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# Shifting constructions of sex offenders and the risks they pose: Implications for the development and implementation of laws and policies in NSW

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# Research questions

How have shifting constructions of sex offenders affected the development and implementation of laws and policies to manage convicted sex offenders in the NSW community?

- What events have led to the legislative and policy framework that has been implemented in NSW to manage the risks posed by convicted sex offenders?
- What are the views of 'key stakeholders' involved in policy design, development and implementation?
- What might the legislative and policy framework to manage convicted sex offenders in the NSW community look?

# Research methods

- **Archival research**
- **Legislative and policy analysis**
- **Interviews**
  - psychiatrists (2)
  - psychologists (6)
  - forensic mental health nurse (1)
  - faith-based organisation (1)
  - organisation that provides housing/practical support (3)
  - barristers (2)
  - solicitor (1)

# Legislation

- *Child Protection (Offenders Registration) Act 2001*
- *Child Protection (Offenders Registration) Amendment Act 2004*
- *Child Protection (Offenders Prohibition Orders) Act 2004*
- *Crimes (Serious Sex Offenders) Act 2006*
- *Child Protection (Offenders Registration) Amendment Act 2007*
- *Housing Amendment (Registrable Persons) Act 2009*
- Closure of Cedar Cottage announced 2012
- *Child Protection Legislation Amendment (Offenders Registration and Prohibition Orders) Act 2013*
- 2017 Reducing Reoffending reforms
- *Passports Legislation Amendment (Overseas Travel by Child Sex Offenders) Act 2017 (Cth).*

# Hansard

## 2001 - Child Protection (Offenders Registration) Bill

*[i]t is a sad fact that many child sex offenders offend compulsively and will reoffend – indeed, that is the premise that underpins this bill.'*

Police Minister, Paul Whelan (Australian Labor Party)

## 2004 – Child Protection (Offenders Registration) Amendment Bill 2004

*There can be nothing more debased and evil than those who sexually prey on children. This is evil in its most destructive darkest and most virulent form. There is no greater duty of any government than to protect and safeguard the most innocent and vulnerable in society: our children. We need to stamp out sexual predators offending against children.*

David Clarke (Liberal Party)

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## 2006 – Crimes (Serious Sex Offenders) Bill 2006

*I believe it is reasonable and appropriate for me to refer to the people concerned in this bill as grubs. In fact, I might be giving grubs a bad name by associating them with that type of person. I do not really want to refer to these characters as persons, people or human beings.*

David Oldfield (One Nation NSW)

# Interview questions

- Community perceptions about sex offenders/accuracy of community perceptions
- Influence of community perceptions in the development of laws and policies
- NSW laws and policies
  - Child Protection Register
  - extended supervision orders
  - residency restrictions
  - electronic monitoring of offenders
  - orders restricting movement, association and travel
  - treatment
- Key factors to facilitate successful reintegration into community
- Challenges for practitioners
- Challenges for politicians and policy makers
- Suggestions for reform.

**The term ‘sex offender’ is commonly used in the media and public discourse, so what do you think is meant by that term in the general community?’**

*It is interesting you use the word sex offender, because I think they use the term paedophile. Basically, I think what they are referring to is someone who is a predatory, out of control, never to be rehabilitated, danger to society.*

Skye – psychologist

*Well, when used in public, it is basically used to refer to seriously psychopathically deviant, predatory people who prey on children. That’s the public perception, the kind of distorted view, but it’s a view that there are all these blokes floating around in white vans just waiting to drag kids in off the street, and that’s what people think of as sex offenders.*

Luca – psychologist

*People think of actual sex, so, serious rape cases, serious paedophilia cases but not necessarily the range of matters, all of which are serious, but I think people think of it in an extreme – high objective seriousness.*

Mary – solicitor

*I think there’s a very strong reaction that it’s always paedophilia. I do not think that violence against women, domestic-violence stuff is seen as someone who’s a sex offender. I think there’s a lot of fear and anxiety, and judgement, negative judgement about such a thing.*

