

Regulatory Impact Statement

Child Protection Offender Register and Risk Management Framework

Agency Disclosure Statement

This Regulatory Impact Statement has been prepared by the New Zealand Police and the Department of Corrections.

It analyses a proposal to establish a Child Protection Offender Register and offender risk-based multi-agency management framework in New Zealand. The proposal is designed to reduce the risk of serious harm to children from known child sex offenders living in the community. The proposal is for the registration of child sex offenders who are convicted of a qualifying offence and either sentenced to imprisonment, or sentenced to a non-custodial sentence and directed to be registered by the sentencing judge.

There are some constraints on the analysis in this Regulatory Impact Statement. In particular, there is limited research evidence from other jurisdictions about the effectiveness of sex offender registers and the best practice for long term monitoring of high risk sex offenders in the community after their sentences end. This has meant that an estimate of the value of the anticipated benefits has not been possible.

The proposal does have some human right implications. As a result of the proposed legislation all future eligible child sex offenders, and those serving an eligible sentence or order on the date the new legislation is enacted, will have less privacy of personal information (a civil right) than other members of the population. Some Police and Corrections staff will have access to up-to-date information about many aspects of their circumstances for 8 or 15 years, or for life in many cases. The proposal also seeks additional information sharing provisions with government agencies and where senior Police (Inspector level or above) or Corrections staff consider a child is at risk from sexual re-offending by a registered child sex offender, they may disclose information about the registered offender's offending history to third parties.

06 / 06 / 2014

Catherine Petrey

Date

National Manager: Policy

NZ Police

Introduction

- 1 The Cabinet paper *Child Protection Offender Register and Risk Management Framework* and associated Regulatory Impact Statement were originally submitted to the Cabinet Social Policy Committee for consideration on 4 December 2013. At that time the Committee deferred the paper under SOC (13) 173 [SOC Min (13 26/5] refers]. The revised papers were agreed, subject to some amendments, by the Cabinet Social Policy Committee on 5 March 2014 and recommended for Cabinet consideration [SOC Min (14)3/3 refers].
- 2 On 10 March 2014 Cabinet deferred consideration of the papers [CAB Min (14) 8/10 refers] and invited the Minister of Police and Minister of Corrections to:
 - i. give further consideration to the cost of the proposal, in consultation with the Minister of Finance;
 - ii. submit a revised paper to Cabinet, if necessary, following consultation with the Minister of Finance; and incorporating the additional recommendations proposed by the Minister at Cabinet in respect of child sex offenders who have been sentenced to a non-custodial sentence.

Executive summary

- 3 The Minister of Corrections and Police has proposed that a Child Protection Offender Register (the Register) be established in New Zealand. The aim of the Register is to minimise the risk of serious harm caused by convicted child sex offenders living in the community who may re-offend.
- 4 Child sexual abuse is a serious problem in New Zealand. In 2012/13, 505 offenders were convicted of 1819 sex offences against children – up by over 20 percent from a decade earlier. In 2012/2013 the Accident Compensation Corporation had 779 sensitive claims (for sexual abuse) lodged for children under the age of 16 years.
- 5 Child victims of sexual abuse are amongst the most vulnerable victims of crime, and the resultant harm is often very serious and long lasting.
- 6 While New Zealand has a range of measures in place to reduce the risk of harm caused by convicted child sex offenders (see Appendix Two), it is difficult for agencies to prevent harm when there is no single up-to-date source of information about sex offenders in the community. There is also no management framework to co-ordinate preventative action and to support offenders to maintain low-risk lifestyles at the end of their sentences.
- 7 Offender registers have been implemented in a number of overseas jurisdictions. Their purposes include helping government agencies to identify and manage the risk of sex offending in the community, and providing offenders with incentives and support to maintain a low-risk lifestyle. However, risks are also associated with registers, including human rights and privacy concerns, the cost of maintaining them, and the possibility of stigmatising offenders, which can have the effect of increasing re-offending.

Options

- 8 Four high level options have been considered:
- *Option 1: Maintain the status quo* – not recommended as it does not address current concerns
 - *Option 2: Extend the scope of existing child sex offender harm reduction measures* – not recommended as these measures do not provide a single source of offender information, and tend to involve significant degrees of coercion, making them difficult to justify for a wider group of people
 - *Option 3: Increase funding for Non-Government Organisations to increase the provision of specialist assessment and group treatment programmes* - not recommended as participation is voluntary and NGOs have no statutory powers to require offenders to provide the personal details needed for a single source of offender information
 - *Option 4: Implement a Child Protection Offender Register* – recommended option, as it would address concerns associated with child sex offenders in the community by: preventing harm by reducing re-offending; locating and monitoring offenders; and more readily resolving cases when they arise. Legislation would be required to enable this option to be implemented.

Preferred Option

- 9 A further range of options have been assessed, to determine the optimal configuration of a child protection offender register. Increasing the scale of the proposed Register has the potential to increase public safety benefits but would increase administrative costs and also increase adverse human rights and privacy impacts.
- 10 We recommend that a child protection offender register be established in primary legislation for offenders aged 18 years or older when the offence is committed and who are convicted of a qualifying offence (see Appendix One) and are sentenced to imprisonment. We also recommend that the sentencing judge be able to direct the registration of an offender who receives a non-custodial sentence if considered necessary to protect the public. This option represents a balance between potential public safety benefits and adverse impacts.
- 11 The Register would require registered offenders to report to Police and provide specified information required to positively identify and readily locate them, and to form the basis for an assessment of their potential risk to public safety.
- 12 The Register would be supported by an offender risk management framework. An active offender risk management framework that targets resources to where the risk of re-offending is greatest will be critical to obtaining maximum benefit from the proposed register. We recommend that the New Zealand Police and Department of Corrections share responsibility for the management framework.

Cost and value for money

- 13 There is insufficient information to undertake a cost-benefit analysis of this proposal. Over ten years, it is estimated that 4 to 34 child sex offence convictions may be prevented, as well as the prevention of many undisclosed, or unreported child sex offences. The register will provide for information

sharing between agencies resulting in additional opportunities for pro-active interventions to reduce offending.

- 14 The 10 year costs for this proposal are \$146.054 million comprising the capital and operating costs of setting up and running the Register as well as the operating costs associated with managing those on the Register. This cost includes staff time.
- 15 Some capital components and all field operating costs for the Register and risk management framework amounting to \$85.1 million (Corrections \$70.6 million, Police \$14.1 million, Courts \$0.38 million) over ten years will be met from within existing baselines. For Corrections, the bulk of its absorbed costs (\$61.5 million) relate to its management of high risk child sex offenders. However, because these offenders are generally subject to Extended Supervision Orders (ESOs), adding the requirements of the Register, to the already funded management of offenders' ESO conditions, imposes small additional unfunded costs. The additional \$9.1 million will be absorbed by Corrections through efficiency gains.
- 16 Police will absorb the cost of its new activity (\$14.1million) through achieving more effective utilisation of existing staff - focusing on prevention first, and leveraging existing investment in district command centres and mobile technology. Better real-time intelligence and risk management tools will also contribute to smarter deployment of front line resources.
- 17 However, agencies are unable to absorb the technology, ongoing operation and evaluation components of the Register. As such, new funding of \$60.921 million over ten years will be required to cover these costs.
- 18 On 14 April 2014 Cabinet approved between-budget spending contingency funding amounting to \$35.525m over ten years for the technology component of the Child Protection Offender Register to be drawn down when Cabinet agrees the policy proposals for the Child Protection Offender Register [CAB Min (14) 13/8(25)].
- 19 The funding set aside as part of Budget 2014 is for the development and operation of the technology component for Police only.
- 20 Potential sources of funding for the remaining \$25.396 million (\$19.684 million in Police) required over 10 years for the development and operation of the technology component of Corrections and Courts as well as ongoing operation of the register, and the evaluation process, will be pursued following decisions by Cabinet to implement the policies. Sources of funding may include a bid to Budget 2015; savings from expenditure reviews currently being conducted by Justice sector agencies; and other sources of funding such as other affected government agencies, including the Accident Compensation Corporation, which has indicated a willingness to provide some seed funding for the initiative.

Background

- 21 In recent years public concern about the risks posed by known child sex offenders has prompted government agencies to consider, and to institute, new initiatives to reduce these risks. As a result agencies have become aware that there is a lack of coordinated information about known child sex offenders in the community.

