



**Hon Peter Tinley AM MLA**  
**Minister for Housing; Veterans Issues; Youth**

Our Ref: 73-07295

Hon Matthew Swinbourn MLC  
Chair  
Standing Committee on Environment and Public Affairs  
Legislative Council Committee Office  
4 Harvest Terrace  
WEST PERTH WA 6005

22 MAY 2019

Dear Mr Swinbourn *Math*,

Thank you for your letter dated 15 April 2019 inviting me to provide a written submission to the inquiry into the mandatory registration of children and young people on the Sex Offenders Register (the Register). I understand you also provided a copy of this to Hon Simone McGurk MLA and I understand that she will provide a response in relation to her portfolio of responsibilities.

There are a number of serious sexual behaviours which warrant young offenders being subject to the monitoring that occurs as a registered sex offender. However, given the conditions reportable offenders may be required to comply with, the registration of children and young people in inappropriate circumstances can have significant adverse implications for their future civic, social and economic life prospects.

The use of technology generally, and by young people more specifically, also needs to be taken into account. Registering young people for low level offences, such as sexting, could result in unnecessary registration and the ineffective use of public resources.

For these reasons I favour a discretionary approach to the registration of young offenders under the *Community Protection (Offender Reporting) Act 2004*. Children and young people under 18 years occupy a special position under the law as recognised through the establishment of the Children's Court jurisdiction, the *Young Offenders' Act 1997* and a range of other laws which take into account the developmental nature of children and young people. Their registration as sex offenders should occur on a case-by-case basis and only if the circumstances of their offending are considered to pose a threat to the extent that warrants registration.

I also support consideration being given to providing the Court with discretion to exempt young adult offenders from automatic registration if satisfied that they pose no ongoing threat to the community, such as those provided for in the Victorian legislation which applies to 18 and 19 year olds convicted of sexting offences.

Yours sincerely

*Peter Tinley*  
HON PETER TINLEY AM MLA  
MINISTER FOR HOUSING; YOUTH