Jane - volunteer



**How do  
you think  
people in  
the  
community  
generally  
perceive  
sex  
offenders?**

*Always high risk, untreatable, yep, in a pretty negative way, we often talk about that sexual offences seem to be the worst possible thing you can do.*

Paige - psychologist

*It's on a continuum but the continuum runs heavily down to bastard, take their legs off, castrate them, throw the key away, give them, inject them with drugs, execute them. Well, you know ... it's not pretty.*

Philip - psychologist

*I would think most people in the community perceive them as the lowest of the low. They're absolutely scum of the earth I would think, for most people.*

Wilma - volunteer

*They're evil. They're the worst. Dangerous.*

Grace - barrister

# Child Protection Register

- Ignores evidence about recidivism
- Poor differentiation of risks posed by individuals
- Very intrusive practices to monitor compliance
- Breaches

# Housing

*[T]he practicality is that housing's very difficult for anyone. And then, if you're a sex offender, then housing you is even [more challenging]. We know that stable accommodation's a really important factor into your risk of reoffending. I think like some of it is, there's this idea of distance decay where you know you've got to be so many metres from a bus stop or so many metres from a park and that sort of thing, which actually has no evidence at all. That, you know, if someone's motivated to offend, they're going to walk that extra 20 metres to, to get there.*

Ethan, psychiatrist

# Treatment

*We had, okay, we had one guy who used to come up from, while he was doing the treatment with us, he used to come across from Yass every week. He'd drive from Yass to Sydney every week and bear in mind the session was an evening group so 7 to 9 pm at night. And so he would come across from Yass, drive back home at 9 pm at night. Another guy from, catching public transport from Wollongong. Didn't drive so he used to catch public transport from Wollongong to Sydney for seven to nine and he'd go back at 9 pm on public transport. Wouldn't get home 'til two, three in the morning... Another guy from Port Stephens every week, used to come down every, every week from Port Stephens.*

Roger, provisional psychologist (location names, directions changed)

# Travel restrictions

*Somebody's who's low risk – everybody agrees they're low risk, can't go overseas on a family holiday to visit their extended family out of the country. The wife has to take the kids. Those kind of things are constantly, the gift that keeps giving, the ripple effect. As I kind of think about it, it doesn't matter how many years down the track you are always discovering another layer of the ripple effect.*

Washington, psychologist

# Key themes

- There are many misperceptions about sex offenders and sex offending (media has a role)
- Laws and policies have been heavily influenced by these misperceptions
- Politicians influence and are influenced by community perceptions
- Monitoring and surveillance of offenders has become more onerous since the inception of the CPR, and this has intensified in recent years
- Registrants have difficulty accessing housing and treatment, and obtaining approval to travel
- It is very difficult for people to (re)integrate back into the community, particularly if personal resources and support are lacking.

*There's radical non-intervention. Nothing helpful is ever given to them, just obstacles. So, that's the problem.*

Washington, psychologist



**Dominic Perrottet**  
Treasurer

**Anthony Roberts**  
Minister for Corrections  
Minister for Counter Terrorism

## MEDIA RELEASE

Wednesday, 5 June

### **TOUGHER CONDITIONS FOR PAROLED SEX OFFENDERS**

All serious sex offenders on parole are now subject to 24/7 GPS tracking and enhanced supervision, thanks to a \$21.8 million investment by the NSW Government.

NSW Treasurer Dominic Perrottet said the funding was an investment in community safety as part the 2019-20 NSW Budget.

“We have the toughest parole and extended supervision laws in the country and the NSW Liberals and Nationals will continue to keep safety as our top priority by delivering measures in line with community expectations,” Mr Perrottet said.

Minister for Counter Terrorism and Corrections Anthony Roberts said the \$21.8 million investment will deliver an expanded External and Electronic Monitoring Group with additional staff and equipment, as well as extra Community Corrections officers.

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