- 22 In 2012, following a visit to the United Kingdom, the Minister of Corrections and Police publicly signalled her intention to establish a system requiring known sex offenders living in the community to regularly provide details about themselves to the authorities (including after they have completed their sentence). As the Minister for both Corrections and Police, she jointly tasked these agencies with undertaking the work required to develop and implement the proposed Register. The Minister has indicated her intention to introduce legislation to this effect in 2014, focussing specifically on child sex offenders.
- 23 Reported child sexual abuse is increasing in New Zealand. In 2012/13, 505 offenders were convicted of 1819 sex offences against children. Both the number of convictions and the number of convicted child sex offenders are more than 20% higher than a decade earlier¹. The real level of sexual offending against children is much higher than reported in official statistics, although it is difficult to quantify by how much. This is because many sexual offences against children are not reported, or are only reported years after they occurred. Accordingly, many child sex offenders escape conviction and the offences some child sex offenders are convicted for considerably understate the extent of sexual abuse they have inflicted.
- 24 What is known is that victims of child sex offences – who are aged anywhere from a few months old to age 15 - are amongst the most vulnerable of all victims of crime. Their lack of emotional, physical and intellectual maturity puts them at a serious disadvantage to their adult abusers – who coerce them into sexual interactions by offering attention or gifts, manipulating or threatening their victims, use aggression or employ a combination of these tactics.
- 25 The adverse impacts on these young victims of sexual abuse are often very serious and long lasting. They can include chronic depression, low self esteem, sexual dysfunction and, in extreme cases, personality disorder. Adverse impacts may also include dis-associative responses and other signs of post-traumatic stress-disorder, chronic states of arousal, nightmares and flashbacks.² Sexually transmitted infections and subsequent impacts on fertility, and anxiety over sex or exposure of the body during medical exams are also common.³ In 2012/2013 the Accident Compensation Corporation had 771 sensitive claims (for sexual abuse) lodged for children under the age of 16 years.
- 26 Finally, victims of sexual abuse are also at increased risk of further victimisation themselves, and of becoming child sex offenders and victimising other children, later in life.
- 27 There is a large amount of data about child sex offences and analysis of the characteristics of people imprisoned for child sexual offences. While this data indicates that re-offending rates among sex offenders are relatively low⁴, rates

¹ Data on child sex offender convictions and offender numbers for the ten years to 2012/13 provided by the Information and Analysis team, Sector Group, Ministry of Justice.

² Browne, A, Finkelhor, D, *Psychological Bulletin*. Vol 99 (1), Jan 1986, pp 66-77.

³ Advocacy for youth, *Child Sexual Abuse – An Overview (statistics, signs, adverse effects, and prevention strategies)*, <http://www.advocatesforyouth.org/component/content/article/410-child-sexual-abuse-i-an-overview>

⁴ Child sex offender re-offending rates up to 10 years post release have most recently been measured at 8% for child sex re-offending and 11% for sex offending of any form.

of sexual re-offending are likely to be significantly underestimated⁵. In addition, as described earlier, the effect of sex offences on child victims tends to be particularly harmful and long-lasting. Even a low rate of sexual re-offending has serious consequences for victims and the community. Any reduction in the rate of re-offending by sex offenders will provide considerable benefit.

- 28 The potential for child sexual re-offending arises when convicted sex offenders are living in the community. At any one time, the prison population includes around 500 child sex offenders, and each year around 210 of these offenders are released back into the community. In addition, approximately 115 child sex offenders per year commence a community-based sentence. The majority of these offenders have no on-going contact with justice sector agencies after their sentence, even though they may present a significant risk of future harm.

Problem definition

- 29 Some recent incidents relating to re-offending by known child sex offenders have highlighted these gaps in government information collection and sharing systems. This has helped to further fuel public concern that more needs to be done to manage the risks of harm to the public posed by these individuals.
- 30 It is difficult for agencies to establish strategies to prevent harm caused by recidivist child sex offenders when there is:
- no single, comprehensive up-to-date source of information about sex offenders in the community that government agencies can use to identify persons who pose risks of harm
 - no agreed risk assessment process to establish and monitor sex offenders' risk of re-offending at the time of their release into the community and over time
 - no agreed management framework for co-ordinated preventative action that agencies can apply if a significant increase in an offender's risk of re-offending is detected
 - no mechanism to enable offenders at the end of their sentences to be monitored and supported to maintain low-risk lifestyles
 - a lack of current information about the locations of known sex offenders, which creates a barrier to the efficient resolution of sexual offences.

Objectives

- 31 The primary policy objectives for the Register are:
- *Public safety*: to reduce the risk of serious and long-lasting harm to the public by reducing sexual re-offending
 - *Confidence in the justice system*: to improve confidence in the justice system through public awareness that justice sector agencies have the information needed to monitor sexual offenders after their sentences have ended

⁵ It is supposed that reoffending rates among sex offenders may be higher than measured because sex offending can be a compulsive behaviour that persists over decades of an offender's life and victim surveys indicate that, of all crime types, sex offences are among the least likely to result in the apprehension and conviction of an offender (and are often not reported by victims).

- *Law enforcement and investigation*: to provide up-to-date information that assists the Police to more rapidly resolve cases of sexual reoffending.

Status quo

32 New Zealand already has a range of measures in place to reduce the risk of harm caused by convicted child sex offenders, and to aid law enforcement and investigation. They include:

- sentences and orders that provide significant oversight of child sex offenders, such as Extended Supervision Orders that may require 24 hour monitoring of serious child sex offenders after they have completed their sentence of imprisonment
- measures intended to equip child sex offenders with the resources they need to reduce their re-offending risks (for example, rehabilitative programmes delivered by the Department of Corrections)
- information recording and sharing agreements such as the “Child Sex Offender Information Sharing Agreement” between Corrections, Police, Ministry of Social Development and Housing New Zealand Corporation, have been established to help manage the risk of child sex offenders in the community
- Police and Corrections have established a Centre for Impact on Sexual Offending (CISO). Initially, the CISO provides a central point for the profiling i.e. collection, analysis and sharing of Corrections and Police information on child sex offenders (with potential to expand this to include all high-risk offenders in the future if policy decisions are taken and resources become available). The profiling undertaken by the CISO would support the operation of the Register and the risk assessment process, and assist the effective management of those assessed as being high risk.

33 These measures are summarised in more detail in Appendix Two. However, while they contribute to reducing the risk of serious sexual offending and the more rapid resolution of crimes, they:

- tend to be limited in time and/or scope, in that they focus mostly on the very high-risk child sex offenders, have limited ability to maintain up-to-date information and may cease once the offender has completed a finite sentence or order
- do not provide a single source of up-to-date information that can be used by all relevant agencies to co-ordinate preventative strategies.

34 There is an opportunity to further improve public safety and crime resolution rates through introducing a mechanism that would enable better (and better co-ordinated) monitoring of a wider range of child sex offenders in the community – during and after the end of their sentences.

Child protection offender registers in other jurisdictions

35 Child protection offender registers have been implemented in a number of overseas jurisdictions (see Appendix Three). However, there is no ‘standard’ form of register; instead the features and functions of different registers vary in relation to:

- *Eligibility for registration* – criteria that identify which offenders must be registered may be narrow (for example, only child sex offenders, as in some Australian states, many American states and South Africa), of middling breadth (including all sex offenders as in some Australian states, Ireland and Canada) or broad (for example, sex offenders as well as violent offenders, as in the United Kingdom).
- *The information collected* – more or less information about each registered individual may be required and recorded (for example, in Ireland registered offenders are asked only to register their addresses and some limited information about travel plans, while in Australia registered offenders may be asked to report a wide range of information including passport details, employment details, details relating to their internet use and their DNA profile).
- *Management frameworks* – in some jurisdictions, in addition to their reporting requirements, registered sex offenders are more or less actively monitored and managed in the community by the relevant justice agencies.
- *Associated regulation of registered offenders* – in some jurisdictions the authorities may place additional restrictions on the movements and activities of registered offenders (for example, in South Africa it is illegal for a registered child sex offender to work in a school, and in Louisiana, USA the courts may compel registered child sex offenders to wear identifying clothing or have signs on their houses or cars).
- *Access to information* – access to information on registers may be restricted to particular officials (as in the United Kingdom and all Australian states except Western Australia), or it may be open to the general public (as in Western Australia and a number of American states).

