

9 January 2019

Cautious approach for sex offender register required, says Law Council

While the Law Council of Australia does not object in principle to the establishment of a National Public Register of Child Sex Offenders, it believes only offenders who pose a demonstrated risk to children should be required to register.

Law Council President, Arthur Moses SC, said such a register had to be stringently monitored to avoid unintended consequences or errors and only apply to high-level offending. He also stated [inclusion on such a register should never be automatic](#).

“For all offenders, inclusion on child sex offender registers should always be at the discretion of, and by order of, the sentencing court, upon application by the prosecution, or upon application to a court after a high-risk offender has served their sentence,” Mr Moses said.

“Inclusion brings onerous reporting obligations like ongoing police monitoring of, and involvement in a person’s activities, the risk of adverse community attention, and vigilantism. Therefore, only offenders posing a demonstrated risk should be required to register.

“Sentencing courts should be granted a discretion to take into account the individual circumstances of the offence and offender in determining whether an eligible person should be required to register and report.”

Mr Moses also raised issues relating to the perceived deterrent effect of such registers, noting evidence from the US, where public sex offender registers have existed for several decades, which has shown they do not reduce recidivism or prevent sex offending in the general community.

“The establishment of a National Public Register of Child Sex Offenders must be approached cautiously and take into account the experience of countries where such registers exist,” Mr Moses said.

“A public sex offender register is not a silver bullet and, as such, must be developed in a way that respects the rule of law.

“Child sex offences are amongst the most abhorrent that come before our courts and, as the recent Royal Commission illustrated, for too long offenders were placed in a position where they could reoffend.

“This is why we need to get it right - we must be careful to ensure laws are not enacted that create negative unintended consequences that impact the wider community. We look forward to consulting with the parliament on this important issue.”

Contact

Anne-Louise Brown

P 0406 987 050

E Anne-Louise.Brown@lawcouncil.asn.au

The Law Council of Australia is the national voice of the legal profession, promoting justice and the rule of law.