

[REDACTED]

From: WARE, Jayson <[REDACTED]>
Sent: Wednesday, 9 July 2014 1:30 PM
To: ChildSexualOffencesCommittee
Subject: RE: Confidential transcript and questions on notice

Importance: High

Follow Up Flag: Follow up
Flag Status: Flagged

Hi James

Please find attached the following,

1. Link to website explaining in detail the UK MAPPA process.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/281225/mappa-guidance-2012-part1.pdf

2. I can confirm that there are, at this date (4 July 2014) x sex offenders housed within Cooma correctional centre.

3. I can confirm that there are currently, as of 4 July 2014, 43 offenders with child sexual assault convictions (incl. two with child pornography offences, and three who have adult and child sexual assault offences) participating in custody-based treatment. A further 40 offenders participating in custody-based treatment have adult sexual assault convictions only. This information is based on Custody-Based Sex Offender Programs referral database and identifies only offenders who have referred for treatment. This does not capture the total state of sexual offenders in CSNSW. There are currently 323 offenders with child sexual assault convictions on the custody-based treatment waiting list (incl. 24 child pornography offenders and 23 with both child and adult offences). There are also 149 that have adult sexual assault convictions only on the custody-based treatment waitlist.

Specific to our community based treatment, 46 of the 54 sex offenders currently completing treatment have child sexual assault offences.

4. I can confirm that the COSP at Campbelltown is subject to a funding agreement. It is hoped that this will be awarded in October 2014 with transition to be completed by March 2015. Campbelltown COSP will continue to accommodate a range of offenders including those with a history of sexual offending. In terms of the residents, the service provider will be responsible for assisting the resident to develop living skills, comply with the requirements of CSNSW and other government agencies, and to access and maintain stable, sustainable and approved accommodation when they leave the COSP.

5. In terms of Cooma CC, I confirm that, as of 7 July 2014, there are eight (8) inmates at Cooma with a current sexual offence.

6. In terms of the request for additional funding through the Extended Supervision Order Taskforce, I am advised that additional funding to the Department of Justice was approved for \$1.8 million per annum for two years, to be reviewed following an evaluation. This was to fund the secondment of 6 police officers, two additional senior psychologists dedicated to high risk sex offender assessments/risk management, and additional/support officers within DoJ.

Additional questions.

There were two additional questions asked by the Committee relating to private sector clinicians raising concerns about issues for treating sex offenders in the community and also the significant costs associated with providing effective services. My response to these are as follows:

(i) "Is CSNSW concerned about this issue, particularly given that not all offenders will be eligible for programs run by CSNSW". CSNSW's position is that all sex offenders assessed as medium to high risk in the community are eligible for CSNSW sex offender treatment programs. The main difficulty of is the provision of this treatment to sex offenders in the community in non-Sydney locations. There are very few private sector clinicians who have expertise in treating sex offenders in non-Sydney locations. The cost of treatment is an issue because CSNSW does not out-source sex offender treatment and this treatment is not, to the best of my knowledge, funded through Medicare.

A potential solution to this issue is to enhance the skill sets of NGOs in regional areas who might be interested in running sex offender treatment programs however the funding issues remain.

Please let me know if the Committee requires anything further or any clarifications of the above responses to questions on notice.

Regards

Jayson Ware

Director, Offender Services & Program

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JOINT SELECT COMMITTEE ON SENTENCING OF CHILD SEX OFFENDERS

At the public hearings held by the Joint Parliamentary Select Committee Inquiry on Sentencing of Child Sexual Assault Offenders on 28 April 2014 Justice Policy was asked to provide supplementary information to the Committee on two specific issues:

- (1) The pros and cons of a public register of sex offenders (in response to a question raised by Reverend the H Fred Nile)
- (2) Numbers of young offenders in custody for child sexual assault offences.

The following information is provided in response to these requests.

WA Sex Offender Register

As a result of 2012 changes to WA's *Community Protection (Offender Reporting) Act 2004* (the **Act**) public disclosure of information held on the WA Sex Offender Register is provided in relation to:

- missing reportable persons
- dangerous sexual offenders, and
- in response to a specific application to the Minister for Police for information about a particular individual (the Community Protection Disclosure Scheme).¹

Public disclosure of personal details of juvenile reportable offenders is exempted from the Act.

WA is the only state in Australia to have introduced a public register of this nature.

NSW currently registers sex offenders under the *Child Protection (Offenders' Registration) Act 2000* which, like schemes of other jurisdictions, links into the Australian National Child Offender Register via CrimTrac. CrimTrac is a Commonwealth agency established to give police across Australian jurisdictions the ability to access and share information.