Benefits and risks of child protection offender registers – evidence from practice overseas

- 36 Officials in the United Kingdom advised the Minister of Corrections and Police, during her 2012 visit, of the value of England’s and Wales’ Violent and Sex Offender Register (ViSOR) and ‘Multi-Agency Public Protection Arrangements’ (MAPPA). These arrangements relate to the risk profiling and risk management of registered sex offenders, violent and other types of offenders who pose a serious risk of harm to the UK public.⁶
- 37 In addition, a review of the international literature identifies that registers may be effective and improve public safety through:
- more incentive and support for sex offenders to maintain a low-risk lifestyle (including strategies learned on completed rehabilitative programmes)
 - improved ability for enforcement agencies to identify and manage the risk of sex offending in the community (and resolve sex offences, if there are cases of re-offending)

⁶ A 2011 study (*Patterns of reconviction among offenders eligible for Multi-Agency Public Protection Arrangements (MAPPA)* ISBN: 978 1 84099 471 1) showed there was a reduction in reconviction rates among sexual and violent offenders released between 2001 and 2004 compared to 1998-2000, which coincided with the introduction of MAPPA in 2001.

- deterrence (because of the perception that offenders are at greater risk of detection and/or because of a 'shaming' effect)
- greater community awareness of potential risks, which enables communities to better protect themselves from harm (this where registers involve an element of public notification).

38 On the other hand, the literature also identifies significant adverse impacts relating to human rights issues, administrative costs and effectiveness. These include that registers may:

- infringe rights related to privacy and avoidance of double-jeopardy
- increase risks of vigilante attack on offenders where they involve public access to the information notified to the register
- classify sex offenders as one homogeneous group, whereas their characteristics vary greatly, including their risks of re-offending
- be costly to operate, if they are accurately maintained
- perpetuate a view that it is 'strangers' who commit sex offences, whereas sex offending is most often committed by people known to the victim
- stigmatise sex offenders, which may have the perverse effect of increasing their propensity to re-offend by reducing their opportunities for reintegration.

Regulatory impact analysis

High level options

39 Four high level options to achieve the policy objectives have been considered by the Department of Corrections and New Zealand Police:

- *Option 1: Maintain the status quo – not recommended*

This option does not address public concern and known information gaps associated with sex offenders, as noted above (paragraph 30).

- *Option 2: Extend the scope of existing and planned measures to reduce harm caused by sex offenders – not recommended*

Existing measures to limit the harm caused by sex offenders, except for the information sharing schemes, involve significant degrees of coercion and deprivation of individual liberty through the imposition of sentences or orders such as preventive detention, extended supervision orders and public protection orders. It would therefore be difficult to justify extending these measures to all offenders who, while they may pose a risk of serious harm, pose considerably less of a risk than those for whom these schemes are specifically targeted. They are also costly to administer.

The existing information sharing schemes are not able to provide a single co-ordinated source of information on known offenders in the community and they have very limited application to offenders who have completed their sentence or order.

- *Option 3: Increase the funding for NGO groups like STOP and HELP so they can increase the provision of their child sex offender specialist assessment and group treatment programmes*

This option is designed to reduce re-offending by convicted or unconvicted child sex offenders living in the community who voluntarily self-refer or are referred by various agencies. However, while NGOs undoubtedly contribute to the reduction of offending by child sex offenders this is not recommended as the sole option as participation in programmes is voluntary and NGOs have no statutory powers to required offenders to provide updated information. This option on its own would not address the need for a single source of up-to-date information about child sex offenders that would allow Police and Corrections to locate and proactively monitor sex offenders in the community, particularly after they have completed their sentences.⁷

- *Option 4: Implement a child protection offender register and risk management framework – recommended*

This option has the potential to best address the policy objectives, including some of the concerns associated with child sex offenders in the community. However, as shown by overseas experience, this option may carry with it some risks and disadvantages. To mitigate these, a range of further subsidiary options has been considered in order to determine the optimal framework for a child protection offender register in New Zealand. These are discussed below.

Need for regulatory reform

- 40 Because the post-sentence management and monitoring of child sex offenders involves some degree of coercion, it needs to be authorised by law. Option 4 would therefore require regulatory change to implement.

Further options analysis: Optimal configuration for a child protection offender register in New Zealand

Scale of the Register

- 41 The scale of the proposed Register will be determined by decisions about:
- who must be registered
 - how long registration requirements last
 - what information registered offenders must report to the Register
 - how often registered offenders must report information for the Register
 - who is able to access information on the Register, with what safeguards.
- 42 A range of options has been assessed with reference to overseas models and with particular regard to their impact on:
- the broad public safety objectives identified
 - administrative cost and efficiency
 - human rights and privacy issues.
- 43 The wider the group of sex offenders required to register, the more information collected about them, and the more closely they are monitored and managed,

⁷ The current work programme of the Sexual Violence Senior Officials Group, and the advice to the Government that will result from the recently initiated Justice and Electoral Select Committee Inquiry into the Funding of Specialist Sexual Violence Social Services.

the greater the potential public safety benefits – to a certain point. However, we found insufficient information or evidence from overseas jurisdictions to quantify these anticipated benefits with any certainty.⁸

- 44 Further, as the scale of the register increases (more offenders required to provide more information), the costs and negative human rights and privacy impacts also increase. In addition, the chance that low-risk offenders are unnecessarily stigmatised increases and this may, perversely, increase their risk of re-offending⁹ meaning that a larger scale register may actually increase some risks to public safety.
- 45 The proposed approach to the Register in New Zealand balances public safety benefits with administration costs and human rights and privacy considerations.

Summary of Preferred Option

- 46 The preferred option is to establish a Child Protection Offender Register that includes all offenders aged 18 years or older at the time of the offence, who are convicted of a qualifying child sex offence (see Appendix One) and are sentenced to imprisonment. It is also proposed that a judge be able to direct that an offender who is sentenced to a non-custodial sentence be registered if considered necessary to protect the public.
- 47 The inclusion of offenders serving non-custodial sentences is considered necessary because sentence type does not always provide an accurate picture of an offender's likely risk of serious re-offending. This is because in some cases the difficulties inherent in gaining evidence from children means that some offenders are not prosecuted or convicted for offences they have committed. Equally, the information put before the court may only represent a small part of a much greater offending pattern, with the result that some relatively high-risk child sex offenders get non-custodial sentences.
- 48 The proposed approach to judicial discretion will be the most effective and appropriate way of ensuring that the use of registration is proportionate to the risk posed by child sex offenders. It will help to ensure that offenders who pose a genuine risk to children can be monitored in the community irrespective of the sentence they have served, while at the same time preventing the stigmatisation which could unnecessarily limit low-risk offenders' reintegration back into society.
- 49 The requirement to be on the Register will apply to those who meet the eligibility criteria and are either convicted after the Child Protection Offender Register and Risk Management Framework Act comes into force, or are serving a relevant sentence or order for a qualifying offence when the Act comes into force.

⁸It has been argued that there is generally little evidence that child protection offender registers deliver significant benefits in terms of improved public safety (see, for example, page 149 in Thomas, Terry, *The Registration and Monitoring of Sex Offenders A Comparative Study*; Routledge, 2011). However, the UK study (see Foot note 6) indicated benefits, linked to the management framework underpinning the register (see discussion from paragraph 61), may include a reduction in re-offending in the first year of completing sentence of up to 6.5%.

⁹ Unnecessary registration may mean that some offenders find it more difficult to reintegrate into society and poor reintegration is a likely risk factor for sexual recidivism. (See, for example, Willis, G.M. and Grace R.C. *Assessment of Community Reintegration Planning for Sex Offenders* Criminal Justice and Behaviour 36 (2009), pp494-512.)

- 50 It is also desirable that convicted child sex offenders from overseas be registered if they intend to reside in New Zealand for 6 months or more and the circumstances of their offending and conviction would have met the eligibility criteria for registration had the offence been committed in New Zealand.
- 51 All eligible offenders would be registered at the time of sentence (or soon after the legislation is enacted for the transitional offenders) and would be required to:
- report to Police within 72 hours following:
 - release from prison or
 - a judicial direction for registration in the case of an offender who receives a non-custodial sentence
 - report to Police every 12 months at the anniversary of their initial reporting
 - provide or update details regarding their address, phone numbers, the other residents living at that address, their place of employment, vehicle details, I/P address and group affiliations
 - notify Police within 72 hours if any of their details changed during that 12 month period, and 48 hours in advance of any plans to travel
 - provide biometric data such as photographs and fingerprints annually to assist with identification.
- 52 Child sex offenders would remain on the Register for life, 15 years or eight years, from the date that they are released from prison. The duration would depend on the seriousness of the qualifying offence for which they were convicted (see Appendix One).
- 53 An offender sentenced to a non-custodial sentence and directed to register by the sentencing judge would remain on the Register for eight years, regardless of the offence committed. This reflects the lesser sentence imposed for the offence.
- 54 It would be an offence for a registered offender to fail to report or to update information within the required time, or to provide false information.
- 55 The eligibility criteria, qualifying child sex offences and duration on the Register will be listed in the primary legislation.

