

**REPORT OF THE PARLIAMANTARY
JOINT SELECT COMMITTEE ON
THE NECESSITY FOR A PUBLIC SEX
OFFENDERS REGISTER AND
PERTINENT MATTERS RELATING TO
CONVICTED SEX OFFENDERS**

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REPORT OF THE JOINT SELECT COMMITTEE ON

"The necessity for a public sex offenders register along with other pertinent matters relating to convicted sex offenders".

TO HIS HONOUR THE SPEAKER AND THE MEMBERS OF THIS HONOURABLE HOUSE OF ASSEMBLY

The Joint Select Committee (JSC) on *"Existing legislation which addresses the necessity for a public sex offender's register along with other pertinent matters relating to convicted sex offenders"* has the honour to submit to the Honourable House of Assembly, the following report:

Committee Members

Mrs. Renee Ming, JP, MP (Chairperson)

Mr. L. Craig Cannonier, JP, MP

Mr. Zane De Silva, JP, MP

Mr. Christopher Famous, JP, MP

Ms. Susan Jackson, JP, MP

Senator Crystal Caesar, JP

Senator Michelle Simmons, JP

Ms. Sierra A. O'Meally - Assistant Clerk to the Legislature

Meetings

The JSC hosted a total of ten (10) meetings and invited representatives from the listed organizations to attend. Meetings were held on: -

- 20th December 2017
- 5th January 2018
- 18th January 2018
- 12th February 2018
- 26th April 2018
- 15th May 2018

- 21st May 2018
- 24th May 2018
- 12th June 2018
- 28th June 2018
- 5th July 2018
- 24 July 2018
- 26 July 2018

Witnesses

Representatives of the following organizations/bodies/individuals were asked to attend the meetings of the JSC: -

- **SCARS Representative #1 - (SCARS = Saving Children and Revealing Secrets)**
- **SCARS Representative #2**

- **Bermuda Police Service**

- **Child Safeguarding Unit of the Foreign and Commonwealth Office.**

- **Criminal Justice Advisors to the British Overseas Territories in the Caribbean.**

- **Deputy Governor of Bermuda**

- **Acting Director of Public Prosecutions**

- **Crown Counsel for Public Prosecutions**

- **Attorney General**

- Public School Counselors (x6)

- Director of Court Services

Introduction

Mr. Speaker:

Like many other jurisdictions in the world, Bermuda must now consider the implementation of a Public Sex Register or as it's more commonly referenced, a 'Sex Offenders Register' (SOR). By their very nature, considerations of this nature are far from easy and the subject matter has made the work of the JSC even more challenging. Nonetheless, the JSC has made a commitment to ensuring that **ALL** citizens of our island home are protected regardless of age, gender or position.

At this point, it is important to understand what is meant by the term 'Sex Offender Register'.

Mr. Speaker, *"a Sex Offender Registry is a system in various countries designed to allow Government authorities to keep track of the activities of sex offenders including those who have served their criminal sentences. In some jurisdictions, where sex offender registration has been implemented, registration is accompanied by residential address notification requirements.*

In many jurisdictions, registered sex offenders are subject to additional restrictions, including housing. Those on parole or probation may be subject to restrictions that do not apply to other parolees or probationers. Some of these include (or have been proposed to include) restrictions on being in the presence of underage persons, living in or close to a school or day care center, owning toys or items targeted towards children, or using the Internet."¹

Unfortunately, Bermuda is not immune to the sobering statistics relating to sex abuse and child sex abuse. Sexual abuse against a child is an act of violence. It is another form of child abuse whereby the perpetrator inflicts physical, psychological, emotional and sexual harm on the victim. According to the Department of Child and Family Services, the following child sexual abuse cases were reported in each of the years 2011 to 2014, the majority of which involved children between the ages of 9 - 14 years old. With your indulgence I will read record statistics:

¹ https://en.wikipedia.org/wiki/Sex_offender_registry

REPORTING YEAR	REPORTED CASES
2011	136 cases
2012	106 cases
2013	126 cases
2014	173 cases (136 females and 37 males).

