Applications, by registrable persons, made to the Child Protection Registry for permission to travel:

- The total number of applications considered under s 271A.1 (3) (a) of the Commonwealth Criminal Code since the commencement of the provision on 13 December 2017 - 329 applications have been received since 13 December 2017.
- 2. The total number of applications granted in full 102
- 3. The total number of applications granted in part or on conditions None
- 4. The total number of applications refused 220
- 5. The total number of applications still under assessment 1
- The total number of 'Statements of Reason' issued under s 13 (1) of the *Administrative Decisions (Judicial Review) Act 1977 (Cth)* in relation to decisions under s 271A.1 (3) (a) - 7

Note: 6 applications were withdrawn which accounts for the remainder of the applications.

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NATIONAL GUIDELINES:

Assessment of applications from reportable offenders for permission to travel overseas

Purpose

On 13 December 2017, three new measures will come into effect at the Commonwealth level to prevent reportable offenders from travelling overseas without permission from a competent authority:

- A new Commonwealth offence for reportable offenders who travel, or attempt to travel, overseas without permission (maximum penalty of five years imprisonment)
- Implementation of a border alert by the Department of Immigration and Border Protection to stop reportable offenders at the border, and
- A scheme for the cancellation of passports held by reportable offenders by the Minister for Foreign Affairs.

The Passports Legislation Amendment (Overseas Travel by Child Sex Offenders) Act (Cth) 2017 (Passports Act) will require the Minister for Foreign Affairs to cancel or refuse to issue a passport to an Australian citizen who is a reportable offender upon request from a competent authority. A competent authority will mean a person with powers, functions or duties in relation to a child protection offender register. The relevant competent authority will be different in each jurisdiction, but could include Police Commissioners and their delegates.

The legislation will permit a reportable offender to travel overseas if a competent authority has given permission for the person to leave Australia.

These Guidelines provide a suggested approach for competent authorities to consider requests for travel from reportable offenders. The Guidelines have been developed by the Commonwealth Attorney-General's Department to assist states and territories in considering travel exemptions under the passports measure.

Each jurisdiction should consider the guidelines in the context of their relevant legal and policy frameworks and adapt as required.

Overseas travel principles

The new measure is designed to prevent reportable offenders from travelling overseas to sexually exploit and/ or abuse vulnerable children in overseas countries where the law enforcement framework is weaker and their activities are not monitored.

Reportable offenders subject to reporting obligations must obtain written permission from a competent authority before they may lawfully travel overseas. It is a Commonwealth offence for a reportable offender to leave, or attempt to leave, Australia without such permission.

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Applications should be considered on their individual merits, taking into account the purpose of child protection offender registers and related reporting obligations—in particular, ensuring the safety and protection of children by reducing the likelihood that a reportable offender will reoffend. Consideration of applications should also take into account the reasons for the request, and whether the proposed travel may be delayed until the conclusion of the reportable offender's reporting period.

Applications for permission to travel

A request for overseas travel must be made in writing by the reportable offender to the relevant competent authority in their jurisdiction, including detailed information about the grounds on which the reportable offender is seeking to travel overseas and any documentation required to support the application. It is the responsibility of the reportable offender seeking travel permission to provide all relevant material to assist the competent authority with making a determination.

The reportable offender should also provide information on the management of any risk to children during their trip (for example, if during the travel they visit or stay with family members where children also reside).

In the normal course of events, applications should be made at least two months before the intended travel period unless the particular circumstances of the proposed travel do not allow such time. In urgent cases, the reportable offender should indicate clearly in the application documentation the timeframe by which a decision is sought.

In considering an application, the competent authority may seek further information from the applicant or seek comments on the claims made in the application from relevant agencies (for example, police or prosecution authorities). The application and any supporting material provided may be supplied to the relevant agencies as part of this process.

The relevant competent authority should provide written confirmation to the reportable offender of the outcome of their request for overseas travel. Reportable offenders should be advised not to apply for a passport or make any travel arrangements before written permission to travel is granted by the competent authority. A passport cannot be issued by the Department of Foreign Affairs and Trade unless the competent authority has provided approval for the travel.

Decision making criteria

In making a determination for an application for overseas travel, the competent authority may take into account:

- the seriousness of the reportable offender's reportable offences
- the period of time since the offences were committed
- the age of the reportable offender and the age of the victims at the time the offences were committed
- the reportable offender's current age

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- the nature and seriousness of the reportable offender's full criminal record
- the extent to which the reportable offender has complied with reporting obligations
- any intelligence information or assessment of the level of risk to children posed by the reportable offender
- whether the proposed travel will involve any contact (planned or anticipated) with children and, if so, how any risk to children could be mitigated
- to the extent that it relates to the requested travel—the circumstances of the reportable offender, including their accommodation, employment needs and proposed travel companions
- the country or countries to which the reportable offender seeks to travel
- any representations made to the competent authority by the reportable offender, and
- any other matter the competent authority considers relevant including, but not limited to, any specific state and territory requirements.

The form for making an application for travel is at <attach template>.