Crime and Corruption Commission
QUEENSLAND

Protecting the lives and sexual safety of children

Review into the operation of the *Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004* (Qld)

June 2023

Crime and Corruption Commission

GPO Box 3123, Brisbane QLD 4001
Level 2, North Tower Green Square
515 St Pauls Terrace
Fortitude Valley QLD 4006

Phone: 07 3360 6060
(toll-free outside Brisbane: 1800 061 611)
Fax: 07 3360 6333
Email: mailbox@ccc.qld.gov.au

Note: This publication is accessible through the CCC website <www.ccc.qld.gov.au>.

GPO Box 3123
Brisbane QLD 4001

Level 2
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515 St Pauls Terrace
Fortitude Valley QLD 4006

Tel.: **07 3360 6060**
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Fax: 07 3360 6333

mailbox@ccc.qld.gov.au
www.ccc.qld.gov.au

ABN 32 164 714 360

Crime and Corruption Commission
QUEENSLAND

21 June 2023

Mr Joseph Kelly MP
Acting Speaker of the Legislative Assembly
Parliament House
George Street
BRISBANE QLD 4000

Dear Mr Acting Speaker

In accordance with Section 74C of the *Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004* (Qld), the Crime and Corruption Commission hereby furnishes to you its report – *Protecting the lives and sexual safety of children – review into the operation of the Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004* (Qld).

Yours sincerely

Bruce Barbour
Chairperson

Crime and Corruption Commission
QUEENSLAND

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List of abbreviations

ACIC	Australian Criminal Intelligence Commission
CCC	Crime and Corruption Commission
CEM	Child Exploitation Material
CPIU	Child Protection Investigation Unit
CPOR	Child Protection Offender Registry
CPOROPO	*Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004* (Qld)
CPOROPO Amendment Bill	Child Protection (Offender Reporting and Offender Prohibition Order) and Other Legislation Amendment Bill 2022 (Qld)
CPRU	Courts Performance and Reporting Unit
DJAG	Department of Justice and Attorney-General
DPSOA	*Dangerous Prisoners (Sexual Offenders) Act 2003* (Qld)
FBSU	Forensic Behavioural Services Unit
IBAC	Independent Broad-based Anti-corruption Commission
IMAC	Investigation Management and Control
NCOS	National Child Offender System
NORO	Notice of Reporting Obligations
ODPP	Office of the Director of Public Prosecutions
OMF	Offender Management Framework
OPM	Operational Procedures Manual
PPRA	*Police Powers and Responsibilities Act 2000* (Qld)
PPRA Amendment Bill	Police Powers and Responsibilities and Other Legislation Amendment Bill 2022 (Qld)
QCS	Queensland Corrective Services
QFCC	Queensland Family and Child Commission
QLS	Queensland Law Society
QPRIME	Queensland Police Records Information Management Exchange
QPS	Queensland Police Service
RM2000	Risk Matrix 2000
SD	Standard Deviation
SHARP	Sexual Deviance, History of supervision violations, Antisocial Orientation, Risky environment, and Protective features
THReT	Total Harm Ranking and Evaluation Tool
VLRC	Victorian Law Reform Commission

Executive summary

In 2004, all Australian states and territories agreed to introduce nationally consistent legislation intended to protect children from the risks posed by people living in the community who had been convicted of sexual or other serious offences against children. The legislation would require such offenders to, among other things, keep police informed of their personal details and whereabouts for a set period of time. In Queensland, the *Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004* (Qld) (the Act) establishes and regulates the state's component of the national scheme.

In 2017, amendments to the Act included a requirement that, after five years, the Crime and Corruption Commission (CCC) commence a review of the Act. This report provides the review's findings and recommendations.

The review team analysed data from the Queensland Police Service (QPS), Department of Justice and Attorney-General's Courts Performance and Reporting Unit (CPRU), and Queensland Corrective Services (QCS); received submissions; conducted interviews with police officers and a workshop with prosecutors; and conducted a legal and other literature review. Key findings are set out below (and at page 29).

Data on who is subject to the Act:

- As of October 2022, there were 3,163 people defined by the Act as "reportable offenders" living in the Queensland community. Most commonly, reportable offenders are subject to the Act for five years.
- Reportable offenders were overwhelmingly men (98%); reportable offenders had a median age of 35 years.
- About three out of every four reportable offenders were assessed as low or medium risk of sexual reoffending; about one in every four were assessed as high or very high risk of sexual reoffending.

Data on compliance with the Act:

- 39% of reportable offenders were detected for at least one offence under the Act.
- 21% of reportable offenders were responsible for 84% of offences under the Act.
- There are currently 12 reportable offenders in the community for whom a court has made an Offender Prohibition Order. This Order provides customised and enforceable restrictions on what a reportable offender must do, or must not do, while the order is in place.

The QPS has operationalised the Act well. A cohort of over 70 specialist QPS members – in Headquarters and in all Queensland Police Regions – monitor reportable offenders for their compliance with the Act. The QPS has well-established practices for the highly transactional nature of some of their work (e.g. receiving reports); use structured risk assessment tools to inform their proactive policing targets with different reportable offenders; use intelligence to help decide on daily priorities; have internal forensic behavioural officers who provide on-demand support to police officers in the Regions who manage reportable offenders; and have specialised equipment to be able to conduct digital device inspections.

While the Act is being operationalised well, data limitations prevented the review from assessing the Act's protective impact.

The review made 23 recommendations to improve the operation of the Act and the policies and practices that embed it (referred to as "the scheme"). These are organised under four areas of impact:

- improve the targeting and capture of the scheme;
- demonstrate the protective impact of the scheme;
- improve the safeguards within the scheme; and
- improve the clarity about risk and response within the scheme.