Most sex offenders are known to their victims; indeed, the SCARS website contains the following statistics from research undertaken on known cases in the United States of America:

- 30% of child sex offenders are family members, or relatives
- 50% - 60% of child sex offenders are persons in a position of trust
- 10% of offenders are strangers.
- 90% of children who are victims know their abuser.
- 25% of child sex offenders are women
- 40% of child abusers are older children.

An additional area of concern is the alarmingly high percentage of child sex abuse cases which go unreported. In the United States of America, research has confirmed that 88% of instances of child sex abuse are not reported.

It is difficult to extrapolate these figures and apply similar statistics to Bermuda to determine what the number of unreported child sex abuse cases might be but if the year 2014 was taken for purposes of illustration only, with 173 reported child sex abuse cases in that year the number of unreported cases would be in the region of 1,268! This reality is hard to digest and almost too horrific to comprehend.

In Bermuda we tend to "trust" too easily and this often means that children are left with persons whom parents believe to be trustworthy and therefore consider that their children will be safe. Examples include schools, churches, close relatives, family friends and child caregivers. Unfortunately, these places and people often provide child sex offenders with direct access to children. Sadly, these places which would normally be considered safe havens for children, have the potential to be predatory places for child sex offenders, where trust can be developed and later used to keep the dreaded "secret."

Child sex abuse is undoubtedly an uncomfortable and difficult topic to discuss. However, the reality is that as a community we must become comfortable discussing what makes us feel uncomfortable. As a community we must stop keeping 'the secrets'. Revealing 'the secrets' will allow for healing. Unfortunately, we must accept that we have "Monsters" amongst us. There is no magic wand to fix the issue of child sex abuse but through education and awareness we can reduce (or eliminate) that which has the potential to destroy families. Everyone suffers when a child (or adult) is sexually abused.

Sexual Assault against children is an urgent human rights issue and fighting it should be a political priority - Council of Europe Commissioner for Human Rights, 2011.

Mr. Speaker, in 2015 a JSC on 'Safeguarding Children' was formed and they deliberated on some of the very topics this committee was tasked to consider. The previous committee did start a draft report to present to the House of Assembly, but it was never completed.

In 2017, after a change of Government, the newly elected Progressive Labour Party decided that this was too critical a topic, to allow going unaddressed. Consequently, a new JSC was convened with new Members of Parliament and Senators who began the demanding task of examining, reviewing and making recommendations on the implementation of a 'Public Sex Offenders Register'.

The current JSC did have access to the previous committee's draft report but it was decided that an entirely independent approach would be adopted to consider all relevant information, bodies, organizations and individuals to formulate the most appropriate recommendations.

This position in no way denigrates the hard work and dedication of the previous JSC and I would like to take this opportunity to thank the previous JSC members; Mark Pettingill, JP, (Chairperson), Sylvan Richards, JP, MP, Susann Roberts-Holshouser, JP, Kim Wilson, JP, MP, Zane DeSilva, JP, MP and former Senators Lynn Woolridge and myself who were also members of this committee.

I would also note that having served on both Joint Select Committees I would confirm that the members have been extremely professional and have completely immersed themselves in their important tasks and have avoided any political biases whatsoever. Our common goal has been to protect our children from the dangers of child sex abuse and the long term negative impacts that this has on individuals and families.

The Committee has gathered an extraordinary amount of information through our multiple and extended sessions with local experts. We have formulated a set of recommendations that we believe can assist with the structure and framework for a comprehensive sexual offender's management system.

The JSC held nine verbal meetings where information relating to child abuse was discussed with persons who are trained and knowledgeable on the topic. The JSC believed that it was important to host a broad range of professionals and experts who are well versed in child sex abuse and sexual offender management in Bermuda. At times, receiving the information was distressing and committee members admitted that they were shocked at the horrific nature of the crimes outlined before them.

