



Hamish Hansford
First Assistant Secretary
National Security and Law Enforcement Division
Department of Home Affairs

By email: child.exploitation@homeaffairs.gov.au

Dear Mr Hansford

National Public Register of Child Sex Offenders Consultation

Thank you for the opportunity to provide initial, high-level views on the Australian Government's proposal for a National Public Register of Child Sex Offenders (National Public Register).

The Commission for Children and Young People (the Commission) is an independent statutory body responsible for:

- promoting the safety and best interests of children and young people in Victoria
- providing independent scrutiny and oversight of services to Victoria's children and young people, with a focus on vulnerable children in the child protection, out-of-home-care and youth justice systems
- regulating organisations that work with children to prevent child abuse and child-related misconduct.

The Commission suggests the primary test for any proposal intended to protect children must be whether the proposed measure would, in fact, improve children's safety and wellbeing. The Commission holds significant concerns about the efficacy of public registration of child sex offenders; based on available evidence it appears doubtful that a National Public Register would reduce offending against children or make children safer.

As the Australian Institute of Criminology has recently shown, evidence about the effectiveness of public sex offender registers on public safety is mixed (see its May 2018 paper, *What impact do public sex offender registries have on community safety?*). There is substantial evidence that public sex offender registers make no difference to re-offending by sex offenders and little evidence to suggest that public registration schemes in the United States, which have operated for 20 years, have reduced offending overall. The Victorian Law Reform Commission has reported there is little evidence that registration schemes reduce child sexual abuse by deterring re-offending (see the 2011 *Sex Offenders Registration* report). There is, in fact, concerning evidence from the United States that public registers *increase* re-offending by having a detrimental effect on offenders' rehabilitation, and are therefore counterproductive.

The Commission is also concerned that a National Public Register would create other risks. There is risk that public registers give parents and carers a false sense of security, by focussing attention on the very small number of convicted offenders. In fact, as only a small

proportion of child sex offenders are reported and even fewer are convicted, the vast majority of offenders would not be on a public register.

In addition, public registers can reinforce the myth that strangers pose the greatest risk to children, whereas it is the overwhelming majority of children who are sexually abused are abused by a family member or a person the child knows.

The Commission is also concerned that the proposed model appears to allow for details of those who are children when they offend to be published in a National Public Register after they turn 18 years of age. This has clear potential to negatively impact these individuals' rehabilitation and lives in adulthood.

In light of the above, the Commission suggests that investment of effort and resources to prevent child sexual abuse should focus on implementing measures backed by the available evidence. These include measures recommended by the Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission). Notably, this five-year royal commission recommended that each state and territory establish mandatory Child Safe Standards and Reportable Conduct Schemes. Child Safe Standards aim to ensure organisations have the systems, policies and culture in place to keep children safe, prevent harm and increase detection of abuse. Reportable Conduct Schemes require organisations in scope to report and investigate allegations of abuse against employees and establish external, independent oversight of investigations.

Victoria is the only jurisdiction to have implemented legislated Child Safe Standards and a Reportable Conduct Scheme as recommended by the Royal Commission. The Commission for Children and Young People administers these schemes, regulating over 50,000 Victorian organisations that must comply with the Child Safe Standards and over 12,000 organisations covered by the Reportable Conduct Scheme. The value of these evidence-based measures in preventing, and improving responses to allegations of, child sexual abuse is already being seen after 18 months of operation. For more detail, please see the Commission's 2017-18 Annual Report (available at <https://ccyp.vic.gov.au/about-the-commission/annual-reports/#TOC-1>).

Finally, it should be noted that the Royal Commission did not raise concerns about the existing register schemes under the Australian Child Protection Offender Reporting Scheme. The Royal Commission considered existing schemes in its *Criminal Justice Report*. It was in this context that the Royal Commission noted concerns about making information on existing registers public and stated it was 'satisfied that police are best placed to manage supervision of registrable child sex offenders in the community', as occurs currently.

These comments have been kept brief and high-level, as the Department suggested, to meet the exceedingly tight timeframe for consultation on this significant reform proposal. The Commission would be pleased to provide further information or participate in further consultations, and asks to be kept informed about the consultation process.

Please contact Julie Nesbitt, Manager, Analysis and Strategy, on (03) 8601 5818 or julie.nesbitt@ccyp.vic.gov.au, if the Commission can provide any further assistance.

Yours sincerely



Liana Buchanan
Principal Commissioner for Children and Young People

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