



Criminal Lawyers Association of the Northern Territory (CLANT)

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12 November 2015

TEN REASONS WHY DANIEL'S LAW IS BAD FOR VICTIMS

1. Other jurisdictions will not share child sex offender details with the NT, making it more difficult to maintain surveillance of child sex offenders who travel both into and out of the NT, and providing an incentive for child sex offenders to do so.

The Council of Attorneys-General (COAG) has rejected the NT's request to provide access to data held by other jurisdictions for the purpose of maintaining the website.¹ This raises the prospect that if Daniel's Law is enacted, the NT will be excluded by CrimTrac from the Australian National Child Offender Register. In any event, given that travel across State and Territory boundaries is unrestricted in Australia, a scheme such as is proposed by Daniel's Law could only be effective if it were supported by a network of national legislation. Every other Australian jurisdiction has rejected that course.

2. Victims will be deterred from reporting child sex abuse by family members, permitting and encouraging offenders to continue to offend

The decision to report a family member suspected of child sexual offending to the authorities is often agonising, and much such offending currently goes unreported. The prospect that the offender - and by extension the offender's family - will be publicly shamed, will be a powerful deterrent to families considering reporting one of their members as an offender. That in turn will increase the risk of further abuse being perpetrated.

3. Victims of child sex offenders will be identified and stigmatised

A high proportion of sexual offending is intra-familial. In many such cases, to target the perpetrator will inevitably result in the exposure, identification, stigmatisation, public shaming and further victimisation of the victim.

4. Innocent family members of child sex offenders will be identified and stigmatised

Particularly in small communities with extensive kinship networks, the identification of perpetrators will, by extension, lead to the identification, stigmatisation, public shaming and victimisation of their innocent family members.

5. Innocent people who live in the same locality as identified child sex offenders will be stigmatised and their property will lose value

As with the innocent family members of child sex offenders, their neighbours will be at risk of becoming similarly stigmatised, and the fabric of communities damaged. Property values in the neighbourhood may also be adversely affected.

6. The rehabilitation of child sex offenders will be impeded, making some more likely to reoffend

¹ ABC On-line, 15 May 2015 "NT Government pushing ahead with sex offender website, despite data refusals due to privacy concerns" (accessed at: <http://www.abc.net.au/news/2015-05-28/elferink-pushing-ahead-with-sex-register-rejected/6503786>)

- a. Reintegration into a supportive family and community is often a key factor in the successful rehabilitation of child sex offenders, but Daniel's Law will deter offenders and their families from reintegrating, because of Reason 4 above.
- b. Similarly, securing stable accommodation and employment is often a key factor in successful rehabilitation, but Daniel's Law will tend to preclude offenders from achieving this.
- c. For many child sex offenders a trigger to re-offend is exposure to stressors, and being on the website will be highly stressful for many offenders.
- d. Being on the website will deter many offenders from staying in treatment.

The above four factors will all increase the risk to victims that re-offending will occur.

7. Child sexual offending will not decrease in severity or prevalence

"Daniel's Law" is modelled on its American cousin, "Megan's Law" (versions of which have proliferated on a State by State basis across the USA over the last twenty years). There is now a significant body of research into the effectiveness of these laws, and the evidence is clear: they do not reduce the incidence of sexual offending, the type of offending, or recidivism.²

8. Community fear amongst adults and children about child sex offending, and hatred towards child sex offenders, will increase

Daniel's Law will provoke alarm, by ramping up paranoia, panic and loathing towards sex offenders, who the Attorney-General has likened to lepers. He has asserted that Daniel's Law will "arm" the public "to be more vigilant", because "we know we should pull out all stops as a society". Putting to one side any adverse effect this might have on the offenders themselves, it will instil and nurture the growth of harmful anxiety, animus and prejudice amongst vulnerable members of the community, particularly children.

9. The dangerous myth that most child sex offending is by predatory strangers will be propagated

Daniel's Law reinforces the stranger-danger stereotype that sex offenders are "out there", when, as is now well-recognised, children are at far greater risk from those they know, trust and associate or live with. Ironically, although Daniel's Law will undoubtedly make the community more alarmed, it may well also make the community less alert.

10. Vigilante violence and harassment towards both convicted child sex offenders and innocent people wrongly believed to be child sex offenders will increase

Daniel's Law will not publish offenders' full residential addresses, but it will publish their "general location area". The offender's name, date of birth, relevant offence history and photograph will also be posted on the website. With this information, any committed would-be vigilante armed with a Facebook account and a smartphone would have little difficulty in tracking down the whereabouts of the named and shamed offenders. Even more disturbingly, it is also readily foreseeable that this state-facilitated vigilantism will result in the targeting of innocent people who have been mistaken for sex offenders identified on the website. The anti-vigilante offence provisions appear unlikely to be either effective or enforceable.

For these reasons, CLANT strongly opposes Daniel's Law, which will do no good, and cause significant harm.

² For example, see: Zgoba, Witt, Dalessandro and Veysey, "Megan's Law: Assessing the Practical and Monetary Efficacy" (New Jersey Department of Corrections, 2008; abstract at <https://www.ncjrs.gov/App/Publications/abstract.aspx?ID=247350>); Fitch, "Megan's Law: Does it Protect Children?" (National Society for the Prevention of Cruelty to Children, UK, 2006); "Is notification of sex offenders in local communities effective?" (Australian Institute of Criminology Factsheet No. 56, 2007).