Summary of recommendations

To **improve the targeting and capture of the scheme**, the review makes the following recommendations:

Recommendation 1: *That the Act be amended such that:*

- *the scope for judicial discretion about whether a person should be made a reportable offender is expanded; and*
- *a court, in making a decision about whether a person should be made a reportable offender, may order that a psychological or psychiatric report be obtained to assist in the court's decision; and*
- *a person should only be made a reportable offender by an order of the court.*

Recommendation 2: *That the Queensland Police Service:*

- *establish a process to routinely identify offenders who should be considered for Offender Reporting Orders under section 13 of the Act; and*
- *take steps to build and maintain knowledge about Offender Reporting Orders for those undertaking Child Protection Offender Registry duties.*

Recommendation 3: *That the Office of the Director of Public Prosecutions build knowledge for its prosecutors about future risk as it relates to section 13 Offender Reporting Orders.*

Recommendation 4: *That the reporting periods be reviewed to reflect the evidence base, and to reflect that the scheme already provides options to respond to ongoing risk.*

To **demonstrate the protective impact of the scheme**, the review makes the following recommendations:

Recommendation 5: *That the Queensland Police Service develop a sound method to measure reportable offender recidivism using data available from QPRIME.*

Recommendation 6: *That the Queensland Police Service, in reporting on its offender management activities (including detection of offences under the Act), adopt a practice of reporting the current rate of recidivism for reportable offenders.*

Recommendation 7: *That the Queensland Government commit to independent research on the scheme to estimate its overall protective impact, including the circumstances or conditions under which the scheme protects children.*

Recommendation 8: *That the Queensland Government take further steps to identify, assess, and trial other approaches to risk mitigation for those who pose a risk to the lives or sexual safety of children.*

Recommendation 9: *That Child Protection Offender Registry data holdings and systems undergo a review to:*

- *identify the opportunities for improvement in data and system accuracy, integration, and extractability; and*
- *identify requirements for business intelligence tools and capabilities.*

Recommendation 10: *That as part of the review provided for in Recommendation 9, the reviewing entity make a decision about the need for a routine audit or other review mechanism of Queensland's Child Protection Register.*

Recommendation 11: *That the Queensland Government provide for a further review of the Act in another five years.*

To **improve the safeguards within the scheme**, the review makes the following recommendations:

Recommendation 12: *That the use of surveillance device warrants and controlled operations in relation to offences under the* Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004 *be subject to annual reports to Parliament, similar in detail to the device inspection reports required under section 808A of the* Police Powers and Responsibilities Act 2000*.*

Recommendation 13: *That Queensland discontinue the mandatory model for child reportable offenders, in favour of a discretionary model.*

Recommendation 14: *That the Queensland Police Service continue its efforts in developing and trialling initiatives to make reporting obligations easier to understand.*

Recommendation 15: *That the Act's provisions that relate to reportable offenders' ability to understand or retain an understanding of their obligations be reviewed, to ensure that they are:*

- *appropriate in their intent and threshold;*
- *suitably consistent throughout the Act; and*
- *align with the priorities in the Queensland Disability Plan.*

Recommendation 16: *That the Queensland Government actively consider how it could better assist reportable offenders who are seeking psychological support.*

To **improve the clarity about risk and response within the scheme**, the review makes the following recommendations:

Recommendation 17: *That the Act's references to risk be treated consistently throughout the Act for ease of interpretation.*

Recommendation 18: *That the Queensland Government consider the appropriateness of the Queensland Police Service having access to reportable offenders' psychological and psychiatric assessments.*

Recommendation 19: *That the Queensland Police Service revise the Offender Management Framework.*

Recommendation 20: *That the Queensland Police Service improve consistency of awareness among Child Protection Offender Registry members on the variability in the risk posed by people convicted of child exploitation material offences.*

Recommendation 21: *That the Commissioner of the Queensland Police Service consider preparing a new guideline document, pursuant to section 69(2) of the Act.*

Recommendation 22: *That the Queensland Police Service:*

- *develop training for Child Protection Offender Registry members on the current legal framework for Offender Prohibition Order applications and the required considerations; and*
- *review the internal process for making an application for an Offender Prohibition Order, with a view to updating or developing policy, procedures, and forms.*

Recommendation 23: *That the Child Protection Offender Registry:*

- *work closely with the Queensland Police Service Legal unit to understand the purpose, intent, and application of the Act; and*
- *update sections of the Operational Procedures Manual that relate to Child Protection Offender Registry duties, to help police to administer the Act with greater certainty.*

1 A review of the Act

In 2004, all Australian states and territories agreed to introduce nationally consistent legislation that sought to protect children from the risks posed by people living in the community who had been convicted of sexual or other serious offences against children. Broadly, the intent was to require those offenders to keep police informed of their personal details and whereabouts for a set period of time. The *Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004* (Qld) (the Act) establishes and regulates the Queensland component of this national scheme.

The Act has two main parts. First, it establishes a Child Protection Register operated by the Queensland Police Service (QPS) and requires particular offenders to report regularly to police. Non-compliance with reporting obligations, without a reasonable excuse, is a criminal offence and can result in an offender being sentenced to up to five years' imprisonment.

Second, for that same category of offender, it allows police to apply for a court order prohibiting an offender from engaging in certain conduct, or requiring the offender to do a particular thing. Police can apply for these orders – called Offender Prohibition Orders – if the offender has engaged in conduct that poses a risk to the safety or wellbeing of one or more children. The conditions of the court order are tailored to address the particular risks the offender poses. Non-compliance with an Offender Prohibition Order, without a reasonable excuse, is a criminal offence and can result in an offender being sentenced to up to five years' imprisonment.

The Act is not intended to be punitive and the reporting obligations are not an additional sentence. Rather, the purposes of the Act are to:

- provide for the protection of the lives of children and their sexual safety; and
- require certain offenders to report their personal details to police for a period of time while living in the community, to:
    - first, reduce the likelihood they will reoffend; and
    - second, facilitate the investigation and prosecution of any future offences if they do reoffend.

The period of time that those offenders are subject to the scheme was amended during this review. That amendment increased the periods from 5 years, 10 years, or life, to 10 years, 20 years, or life.

The Act is primarily operationalised by the Queensland Police Service (QPS). The Child Protection Offender Registry (CPOR) has central responsibility for function and capability, and dedicated positions for undertaking CPOR duties in Child Protection Investigation Units (CPIUs) across Queensland have the regional responsibility for monitoring reportable offenders. In operationalising this Act, the QPS is provided with special powers in addition to their normal suite of police powers.

The requirement to review

The Crime and Corruption Commission (CCC) is required to review the operation of the Act and give its report to the Speaker for tabling in the Legislative Assembly.[1] The review aims to determine:

- how the Act operates, including policies, training, and practices that give effect to the Act; and
- how well the options provided in the Act protect children, by managing or mitigating the risks posed by offenders defined under the Act.

As the CCC is required to review the *operation of the Act*, this review has considered both the Act and the framework that embeds it in practice. The review refers to this as "the scheme".

Having regard to the requirement to review, which appears in section 74C of the Act, it was outside the scope of the review to conduct a human rights compatibility assessment of the Act. The obligation to ensure that this Act is compatible with human rights is a responsibility that rests with the QPS.