Human rights

- 56 Recognising the potentially negative impact a child protection offender register may have on human rights, options to mitigate this risk were also considered. Specifically, options that might allow eligible child sex offenders to be taken off the Register where they do not pose any real risk to public safety, were considered.
- 57 Some of these options have associated with them a number of additional risks. For example, registered offenders might be enabled to apply to the court to be de-registered at any time – as is the case in some overseas jurisdictions. However, this might lead to an abuse of process, and unnecessary costs, as offenders may be incentivised to apply to be de-registered even when an application has no reasonable chance of success.

- 58 We also considered empowering the administering authority (New Zealand Police) to suspend (in whole or in part) registered offenders' reporting requirements where their assessed risk is very low (with the option of resuming reporting requirements if a change indicates an escalation in risk). This approach was advocated as desirable by Victorian Police, but we are not aware of any jurisdiction that has granted this power to Police. There is concern that it would be difficult to apply consistently across the country, and that Police's decisions would not be open to the same scrutiny as court decisions, so this option is also not recommended.
- 59 The proposed approach takes into account the human rights issues expressed by the Ministry of Justice during the consultation period, by limiting eligibility for registration to those sentenced to imprisonment. The only exception to this is where the sentencing judge specifically directs that a person subject to a non-custodial sentence be registered. In this instance, registration would be limited to eight years regardless of the offence, to recognise the lesser sentence.

Young people

- 60 Young offenders (under 18) have been considered out of scope for the Register. This is consistent with eligibility conditions for analogous *regimes in New Zealand* (for example, the Extended Supervision Orders, preventative detention and the proposed Public Protection Orders), and aligns with New Zealand's broader approach to young offenders, which is generally to divert them away from formal, criminal justice processes.

Offender risk management framework

- 61 Evidence from overseas jurisdictions indicates that child protection offender registers have no or very little impact on re-offending rates or public safety unless they are supported by an active, offender risk management framework. This finding is corroborated by evidence from evaluations of Extended Supervision Orders in New Zealand, which demonstrates that regular contact with offenders helps to lower re-offending rates.¹⁰
- 62 A risk management framework for monitoring and managing offender risk is therefore critical to obtain benefit from any proposed register. Further decisions are required about:
- how and how actively registered child sex offenders are monitored and managed
 - who monitors and manages which registered child sex offenders at which stage
 - what tools the monitoring authority(s) has available to assess and mitigate the risks posed by registered offenders.
- 63 Again, various options have been assessed with reference to overseas models and their likely impact on:
- public safety
 - administrative cost and efficiency

¹⁰ Riley, D. (2011) *Review of extended supervision: implementing and evaluating the 2004 legislation*, Department of Corrections.

- human rights and privacy issues.
- 64 It has been concluded that the model that will deliver the greatest efficiencies is one in which both the Department of Corrections and New Zealand Police share responsibility for managing registered child sex offenders. Under this model Corrections would be the lead agency while child sex offenders are completing their sentences and orders (and already under Corrections' supervision in the community) and Police would be the lead agency after the child sex offender's sentence or order has been completed.
- 65 The proposed risk management framework would involve, among other things:
- identifying static and dynamic factors that contribute to a risk of re-offending by registered offenders
 - collecting, recording and managing information associated with registered offenders (to establish as complete a picture of emerging risk of re-offending as practicable)
 - designing and implementing practice to prevent harm
 - seeking assistance from other agencies, as appropriate.
- 66 A model is recommended that targets resources to where the risk of harm and potential benefits are greatest. Individual risk management plans would be developed for the highest risk child sex offenders on the Register (estimated to be 19 percent of child sex offenders on the Register). This group of offenders would be proactively monitored by Police once they have completed their sentence or order.
- 67 Medium and lower risk offenders would be subject to the reporting requirements and would be passively monitored, based on information/intelligence received by the registry. They would have regular risk assessments completed, and be transferred to the high-risk group if their assessed level of risk increased.
- 68 While an offender risk management framework is necessary to achieving the objectives of a register, only limited provision needs to be made in law (simply requiring the Department of Corrections and New Zealand Police to develop and manage such a framework, to apply for the offenders time on the Register).
- 69 Police and Corrections have at their disposal a variety of both legislative and non-legislative tools to assist them to protect public safety.¹¹ Some, such as the risk assessment tools, will need to be adapted for use in the context of the Register and risk management framework. However, there is no need to fundamentally expand these agencies' legal powers to enable the implementation of a risk management framework to support the outcomes of the Register.

Additional considerations

- 70 Additional issues considered as part of the analysis included:
- who would administer the Register
 - how compliance with the provisions of the Register would be enforced.

¹¹ Tools used to manage risk currently include: risk assessment instruments, surveillance powers, and civil orders (e.g. non-association orders).

- 71 To minimise the privacy risks associated with the Register, it is recommended that it be administered within a specialist unit. As the Register aligns with current intelligence functions, the most effective and efficient arrangement would be for New Zealand Police to administer the Register within the Police National Intelligence Unit.
- 72 An enforcement mechanism is required to encourage compliance by offenders with the reporting requirements of the proposed Register. As these are analogous to requirements imposed on offenders under the Parole Act 2002, penalties for non-compliance commensurate with Parole Act penalties are recommended, as follows:
- failure to report and provide required information for the Register, a fine of up to \$2,000 or imprisonment for a term not exceeding 1 year
 - providing false information for the Register, a fine of up to \$2,000 or imprisonment for a term not exceeding one year.

Costs and value for money of the register

- 73 There is insufficient information to undertake a cost-benefit analysis of this proposal. We estimate that, over ten years, approximately 4 to 34 sex offences leading to conviction might be prevented through the operation of the proposed Register. However, many additional offences are also likely to be prevented, given that many cases are undisclosed, unreported and unconvicted. Further benefits are expected as a result of quicker and more efficient resolution of cases by Police, and from the collating and sharing of information which will allow Police to detect patterns and trends in offending and provide additional opportunities for proactive interventions.
- 74 The 10 year costs for this proposal are \$146.054 million comprising the capital and operating costs of setting up and running the Register as well as the operating costs associated with managing those on the Register. This cost includes staff time.
- 75 Some capital components and all field operating costs for the Register and risk management framework amounting to \$85.1 million (Corrections \$70.6 million, Police \$14.1 million, Courts \$0.38 million) over ten years will be met from within existing baselines. For Corrections, the bulk of its absorbed costs (\$61.5 million) relate to its management of high risk child sex offenders. However, because these offenders are generally subject to Extended Supervision Orders (ESOs), adding the requirements of the Register, to the already funded management of offenders' ESO conditions, imposes small additional unfunded costs. The additional \$9.1 million will be absorbed by Corrections through efficiency gains.
- 76 Police will absorb the cost of its new activity (\$14.1million) through achieving more effective utilisation of existing staff - focusing on prevention first, and leveraging existing investment in district command centres and mobile technology. Better real-time intelligence and risk management tools will also contribute to smarter deployment of front line resources.
- 77 However, agencies are unable to absorb the technology, ongoing operation as well as the evaluation components of the Register. As such, new funding of \$60.921 million over ten years will be required to cover these costs.

- 78 The table below summarises the funding up until the completion of the evaluation (years 1-6) and over 10 years:

Vote	Capital and Operational Costs (\$m)	
	Development, Operation and initial Evaluation of Register Years 1-6	Total Cost Years 1-10
	\$million	\$million
Costs Absorbed by Agencies		
Police, Corrections and Courts	51.027	85.133
Sub-total	51.027	85.133
New Funding Required		
Police	27.756	55.209
Corrections	2.338	4.596
Courts	0.550	1.117
Sub-total	30.644	60.921
Total cost	81.671	146.054

- 79 On 14 April 2014 Cabinet approved between-Budget spending contingency funding of \$35.525m over 10 years for the technology component of the Child Protection Offender Register to be drawn down when Cabinet agrees the policy proposals for the Child Protection Offender Register [CAB Min (14) 13/8(25)].
- 80 The funding set aside as part of Budget 2014 is for the development and operation of the technology component of Police only.
- 81 Potential sources of funding for the remaining \$25.396 million (\$19.684 million in Police) required over 10 years for the development and operation of the technology component of Corrections and Courts as well as ongoing operation of the register, and the evaluation process, will be pursued following decisions by Cabinet to implement the policies. Sources of funding may include a bid to Budget 2015; savings from expenditure reviews currently being conducted by Justice sector agencies; and other sources of funding such as other affected government agencies, including the Accident Compensation Corporation, which has indicated a willingness to provide some seed funding for the initiative.

