

Child Protection (Child Sex Offender Government Agency Registration) Amendment Bill



New Zealand Council Of
Christian Social Services

December 2024

Tirohanga Whānui | Overview

The New Zealand Council of Christian Social Services (NZCCSS) welcomes the opportunity to provide feedback on Child Protection (Child Sex Offender Government Agency Registration) Amendment Bill. We support the kaupapa to update the legislation to better protect children. However we have concerns regarding Human Rights, effectiveness and implementation.

Taunakitanga | Recommendations

Our main points are:

We tautoko all efforts to protect children from sexual offending

All taiohi and rangatahi have inherent value and deserve to be protected from the harm of sexual offending. We welcome the addition of further relevant offences to Schedule 2.

Harm prevention efforts should be evidence-based

Our laws should support investment in evidence-based policies and avoid tying up investment in things that have a limited impact on public safety. There have been several concerns raised about the effectiveness of a Register in preventing harm [1]. Even if a Register is effective, there is an important question regarding the comparative effectiveness of putting money into a Register against other approaches to reducing offending. Alternative options include specialist offender treatment, community support for those re-entering society, and improving community recognition of harmful behaviour.

Harm prevention efforts are a prime candidate for a social investment approach, as any intervention should align with best practice in international and local evidence. Services should actively track indicators of their impact, including avoided impacts on possible future victims. If a Register is not a good value investment, then investment should be moved to more effective prevention approaches.

Recommendation 1: We suggest that the Committee commission a review of the latest evidence on the comparative effectiveness of Registers in harm prevention.

The Register is only as valuable as the harm it helps to prevent

Police and Corrections services use the Register to assess an offender's risk of reoffending and put in place measures to prevent it. An evaluation in 2017 found that in almost 80% of cases, a best practice risk assessment had not been completed [2]. This is concerning. Resources must be available to provide for high quality uses of the Register to prevent harm to children.

The Register should be used to ensure that offenders have the right support in the community to prevent them from reoffending. For example, the proposed change to the 'localities' definition for those with no fixed abode highlights the real housing challenges faced by many after serving their sentences. Practical support after release is needed to ensure offenders can establish stable lives free from crime. An offender listing a non-specific locality on the Register should be a trigger for this kind of support, which in turn reduces the potential harm that individual may cause.

There will always be internal pressures on Police and Corrections resources. External monitoring of the uses of the Register, for example by the Independent Children's Monitor, could help maintain oversight and transparency to ensure that Register is used to effectively prevent harm.

Recommendation 2: We suggest that measures are included in the Bill to monitor and assure effective use of the Register.

Human Rights matter. This Bill must not ignore them

NZCCSS affirms the inherent dignity and value of all humans. Human Rights are foundational to a functioning nation and apply to all, even those who have behaved in a way none of us can condone. Aotearoa New Zealand's mechanism for ensuring that these rights are considered is the Attorney-General's report under section 7 of the Bill of Rights Act 1990. The Attorney-General's report on this Bill concludes that there are inconsistencies with the Bill of Rights [3]. Ignoring their advice should only happen in exceptional circumstances and we are not convinced this is that case here. The Bill can and must be revised to give effect to the Human Rights of all in the situation.

Recommendation 3: We suggest that the Bill is revised to remove inconsistencies with the Bill of Rights

Operational elements would be better placed in secondary legislation

The Bill is updating the information requirements for the Register to bring them up to date with current uses of the internet and ways of monitoring. It is likely that these will require further updating as technology continues to evolve.

We lack the expertise to know whether the tools given to the Register in this Bill are appropriate and sufficient, for example to combat the wide range of ways offenders could work around any oversight to misuse the internet. We would like to see those with relevant expertise in government agencies able to continue to make necessary changes without the delays of a legislative process.

It would make the Register more effective if operational settings could be updated through changes to regulation. The Bill should put in place safeguards that ensure that Human Rights were not impacted by regulatory changes.

This change would also enable the relevant agencies to update their practices in response to the evolving evidence base, estimated social impacts and active monitoring noted in our earlier recommendations.

Recommendation 4: We suggest that the details of information to be included in the Register and other operational settings are removed from the Act and set through regulation.

Tohutoro kua tohua | Selected references

[1] Submissions on the 2016 Child Sex Offender Register Bill, summarised in the minority views in the Committee report on the Bill. <https://selectcommittees.parliament.nz/v/6/3aca7701-4757-4ff5-87a0-9be060b76b4e>

[2] Child Sex Offender Register Evaluation. <https://www.police.govt.nz/about-us/publication/child-sex-offender-register-evaluation>

[3] Report of the Attorney-General under the New Zealand Bill of Rights Act 1990 on the Child Protection (Child Sex Offender Government Agency Registration) Amendment Bill. <https://bills.parliament.nz/download/Paper/b65dac71-ff1e-42b1-6dcb-08dce1aab544>

Ko wai tātou | Who we are

NZCCSS has six foundation members; the Anglican Care Network, Baptist Churches of New Zealand, Catholic Social Services, Presbyterian Support and the Methodist and Salvation Army Churches.

Through this membership, NZCCSS represents over 230 organisations providing a range of social support services across Aotearoa. We believe in working to achieve a just and compassionate society for all, through our commitment to our faith and Te Tiriti o Waitangi. Further details on NZCCSS can be found on our website www.nzccss.org.nz.

Ingoa whakapā | Contact Name

Rachel Mackay
Daniel Campbell