Legislative amendments during the review

During the review, two Bills that sought to amend the Act were introduced into Parliament. They are the Child Protection (Offender Reporting and Offender Prohibition Order) and Other Legislation Amendment Bill 2022 (Qld) (CPOROPO Amendment Bill) and the Police Powers and Responsibilities and Other Legislation Amendment Bill 2022 (Qld) (PPRA Amendment Bill). Each Bill was accompanied by a Human Rights Statement of Compatibility.

At the time of tabling our report, the PPRA Amendment Bill was passed but the provisions relevant to the Act being reviewed are awaiting proclamation, and the CPOROPO Amendment Bill is pending parliamentary debate, and has not passed.

This report refers to those amendments when they have relevance to matters that arose during the review.

Data sources

The review findings are based on the following data sources.

- **Official quantitative data**

The review team requested quantitative data from the QPS, the Department of Justice and Attorney-General (DJAG)'s Courts Performance and Reporting Unit (CPRU), and Queensland Corrective Services (QCS). After the QPS faced challenges in providing some data to the review team, the QPS provided quantitative data from the Queensland component of the National Child Offender System (NCOS), which the Australian Criminal Intelligence Commission (ACIC) extracted from NCOS.

The data was used to quantify the scheme's operation and its outcomes during the review's five-year study period (1 July 2017 to 30 June 2022). This five-year period reflects the time since the requirement to review the Act was inserted (s. 74C).

- **Interviews with police practitioners**

The review team conducted 15 semi-structured interviews of 17 QPS members who administer the scheme. Eight of these interviewees were based in QPS Headquarters; the remaining nine were based in Regions. At least one QPS member from every business unit within the Child Protection Offender Registry at QPS Headquarters agreed to be interviewed, as well as officers who undertook CPOR duties from five of Queensland's seven police regions. In total, 26 hours of interviews were conducted, with a median interview duration of 1 hour and 48 minutes.

- **Workshop with prosecutors**

The review team facilitated a workshop with prosecutors from the Office of the Director of Public Prosecutions (ODPP). There were 12 participants from the ODPP.

- **Submissions**

Following a call for public submissions in response to a published Discussion Paper,[2] the review team received seven submissions. Of those, five were confidential, one was anonymous but not confidential, and one was public.

In addition to these submissions, public submissions made to the inquiries for the CPOROPO Amendment Bill and the PPRA Amendment Bill were included as data sources. There were 11 and seven submissions to these Bill inquiries, respectively. These submissions are available on the

Queensland Parliament website. The CCC made submissions to both Bill inquiries; these were not included in the review's analyses.

- **Legal comparison of corresponding Acts**

The review team conducted a legal comparison of the corresponding Acts in force for all Australian jurisdictions.

- **Literature review on offender management**

The review team conducted a rapid scoping review on child sex offender management literature.[3] Rapid scoping reviews are an appropriate method in policy research to rapidly report on the breadth and depth of research on a given topic, summarise evidence, and identify any gaps in the literature. This scoping review utilised one database, the ProQuest Criminal Justice Database, over a period of 10 years (2012-2022) and identified a total of 1,776 documents. A rigorous screening process was undertaken,[4] which identified 113 documents on the management of child sex offenders.[5]

- **Recent Australian reviews of corresponding Acts**

The review team identified and considered reviews in other Australian states and territories of corresponding legislation, conducted from 2017 to 2022. Five reviews were identified:

- On Victoria's scheme: *Inquiry into management of Child Sex Offender information* and *Auditor-General's report: Managing Registered Sex Offenders*.
- On New South Wales's scheme: *The New South Wales Child Protection Register: Operation Tusket – Final report*.
- On Western Australia's scheme: *Review of the operation and effectiveness of the public notification scheme established by Part 5A Community Protection (Offender Reporting) Act 2004* and *Report No 52 – Punitive not protective: when the mandatory registration of young people is not based on risk*.

Limitations of the review

There are two key limitations of the review. The first is that data limitations hampered the review's ability to comment on the protective impact of the scheme. This is discussed on page 40, and the review makes recommendations about data in Chapter 4.

The second limitation relates to interviews with QPS members. Seventeen QPS members out of a cohort of 79 agreed to be interviewed.[6] Readers should bear in mind that references to police perspectives are based on interview responses provided by those 17 QPS members.

2 The Act in practice

This chapter describes the Act and its embedding framework, which the review refers to as "the scheme". The first section defines and describes two key elements of the scheme, which are Queensland's Child Protection Register and the QPS's Child Protection Offender Registry (CPOR). Second, the chronology of the scheme's operation is described, spanning from a person's conviction for a relevant offence, to the time when a person's reporting obligations end. The chapter concludes with a summary of the scheme's exceptions and safeguards.

About the Child Protection Register, and the Registry

Queensland's Child Protection Register

The Child Protection Register is a database that houses personal information about individuals who are subject to the Act. These individuals are known as "reportable offenders". Regarding the Child Protection Register, the Act's provisions include:

- who is required to have their details included in the Child Protection Register (a reportable offender), which of their details are to be recorded, how often, and for how long;
- who is allowed access to the Child Protection Register; and
- offences relating to disclosing information on the Child Protection Register without authorisation.

Each state and territory in Australia administers their own child protection register, and together these form the National Child Offender System (NCOS) – a web-based application that allows Australian police to record and share child offender information nationally.

NCOS is a national database administered by the ACIC,[7] and has strict access controls. QPS owns and is responsible for the data related to Queensland reportable offenders,[8] however the information system (NCOS) is owned and managed by the ACIC, which facilitates case management and information sharing between state-based child protection registers.

Despite NCOS being the Child Protection Register, QPS CPOR uses other information systems to record information about reportable offenders and their management. The additional information systems and datasets identified in this review were:

- Queensland Police Records Information Management Exchange (QPRIME): QPS CPOR uses QPRIME for the management of reportable offenders who reside in Queensland, each of whom has a "CPOR occurrence" open while they are subject to reporting obligations.
- Various spreadsheets on CPOR servers: this includes "the Spreadsheet" which is used by CPOR officers in the Regions to record information about reportable offender management. It duplicates some information that is in NCOS, and has additional information. It includes fields such as risk rating, dates of device inspections, and dates of home visits.[9]
- IMAC: Investigation Management and Control, a system that CPOR has commenced testing as a solution to improve data integration, accuracy, and reporting efficiency.