The JSC agreed in the very early stages that we had an important role to play by making recommendations that ensure our citizens are protected. Collectively, we agreed that there is no time for politics. As a society we can ill afford the torture that jeopardizes our children's futures. We must remove the blinders that prevent us from talking about the unspeakable and uncomfortable. We must quickly adapt to "becoming comfortable talking about the uncomfortable". As a society we must come to the realization that it is only through education and awareness that we can make real change.

The committee members will ensure that this report will not sit on a shelf after it has been discussed. We have worked diligently and persevered to ensure that we do our utmost to protect our children; our people! We look forward to REAL change! The suggestions and recommendation from this report MUST be acted on without delay.

The Committee agreed to adopt a three-prong approach to assist with streamlining the recommendations:

- 1. Education, Awareness and Effective Preventative Measures**

- 2. Management of Sexual Offenders**

- 3. Counseling and Support of victims and their families**

Education, Awareness and Effective Preventative Measures

Education and awareness are the keys to preventing child sexual abuse. Parents are responsible for the safeguarding of their children. We tend to trust our neighbors, relatives, friends, camp counselors and other persons in our proverbial "circle".

However, data shows us that sexual abusers are usually known to the victim. The charitable organization SCARS has led the way educating the community showing how to recognize the signs of sexual abuse and we are grateful for all that they do. As at July 18, 2018 seven thousand, two hundred and ninety-two (7,292) people in Bermuda have been SCARS trained. This means that 7,292 have a greater awareness of the devastations of child sexual abuse.

During our committee presentations we also learned that all adults are "**mandatory reporters**". In accordance with section 20 (1) of the Children's Act 1998: *"every person who has information indicating that a child is suffering or has suffered significant harm shall forthwith report that information to the Director."*

The committee spent a considerable amount of time listening, asking questions and analyzing how the Ministry of Education manages child sex abuse circumstances. We discussed We discussed at length an incident that had occurred on the premises of a public school and discovered that policies that are in place for reporting and handling such incidences had not been followed or lacking, respectively. Additionally, we were able to determine that the Ministry of Education does not have any guidelines in place for Administrators of Schools to communicate incidents of child sex abuse that has occurred on school grounds to parents and guardians. This means that they are left to hear of this through other sources such as the local media, word of mouth or social media. The committee sees this as a deficiency; leaving parents to feel unjustly uninformed on critical information.

The committee learned that there have been incidents whereby teachers were reluctant to report sexual abuse of children. However, in accordance to section 20(1) of the Children's Act 1998 all teachers are mandated to report any incidents of significant harm suffered by any child.

Child sex abuse seems to be a topic that we discuss whenever there is a news headline or when an offender is released from prison. The community gets "riled up" and there is concern on the inadequacies of prison sentences, where the sex offender is going to reside, identifying that person, releasing the name and so on and so forth, until the next time. We must move from quiet discontent to education and awareness that helps to mitigate the risks of sex abuse to where the rights of the victims are considered.

The committee believes that education is the key to being able to identify the signs of child sex abuse. Parents should be taught or given as many tools as possible to increase their awareness of these abuses to protect their children. Children must be taught to speak to an adult about anything that makes them feel uncomfortable. Parliament is responsible to legislate laws and requirements that protect our children.

It's an old cliché but it's fitting, "Education is key!"

The JSC recommendations relating to education, awareness and preventative measures are:

1. Mandatory annual awareness campaign for all individuals who have children in their care. Education and awareness are key to reducing child sex abuse in our community.
2. There MUST be comprehensive screening of all individuals involved in the care or supervision of children.
3. Persons convicted of serious sexual offences should be prevented from engaging in employment or volunteer work that involves children. Additionally, they should not be allowed to join entities that deal directly with children.
4. There should be annual training for all mandatory reporters in the public and private school system and ongoing support to ensure that they recognize their responsibilities and understand the associated importance. A suggestion would be to have mandatory reporters SCARS certified.
5. The Ministry of Education should establish policies for Principals, Teachers and other mandated reporters within the Ministry. Any offence that occurs in or on a public or private school property should have consistent policies and guidelines as established by the Education Act.
6. The Ministry of Education should have a communication strategy to convey information regarding a sex offence that may have occurred on school property to the parent body.
7. There should be a campaign to educate parents to the vulnerability to sexual predators that their children face. Parents should be educated and understand the signs of sexual abuse. This campaign should be long term and sustainable to changing trends in child sex abuse and sex abuse overall.
8. The Government should ensure that there is a sustainable internal program that organizations and staff can use to undergo training relating to child sex abuse. This governmental entity should work collaboratively with SCARS.
9. All Parliamentarians should be SCARS trained as there is a high probability that someone within their constituency is a victim or a perpetrator and may seek your help.

Management of Sexual Offenders

The goal of sex offender management should be to promote public safety by reducing the risk of recidivism by sex offenders. Managing sexual offenders means that you need to have a clearer understanding of:

- The persons who commit these offences.
- The strategies that have proven to be effective in reducing the risk of reoffending.
- The transition of that sexual offender back into the community.

An area that garnered lots of questions and concerns from the JSC was the treatment of sexual offenders while they are incarcerated. Certain members of the JSC were shocked to learn that treatment for a convicted sexual offender is optional while they are incarcerated. This means that a convicted sexual offender can be and in some cases are released from prison with no treatment at all. We have been made to understand that this is a common occurrence. The Committee was apprised of the process for releasing a sexual offender and which governmental departments are consulted upon release.

The committee believes that the need to protect the public from offenders is of paramount importance. We were educated on the process in place for managing sexual offenders who have a high propensity to re-offend. The Attorney General of Bermuda clearly explained the role and the options that are currently available on the release of a sexual offender from prison.

At present, the Criminal Code Act 1907 allows for public notification under section 329H with Ministerial discretion to establish a protocol regarding disclosure. These protocols determine if the notification requirements under section 329G should be enacted.

The JSC listened to various presenters who stressed how important it is to have effective risk management of sexual offenders while they are incarcerated, even if consent hasn't been given. Most of the presenters were of the view that a convicted child sex offender who has not undergone any treatment and counselling is more likely to re-offend upon release. During the presentations we continuously heard that there is a need for mandatory treatment during incarceration.

Several witnesses spoke on the need to have sexual offenders redefined in categories according to High Risk/Dangerous, Medium Risk and Low Risk Sexual Offenders. This categorization of offenders would determine ongoing monitoring and control of the various offenders upon release. This was further explained in terms of a seventeen-year-old boy/girl in a relationship with a fifteen-year-old boy/girl and the oldest person was charged and tried through the courts. In accordance with our laws this would be considered a sexual offence and the convicted offender

could well end up on a sexual offenders' register, thus placing a young person on a register for their entire life. This could lead to a loss of basic opportunities for many years if not a lifetime. The proper categorization will give someone in these circumstances a fair shot at reform and rehabilitation.

Conversely, we also discussed in detail the decisions by the former and current Attorney Generals (AG) who both when faced with the release of a non-rehabilitated sexual offender reached different conclusions on enacting Section 329G (see Schedule A). The enacting of this notification requirement lies with the Attorney General and it is his/her decision if there should be public notification of a sex offender. The JSC discussed this with the current Attorney General who gave reasons why 329H and 329G (see Schedules A and B) were enacted upon the release of an offender with the public receiving notification on the convicted offender's name, identifying picture and other specific details. The JSC heard that because there was a strong likelihood that that person would re-offend, the decision was made to notify the public in an abundance of caution. This decision was supported by the reports from prison doctors and the fact that the offender refused treatment during incarceration.

The JSC queried why the former AG decided NOT to enact 329H/G in 2016 upon the release of a convicted sexual offender who had committed several heinous acts. The current AG could not speak to the rationale of the former AG as to public notification of that sex offender.

