

INQUIRY INTO SPENT CONVICTIONS FOR JUVENILE OFFENDERS

Organisation: NSW Department of Corrective Services

Name: Commissioner Ron Woodham PSM

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NSW Department of Corrective Services

The Hon. Christine Robertson
Chair
Legislative Council Standing Committee on Law and Justice
Parliament House
Macquarie Street
SYDNEY 2000

RECEIVED
11 JAN 2010

Dear Ms Robertson

Re: Legislative Council Inquiry into spent convictions for juvenile offenders

I refer to your letter of 25 November 2009 inviting me to make a submission to the inquiry.

In announcing the Inquiry in the Legislative Council on 12 November 2009, the Attorney referred to the Standing Committee of Attorneys-General finalising a Model Spent Convictions Bill and thereby introducing a national approach to spent convictions.


As noted by the Attorney, in Queensland sex offences may become spent in the same manner as any other offence, while in Western Australia they may only become spent if a court so orders. The current New South Wales position is that sex offence convictions cannot become spent.

In my view, no sex offence committed by an adult should ever become spent. If such a conviction could become spent, it is conceivable that a person could still be a registrable person under the *Child Protection (Offenders Registration) Act 2000* after the conviction(s) became spent following the qualifying period of good behaviour, if the sentence(s) imposed was not more than 6 months full time imprisonment.

I have no views on whether a different approach should be adopted for children convicted of sexual offences of a type described by the Attorney General in Parliament as "young love offences, which is when a juvenile has consensual sexual intercourse with another juvenile" or minor acts of indecency or extreme exposure.

However, if such convictions were to be made capable of being spent, they should only be capable of being spent following a court order, and not by lapse of time alone or by administrative decision. Only a court can give proper and expert consideration to both the objective seriousness of the offence and the level of risk of re-offending.

Yours sincerely


Ron Woodham
Commissioner
6 January 2010