The Child Protection Offender Registry

The Child Protection Offender Registry is a unit within the QPS that is responsible for the Child Protection Register and has central responsibility for administering the Act. It is located at QPS Headquarters and is supported by officers who are dedicated to conducting CPOR duties in the Regions, and a CPOR Intelligence team also based at Headquarters.

CPOR at Headquarters sits within the Child Abuse and Sexual Crimes Group of the Crime and Intelligence Command. CPOR at Headquarters has 37 members – 18 sworn officers and 19 civilian staff, and is comprised of the following teams:

- The Registry Office – a team that receives reports from reportable offenders and updates the Child Protection Register. The Registry Office identifies reportable offenders and inputs their information into QPS systems and NCOS. It also liaises with other teams within CPOR as needed, based on the information it receives.
- The Registry Investigation Team – a team that investigates reportable offenders (e.g. application for overseas travel and name changes), deploys to the Regions to support onboarding and upskilling of CPOR officers in the Regions, and provides other support to the CPOR Registrar.
- The Forensic Behavioural Services Unit (FBSU) – a team of forensic behavioural officers that uses their specialist training, knowledge, and capabilities to provide: frontline support for the management of reportable offenders; on-demand advice on the risk posed by particular offenders (e.g. in the context of travel requests, name changes, and objections to bail); and guidance on the value and phrasing of Offender Prohibition Orders. The unit is deployed to the Regions on a regular basis to assist Regional CPOR officers with their "high risk–high harm" offenders (see Text box 1 on page 23).
- The High Risk Offender Team[10] – an operational team who deploys to assist CPOR officers in the Regions with the management of reportable offenders, including when a reportable offenders' whereabouts are unknown.

There are 42 sworn police officers who comprise CPOR in the Regions. These officers sit within Child Protection Investigation Units (CPIUs) and are primarily responsible for case management and day-to-day interaction with reportable offenders.

CPOR Intelligence is owned by the State Intelligence Group, and sits within the Crime and Intelligence Command. CPOR Intelligence assist CPOR by generating intelligence about reportable offenders from a range of information sources.

Since 2018, CPOR has been funded through a Queensland Government commitment of $27.03 million over five years (2018-2023), with an annual budget of $5.72 million continuing to be allocated to QPS for the costs associated with monitoring post-*Dangerous Prisoners (Sexual Offenders) Act* offenders (post-DPSOA offenders; see page 17) on the Child Protection Register.[11] The review team learned that this funding has been pivotal to the scheme's investment in positions for specialist staff, and in acquiring technical equipment to conduct monitoring of reportable offenders' digital devices.

Stages of the scheme's operation

Broadly, a person who becomes a reportable offender experiences the following order of events. Each stage is described below.

Person is convicted of a reportable offence | **Person is given notice of their reporting obligations** | **Person reports to police, is monitored by police** | **Reporting period ends**

Person is convicted of and sentenced for a reportable offence

The Act applies to two categories of people: a "relevant sexual offender" and a "reportable offender" (shown in Figure 1). A relevant sexual offender can be:

- a current reportable offender;
- a former reportable offender (because their reporting period has ended); or
- a person who would have been a reportable offender if their sentence for a prescribed offence had not ended before the commencement of the Act in January 2005 (i.e. a person whose total sentence pre-dates the scheme).

A relevant sexual offender who is not a current reportable offender can become a current reportable offender under the Act if a court makes an Offender Prohibition Order (described on page 24).

"Reportable offenders" are a category of relevant sexual offenders. There are several ways in which a person can become a reportable offender,[12] but the most common pathway involves three conditions:

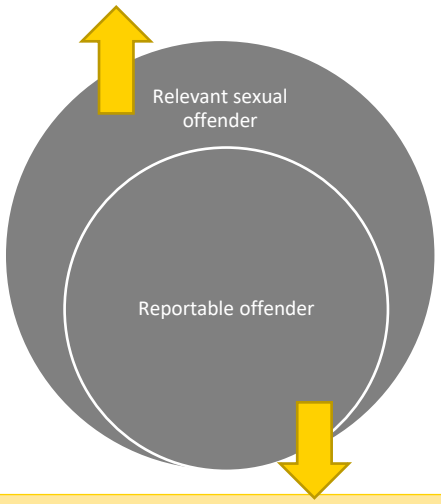
- A person has been convicted of at least one "prescribed offence", as listed in Schedule 1 of the Act (e.g. indecent treatment of children under 16; making, distributing, or possessing child exploitation material; rape).
- Where the prescribed offence was committed against an identified victim,[13] the victim was a child.[14]
- That person's conviction was formally recorded in their criminal history.

The other, less common, pathways in which a person can become a reportable offender are:

- When a court convicts a person of an offence that is not a prescribed offence, but is satisfied that the person poses a risk to the lives or sexual safety of one or more children, and the court makes an Offender Reporting Order requiring the person to be a reportable offender.[15] This offence is not a prescribed offence, but the Act defines it as a "reportable offence" (s. 9).
- When a person has been previously convicted of a reportable offence, and has been subject to a continuing detention or supervision order made under the *Dangerous Prisoners (Sexual Offenders) Act 2003* (Qld) (DPSOA), but was not a reportable offender when they stopped being subject to that order (referred to in the CPOROPO Act as a "post-DPSOA reportable offender").[16]
- When a court makes an Offender Prohibition Order in relation to a person.

Figure 1. The relationship between the definitions of relevant sexual offender and reportable offender.

- May be subject to an Offender Prohibition Order, which would make them a current reportable offender
- Appears on the Child Protection Register if they are a former reportable offender, but does not have reporting obligations



- Appears on the Child Protection Register
- Subject to reporting obligations
- Can be charged with an offence under the Act
- Monitored for compliance with the Act
- May be subject to an Offender Prohibition Order, which may extend their reporting period

Note: The relative size of the two categories of offender is for illustrative purposes only.

Not all offenders who meet the above criteria will become a reportable offender. Two key examples are:

- a person convicted of a single prescribed offence who is not sentenced to a term of imprisonment or a supervision order (s. 5(2)(b)); and
- a child who commits a single offence of distributing or possessing child exploitation material (regardless of their sentence) will not be a reportable offender (s. 5(2)(c)(i)).

At present, there are certain decisions that can result in a person not being subject to the scheme, specifically:

- Police: if possession of a large volume of child exploitation material (CEM) by a child offender results in a single charge of CEM possession, the child offender will not become a reportable offender.
- Prosecution: if a person agrees to plead guilty to an offence on the basis the Prosecution amends the charge to one that is not a prescribed offence, the person will not become a reportable offender.
- Sentencing judge: if the sentencing judge has not imposed a term of imprisonment (actual or suspended), and they exercise discretion not to record a conviction, the person will not become a reportable offender.