The Australian National Child Offender Register (ANCOR) is a system designed to enable police agencies to achieve a nationally consistent approach to child offender registration and to support the management of these reportable offenders. It allows authorised police officers to register, case manage and share information about a reportable offender between police agencies. It assists all agencies to comply with States and Territories respective child protection legislation.

Young offenders in custody for child sexual assault offences

It is noted that the NSW Government submission states (at page 17) that *in the last 12 months 4037 young people have entered custody on either remand or control and of these, 32 or 0.8% entered custody for child sexual assault offences.*

These numbers were for the 12 months to 21 January 2014. This compares with a total of 393 adult offenders who entered NSW Correctional Centres for child sex offences during the same period.²

¹ Part 5A of the Act

² Data provided by Corrections Research, Evaluation & Statistics, Corrective Services NSW 14 May 2014

The following information is provided in relation to young offenders entering custody during this period:

Age of the victims

- 17 (53%) young people were convicted of offences on victims aged under 16 years
- 8 (25%) young people were convicted of offences on victims aged between 10 and 14 years
- (22%) young people were convicted of offences on children aged under 10 years.

What proportion of those offenders have an intellectual disability?

Four (12.5%) of the 32 young people had a disability (one suffered from autism and three had an intellectual disability).³

³ Data provided by Department of Juvenile Justice on 8 May 2014.

The Public Defenders

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20 May 2014

Mrs Carly Maxwell,
Director, Legislative Assembly Committees,
Parliament of New South Wales,
Macquarie Street, SYDNEY NSW 2000

By email

Dear Mrs Maxwell,

Sentencing of Child Sexual Assault Offenders

Thank you for your letter dated 2 May last, in which you invited me to make any corrections to the transcript of my evidence before the Joint Select Committee on Sentencing of Child Sexual Assault Offenders, on 28 April last. I apologise for being past the deadline for a response; if I am too late, at least the corrections are only typographical.

I attach a scanned copy of the amendments, which are marked in red. By way of explanation, “Muldrock” is occasionally incorrectly spelt as “Muldroke”. On page 62, “Court of Criminal Appeal” should be “Court of Appeal”.

I take this opportunity to respond to the two specific questions on notice.

The first concerned the percentage of sentences which are handed down each year which are the subject of an appeal to the Court of Criminal Appeal. The NSW District Court Annual Review for 2011 indicates that 1,787 sentence matters were finalised. The NSW Judicial Commission Sentencing Bench-book (paragraph [70-010]) indicates that in 2011 there were 188 appeals by the defence against the severity of sentences handed down in the District and Supreme Court, of which 93 (49.5%) were allowed. In the same year there were 34 Crown appeals against leniency of sentence, of which 15 (44.1%) were allowed, being a total of 222 appeals from both the District and Supreme Courts.

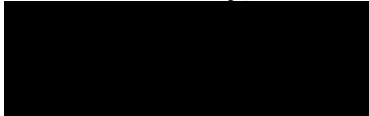
Nevertheless, while a discrete figure for the number of appeals from District Court sentences is not available, it is clear from these figures that the percentage of appeals from District Court sentences by both the defence and the prosecution is significantly less than 12.5%, which is the percentage of total sentence appeals to the CCA to the number of District Court sentences.

The second question on notice concerned whether there is any literature on the phenomenon of perpetrators of child sexual assault having been victims themselves. I attach three reports of studies of this possible nexus, for which I am grateful to Pilar Lopez, solicitor with the Strategic Policy and Planning section of Legal Aid NSW. Two of these reports conclude that there is such a correlation (*Cycle of Child Sexual Abuse*:

Links between being a Victim and becoming a Perpetrator, Glasser *et al*, British Journal of Psychiatry, 2001, 179:482-494; *Child Sexual Abuse and Subsequent Offending and Victimisation; a 45 Year Follow-Up Study*, Ogloff *et al*, Trends & Issues in Crime and Criminal Justice, Australian Institute of Criminology, No. 440 June 2012) and the third notes that the two phenomena frequently co-occur but more research is required to better understand the nature of the correlation; *Misperceptions about Child Sex Offenders*, Kelly Richards, Trends & Issues in Crime and Criminal Justice, Australian Institute of Criminology, No. 429 September 2011.

Should you have any further questions in relation to these issues, please do not hesitate to contact me.

Yours faithfully,

A black rectangular box redacting the signature of Mark Ierace SC.

Mark Ierace SC
Senior Public Defender