

10 January 2019

Sex offender register consultation period ‘absurd’

The Law Council of Australia holds significant concerns about the very limited timeframe the Federal Government has allowed for stakeholder consultation into its proposed National Public Register of Sex Offenders, given no detailed proposal has been received.

The Law Council has only been given until close of business Friday (11 January), to provide “initial high-level views” on the register – less than 36 hours. This comes after the proposed register was announced yesterday (9 January) by Home Affairs Minister Peter Dutton.

Law Council President, Arthur Moses SC, described the initial consultation period as absurd.

“A consultation period of 36 hours to provide views on such a complex and serious proposal is inappropriate and completely inadequate,” Mr Moses said.

“The Law Council calls on the Federal Government to allow more time for initial consultation because unconsidered, rushed policy will lead to bad legislation.

“A proper proposal needs to be developed before adequate consultation can occur. Otherwise there is a real risk of the register not protecting the community and it may have myriad unintended consequences.

“The Law Council considers a comprehensive consultation process based on a detailed proposal should occur before any legislation is introduced.

“The legal profession would be very troubled if this issue is being rushed for political purposes rather than considered reform. Politicising this issue or rushing it through without proper thought would be an affront to all victims of sexual abuse. Furthermore, a range of parties including the victims of sex offenders need to be heard on this issue to ascertain what, if any register, should be developed.

“The community expects our political leaders to formulate policies based on evidence and which are effective. As I said when the proposed register was announced, the Law Council does not, in principle, object to its establishment. However, it must be proportionate and effective.

“The Law Council does, however, firmly believe only offenders who pose a demonstrated risk to children should be placed on a register by order of a court.

“Child sex offending is heinous and debates on these matters are highly emotive. Despite many strong views on the issue though, the rule of law must always be respected.

“This requires adequate consultation with key stakeholders – and 36 hours is certainly not adequate.”

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