

**STANDING COMMITTEE ON ENVIRONMENT AND PUBLIC AFFAIRS**

*Fifty-second Report — “Punitive Not Protective: When the Mandatory Registration of Young People Is Not Based on Risk” — Tabling*

**HON MATTHEW SWINBOURN (East Metropolitan)** [10.08 am]: I am directed to present the fifty-second report of the Standing Committee on Environment and Public Affairs titled “Punitive Not Protective: When the Mandatory Registration of Young People Is Not Based on Risk”.

[See paper [3886](#).]

**Hon MATTHEW SWINBOURN:** The report I have just tabled advises the house of the findings and recommendations of the Standing Committee on Environment and Public Affairs’ inquiry into the mandatory registration of young people under the Community Protection (Offender Reporting) Act 2004. The purpose of the registration scheme is to protect the community from serious recidivist sex offenders and paedophiles. By requiring reportable offenders to comply with stringent reporting requirements, the Western Australia Police Force is able to closely monitor them and to investigate and prosecute future offences. How often an offender is required to report to police and the extent to which they are monitored is relative to their risk to the community. The nature and seriousness of the offence and the risk of reoffending are important considerations in this regard. Paradoxically, an assessment of risk does not inform a young person’s registration in the first place. It is significant that many juvenile offenders have their reporting obligations suspended by the WA Police Force because they do not pose an ongoing risk to the community and police simply do not see the need to continue monitoring them. A child as young as 10 years of age who is found guilty of a reportable offence will be not only subject to sentencing by the Children’s Court, but also registered as a sex offender for life. This is regardless of the circumstances of the offence or the young person’s risk of reoffending.

Reportable offences do not necessarily involve violent, abusive or coercive sexual behaviour. A single episode of inappropriate behaviour by a child, or willing adolescent sexual activity, can result in mandatory registration. The practical effect is that a young person who commits a reportable offence is simply assumed, often wrongly, to be as dangerous as an abusive or recidivist adult offender. Lifelong registration as a sex offender has a serious and detrimental impact on a young person’s development and future prospects. In some cases, these severe consequences will be necessary to protect the community. However, it is vitally important that the registration of young people is a considered decision, rather than an automatic response. Registration should be targeted and appropriate, given the circumstances of the offence and an assessment of risk. Stakeholders, including the Western Australia Police Force, overwhelmingly support the adoption of a discretionary approach in which the registration of children is determined by the Children’s Court. There is also strong evidence and support for exemption from registration in limited circumstances for other young people who do not pose a risk to the community.

The committee’s recommendations are the result of careful deliberation and seek to refine the scheme so that the registration of young people is appropriate and in keeping with the protective purpose of the act. I commend the report to the house.