The JSC noted that different AGs could and do view matters through very different lenses potentially leaving the public uninformed and vulnerable to potential threats from a freed sex offender.

The current management of offenders program was explained to the JSC by Director of Court Services. We were given details on how community supervision works; whereby offenders are assessed every three months. The committee also queried the number of staff under the Director of Court Services remit (37 staff members at present) with cases totaling 400; 25 of which are convicted sexual offenders. The Director of Court Services is responsible for the monitoring of released sex offenders.

Not everyone we consulted supported a public sex register as they are confident that the protocols currently in place if utilized effectively can work. They are of the belief that supervision and monitoring are key to preventing re-offending, not a public register.

The JSC also heard from representatives from the Department of Public Prosecution. The committee was presented with several laws relating to sexual offences that are outdated and need to be revised or updated to modern day law. The existing laws are not gender neutral; the age of consent is different for a male than a female (age of consent for females is 16 and 18 for

males), it was noted that this is a human rights issue and the suggestion has been to raise the age of consent to 18 for males and females.

Other laws in need of updating include:

- Laws limiting intrusion on the privacy of a female, males cannot make a complaint under this;
- Section 183 of the Criminal Code, intercourse with defective needs to change, it was noted that the Mental Health Act has made changes in the classification of a defective, only males can be convicted of sexual offences with females that have disabilities; and
- Sexual assault with disease needs to have an updated list of sexually transmitted diseases.

Additionally, the JSC learned that there is no legal framework for sexual offenders who commit offences overseas to be added to a Bermuda sex registry. The Lanzarote Convention on the protection of children against sexual exploitation and sexual abuse is something that Bermuda should consider.

The below definition and explanatory notes can be found at www.bindmans.com relating to the Lanzarote Convention:

“The Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse known as the ‘Lanzarote Convention’ has been published by the Foreign and Commonwealth Office.

The UK is one of 47 signatories to the Convention and although it has not yet been ratified by the UK, it is expected to be very soon and implemented into existing domestic legislation.

The key aims of the Convention are to:

- 1. prevent and combat sexual exploitation and sexual abuse of children;***
- 2. protect the rights of child victims of sexual exploitation and sexual abuse;***
- 3. promote national and international co-operation against sexual exploitation and sexual abuse of children.***

The Lanzarote Convention is the first instrument to establish various forms of sexual abuse of children as criminal offences, including acts that are committed abroad. The Convention sets out preventative measures including screening, child protection training and monitoring for both offenders and potential offenders. The Convention also establishes support programmes to aid victims and encourages the reporting of sexual exploitation including providing telephone and internet helplines for children.

Measures set out in the Convention impose an obligation on signatories to criminalise the solicitation of children for sexual purposes ‘grooming’ and to contravene ‘sex tourism’. It is

hoped that a concerted and international multidisciplinary approach will prevent and combat sexual exploitation and protect the rights of children across borders.”

The JSC recommendations for Management of Sexual Offenders are;

1. All convicted sexual offenders should be required to participate in a MANDATORY treatment program prior to their release from the correctional facility. Treatment should not be optional.
2. There should be consequences for those offenders who refuse treatment while incarcerated; the possibility of extended prison sentences should be considered.
3. Sexual offenders should be categorized (a tiered structure) in accordance to the seriousness of the act they committed. Less serious offenders (juvenile, or a minimal assault) should be placed at a lower level on a register with the more serious heinous crimes at a higher level.
4. Convicted sex offenders who are deemed dangerous and are categorized within the top tier should be placed on the sex register for life.
5. Bermudian residents who were convicted overseas should be added to the Bermuda Register.
6. Establish relationships with international bodies that will allow cross border reporting and prosecution. Examples include but are not limited to are the Lanzarote Convention and Interpol.
7. Procedures for the release of prisoners should include a psychiatrist and psychological assessment that is conducted three to six months in advance of a release date.
8. Special measures should be adopted when interviewing children in relation to sex crimes. Consideration should be given to screens and clearing the courts when a child needs to testify in a sex abuse case in conjunction with the Evidence (Audio Visual Link) Act 2018.
9. Interviews with children should be conducted by trained professionals who will establish a good relationship with the child to yield the best evidential responses. This person doesn't have to be a police officer, it could be a child psychologist who works with the police and who later can be called upon to provide their professional assessment under oath to the truthfulness and authenticity of a child's account.
10. Update existing laws to ensure that they are gender neutral and use modernized language.
11. Ongoing monitoring and assessments should be consistent and robust upon the release of a sexual offender.
12. Amend the "length of registry" (Section 329 G. (2)) to have the times on the register be aligned to a sex offender's prison sentence. An example would be if the prison sentence were to be over 30 months this would mean a LIFETIME on the register; prison sentences that are 6 – 30 months would equate to 10 years on the register and so forth.
13. Update and modernize the sexual offences list.