The review presents data on reportable offenders' prescribed offences on pages 30 and 31.

How a person is identified as a reportable offender

The scheme provides criteria that, when met, defines a person as a reportable offender. In that sense, it is a mandatory or "automatic" approach. The practice of identifying new individuals who meet the criteria, however, is subject to human interpretation of relevant records. Individuals are identified for inclusion on the Child Protection Register by members of the CPOR Registry Office, who read and interpret, either:

- Court decisions that are uploaded onto QPRIME. This applies to Magistrates Court decisions.
- Verdict and Judgement Records that are provided to the QPS by the Department of Justice and Attorney-General (DJAG).[17] This applies to District and higher court decisions.

The original assessment about whether a person meets the definition for a reportable offender is then subject to a "supplementary check" by another Registry member.

If the person is identified as a new reportable offender, they have their entry added to the Child Protection Register, a QPRIME occurrence is created for the reportable offender, and a "reportable offender flag" is applied to the individual's QPRIME record. Reportable offenders are assigned to a Region based on where they reside, except when the reportable offender's management is retained by the Child Abuse and Sexual Crimes Group (e.g. reportable offenders who are currently subject to a supervision order made under the DPSOA, or are travelling through the state).

Reportable offender's risk is estimated

The operation of this scheme is underpinned by decisions in relation to the offender's level of risk. As per the Risk-Need-Responsivity Model adopted by QPS CPOR, the offenders with the highest level of risk should receive the most focus. This is a sound approach used by other offender management programs and agencies worldwide.[18]

At intake, and at any subsequent reportable offence, reportable offenders are assessed for their risk of reoffending using the RM2000.[19] It is a widely used and empirically tested static measure of offender risk of sexual reoffending. Offenders are rated as Low, Medium, High, or Very High risk of sexual reoffending, and CPOR sets annual targets for the number of unannounced home visits a reportable offender should receive, based on the offender's RM2000 risk rating. These targets are a guide coupled with other risk management tools.

The review presents data on risk rating on page 30.

Person is given notice of their reporting obligations

A new reportable offender must be served with a Notice of Reporting Obligations (NORO) as soon as practicable.[20] The NORO informs the reportable offender of their obligations as a reportable offender in Queensland. Either QCS or the QPS serves the NORO on the reportable offender, depending on whether the offender is in custody for their offence (QCS responsibility), or if the offender did not receive a custodial sentence (QPS responsibility). Within the QPS, this is typically carried out by CPOR officers from the Region in which the reportable offender resides.

In interviews, police officers estimated that the process of serving and explaining the NORO to reportable offenders takes about 30 minutes. Police officers were aware that reportable offenders' understanding of reporting obligations is an important part of the scheme, which may require ongoing dialogue with offenders, in particular throughout the reportable offender's first year of being subject to reporting obligations. Similarly, the Registry Office staff take an ongoing role in educating reportable offenders about their obligations. Therefore, while the NORO is required to be served and explained at the commencement of a reportable offender's reporting period (and at the

time of any change to reporting obligations), in practice, the expectations conveyed in the NORO are communicated by QPS CPOR members on an ongoing basis.

Once the NORO is served, the CPOR officer in the Region takes an initial report from the reportable offender.[21] The personal details that a reportable offender must provide when they make their initial report in person[22] is extensive and includes:

- the reportable offender's name (including previous names), address, date and place of birth, passport number, tattoos or permanent distinguishing marks and employment details;
- details about any child the reportable offender communicates with, or has physical contact with;[23]
- all motor vehicles owned or driven by the reportable offender;
- any club or organisation which has child members or organises activities for children that the reportable offender is also a member of;
- whether the reportable offender has ever been required to report to a child protection register in another jurisdiction;
- details of any period spent in government detention;
- all phone and internet services used by the reportable offender;
- details of email addresses and internet usernames used by the reportable offender, including passwords;
- details of social networking sites that the reportable offender joins, including passwords; and
- travel details where the reportable offender travels outside Queensland at least once a month, including the reason for travelling, frequency and destination.

Police officers reported that the initial report takes between 25 minutes and five hours, and it is not always complete in the first interaction. This depended on a range of factors including: language barriers, level of intelligence and understanding, and access to a support person.

The Act provides that reportable offenders have a right to a support person during their reporting with police, which includes at the time of the initial report (s. 27). The support person must sign an undertaking not to disclose any information derived from the report (s. 27(5)). In the interviews, police officers indicated that it was common for reportable offenders to be accompanied by a support person.

Person reports to police, is monitored by police

When and how offenders must report to police

After the NORO is served and the initial report is made, the reportable offender is obliged to make:

- Reports about any changes to their reportable information within the timeframes specified in the Act. These timeframes are summarised in Appendix 1.
- Periodic reports every quarter. The reporting quarters are standard for all reportable offenders: February, May, August, and November.

Periodic reporting is the minimum ongoing requirement for reportable offenders; it is required regardless of whether the reportable offender has also reported a change since the last periodic report, and even if the person made a report the day before a reporting month.

Reportable offenders may make a periodic report or a report about any changes via the QPS online portal, via phone, or in person. Phone calls are taken by CPOR Registry Office staff during business hours. When Registry Office staff cannot take phone calls, PoliceLink take reportable offenders' calls.

Period of reporting obligations and monitoring

A reportable offender's reporting period – the length of time that a reportable offender is subject to reporting obligations and monitoring by police – depends on several factors.[24] As shown in Table 1, key factors are:

- The offender's age when they committed the offence that made them a reportable offender. Child reportable offenders have a shorter reporting period than adult reportable offenders.
- Whether, after they became a reportable offender, they committed any further prescribed offences. Recidivism while a current reportable offender increases a person's reporting period.
- Whether or not the person is a post-DPSOA reportable offender. This category of reportable offenders has a lifetime reporting period.

Towards the end of this review, reporting periods were increased substantially through amendments to the Act by Parliament. The changes to reporting periods are outlined in Table 1.

Table 1. Reporting periods for different circumstances.