Benefits

- 82 As previously noted, there is currently insufficient evidence available to accurately quantify (or value) the amount of harm likely to be prevented as a result of the proposed Register and risk management framework. Nor are we able to estimate how much Police's effort might be saved in resolving cases of re-offending if they have access to more detailed and up-to-date information. A cost-benefit analysis has therefore not been attempted in relation to this proposal.

- 83 Using current re-offending rates¹², the number of convictions for sex offences likely to be committed by persons who would be eligible for registration can be estimated. If we also make an assumption about the effectiveness of registration and the proposed offender risk management framework in reducing the rate of re-offending¹³, the number of convictions that may be prevented can be estimated.
- 84 The number of convictions estimated to be prevented is low. However, they are likely to represent a relatively small portion of the overall expected benefit. It has been estimated that up to 90 percent of sexual offences go unreported¹⁴ and it can be assumed that some of these unreported instances of offending would be prevented as a result of registration. Also, known sex offenders are frequently re-convicted for crimes other than sex crimes, with recidivism rates among sex offenders being up around 40 percent over five years if all crimes are considered.¹⁵ Again, it is likely that registration would, in addition prevent some sexual re-offending, and also deter offending that is not of a sexual nature. However, there is no way to quantify these benefits with any degree of certainty.
- 85 Where re-offending does occur, additional benefits are expected in terms of quicker and more efficient resolution of these cases by Police, although we are, again, not able to quantify these benefits with any certainty. By collating and sharing information patterns and trends in offending can be detected that will provide additional opportunities for pro-active interventions by Police. This may be particularly useful in cases of online offending which are often difficult to detect and investigate.

Consultation

- 86 The Department of Corrections and New Zealand Police have worked jointly to develop the proposal for a register for New Zealand.
- 87 The following agencies have been consulted during the development of this paper: Ministry of Justice, the Treasury, Ministry of Social Development, State Services Commission, Crown Law, Ministry of Education, Te Puni Kokiri, Ministry of Pacific Island Affairs, Ministry of Women's Affairs, Ministry of Health, New Zealand Customs Department, Accident Compensation Corporation and Department of Internal Affairs. The Department of the Prime Minister and Cabinet has been informed.
- 88 The Ministry of Justice and the Office of the Privacy Commissioner provided comments as follows.

¹² Reconviction Rates of Sex Offenders Five year follow-up study: Sex offenders against children vs offenders against adults, Department of Corrections, January 2011

¹³ These estimates are based on the few studies on the effectiveness of sex offender registers conducted overseas (see, for example, Thomas, Terry, *The Registration and Monitoring of Sex Offenders A Comparative Study*, Routledge, 2011; and *Patterns of reconviction among offenders eligible for Multi-Agency Public Protection Arrangements (MAPPA)* ISBN: 978 1 84099 471 1.)

¹⁴ Morris, A., et al. (2003) *The New Zealand National Survey of Crime Victims 2001*, Ministry of Justice, Wellington

¹⁵ *Reconviction Rates of Sex Offenders Five year follow-up study: Sex offenders against children vs offenders against adults*, Department of Corrections, January 2011

Ministry of Justice

- 89 The Ministry of Justice considers that the proposed condition requiring registered offenders to report any proposed absence of more than 48 hours from their registered address at least 48 hours prior to departure should be limited to "high-risk" offenders. This condition imposes significantly greater restrictions than the other proposed conditions and should be limited to offenders who have been assessed as requiring closer monitoring than other offenders.

Office of the Privacy Commissioner

- 90 The Office of the Privacy Commissioner provided the following comments when consulted in November 2013:

The Office of the Privacy Commissioner supports effective measures to protect children from the harm caused by sexual re-offending. Whether this proposal will be effective to protect children, though, will depend on many details, which still have to be worked out

- from an information management perspective, the system will need to be carefully designed, particularly when disclosing information to third parties
- there is a risk of function creep, into areas where recidivism and risk rates are different from the field of child sex offending
- it is unclear how the Register will deal with details that are subject to a suppression order (usually imposed to protect the victims of sexual offending)
- it recommends that the proposal includes a review period to check that the monitoring programme is effective and justified, and that it provides value for the significant cost involved.

Conclusions and recommendations

- 91 To respond to public concern about the risk of harm caused by known child sex offenders living in the community, it is recommended that a Child Protection Offender Register and offender risk management framework be established in New Zealand.
- 92 To maximise potential benefits and mitigate the risks of this proposal, it is recommended that the Register has the following characteristics:
- all offenders aged 18 years or over (at the time the offence was committed), who are convicted of a qualifying offence and sentenced to a term of imprisonment will be registered
 - offenders aged 18 years or over (at the time the offence was committed), who are convicted of a qualifying offence and sentenced to a non-custodial sentence and directed to be registered by the sentencing judge will be registered
 - qualifying child sex offences will be prescribed in legislation
 - registered child sex offenders will be required to regularly provide the minimum personal information necessary to identify them and form the basis of a risk assessment

- the Register be administered by the New Zealand Police
 - an offender risk management framework be developed jointly by the New Zealand Police and the Department of Corrections for registered child sex offenders and that these agencies co-ordinate preventative action with other relevant government agencies.
- 93 Some capital and operating costs are required for the establishment and maintenance of the actual Register and the effort required to ensure that all information contained on the Register is accurate and up to date.
- 94 Police and Corrections will absorb some capital and all field costs for the Register and risk management framework.

Implementation

- 95 This Cabinet paper is seeking policy approval. Further sources of funding will be pursued following a decision by Cabinet to implement the policies. Sources of funding could include a 2015 budget bid; use of possible savings from the Justice Sector Expenditure Review; and other funding sources, including other affected government agencies.

Monitoring, evaluation and review

- 96 It is proposed that the first three operational years of the Register and risk management framework be evaluated with the initial findings reported back to Cabinet in year four.
- 97 The evaluation will ensure that the current arrangements are achieving the desired results, especially given the lack of robust evidence and application in New Zealand. The results of the evaluation will provide insights as to where the Register and risk management framework could be enhanced to provide even greater impact. The report back will advise Ministers:
- on the establishment of the register including the number and demographics of child sex offenders registered, and activities undertaken by agencies
 - whether the register and risk management framework are fit for purpose, and any opportunities for increasing the effectiveness of the process
 - on the options for an outcome evaluation, particularly the optimal timing to ensure robust (statistically significant) re-offending data.
- 98 To promote transparency Police will publish high level statistical data on the numbers of registered child sex offenders.
- 99 Existing complaints mechanisms for Police and Corrections staff will apply for staff undertaking duties related to the Register and offender risk management framework. In addition, existing complaints mechanisms for privacy breaches will apply.

APPENDIX 1: QUALIFYING OFFENCES AND DURATION ON CHILD PROTECTION OFFENDER REGISTER

Custodial sentences:

Schedule 1 Offences: On the Child Protection Offender Register for Life

Crimes Act 1961, Part 7 (Crimes against religion, morality and public welfare)

- Section 128B (1) *Sexual violation (if victim under 16)*
- Section 129 (1) *Attempted sexual violation (if victim under 16)*
- Section 129 (2) *Assault with intent to commit sexual violation (if victim under 16)*
- Section 129A (1) *Sexual connection with consent induced by threat (if victim under 16)*
- Section 130 (2) *Incest (if victim under 16)*
- Section 131 (1) *Sexual connection with a dependent family member (if victim under 16)*
- Section 131 (2) *Attempted sexual connection with a dependent family member (if victim under 16)*
- Section 132 (1) *Sexual connection with child under 12*
- Section 132 (2) *Attempted sexual connection with a child under 12*
- Section 134 (1) *Sexual connection with a young person under 16*
- Section 134 (2) *Attempted sexual connection with a young person under 16*
- Section 138 (1) *Exploitative sexual connection with person with significant impairment (if victim under 16)*
- Section 138 (2) *Attempted exploitative connection with person with significant impairment (if victim under 16)*
- Section 142 *Anal intercourse (if victim under 16) (repealed)*
- Section 144A (1) (2) and (3) *Sexual conduct with children and young person outside New Zealand*

Schedule 2 Offences: On the Child Protection Offender Register for 15 years

Crimes Act 1961, Part 7 (Crimes against religion, morality and public welfare)

- Section 98AA *Dealing in people under 18 for sexual exploitation*, subsections (1) (d) (i), (1) (e) (i), (1) (f) (i), and (1) (g) (i)
- Section 129A (2) *Indecent act with consent induced by threat (if victim under 16)*
- Section 131 (3) *Does an indecent act on a dependent family member (if victim under 16)*
- Section 132 (3) *Indecent act on child under 12*
- Section 133 *Indecency with a girl under 12 (repealed)*
- Section 134 (3) *Indecent act on young person under 16*
- Section 136 *Conspiracy to induce sexual intercourse (if victim under 16) (repealed)*
- Section 137 *Inducing sexual intercourse under pretence of marriage (if victim under 16) (repealed)*