14. Establish a mandated framework that could be a tribunal, chaired by the AG, with a minimum of three entities (e.g. the AG, Director of Court Services, Psychologists, Bermuda Police Service and DPP) that all review and agree terms and conditions, classification and public notification (Criminal Code Act, Section 329G) of high and low risk sexual offenders upon from release from prison.

Counseling and Support of Victims and their Families

The impact which a sexual abuser has on his/her victim is life-long and it is imperative that long-term counselling be provided.

After-care and counselling services are important in aiding victims of sexual abuse (children and adult). As a society we must first accept that we have a problem and we can only improve this if we accept and deal with it head on. Keeping secrets doesn't help the current victims and their families and it also increases the chances of there being another victim. As a society we must become comfortable talking about the uncomfortable topic of child sex abuse and sexual abuse overall.

The JSC recommendations for Counseling and Support of Victims and their families:

1. There should be mandatory counselling for all victims of sex abuse and their families and loved ones.
2. Leverage counselling strategies from other related jurisdictions to assist with support services. Cayman Islands have a Multi-Agency Safeguarding Hub (MASH) which should be considered for adoption in Bermuda.
3. Ensure that ongoing and consistent therapy and counselling services are available to all victims irrespective of their personal financial circumstances.
4. Ensure victims and their families are given sufficient and timely notification upon an offender's release.
5. Enhanced therapy with extended services should be offered to assist with what could be a traumatic event for victims and their families.

Overall findings of the Joint Select Committee relating to the Motion *(Existing legislation which addresses the necessity for a public sex offender's register along with other pertinent matters relating to convicted sex offenders).*

The JSC supports a Tiered Sexual Offenders Register with mandated framework to notify the public upon the release of High Risk Dangerous Offenders ONLY.

A mandated framework could be a tribunal, chaired by the AG, with a minimum of three entities (e.g. the AG, Director of Court Services, Psychologists, Bermuda Police Service and DPP) that all review and agree terms and conditions, classification and public notification (Criminal Code Act, Section 329G) of high and low risk sexual offenders upon from release from prison.

The JSC believes if automatic notification is given to the public on the release of a high-risk offender; this removes any discretionary concerns and ensures that the public is aware of the risks with the release.

Additionally, the JSC believes that the relevant governmental department should produce an ongoing campaign on sex abuse and child sex abuse. Education and awareness should be a constant with public service announcements and related campaigns against sex abuse.

Education and awareness are key preventing sexual abuse.

Closing Remarks

Mr. Speaker,

In closing, I would like to thank the JSC for their hard work, critical assessment, and diligence over the past seven months. I am happy to report that the entire JSC is SCARS trained and are Stewarts of Children. This further illustrates our commitment to reduce the risks of child sex abuse and overall sex abuse. Congratulations to the Committee!

I would like to thank all the presenters who not only took the time to educate the committee, but they were passionate in their quest to protect our children and prevent sex abuse.


Mr. Speaker,


It has not been easy, at times it was very emotional, but we persevered through to develop recommendations that we believe will help our island home.