Circumstance that determines the period	**Reporting period by age of reportable offender**	
	During the review	*Amended late in the review*
The reportable offender committed a prescribed offence(s) but does not commit any further reportable offences after they are given a notice about their reporting obligations.	5 years (adult) 2.5 years (child) [a]	10 years (adult) 4 years (child)
If, *after* a person becomes a reportable offender and is given a notice about their reporting obligations, they are found guilty of one further prescribed offence.	10 years (adult) 5 years (child)	20 years (adult) 7.5 years (child)
If, *after* a person becomes a reportable offender and is given a notice about their reporting obligations, they are found guilty of more than one prescribed offence.[25]	Life (adult) 7.5 years (child)	Life (adult) 7.5 years (child)
All post-DPSOA reportable offenders, regardless of how many prescribed offences they have been found guilty of and when, and their age when those offences occurred[26]	Life (adult) Life (child)	Life (adult) Life (child)

Note a: A child reportable offender is a reportable offender who was under 18 years of age when they committed the offence or offences which made them a reportable offender.[27]

Importantly, the reporting period is calculated based on the time the reportable offender spends in the community. These reporting obligations commence when a reportable offender is released from custody,[28] but are suspended for any time that a reportable offender subsequently spends in custody.[29]

The review presents data on reporting periods on page 32, and makes comment about reporting periods on page 46.

Exceptions or special considerations relating to reporting obligations

In certain circumstances, there are exceptions or special considerations that change a person's reporting obligations:

- The reportable offender is subject to a type of intensive QCS supervision. Once the DPSOA order concludes, the post-DPSOA reportable offender will be subject to the normal reportable offender reporting requirements.[30]
- The reportable offender is a protected witness under the *Witness Protection Act 2000* (Qld) or the Commissioner of the QPS has decided they continue to be treated as such under the CPOROPO Act (s. 64). In this circumstance, police can modify when and how a protected witness-reportable offender reports to police (ss. 63, 67), and access to their information on the Child Protection Register can be subject to special restrictions, due to their status as a protected witness (s. 72).
- Police may require a reportable offender to report more frequently than quarterly on the basis of risk (s. 19(2)).
- If "concerning conduct" occurs, and an Offender Prohibition Order is made (described on page 24), a reportable offender's reporting period will continue for the duration of the Offender Prohibition Order.

Police monitor reportable offenders

So far, this chapter has described the Child Protection Register and the role of QPS CPOR, the circumstances under which a person becomes a reportable offender, and what their obligations are as a reportable offender. This section describes how police monitor reportable offenders, including: the combination of reactive and proactive methods QPS CPOR employ to administer the scheme; the information sources QPS CPOR draw upon to monitor reportable offenders' compliance; the special powers QPS CPOR have to administer the scheme; and the offences under the Act if a reportable offender is not compliant with their obligations under the Act. Each is described below.

Type of activity. The QPS monitor reportable offenders by:

- Reacting to offender reports – this may include following up reports that are of concern to police (e.g. reportable child contact), confirming the accuracy of any changes reported (e.g. to confirm a new address), or following up another matter of concern (e.g. Registry Office staff had a concern about the reportable offender's manner during the taking of a report).
- Reacting to offender non-reports – this may include following up on intelligence that appears to indicate failure to report a change or reportable detail (e.g. a traffic stop that reveals a reportable offender has a child in the vehicle) or identifying that a reportable offender failed to make their periodic report.
- Reacting to other intelligence – this may include following up on intelligence (from within or outside QPS) that indicates that the reportable offender may be at an elevated risk of reoffending. For example, intelligence suggests that the reportable offender is using drugs or alcohol, has lost their job, is without stable housing, or has lost their support person.
- Conducting proactive visits to reportable offenders – this involves unannounced visits to a reportable offender's listed address(es) to confirm the accuracy of reported information and to conduct device inspections.[31] QPS CPOR aim to deploy High Risk Offenders teams to each Region twice per year to assist Regions in meeting their proactive visit targets. The FBSU also deploys to the Regions as needed, with a focus on "high risk–high harm offenders" (see Text Box 1).

The review presents data on the volume of some of these reactive and proactive methods on page 29.

Text box 1: Identifying high risk–high harm offenders.

In addition to assessing a reportable offender's risk of reoffending at intake using the RM2000, CPOR developed their own assessment tool – the Total Harm Ranking and Evaluation Tool (THReT) – that ranks offenders based on their known potential for committing significant, harmful offences. THReT makes use of the data that QPS generates in the performance of its duties, and focuses on the likely harm caused to victims by the reportable offender. It is used as a decision-making aide in conjunction with a RM2000 risk rating, dynamic risk assessment and various other sources of information.

A high risk–high harm reportable offender is one who is rated as having a high to very high risk of reoffending, and has the potential to cause significant harm if reoffending were to occur. Thus high risk–high harm offenders are typically allocated more CPOR resources than other reportable offenders.

Information sources about compliance. Police management of reportable offenders is contingent on high quality and timely information. Key information sources that support police in monitoring reportable offenders include:

- A daily intelligence report that identifies all contact reportable offenders have had with police. CPOR Intelligence produce a daily product about reportable offenders' activities that is sent to all members of CPOR across the State.
- Local-level relationships between CPOR officers in the Regions and QCS Community Corrections Officers.
- Self-reports by reportable offenders (via periodic reports, reported changes).
- Reportable offenders' THReT assessment ranking, generated and maintained by FBSU.
- Unannounced police visits to reportable offenders' residence.
- Data collected from routine inspections of reportable offenders' digital devices.
- Following up reportable offenders who failed to make their periodic report; this is a system-generated report, produced soon after the end of each quarterly reporting month.

Police powers to monitor reportable offenders. The Act and the *Police Powers and Responsibilities Act 2000* (Qld) (PPRA) contain several powers that assist police to check if a reportable offender is complying with their reporting obligations, committing any offences under the Act, or engaging in conduct that poses a risk to the safety or wellbeing of children.[32]

Some powers can be exercised against all reportable offenders at any time. For example:

- a police officer may enter the premises where a reportable offender generally resides to verify the personal details provided by the reportable offender to the Child Protection Register;[33] and
- a police officer can photograph a reportable offender or something the reportable offender is required to provide personal details about (e.g. a vehicle).[34]

Some powers may only be used in certain circumstances or for certain categories of reportable offenders. For example:

- If, in the last three months, the reportable offender has been released from detention or sentenced to a supervision order, a police officer may inspect a digital device (e.g. a mobile phone, laptop or portable hard drive) in a reportable offender's possession.[35]

- If a police officer suspects, on reasonable grounds, that a reportable offender has committed an indictable offence under the Act, a police officer may require the reportable offender to give the officer access to a digital device in the reportable offender's possession, including assisting the officer with any passwords necessary to gain access to the device.[36]
- A police officer may conduct four inspections per year of every digital device in the possession of a reportable offender who has been convicted of a "prescribed internet offence".[37]

Police may also:

- seek surveillance warrants to monitor reportable offenders who they suspect of committing an offence under the Act; and
- allowing police to use controlled activities and operations to determine if offenders are committing an offence under the Act.

