

To whom it may concern,

I understand that an Enquiry is underway regarding the Western Australian sex offender registration scheme established by the Community Protection (Offender Reporting) Act 2004 (WA) ('the CPOR Act').

I understand the deadline for submissions has passed but am writing on the off chance that you are taking late submissions into consideration.

My partner has been significantly impacted by the CPOR Act and the mandatory registration scheme.

He was convicted soon after turning 18 years of age for engaging in consensual sexual relations with a 15-year-old, who he believed was over the age of 16 years. Due to the three-year age difference he was not able to use this defence and pleaded guilty. Upon sentencing, he was given a Spent Conviction Order.

Due to the mandatory registration scheme, he was immediately placed on the Register. As it is a prerequisite to the making of a Spent Conviction Order that the Court is satisfied that the offender will not commit a similar offence in the future, the fact that he has suffered the punitive consequences such as regular reporting obligations and restrictions on international travel that come with being on the Register seems highly inequitable.

This has placed limits on both our futures. We have been in a loving, committed relationship for over six years. My partner is completing a Degree in Financial Mathematics and aspires to work for large investment and finance firms in the future. I am currently completing a Juris Doctor at university. Due to the restrictions on international travel brought about by the Register, we worry that our careers will be hindered as he will be unable to accept opportunities which require temporary relocation overseas. Furthermore, the prospect of any international holidays or international work-related travel has been significantly hindered due to the discretionary power of the Police to deny this, as well as the fear of being denied entry to a foreign country and turned back. Mandatory registration has meant judicial discretion is removed.

My partner and I understand there is a vital place for the Register functioning as a security and surveillance mechanism to help Police keep dangerous offenders from re-offending. However, it seems a contradiction to be given a Spent Conviction Order but be bound by the restrictions from the Register which immensely impede liberty for decades after. We strongly believe the Legal Justice System should allow the Judge, who understands each unique set of circumstances of each case, to make the decision to place the offender on the Register.

It is our understanding that the current Enquiry is primarily focused on children and young people, but we hope consideration to remove mandatory registration is also given to cases where the offender is over the age of 18 years, especially in circumstances where a Spent Conviction Order is given.