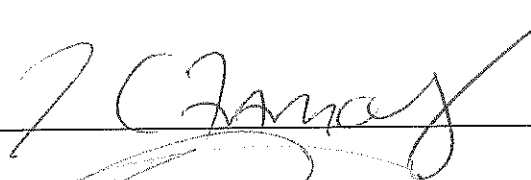
We recognize that our recommendations are only a first step in preventing sex abuses, but we are committed to raising awareness and helping where necessary to implement the recommendations.

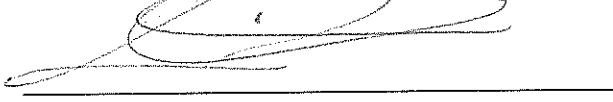
On behalf of the JSC, I would like to give a special thank you to the Committee Clerk, Ms. Sierra A. O'Meally, for her attention to detail and professionalism.

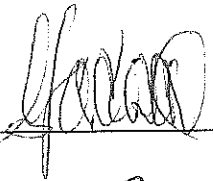
ALL OF WHICH IS RESPECTFULLY SUBMITTED:


Chairperson, Renee Ming, JP, MP 

Mr. Zane De Silva, JP, MP 

Mr. Christopher Famous, JP, MP 

Mr. L. Craig Cannonier, JP MP 

Ms. Susan Jackson, JP, MP 

Senator Crystal Caesar, JP 

Senator W. Michelle Simmons, JP 

Schedule A

Notification

Notification requirements for sex offenders

329G (1) A person becomes subject to the notification requirements of this section, if—

- (a) after this section comes into force he is convicted of a sexual offence; or
at the time this section comes into force—
 - (b)
 - (i) he is serving a sentence of imprisonment; or
 - (ii) he has been released on licence after serving the whole or part of a sentence of imprisonment,
- in respect of a sexual offence.

(2) A person who is subject to the notification requirements of this section shall continue to be so subject for a period of ten years commencing on—

- (a) the date of his conviction; or
- (b) if later, the date of his release from prison, whether released on licence or on the expiration of his term of imprisonment.

(3) A person who is subject to the notification requirements of this section shall immediately upon his release notify the police of the following information—

- (a) his name, and, where he uses one or more other names, each of those names; and
his home address.
- (b)

(4) A person who is subject to the notification requirements of this section shall immediately upon—

- (a) his using a name which has not been notified to the police under subsection (3); or any change in his home address

(b)
notify that name or that change of address to the police.

(5) Any notification under this section shall be acknowledged in writing in such form as the Minister may direct.

- (6) A person who—
 - (a)

fails, without reasonable excuse, to comply with the notification requirements set out in subsection (3) or (4); or
(b)

notifies to the police, in purported compliance with those requirements, any information which he knows to be false,

is guilty of an offence and is liable on summary conviction to a fine of \$3,000 or imprisonment for six months, or to both.

(7) A certificate issued by the registrar or clerk of the court that a person has been convicted of a sexual offence and of the date of conviction shall be conclusive evidence of those facts.

(8) A certificate of the Commissioner of Prisons that a person was released from prison and the date of release shall be conclusive evidence of those facts.

[Section 329G added by 2000:23 s.2 effective 29 October 2001]

SCHEDULE B

Public notification of information on sex offenders

329H (1) The Minister, having regard to—

(a) the need to protect the public, an affected group of people or an individual;
and

(b) the objective of effective management of sex offenders,

may establish a protocol governing the disclosure of information in relation to sex offenders who are considered to present a risk of significant harm to the health or safety of the public, an affected group of people or an individual.

(2) The protocol may provide for the following notification options—

(a) no notification;

(b) notification of a specified group of persons;
notification of a specified individual;

(c) notification to the public.

(d)

(3) Notification may include such identifying information (including a photograph of the sex offender) as the Minister may determine.

(4) Before determining to give any notification in accordance with the protocol in relation to a particular sex offender the Minister shall consult with the Commissioner of Police.

[Section 329H added by 2000:23 s.2 effective 29 October 2001]