The review makes further comment about the special powers police have to administer the scheme on page 50.

Information sharing powers. The Act provides specific information sharing powers to QPS. These include the power to:

- release information from the Register to a corresponding registrar for the purposes of a corresponding Act (s. 71). A corresponding register includes those that exist in foreign jurisdictions outside of Australia;
- direct a government or private entity to provide police with any information about a reportable offender that is relevant to deciding whether an application for an Order under the Act should be made, or for investigating an offence under the Act;[38]
- give any information about a reportable offender to a government or private entity, considered reasonably necessary for the entity to identify the offender to ensure the safety of a child or children, or the offender;[39] and
- give information about an order made under the Act to any person, so long as it is necessary and appropriate to reduce a risk to the lives of a child or children and their sexual safety, or children more generally.[40]

The Act makes it an offence for someone with access to the Child Protection Register to disclose personal information held on the register without proper authority (s. 70). However, the Act also provides immunity to a person who has disclosed information with the honest belief they have done so appropriately under the Act (ss. 74J, 75).

Police may apply for a prohibition order. A police officer may apply to the court for an Offender Prohibition Order if they become aware that a relevant sexual offender has engaged in concerning conduct.[41] Concerning conduct means an act or omission, or a course of conduct, "the nature or pattern of which poses a risk to the safety or wellbeing of one or more children, or of children generally."[42]

Before a court can make an Offender Prohibition Order, it must be satisfied, on the balance of probabilities, that the person is a relevant sexual offender and poses an unacceptable risk to the safety or wellbeing of one or more children or of children generally, and that the proposed Offender Prohibition Order will reduce the risk.[43]

An Offender Prohibition Order can prohibit the person named in the order from engaging in certain conduct (e.g. being in a particular location), or require the person to do a particular thing (e.g. wear a tracking device).[44]

The duration of an Offender Prohibition Order depends on the type that is made:

- temporary order: maximum of 28 days (unless otherwise extended by a Court);
- final order made against an adult offender: five years; and

- final order made against a child offender: two years.

When an offender who is subject to an Offender Prohibition Order made in another state or territory moves to Queensland, a police officer can apply to have the order registered with a Queensland court.[45] Once registered, it has the same effect as an order originally made under the Act.[46]

Police may charge a reportable offender for an offence under the Act. The Act contains several offences which attract a maximum penalty of a $43,125 fine or up to five years' imprisonment. The following actions are considered offences under the Act when they are committed *without a reasonable excuse*:

- failing to comply with reporting obligations;[47]
- providing information which the person knows is false or misleading;[48]
- failing to comply with an Offender Prohibition Order;[49] and
- failing to comply with a police request for access to a digital device (e.g. mobile phone), including all passwords.[50]

The review provides data on offences under the Act, starting on page 35.

Police training

It is evident from the above description that CPOR officers perform a specialised role. The review sought to understand what training these police officers have to assist them in undertaking their duties. The QPS provided information about the following types of training available, but not compulsory, for CPOR officers:

- An overview of a risk assessment tool – SHARP (Sexual Deviance, History of supervision violations, Antisocial Orientation, Risky environment, and Protective features).[51] While officers do not administer SHARP, the training is intended to provide officers with an understanding of offender risk and protective factors.
- On-the-job training and professional development during deployments from the High Risk Offender Team and FBSU.
- Annual CPOR conferences, which at times include face-to-face training.
- Training in the use of device inspection kits, which is administered by Taskforce Argos in the Child Abuse and Sexual Crimes Group. The review was informed that every CPOR officer in Queensland has received this training.
- CPOR Intelligence staff receive training in administration of a risk assessment tool – RM2000.

Despite the above, CPOR officers in the Regions stated that the only training provided to them during onboarding was on-the-job training by their senior officer. They described that this was normal in the QPS, and several mentioned that if they had specific questions, they contacted CPOR at Headquarters for support. Many police officers interviewed for this review had worked elsewhere within the Child Abuse and Sexual Crimes Group, or in a Child Protection Investigation Unit, so many had existing awareness of the Act and the scope of CPOR duties.

CPOR also takes on a training role for other QPS officers. CPOR staff conduct training:

- about investigative interviewing;
- about sex offending typologies;
- for incoming Detectives, to describe the functions and activities of CPOR, contained in the Detective training package; and
- for the Road Policing Group, to improve the awareness and skills of officers who, during a traffic stop, observe a child in the company of a reportable offender.

Key insights about monitoring reportable offenders, from the perspective of CPOR police officers, are outlined later in this report in Chapter 3 (see page 33).

The review makes further comment about training and awareness, starting on page 58.

Person's reporting obligations end

There are two main circumstances in which a reportable offender's reporting obligations come to an end in Queensland:

- The reportable offender leaves Queensland, to reside elsewhere in Australia or overseas.

A reportable offender who no longer resides in Queensland will not be subject to reporting obligations, but they may be subject to reporting obligations in their new state or country of residence, and may be subject to Queensland reporting obligations if they return to Queensland.

- The reportable offender's reporting period comes to an end.

When a reportable offender's reporting period is near its end – which the Registry team identify from a NCOS-generated report – the reportable offender is provided with a letter informing them of the end of their reporting period. The person's status in NCOS is updated to indicate that they are no longer subject to reporting obligations in Queensland, and the reportable offender flag is to be removed in QPRIME.

Despite the reporting period coming to an end, the person may become a reportable offender again if they are convicted of another reportable offence; they become subject to an Offender Prohibition Order; or they move to Queensland after an absence and meet the definition of a corresponding reportable offender.[52]

The Act's safeguards, including for diverse and complex needs

This final section of Chapter 2 summarises the Act's safeguards, exceptions, or special considerations for reportable offenders with certain characteristics or needs. All reportable offenders' rights under the Act are described, followed by those safeguards or exceptions for child offenders, and offenders with diverse and complex needs.

