



Legislative review of the

**Child Protection  
(Offender Prohibition Order)  
Act 2008**

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**Submission form**

CRIME AND  
MISCONDUCT  
COMMISSION



QUEENSLAND

August 2013

Thank you for your interest in the Crime and Misconduct Commission's (CMC) legislative review of the *Child Protection (Offender Prohibition Order) Act 2008*.

You may choose to answer as many or as few questions as you wish.

## **Making a submission**

To make your submission, either:

1. Complete this form and submit it online at <[www.cmc.qld.gov.au/cpopo/submit](http://www.cmc.qld.gov.au/cpopo/submit)>
2. Print the completed form and post, email or fax it to:

Post: Child Protection (Offender Prohibition Order) Act Review  
Crime and Misconduct Commission  
Applied Research and Evaluation unit  
GPO Box 3123  
Brisbane Qld 4001

Email: [CPOPOActReview@cmc.qld.gov.au](mailto:CPOPOActReview@cmc.qld.gov.au)

Fax: 07 3360 6333

Send your submission by no later than 5 pm Monday 16 September 2013.

We may not consider late submissions.

## Do you wish to maintain partial or complete confidentiality?

We will generally publish submissions on our website — including the name of the submitter but no contact details. If you would prefer to maintain partial or complete confidentiality, please indicate your preference by selecting one of the following:

- NAME WITHHELD — PARTIAL CONFIDENTIALITY**  
I consent to my submission being published on the CMC website, without my name being disclosed.
- CONFIDENTIAL — COMPLETE CONFIDENTIALITY**  
I do not consent to my submission being published on the CMC website.

If there is no clear selection of one of these alternatives, we will regard any submission (including an anonymous submission) as a public document, and will publish it on our website.

### Privacy statement

No submission marked as confidential will be published on our website. However, any submission may be subject to disclosure under the *Right to Information Act 2009*, and access applications for submissions will be determined in accordance with that Act.

The CMC may quote from your submission or refer to it, either generally or individually, in publications.

In either case, your identifying details will not be published in our report.

If you provide your details, we may contact you to ask whether you consent to further consultation for the purposes of this review.

## Your details (optional)

*Provide as much or as little information as you wish.*

Name(s):	<input type="text"/>		
Organisation:	<input type="text" value="Protect All Children Today Inc. (PACT)"/>		
Address:	<input type="text"/>		
Phone:	<input type="text"/>	Mobile:	<input type="text"/>
		Fax:	<input type="text"/>
Email:	<input type="text" value="pact@pact.org.au"/>		

# Your submission

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## Identifying concerning conduct

For more information, see [Section 3.1: Identifying concerning conduct](#) of the Consultation paper.

- 1. How effective is the current process for identifying relevant sexual offenders who engage in concerning conduct? If you think that the process could be improved, how could that be achieved?**

Please note that PACT is not sufficiently privy to the appropriate data. A small minority of Defendants appear on our database multiple times.

- 2. If you are responding on behalf of an organisation, what policies or procedures do you have to assist in (a) identifying concerning conduct, and (b) notifying other people or agencies that concerning conduct has occurred?**

This area is outside of PACT's scope as we become involved after an offence has occurred.

Regarding staff and Child Witness Support Volunteers, PACT relies upon the Commission for Children and Young People and Child Guardian's Blue Card Screening System.

- 3. In your view, how effective are (a) the Queensland Police Service and (b) Queensland Corrective Services in proactively identifying relevant sexual offenders who engage in concerning conduct?**

PACT is unable to comment on the procedures of QPS and QCS in relation to this question.

PACT only has involvement in and data relating to matters where a Defendant has been charged with a criminal offence that is against a child or witnessed by a child.

## Responding to concerning conduct

For more information, see [Section 3.2: Responding to concerning conduct](#) of the Consultation paper.

### 4. In your view, in what situations should an offender prohibition order be the preferred response?

An offender prohibition order may be appropriate in circumstances where a convicted offender of serious sexual matters against children, repeatedly seeks to make contact with children for the purposes of grooming such as seeking work involving children, loitering around schools and parks, moving in with parents/carers of children. However, this should be considered in conjunction with other options.

### 5. Are there any barriers to the Queensland Police Service and Queensland Corrective Services selecting the most appropriate response? We are particularly interested to hear your views on the information sharing provision in the CPOPO Act (s. 42), which gives the Queensland Police Service the power to direct another government agency to provide information to help it decide whether to apply for an order.

PACT does not have the expertise or knowledge to comment.

### 6. Do you know of any incidents where the Queensland Police Service did not seek an offender prohibition order, but you believe that such an order was the most appropriate response? Please provide as much detail as possible.

PACT does not have the expertise or knowledge to comment.

### 7. Do you know of any incidents where the Queensland Police Service did seek an offender prohibition order, but you believe that another response was more appropriate? Please provide as much detail as possible.

PACT does not have the expertise or knowledge to comment.

