



Our Ref: 63-08402

Hon Matthew Swinbourn MLC
Chair
Standing Committee on Environment and Public Affairs
Parliament House
4 Harvest Terrace
WEST PERTH WA 6005

Dear Mr Swinbourn

Thank you for your letter requesting comment on the terms of petition No 70 – ‘Sex Offenders’ Register of WA’, which was tabled in the Legislative Council. The petition was referred to the West Australian Police Force for advice.

The Western Australia Police Force have advised that the agency does not recommend the proposals in the format outlined in the petition are progressed.

The WA Police Force advise that the provisions in the *Community Protection (Offender Reporting) Act 2004* (the Act) on spent convictions are consistent with all jurisdictions except Tasmania and the reporting periods contained in the Act are consistent with all jurisdictions, except Tasmania and Queensland.

Additionally, there are a number of statements in the petition and in the supporting submission that the WA Police Force advise are inaccurate. Firstly, the petition states that ‘teens guilty of non-contact charges such as sexting or sending and receiving pictures can be placed on the register for 8-15 years with ongoing reporting obligations and travel bans’. This statement does not apply across the board. Only persons convicted of Class 1 or Class 2 offences committed as an adult would be subject to 8 or 15 year reporting obligations.

The Act currently exempts juveniles convicted of a single prescribed offence (e.g. sexting) and they are not subject to automatic registration (i.e. they are exempt from the Act). A juvenile convicted of a reportable offence is required to report for half the period of time prescribed for adults, i.e. 4 years or 7.5 years. Furthermore, the Commissioner of Police may suspend a juvenile from their reporting obligations.

The petition also states that “thousands of young people and their families are currently adversely and unfairly affected”. The WA Police Force advise this statement is incorrect as the number of juveniles who committed sexual offences in Western Australia is below 1,000.

The third recommendation relates to the length of reporting periods and includes a recommendation regarding people found guilty of Class 3 offences. However, the Class 3 provisions of the Act have not been enacted.

Thank you for the opportunity to comment on this matter and I trust this information is of assistance.

Yours sincerely



**HON. MICHELLE ROBERTS MLA
MINISTER FOR POLICE; ROAD SAFETY**

17 OCT 2018