- Section 138 (4) *Exploitative indecent act with person with significant impairment (if victim under 16)*
- Section 139 *Indecent act between woman and girl* (repealed)
- Section 140 *Indecency with boy under 12* (repealed)
- Section 140A *Indecency with boy between 12 and 16* (repealed)

Schedule 3 Offences: On the Child Protection Offender Register for 8 years

Crimes Act 1961, Part 7 (Crimes against religion, morality and public welfare)

- Section 131B (1) *Meeting young person following sexual grooming*
- Section 135 *Indecent assault (if victim under 16)*
- Section 141 *Indecent assault on man or boy* (repealed)
- Section 144C *Organising or promoting child sex tours*

Other Crimes Act offences of a sexual nature:

- Section 98 *Dealing in slaves (if victim under 16 & intent of slavery is sexually motivated)*
- Section 98D *Trafficking in people by means of coercion or deception (if victim under 16 & intent of trafficking is sexually motivated)*
- Section 208 *Abduction for purposes of marriage or sexual connection (if under 16 & intention to have sexual connection)*

Non-custodial sentences (registration directed by the sentencing judge)

All offenders who are convicted of a qualifying offence (schedules 1 – 3 above) and sentenced to a non-custodial sentence and directed by the sentencing judge to be registered on the Child Protection Offender Register, will remain on the Register for a period of 8 years regardless of the qualifying offence committed.

Appendix Two

Measures to minimise harm by convicted child sex offenders

The current range of measures New Zealand has in place to minimise the risk of harm caused by convicted sex offenders, and to aid law enforcement and investigation includes:

- *Centre for Impact on Sexual Offending*

New Zealand Police and the Department of Corrections have established a Centre for Impact on Sexual Offending (CISO). Initially, the CISO provides a central point for the collection, analysis and sharing of Corrections and Police information on child sex offenders. This collective information will provide a complete and current picture of each child sex offender. This information will be used to inform decision-making and enable active and effective supervision of high risk child sex offenders in the community. However, the CISO does not have access to a full range of current and up to date information about known child sex offenders and does not have any authority to require an offender to report and update personal information following the completion of their sentence or order.

Early indications are that the development of the Centre for Impact on Sexual Offending has proved highly effective and demonstrated the benefits to be achieved from Corrections and Police co-locating and sharing information and intelligence. The ongoing development of the Centre for Impact on Sexual Offending is expected to be able to provide evidence of the effectiveness of the management framework, and how management of relevant offenders would be enhanced if offenders were required to provide up to date and accurate relevant information.

- *Extended Supervision Orders¹⁶ (ESOs)*

ESOs are court orders made for a maximum of 10 years and used to manage a small number of high-risk child sex offenders. Offenders who have completed a prison term and live in the community are required to report to a probation officer at least fortnightly, and may be monitored on a 24 hour basis if necessary. Cabinet has agreed the policy required to seek law changes to extend ESOs beyond the current 10 years and expand the scope of the scheme to include high-risk sex offenders against adults and high risk violent offenders. Drafting instructions are currently underway.

- *Information sharing about child sex offenders¹⁷*

The Department of Corrections has a 'Child Sex Offender Information Sharing Agreement' with the New Zealand Police, Ministry of Social Development and Housing New Zealand Corporation to help manage the risk of child sex offenders in the community and to promote their reintegration. However, there are significant limitations on the scope and duration of information sharing under this arrangement, including that the information does not identify where an offender works or what contact they might have with children, and it is held only for as long as the offender is serving his or her sentence.

- *High-Risk, High-Profile Forums*

High-Risk, High-Profile (HRHP) Forums are made up of representatives from the Department of Corrections and NZ Police. Ministry of Health and Ministry of Social Development officials also attend, as appropriate. The purpose of the

¹⁶ Parole Act 2002

¹⁷ Corrections Act 2004

Forums is to strengthen processes to identify prisoners who pose the greatest risk, and to plan for their release into the community.

- *Victim notifications*¹⁸

Victims of serious violent and sexual crime are eligible to be kept informed about the person who offended against them. Those victims who register receive specified information relating to orders made against the offender, their release, any breaches of orders, and some other matters.

- *Preventive detention*¹⁹

At sentencing, the High Court may impose an indeterminate sentence of imprisonment for the most at risk offenders. For some of these offenders this means they may never be released back into the community.

- *Therapeutic and Rehabilitative Programmes*

The Department of Corrections delivers a range of programmes aimed at reducing the offending risk of sex offenders. These are delivered during the course of an offender's sentence and include the Kia Marama Special Treatment Unit, based at Rolleston Prison and Te Piriti at Auckland Prison. Research from both New Zealand²⁰ and overseas²¹, has indicated that, without treatment, approximately 25 percent of child sex offenders are subsequently reconvicted of similar offences, but that with treatment re-conviction rates can be reduced to 8 percent or less. There are clear criteria for acceptance into these programmes including that the offender is motivated to participate in it.

- *National DNA database*²²

The DNA profiles of offenders convicted of certain 'relevant' offences²³ are retained on a national database. This information can be compared with profiles taken from crime scenes to assist Police identify potential suspects. However, this database does not include information such as the up-to-date addresses of individuals whose profiles are retained.

100 Two further measures are proposed, with enabling legislation yet to be passed:

- *Public Protection Orders (PPOs)*

Cabinet has agreed to establish a civil detention order²⁴ to target a very small number of offenders who pose a very high-risk of imminent and serious sexual or violent re-offending after their sentence ends. The legislation has been introduced and referred to the Justice and Electoral Committee.

¹⁸ Victims' Rights Act 2002

¹⁹ Sentencing Act 2002

²⁰ McLean, A., & Rush, C. (1990). *Base rates and characteristics of convicted sexual offenders: A New Zealand study* Unpublished study, Justice Department, New Zealand.

²¹ Marshall, W.L., & Barbaree, H.E. (1988). *The long-term evaluation of a behavioral treatment programme for child molesters* Behaviour Research and Therapy, 26, 499-511.

²² Criminal Investigations (Bodily Samples) Act 1995

²³ Includes a range of sex, violence and property offences, as set out in the Schedule to the Criminal Investigations (Bodily Samples) Act 1995

²⁴ It is expected that persons subject to a PPO will be detained in a separate residence within the secure perimeter of a prison.

Appendix Three: Features of some child protection offender registers implemented in some overseas jurisdictions

Feature of register:	Responsible Authority	Eligible offenders	Scope of information recorded	Period of monitoring/ registration	Conditions on registered offenders	Access to information on Register	Compliance mechanisms
Jurisdiction:							
United Kingdom Sexual Offences Act 2003	Responsible authority: National Policing Improvement Agency (Police, Probation & Prison Services “Responsible Authority”; other agencies have duty to cooperate incl. justice, health & welfare agencies)	<ul style="list-style-type: none"> • Category 1: All sex offenders • Category 2: Violent offenders sentenced to >1 year prison • Category 3: Other dangerous offenders 	<ul style="list-style-type: none"> • Date of birth • Nat, insurance no. • Name(s) • Address(es) • Passport details • Finger prints • Photograph(s) • Bank details (Scotland only) • Details of travel out of UK, if longer than 3 days 	<ul style="list-style-type: none"> • 2 years to indefinite, depending on severity of sentence • Under 18s – half adult period • Offenders on indefinite registration may apply to be deregistered 	<ul style="list-style-type: none"> • Registered offenders must report annually and update recorded information within 3 days of any change • Police can apply to sheriff to search registered offenders’ homes; prohibit travel 	Discretion to release information to members of the public – must be to protect safety and be proportionate	<ul style="list-style-type: none"> • Summary conviction – max. prison sentence 6mths • Indictable conviction – max. prison sentence 5 years
Australia	Federal Police	<i>CrimTrac</i> operates the Australian National Child Offender Register (ANCOR). It draws together data held in Australian State & Territory Sex Offender Registers to allow authorised police officers to register, case manage and share information about registered persons.					
	Victoria Sexual Offenders Act 2004; Serious Sex Offenders (Detention and Supervision) Act 2009	<ul style="list-style-type: none"> • All adult sex offenders against children • Other sex offenders (including those under 18 years) by court order • Includes 	<ul style="list-style-type: none"> • Date of birth • Name(s) • Tel. no.(s) • Email address & other internet details • Address(es) 	<ul style="list-style-type: none"> • 8 years to life, depending on severity of sentence • Under 18s, 4-7½ yrs, depending on length of sentence • Offenders on 	<ul style="list-style-type: none"> • Registered offenders must report annually & update recorded information within 14 days of any change • Registered 		<ul style="list-style-type: none"> • Failing to comply with reporting requirements – max. 5 years • Furnishing false or misleading information – max. 240 penalty units or

