

National Public Sex Register of Child Sex Offenders

As South Australia's Commissioner for Children and Young People my mandate under the *Children and Young People (Oversight and Advocacy Bodies) Act 2016* (the Act) is to advocate for the rights, interests and wellbeing of all South Australian children and young people. It is also my role to ensure that the State at all levels satisfies its international obligations under the United Nations Convention on the Rights of the Child (UNCRC), including statutory authorities.

The purpose of this National Public Register of Child Sex Offenders according to the Minister is to provide a deterrent effect for offenders and reassure parents that children are safe.¹ These are sound outcomes however I am unable to find any evidence that a public register would meet either outcome. I am aware that there is already a non-public National Child Offender System (NCOS) in place and run by ACIC in cooperation with all States. There appears to be some evidence that these non-public registers, that allow government authorities to keep track of the activities of sex offenders, are effective. From the information available to me the cost of forming a nationally consistent approach for a non-public register, to assist authorities to keep children and communities safe, would be far less than the costs of creating a National Public Register and from current research, could result in safer communities.

A non-public register could also disclose information to certain parties, similar to provisions in Tasmania and Western Australia, where community members may access information in limited

¹ Saksewski E., *Peter Dutton wants a national child sex offenders registry. But do they actually work?*, <https://www.abc.net.au/news/2019-01-09/how-duttons-national-child-sex-offenders-registry-will-work/10701382>

circumstances.² This achieves community protection without the detrimental effects that would come from a public register.

However, in both cases there has been little research in Australia evaluating the outcomes of the federal and state child offender systems currently in place.

It would be prudent for an independent research body to undertake an evaluation of all state and national systems (alongside the evaluation of overseas research) before any decision in relation to a national framework is made.

Given the timing of this consultation process I have been unable to provide a comprehensive submission, however here are some top of mind considerations as to why I do not support a National Public Register.

A public register has little or no impact on sex offending

Most of the research about the impacts of public sex registers reveals there is little to no impact on the rate of sex offending in the community, except for a small deterrent effect on first time offenders. In fact, in some studies there is evidence that offending can increase.³ Additionally public registers do not decrease the level of fear in the community.⁴

On the other hand there is evidence that non-public sex offender registries do reduce reoffending by assisting law enforcement agencies in their monitoring of repeat sexual offences and are already operational both at a state level and nationally. There needs to be further research about the impacts of the registers in Australia before a national approach is considered.

It does not keep children safer

Having a public sex register is meant to keep children safe from strangers, but 85% of child victims of sexual assault between 0-14 are assaulted by someone they know⁵ and the offenders usually do not

² See *Community Protection (Offender Reporting) Act 2005* which is available at <https://www.legislation.tas.gov.au/view/html/inforce/current/act-2005-061>. Access the Tasmanian Community Protection Offender Register is restricted but there is capacity for disclosure of information in certain circumstances to relevant entities or to a parent/guardian/carer of a child who has had reportable contact with a reportable offender (see Part 4). Section 47A also enables the Commissioner of Police to publish any or all of the personal details of a reportable offender where their whereabouts are unknown or they have failed to comply with reporting obligations, however this section does not apply to a young reportable offender (i.e. a reportable offender who is under 18 years of age). Western Australia allows access to registered information, however it the availability of access comes in tiers and in most cases members of the community have to make an application to get the information. Please see: <https://www.wa.gov.au/service/security/law-enforcement/access-registered-sex-offender-information>.

³ Australian Institute for Criminology, "What impact do public sex offender registries have on community safety, May 2018. Vasquez B et al., "The influence of Sex Offender Registration and Notification Laws in the Unities States": A Time-Series Analysis, <https://journals.sagepub.com/doi/abs/10.1177/0011128707311641>. Prescott JJ et. al., "Do Sex Offender Registration and Notification Laws Affect Criminal Behaviour", <https://www0.gsb.columbia.edu/faculty/jrockoff/papers/Prescott%20and%20Rockoff%20jle.pdf>.

⁴ Ibid.

⁵ Australian Institute for Criminology, "What impact do public sex offender registries have on community safety, May 2018 at 7

have a record and are known by authorities.⁶ A public register will not keep these children safe and therefore a safer community will not necessarily result.

The Royal Commission into Institutionalised Sexual Abuse highlighted the vulnerability of children in institutions and in society as they are often not believed or do not know what is actually happening to them. The Royal Commission made many recommendations to ensure children are safe and protected in the home, schools and other community organisations through education, early intervention, child safety and child protection measures. These recommendations should be properly resourced and fully implemented as a priority to ensure children's safety.

It can result in the harassment of the offenders family members and children

Research has shown that children and family associated with the offender will be discriminated against making everyday life for them more difficult.

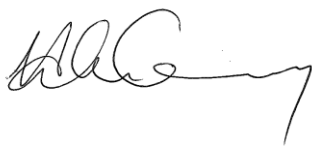
In one study, data was collected from 584 family members across the US that revealed:

- children who were associated with the offender were more likely to experience discrimination from teachers and being teased and labelled by fellow students.
- most family members had experienced difficulties getting a job resulting in financial hardship as well as other forms of discrimination.⁷
- family member's efforts to support the offender to successfully reintegrate or to deter recidivism was also hindered.⁸

Further, it could also result in offenders absconding and not reporting to authorities as they want to stop being harassed.

I trust that you will consider this in your deliberations on the effectiveness, impact and unintended consequences of a National Public Sex Register of Child Sex Offenders.

Yours sincerely,



Helen Connolly

Commissioner for Children and Young People



⁶ Victorian Law Reform Commission, "Sex offenders registration, Final Report", Nov 2011 at para 21 https://www.lawreform.vic.gov.au/sites/default/files/SOR_Final%20Report_Full%20text_0.pdf.

⁷ Levenson J et al., "Collateral Damage: Family Members of Registered Sex Offenders", American Journal of Criminal Justice, (2009) 34: 54. <https://doi.org/10.1007/s12103-008-9055-x>.

⁸ Ibid.