8. From your perspective, what are the potential implications of (a) the Queensland Police Service and (b) Queensland Corrective Services electing to use responses other than an offender prohibition order to respond to concerning conduct?

Child protection is a complex issue with multiple strategies required to ensure the safety of vulnerable children and young people. An offender prohibition order should be one of the last responses. Best Practice initiatives include preventative measures such as: support for vulnerable children and families who are at higher risk of being targeted by child sex offenders e.g. due to: their sole parent status, isolation, mental health capacity, domestic violence background; empowering children through protective behaviours training; adequate resourcing of education, medical professions, school counsellors, child protection, health services, etc. to better identify children and young people at risk.

## Determining risk and “unacceptable risk”

For more information, see [Section 3.3: Determining risk and “unacceptable risk”](#) of the Consultation paper.

9. What factors should the Queensland Police Service consider in deciding whether to apply for an offender prohibition order?

Clear evidence of potential recidivism.  
Degree of risk of the behaviour.  
Other alternatives (e.g. referral to relevant treatment services, appropriate housing).  
Risk associated with offenders absconding or "going underground" if monitoring conditions become too onerous.

10. In your experience, does the conduct prohibited by an offender prohibition order correspond to the risks posed by the relevant sexual offender? Please provide as much detail as possible.

PACT does not have the expertise or knowledge to comment.

11. Is it appropriate that the court must be satisfied that the relevant sexual offender poses an *unacceptable risk* to the lives or sexual safety of children in order to consider issuing an offender prohibition order? Should this threshold be lowered to “a risk” to align with legislation in other Australian states and territories? If so, why?

PACT does not have the expertise or knowledge to comment. However, we support evidence-based initiatives that provide greater protection of vulnerable children and young people.

## Reporting obligations and monitoring

For more information, see [Section 3.4: Reporting obligations and monitoring](#) of the Consultation Paper.

**12. Are the reporting obligations under the CPOR Act adequate for an offender subject to an offender prohibition order, or should they have additional or different reporting requirements? Why?**

PACT does not have the expertise or knowledge to comment.

**13. Is it appropriate that the CPOPO Act (a) does not require the Queensland Police Service to monitor compliance with an offender prohibition order and (b) does not give Queensland Police Service officers powers to monitor compliance with an offender prohibition order? Why?**

Compliance monitoring would be resource intensive and costly. This could diminish or impact upon the current workload of the QPS and be beyond their capacity. Consideration should be given to whether compliance monitoring better sits with Probation and Parole who have the established expertise in this area.

**14. Does the Queensland Police Service encounter any impediments in monitoring reporting obligations under the CPOR Act (and, as a consequence, the reporting obligations of offenders subject to an offender prohibition order)? If so, how could these impediments be addressed?**

PACT does not have the expertise or knowledge to comment.

**15. Is the Queensland Police Service the appropriate agency to monitor reporting obligations under the CPOR Act (and, as a consequence, the reporting obligations of offenders subject to an offender prohibition order)? If not, which agency is better placed to perform this role and why?**

Probation and Parole already has a role in offender monitoring. However, additional resources may be required should case loads become unreasonable to manage within the existing staffing framework.

## Information sharing

For more information, see [Section 3.5: Information sharing](#) of the Consultation paper.

### 16. Should the definition of *prescribed entities* be amended (Sch. CPOPO Act)? If so, why?

Consideration should be given to the inclusion of religious institutions as entities required to provide relevant information.

### 17. Do any factors impede the timely disclosure of information by the Queensland Police Service under the CPOPO Act? Please provide as much detail as possible.

PACT does not have the expertise or knowledge to comment.

### 18. Do you know of any incidents where information about an offender or an offender prohibition order was not provided to relevant agencies or people, but in your view, should have been? Please provide as much detail as possible.

PACT is unable to offer comment on individual cases or situations.

## Effectiveness

For more information, see [Section 3.6: Effectiveness](#) of the Consultation Paper.

- 19. How effective are the responses available to the Queensland Police Service and Queensland Corrective Services in protecting children? Do you believe that some responses are more effective than others? Please provide as much detail as possible.**

PACT strongly believes that protecting vulnerable children and young people requires a community-wide approach based on evidence. These can include preventative programs, education and support, restorative justice approaches, as well monitoring offenders and other punitive strategies.

- 20. How well does the CPOPO Act achieve its purpose of better protecting children from relevant sexual offenders who live in the community?**

Any evidence-based initiatives that can prevent children and young people from harm are strongly supported by PACT. However, as mentioned previously the CPOPO Act is only one aspect in addressing this problem and a wholistic approach is required.

- 21. Do you have any other comments or suggestions about how the CPOPO Act (or if relevant, other Acts) could be amended to better protect children from relevant sexual offenders who live in the community?**

We believe that a multi-faceted approach is required and that the safety of children and young people should not be considered in isolation. Other factors such as education, enhanced support for vulnerable people identified at greater risk, community awareness, health and available community services should all be considered based on the complexities of each case.

**Thank you for your contribution to this review.**

CRIME AND  
MISCONDUCT  
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