		offenders who offend in overseas jurisdictions	<ul style="list-style-type: none"> · Distinguishing marks · Employment details · Details relating to offender's contact with children · Motor vehicle details · Passport details · Travel details 	<p>indefinite registration may apply to be deregistered</p> <ul style="list-style-type: none"> · Commissioner may apply to suspend reporting requirements 	offenders cannot engage in child-related employment		2 years
<p>New South Wales</p> <p>Child Protection (Offenders Registration) Act 2000; Child Protection (Offenders Prohibition Orders) Act 2004</p>	Responsible authority: Commissioner of Police	<ul style="list-style-type: none"> · All adult sex offenders against children · Other offenders who have committed serious offences against children · Other offenders by court order · Includes offenders who offend in overseas jurisdictions 	<p>Date of birth</p> <p>Name(s)</p> <p>Tel. no.(s)</p> <p>Email address & other internet details</p> <p>Address</p> <p>Distinguishing marks</p> <p>Employment details</p> <p>Details relating to offender's contact with children</p> <p>Motor vehicle details</p> <p>Passport details</p> <p>Finger prints</p>	<ul style="list-style-type: none"> · 8 years to life, depending on severity of sentence and number of offences · For young people – half adult period to maximum of 7½ years 	<ul style="list-style-type: none"> · Registered offenders must report annually & update recorded information within 14 days of any change · Registered offenders cannot engage in child-related employment (subject to review) · Registered offenders must have approval of Commissioner of Police to change name 		<ul style="list-style-type: none"> · Failing to comply with reporting or furnishing false or misleading information – max. 5 years · Failing to get permission to change name – max. 5 years

				DNA profile Photograph(s) · Travel details				
	Queensland Child Protection (Offender Reporting) Act 2004	Responsible authority: Commissioner of Police	<ul style="list-style-type: none"> · All adult sex offenders against children · Other offenders who have committed serious offences against children · Other offenders by court order · Offenders made subject to a forensic order 	Date of birth Name(s) Address Distinguishing marks Employment details Details relating to offender's contact with children Motor vehicle details Travel details	<ul style="list-style-type: none"> · 8 years to life, depending on severity of sentence and number of offences · Juvenile offenders – half adult period · Registration may be reviewed if error suspected 	<ul style="list-style-type: none"> · Registered offenders must report annually & update recorded information within 14 days of any change · Registered offenders must have approval of Commissioner of Police to change name 	<ul style="list-style-type: none"> · Access to register only by those authorised by Commissioner of Police · Public access forbidden 	<ul style="list-style-type: none"> · Failing to comply with reporting or furnishing false or misleading information – max. fine \$11,250 or 2 years · Failing to get permission to change name – max. 20 penalty points of 6mths
	Western Australia Community Protection (Offender Reporting) Act 2004	Responsible authority: Commissioner of Police	<ul style="list-style-type: none"> · All adult sex offenders against children · Other offenders who have committed serious offences against children · Includes offenders who offend in other jurisdictions who move to WA 	Date of birth Name(s) Tel. no.(s) Email address & other internet details Address Distinguishing marks Employment details Details relating to offender's contact	<ul style="list-style-type: none"> · 8 years to life, depending on severity of sentence and number of offences · For young people – half adult period to maximum of 7½ years · Offenders may apply to be deregistered 		Photographs and other information on most dangerous offenders and offenders who have failed to comply with reporting requirements available to public via website.	<ul style="list-style-type: none"> · Failing to comply with reporting requirements – max. fine \$12,000 or 2 years · Providing false or misleading information – max. fine \$12,000 or 2 years

				with children Motor vehicle details Passport details Finger prints Photograph(s) Travel details				
Republic of Ireland (Sexual Offences Act 2001)	Not a formal register – the Garda Síochána (Irish National Police Service) are notified of a certificate issued by the court to a person convicted of certain sexual offences notifying them they are subject to the Sexual Offences Act 2001.	<ul style="list-style-type: none"> Sex offenders against children and adults convicted of certain sexual offences listed in the Sexual Offences Act 2001 Includes offenders who offend in other jurisdictions 	<ul style="list-style-type: none"> On release from prison, sex offenders must notify the Garda of their address and any changes of name or address thereafter. If leaving the Republic for more than 7 days offenders must notify the Garda of their intended address outside Ireland. 	5 years to life, depending on severity of sentence	It is an offence for a sex offender to work or perform a service which involves unsupervised access to children or mentally impaired people without informing the prospective employer that s/he is a sex offender.	<ul style="list-style-type: none"> Access to register only by those authorised persons Public access forbidden 	<ul style="list-style-type: none"> Failing to comply with reporting requirements – max. fine €1,900 or 1 year or both Providing false or misleading information – max. fine €1,900 or 1 year or both 	
Canada (Sex Offender Information Registration Act 2004)	National Police Services under the stewardship of the Royal Mounted Police	<ul style="list-style-type: none"> Sex offenders against adults and children convicted of a criteria offence (as defined in legislation) Persons discharged for a 	Date of birth Name(s) Tel. no.(s) Address(es) Physical description Employment	<ul style="list-style-type: none"> 10 years to life, depending on severity of sentence 		<ul style="list-style-type: none"> Access to register only by those authorised by the Commissioner of the Royal Mounted Police Public access forbidden 	<ul style="list-style-type: none"> Convicted on indictment – max. fine \$10,000 or 2 year or both Summary conviction – max. fine \$10,000 or 6 	

		<p>criteria offence by reason of mental disorder</p> <ul style="list-style-type: none"> · Young offenders convicted of a criteria offence sentenced as an adult · Includes offenders who offend in other jurisdictions 	<p>details</p> <p>Address of educational institution</p> <p>Details relating to volunteer organisations</p> <p>Motor vehicle details</p> <p>Photograph(s)</p>				months or both
--	--	--	---	--	--	--	----------------

**APPENDIX FOUR: CHILD PROTECTION OFFENDER REGISTER AND RISK MANAGEMENT FRAMEWORK:
Detailed Costs**

No	Note	2014/15	2015/16	2016/17	SUB TOTAL 3 years after implementati	2017/18	2018/19	2019/20	2020/21	2021/22	SUB TOTAL after 5 years of register operating	2022/23	2023/24	GRAND TOTAL 10-Year Cost
		\$million	\$million	\$million	\$million	\$million	\$million	\$million	\$million	\$million	\$million	\$million	\$million	\$million
1)	Develop & Administer CPOR System													
	Capital													
	Police	2.500	2.500	2.500	7.500	-	-	-	-	-	7.500	-	-	7.500
	Corrections	-	1.500	-	1.500	-	-	-	-	-	1.500	-	1.500	3.000
	Courts	-	0.090	-	0.090	-	-	-	-	-	0.090	-	0.090	0.180
	Sub-total	2.500	4.090	2.500	9.090	-	-	-	-	-	9.090	-	1.590	10.680
	Operating (Support and Maintenance Only)													
	Police	0.875	1.500	2.125	4.500	1.875	1.875	1.875	1.875	1.875	13.875	1.875	1.875	17.625
	Corrections	-	0.375	0.375	0.750	0.375	0.375	0.375	0.375	0.375	2.625	0.375	0.375	3.375
	Courts	-	0.023	0.023	0.045	0.023	0.023	0.023	0.023	0.023	0.158	0.023	0.023	0.203
	Sub-total	0.875	1.898	2.523	5.295	2.273	2.273	2.273	2.273	2.273	16.658	2.273	2.273	21.203
	Less: Amount to be funded from existing baseline													
	Police	(2.500)	(2.500)	(2.500)	(7.500)	-	-	-	-	-	(7.500)	-	-	(7.500)
	Corrections	-	(1.500)	-	(1.500)	-	-	-	-	-	(1.500)	-	(1.500)	(3.000)
	Courts	-	(0.113)	(0.023)	(0.135)	(0.023)	(0.023)	(0.023)	(0.023)	(0.023)	(0.248)	(0.023)	(0.113)	(0.383)
	Sub-total	(2.500)	(4.113)	(2.523)	(9.135)	(0.023)	(0.023)	(0.023)	(0.023)	(0.023)	(9.248)	(0.023)	(1.613)	(10.883)
	Total Develop and Administer CPOR System	0.875	1.875	2.500	5.250	2.250	2.250	2.250	2.250	2.250	16.500	2.250	2.250	21.000
2)	CISO Intelligence Profiling of Offenders													
	Police	0.315	0.269	0.270	0.854	0.275	0.253	0.222	0.208	0.211	2.023	0.214	0.218	2.455
	Corrections	0.201	0.206	0.212	0.619	0.217	0.222	0.228	0.234	0.239	1.759	0.251	0.258	2.268
	Courts	-	-	-	-	-	-	-	-	-	-	-	-	-
	Sub-total	0.517	0.475	0.482	1.473	0.492	0.475	0.450	0.442	0.450	3.782	0.466	0.476	4.723
	Less: Amount to be funded from existing baseline													
	Police	(0.315)	(0.269)	(0.270)	(0.854)	(0.275)	(0.253)	(0.222)	(0.208)	(0.211)	(2.023)	(0.214)	(0.218)	(2.455)
	Corrections	(0.201)	(0.206)	(0.212)	(0.619)	(0.217)	(0.222)	(0.228)	(0.234)	(0.239)	(1.759)	(0.251)	(0.258)	(2.268)
	Courts	-	-	-	-	-	-	-	-	-	-	-	-	-
	Sub-total	(0.517)	(0.475)	(0.482)	(1.473)	(0.492)	(0.475)	(0.450)	(0.442)	(0.450)	(3.782)	(0.466)	(0.476)	(4.723)
	Total CISO Intelligence Profiling of Offenders	-	-	-	-	-	-	-	-	-	-	-	-	-

