

## Shame, Shamed and Ashamed

Written by Eva Sless, Writer of Stuff  
Friday, 29 July 2011 11:17

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Never has there been a time when I wish I'd paid more attention in my high school legal studies classes than this week. I am up to my ears in legal jargon and phrases I barely understand and am trying to sort through it all to make some sense of the outrage I feel. And not just my outrage, thousands of other people seem to be sharing my same view. I am speaking about the recent decision handed down to Australian media presenter Derryn Hinch (otherwise known as the Human Headline) by the High Court of Australia. A ruling which has seen him sentenced to home detention for five months for publicly naming a couple of serious serial sex offenders on his radio program.

This is an offence under section 42 of the serious sex offenders monitoring act. Basically, for all you people like me who are unfamiliar with legal acts, this act states that if the court believes it is in the best interest of the case and/or the victim, then documents and evidence, as well as the victims and offenders names, are suppressed and it is illegal to publish any information that includes these things.

From what I can tell, the main reason this is done is to avoid the victim being identified. On the surface it seems fairly straightforward. Someone who has endured severe sexual abuse and trauma has a right to get on with their lives and not be hounded by the media and the public about what has happened. They have the right to move on and put the dreadful past behind them.

But, on the other hand, and what's angering so many people is, it's often seen more as protecting the abuser. No-one is allowed to know who the person is, what they did and, more importantly, where they are now, and that last part is what is concerning people; not being able to know if a serious serial sex offender lives near you and your children. Something we all know now is that sex offenders come in many forms. They aren't just the creepy guy in the trench coat hanging out in the playground, they come in all shapes and sizes, and from all walks of life. So how do you know?

Yes, there is the Australian Sex Offender Register, but to be honest, as well as the fact that it would have no information about suppressed offenders, I noticed one big flaw in this service. You cannot actually search your specific area to see if a registered offender lives close by. You must put the name of someone you suspect in the search boxes and then the register looks to see if there are any records or files against this particular person. Without an actual name the register is basically useless. The one place that does have all this information is ANCOR – Australian National Child Offender Registry, however, unlike in America, this service is not

available to the public it is only available to police.

Another slight problem I have with the registry is the fact that anyone who has ever been convicted of a sex related crime is on there. What's wrong with that, you ask? Well, lets just say you're a seventeen year old guy and you have a fifteen year old girlfriend. That is illegal, because she is under the age of consent, and if you are charged with carnal knowledge you can then put on the register as a child sex offender. What about a fourteen year old girl who sends her also fourteen year old boyfriend a picture of her boobs in this "sexting" craze that has come in with the invention of cameras in mobile phones? These two children, if caught, are charged with the heinous crime of distributing child pornography, and can be put on the register for at least eight years.

In my opinion I would prefer these names, the ones of children and teenagers who have been charged with crimes like the ones mentioned above, to be suppressed. If a future employer was to type their name into the register, they would see the applicant had been charged with child sex offences and they would never get a job ever. The stigma would stick with them forever, and a silly act of teenage risk-taking and stupidity would ruin their adult lives.

So, back to the suppression orders. What do the victims of these crimes think about their attackers being allowed to live unknown within the community? Do they have a say on the suppression orders? What would happen if a victim was to identify an abuser when a suppression order is in place? Unfortunately this is information that is very hard to come by. Mainly because these cases, and the victims themselves, have been suppressed and so there is little information about them at all.

I did find one very recent story about a victim having a suppression order lifted. The story of Sascha Chandler who, at fourteen years old, was groomed and abused by a serial sex offender named Andrew McIntosh until he (Sascha) was seventeen. Fifteen years later, when Sascha became a father for the first time, he decided he could not sit silently any more and finally reported his abuser to the police.

A nationwide manhunt took place and, by a series of bizarre coincidences and a lot of luck, Andrew McIntosh was finally brought to justice. In a move that surprised some of his family and friends Sascha asked the judge to remove the suppression order, so that he could come out publicly and tell his story in the hope that it might help other victims of abuse come forward and name their abusers.

"I can't sleep at night if I can't stand up as an adult and do my very best to stop this man," he said in an interview on ABC's Australian Story this month. "It allows me to truly look forward and get on with my life, knowing that he can't hurt anybody else."

And I suppose that's the thing that really needs to be weighed up when dealing with serial offenders and their victims. When someone has the mental disease of paedophilia, they are most often incurable. According to some studies I read up to 58% of paedophiles will re-offend and one study I saw claimed that it was more like 98%. Whatever the number, they are both way too high and therefore suppressing the names, while in one way is protecting the victim and allowing them to move on, could be a very dangerous thing for every other unknowing person who comes into future contact with them.

This then brings us to the other argument I have come across many times in this research, and that is, if we remove the suppression orders what about the inevitable and subsequent vigilante attacks on the offenders? Knowing you have an offender in your area won't stop the offender from being in your area, and people often take their anger and frustration and fear out on the perpetrator, rallying outside their residence, throwing eggs, bricks and sometimes fire bombs at the house, justifying their actions with the fact that the person inside is a pervert and a child molester.

One solution is to house these incurable paedophiles in residential compounds like the old Commonwealth Games village now more commonly referred to as the "Village of the Damned". This compound is situated just outside of Ararat Jail and already home to at least 24 serial sex offenders, including Brian Keith Jones, also known as Mr Baldy. Most of the other residents there are under suppression laws and so their names are not available, but at least we know they are there. Under constant electronic supervision and with night-time curfews. Other than these conditions, the residents are able to move freely about the compound and, in some cases, are allowed supervised visits into the general public.

This too, though, is littered with arguments and controversy. Things like the fact that these people have served their time but are still, in effect, in prison, and the money it costs the tax payers to house them. And there is also the matter of their rights as citizens being taken away.

However, my mother always taught me that with rights come responsibilities and if you don't

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abide by them then you will lose your rights. To me, a known serial sex offender who has attacked many children many times and is deemed likely to re-offend automatically loses their rights. They should not be given any sort of special treatment or leeway. The overall sense I have got from reading public rhetoric, as well as news items and professional opinions, is that this is a common school of thought and compounds, like the one in Ararat, are one of the better solutions. Not only to protect the children in our community, but also the offenders from vigilante attacks.

Whichever way you look at it, it is a tricky topic, full of heated debate and strong opinions, but the one thing that comes out loud and clear is that victims must be given every opportunity in the world to be able to move on, rebuild their lives and survive.

I must say, after much research into the topic, I am still a bit confused. Would it be that hard to suppress a victim's name but still make their abuser known? Because I really do not believe these men should be protected and their names withheld. I, as a mother and a member of a very family friendly and close-knit community believe I have the right to know where these people are, and if my family might be affected by it. I also, however, believe the victims should be allowed to have a say in whether there are suppression orders put on their cases, and the nature of what exactly is suppressed.

I also wish Derryn Hinch a full and speedy recovery from his recent liver transplant and hope that (without breaking the law next time) when he returns to our airwaves after his detention he keeps on fighting the fight for victims of abuse.