

Schedule of Recommendations

Number	Recommendation	Government Response
1.	That preventive detention legislation remain an option to be used in respect of a very small class of offenders, and that it be tempered by suitable safeguards, as set out at 2.29.	To be considered in the statutory review of the <i>Crimes (Serious Sex Offenders) Act 2006</i> .
2.	That Restorative justice programs remain in place, and be subject to continuing monitoring and evaluation.	Interagency consultation taking place.
3.	That restorative justice programs be expanded so as to make them available to those living in remote and regional communities.	Interagency consultation taking place.
4.	That, initially on a trial basis, the eligibility restrictions currently placed on circle sentencing and youth justice conferencing be relaxed so as to include some of the less serious sex offences that are presently excluded.	Interagency consultation taking place.
5.	That DCS engage in ongoing evaluation of the tools which it employs for risk assessment, over an extended time frame, and with a larger population group, so as to determine their degree of accuracy.	Interagency consultation taking place.
6.	That, as a necessary precondition for any long term use, or extended application of preventive detention, DCS be sensitive to the academic debate concerning sex offender assessment tools with a view to identifying any superior models that may emerge.	Interagency consultation taking place.
7.	That DCS publish material in relation to sex offender treatment programs and their evaluations.	Interagency consultation taking place.

8.	That ongoing evaluation of sex offender treatment programs be conducted, on a long term basis, and with an extended population base.	Interagency consultation taking place.
9.	That any move to privatise corrections facilities be accompanied by the provision of sex offender treatment programs in those facilities, and if necessary, delivery of those programs by DCS or otherwise funded by it.	Interagency consultation taking place.
10.	That consideration be given to the feasibility of extending the registration requirements for sex offenders whose offences have been committed against adults.	Interagency consultation taking place.
11.	That any extension of the registration requirements be adopted uniformly by other jurisdictions, particularly in the light of the national registrations system.	Interagency consultation taking place.
12.	That in the case of first time offenders who are aged under 18 years, the Court have a discretion, at the time of imposing sentence, to excuse the requirement for registration.	Interagency consultation taking place.
13.	That as a matter of practice, applications for a CDO or ESO (or interim orders) pursuant to the <i>Crimes (Serious Sex Offenders) Act 2006</i> (NSW) should normally be made no later than three months before expiry of a respondent's current custody or supervision.	To be considered in the statutory review of the <i>Crimes (Serious Sex Offenders) Act 2006</i> .
14.	That the Act be amended so as to add to the matters to be taken into account for an application under section 9(3) and section 17(4), the views of the original sentencing judge, based on the material presented at the time of sentence.	Supported.

15.	That if non-participation in a program while in custody is to be used as a ground for a CDO, that it is necessary that the State ensure that such programs are available and accessible for offenders, prior to the expiry of the non-parole period.	Interagency consultation taking place.
16.	That such programs be sufficiently flexible to accommodate those offenders who have practical difficulties in participation in those programs, subject always to their being capable of leading to gains equivalent to those deliverable under CUBIT.	Interagency consultation taking place.
17.	That if sex offender programs are only to be provided in certain correctional centres, whether run by DCS or by private candidates for a CDO or ESO be transferred to such centres within a time frame that will permit their participation in a program, prior to expiry of their non-parole period.	Interagency consultation taking place.
18.	That the <i>Crimes (Serious Sex Offenders) Act 2006</i> (NSW) be amended so as to permit the views of victims to be taken into account on an optional basis (as is the practice in relation to life sentence re-determinations).	Supported.
19.	That DCS, Justice Health, the Mental Health Review Tribunal and the Guardianship Tribunal consult with the aim of achieving coordinated interagency arrangements for the more effective management of sex offenders with cognitive or mental health impairments.	Interagency consultation taking place.

20.	<p>That the <i>Crimes (Serious Sex Offenders) Act 2006</i> (NSW) be amended so as to allow the Supreme Court, in appropriate cases, to make an additional order for extended supervision when it makes a CDO, to operate at the expiry of the CDO, and so as to include:</p> <ul style="list-style-type: none"> a) A power to revoke the ESO before expiry of the CDO; and b) A power to vary the conditions of the ESO if considered appropriate prior to the expiry of the CDO. 	Supported.
21.	<p>That the <i>Crimes (Serious Sex Offenders) Act 2006</i> (NSW) s 13 be extended in relation to ESO's, to allow the Court, upon application, to substitute a CDO.</p>	Supported.
22.	<p>That the <i>Crimes (Serious Sex Offenders) Act 2006</i> (NSW) s 19 be extended in relation to CDO's to allow the Court, upon application, to substitute an ESO.</p>	Supported.
23.	<p>That a breach of an interim supervision order or of an ESO be addressed by a return of the matter to the Supreme Court which could deal with it as a breach of one of its orders, rather than by way of prosecution for a section 12 offence in the Local Court, preserving however the power of the State to prosecute the offender separately for any offence that might constitute a breach of the relevant order.</p>	To be considered in the statutory review of the <i>Crimes (Serious Sex Offenders) Act 2006</i> .
24.	<p>That following the impending 2009 review of the <i>Crimes (Serious Sex Offenders) Act 2006</i> (NSW) the Act be reviewed again in 3 years.</p>	To be considered in the statutory review of the <i>Crimes (Serious Sex Offenders) Act 2006</i> .