No.	Note	2014/15	2015/16	2016/17	SUB TOTAL 3 years after implementation	2017/18	2018/19	2019/20	2020/21	2021/22	SUB TOTAL after 5 years of register operating	2022/23	2023/24	GRAND TOTAL 10-Year Cost
3)	Registration of All Child Sex Offenders													
	Police	-	-	1.675	1.675	1.954	2.165	2.337	2.532	2.764	13.426	3.004	3.253	19.684
	Total Registration of All Child Sex Offenders	-	-	1.675	1.675	1.954	2.165	2.337	2.532	2.764	13.426	3.004	3.253	19.684
4)	Manage Breaches & Fines													
	Police	-	-	0.148	0.148	0.182	0.214	0.243	0.271	0.300	1.358	0.330	0.361	2.049
	Corrections	-	-	0.086	0.086	0.107	0.126	0.144	0.162	0.181	0.806	0.200	0.214	1.221
	Courts	-	-	0.100	0.100	0.103	0.106	0.109	0.112	0.115	0.643	0.118	0.121	0.883
	Sub-total	-	-	0.333	0.333	0.391	0.446	0.496	0.545	0.596	2.808	0.648	0.696	4.152
	<i>Less: Amount to be funded from existing baseline</i>													
	Police	-	-	(0.148)	(0.148)	(0.182)	(0.214)	(0.243)	(0.271)	(0.300)	(1.358)	(0.330)	(0.361)	(2.049)
	Corrections	-	-	-	-	-	-	-	-	-	-	-	-	-
	Courts	-	-	-	-	-	-	-	-	-	-	-	-	-
	Sub-total	-	-	(0.148)	(0.148)	(0.182)	(0.214)	(0.243)	(0.271)	(0.300)	(1.358)	(0.330)	(0.361)	(2.049)
	Total Manage Breaches and Fines	-	-	0.186	0.186	0.209	0.232	0.253	0.274	0.296	1.449	0.318	0.336	2.103
5)	Manage High Risk Offenders in the Field													
	Police CISO + SOR	0.058	0.094	0.132	0.284	0.168	0.200	0.230	0.260	0.292	1.434	0.325	0.353	2.112
	Corrections (Extended Supervision Orders)	5.486	5.624	5.764	16.874	5.908	6.056	6.207	6.363	6.522	47.930	6.685	6.852	61.466
	Courts	-	-	-	-	-	-	-	-	-	-	-	-	-
	Sub-total	5.544	5.718	5.896	17.158	6.076	6.256	6.437	6.623	6.814	49.364	7.009	7.205	63.578
	<i>Less: Amount to be funded from existing baseline</i>													
	Police	(0.058)	(0.094)	(0.132)	(0.284)	(0.168)	(0.200)	(0.230)	(0.260)	(0.292)	(1.434)	(0.325)	(0.353)	(2.112)
	Corrections (Extended Supervision Orders)	(5.486)	(5.624)	(5.764)	(16.874)	(5.908)	(6.056)	(6.207)	(6.363)	(6.522)	(47.930)	(6.685)	(6.852)	(61.466)
	Courts	-	-	-	-	-	-	-	-	-	-	-	-	-
	Sub-total	(5.544)	(5.718)	(5.896)	(17.158)	(6.076)	(6.256)	(6.437)	(6.623)	(6.814)	(49.364)	(7.009)	(7.205)	(63.578)
	Total Manage High Risk Offenders in the Field	-	-	-	-	-	-	-	-	-	-	-	-	-

No.	Note	2014/15	2015/16	2016/17	SUB TOTAL 3 years after implementation	2017/18	2018/19	2019/20	2020/21	2021/22	SUB TOTAL after 5 years of register operating	2022/23	2023/24	GRAND TOTAL 10-Year Cost
6)	Other Costs													
	Depreciation & capital charge													
	Police	0.200	0.900	2.100	3.200	2.100	2.100	2.100	2.100	2.100	13.700	2.100	2.100	17.900
	Corrections	0.120	0.420	0.420	0.960	0.420	0.420	0.420	0.420	0.420	3.060	0.420	0.420	3.900
	Courts	0.007	0.025	0.025	0.058	0.025	0.025	0.025	0.025	0.025	0.184	0.025	0.025	0.234
	Sub-total	0.327	1.345	2.545	4.218	2.545	2.545	2.545	2.545	2.545	16.944	2.545	2.545	22.034
	Less: Amount to be funded from existing baseline													
	Police	-	-	-	-	-	-	-	-	-	-	-	-	-
	Corrections	(0.120)	(0.420)	(0.420)	(0.960)	(0.420)	(0.420)	(0.420)	(0.420)	(0.420)	(3.060)	(0.420)	(0.420)	(3.900)
	Courts	-	-	-	-	-	-	-	-	-	-	-	-	-
	Sub-total	(0.120)	(0.420)	(0.420)	(0.960)	(0.420)	(0.420)	(0.420)	(0.420)	(0.420)	(3.060)	(0.420)	(0.420)	(3.900)
	Total Other Costs	0.207	0.925	2.125	3.258	2.125	2.125	2.125	2.125	2.125	13.884	2.125	2.125	18.134
	Gross Total													
	Police	3.948	5.263	8.949	18.161	6.554	6.806	7.007	7.247	7.542	53.317	7.848	8.160	69.325
	Corrections	5.808	8.125	6.857	20.789	7.027	7.199	7.374	7.553	7.737	57.680	7.931	9.619	75.230
	Courts	0.007	0.138	0.147	0.292	0.150	0.153	0.156	0.159	0.163	1.074	0.166	0.259	1.499
	Sub-total	9.763	13.526	15.954	39.242	13.731	14.159	14.538	14.960	15.441	112.071	15.945	18.038	146.054
	Less: Amount to be funded from existing baseline													
	Police	(2.873)	(2.863)	(3.050)	(8.786)	(0.625)	(0.666)	(0.695)	(0.740)	(0.803)	(12.316)	(0.869)	(0.932)	(14.116)
	Corrections	(5.808)	(7.750)	(6.396)	(19.953)	(6.545)	(6.698)	(6.855)	(7.016)	(7.181)	(54.249)	(7.356)	(9.029)	(70.634)
	Courts	-	(0.113)	(0.023)	(0.135)	(0.023)	(0.023)	(0.023)	(0.023)	(0.023)	(0.248)	(0.023)	(0.113)	(0.383)
	Sub-total	(8.681)	(10.725)	(9.468)	(28.874)	(7.193)	(7.387)	(7.573)	(7.779)	(8.006)	(66.812)	(8.247)	(10.074)	(85.133)
	Additional Funding Required													
	Police	1.075	2.400	5.900	9.375	5.929	6.140	6.312	6.507	6.739	41.001	6.979	7.228	55.209
	Corrections	-	0.375	0.461	0.836	0.482	0.501	0.519	0.537	0.556	3.431	0.575	0.589	4.596
	Courts	0.007	0.025	0.125	0.157	0.128	0.131	0.134	0.137	0.140	0.827	0.143	0.147	1.117
	TOTAL ADDITIONAL FUNDING REQUIRED	1.082	2.800	6.486	10.368	6.538	6.772	6.965	7.181	7.435	45.259	7.698	7.964	60.921