All reportable offenders' rights under the Act

The Act provides reportable offenders with the right to review and appeal certain decisions, including the right:

- to be provided with a copy of all information they have reported to the Child Protection Register and ask for information to be changed if it is not correct;[53]
- to review the decision to place their name on the Child Protection Register or a decision about their reporting period;[54]
- to apply for an internal QPS review[55] of certain decisions,[56] and appeal the review decision to the Magistrates Court;[57] and
- for reportable offenders with lifetime reporting obligations, to apply to the Supreme Court for an order suspending their reporting obligations if 15 years have passed since they were last sentenced or released from detention, or if they are a post-DPSOA reportable offender, were last subject to a DPSOA detention or supervision order.[58]

The review makes further comment about the rights of reportable offenders starting on page 50.

Child offenders

The Act differentiates between child offenders, who commit prescribed offences when under the age of 18 years, and adult offenders. The Act contains a number of provisions in relation to child offenders:

- A child who commits a single offence of possession or distribution of child exploitation material[59] will not be a reportable offender,[60] whereas an adult will be (unless another exception applies).
- The length of time that a child reportable offender is required to report to police is half that of an adult, and the duration of a final Offender Prohibition Order is two years for a child offender compared to five for an adult.
- All child reportable offenders can apply to the Commissioner of the QPS to have their reporting obligations suspended[61] and can appeal the decision in the Magistrates Court,[62] whereas an adult can only apply if they have a cognitive or physical impairment, or a mental illness.
- A child reportable offender may be accompanied by a suitable adult support person when making reports.

The review makes further comment about child offenders on page 52.

Offenders with diverse and complex needs

The Act contains provisions to accommodate the needs of reportable offenders who experience diverse and complex circumstances.

At times, reportable offenders may experience personal or social circumstances that make it difficult for them to comply with their obligations under the Act (e.g. a psychosocial, cognitive, or intellectual disability, or instability in their housing situation). This may result in unintentional non-compliance with an offender's reporting obligations or with an Offender Prohibition Order.

A police officer who becomes aware of a reportable offender who is failing to comply with their reporting obligations[63] or failing to comply with an Offender Prohibition Order[64] has several options including:

- They have a discretion not to charge the reportable offender with an offence, when appropriate.
- They may decide that the reportable offender has not committed an offence because they have a "reasonable excuse".
- If the reportable offender has a significant cognitive or physical impairment, or a significant mental illness that is interfering with their ability to comply, they can initiate a suspension of the offender's reporting obligations[65] (so long as they do not pose a risk to the lives or sexual safety of children) or apply to a court for the Offender Prohibition Order to be varied or revoked.[66]

Additionally, Division 10 of the Act provides for suspending a reportable offender's reporting obligations on the basis that the individual no longer poses a risk to the lives or sexual safety of children and has either a significant cognitive or physical impairment, or has a significant mental illness. The QPS may apply for a suspension of this type on its own initiative under section 67C of the Act, or the reportable offender may make an application under section 67D of the Act.

The review makes further comment about offenders with diverse and complex needs, starting on page 53.

3 Assessing the scheme's operation and outcomes

As described in Chapter 1, the purposes of the Act are to provide for the protection of the lives of children and their sexual safety, and to require certain offenders to report their personal details to police for a period of time while living in the community. The second purpose seeks to first, reduce the likelihood they will reoffend, and second, facilitate the investigation and prosecution of any future offences if they do reoffend.

This chapter begins with a figure showing key data on the current operation of the scheme, before describing a basic profile of reportable offenders, and summarising police officer comments about administering the scheme. The third section presents the review's findings about reportable offenders' compliance with the scheme, and closes with commentary on the review's attempt to establish whether the scheme has had any protective impact.

The findings in this chapter are based on various quantitative and qualitative data sources (see page 13, and Appendix 2). The review experienced challenges in obtaining suitable data to examine the operation and effectiveness of the scheme, which Text box 2 introduces.

Text box 2: Note about data quality, consistency, and completeness.

To conduct this evaluation, a dataset of individuals that measured the rate of compliance and recidivism on a representative sample of reportable offenders in the five-year study period was required.

While some of the required data is routinely collected by the QPS using several data systems, low data integration across these systems prevented the review from producing a dataset that was suitable for statistical analysis. Further, each quantitative data source has unique limitations. The challenges encountered in producing an evaluation dataset is explained in more detail in Appendix 3.

The data limitations described above also made it difficult to report coherent descriptive information about reportable offenders. Therefore, the descriptive reporting about reportable offenders is based on different samples of reportable offenders (see more detail in Appendix 2), and some data was provided to the review in aggregate form only.

It is acknowledged that the QPS tried to provide the review team with the best quality data available, and this review provided a valuable opportunity for the QPS to reflect on data quality and extractability. The review makes recommendations related to data in Chapter 4 (starting on page 47).

Key figures on the operation of the scheme in 2022[a]

About the offenders

3984
Total number of reportable offenders

3163
Number of reportable offenders in the community

Risk rating
36% low, 39% medium, 16% high, 10% very high

12 reportable offenders with a current Offender Prohibition Order

98% are men
Average age of 35 years

5 years is the most common reporting period

Policing the scheme

Number of QPS CPOR members:

37 In HQ + **42** In Regions

5041 people flagged by the QPS as a reportable offender

365* daily Intelligence reports created

717* risk assessments conducted

4658* target number of home visits

628* device inspections conducted

9606* police CPOR taskings

Compliance with the scheme

22,830 self-reports made to the QPS, comprising:*

11,211 Phone + **11,619** Online portal

39% of reportable offenders were detected for 1751 offences under the Act*

1350 convictions related to offences under the Act*

Most common penalties:*

$620 fine or

6.5 months' imprisonment

Note a: The above figures are correct at a point-in-time in late 2022, or when indicated by an asterisk (*) are totals for the 2021/22 financial year.

About reportable offenders

This section describes the characteristics of reportable offenders, including their sociodemographic, criminogenic, and custodial characteristics. The findings presented are based upon different sub-samples, based on data availability and extractability. The different datasets are outlined in Appendix 2, and endnotes contain additional guidance on the data source or caveats.

According to QPS CPOR data, there were 3,984 reportable offenders on the Child Protection Register as of 31 October 2022. The registration statuses of reportable offenders on that date were:[67]

- 76% were registered;
- 14% were waiting to be served their notification of reporting obligations in custody;
- 8% were back in custody, so their reporting obligations were suspended;
- 2% were deported; and
- fewer than 1% were suspended from reporting obligations.[68]

Data from QPRIME indicated that most reportable offenders were male (98%) and 14% were recorded by police as First Nations.[69] The mean age of reportable offenders was 35 years old.[70]

At their most recent RM2000 risk assessment, about three out of every four reportable offenders met the criteria for low or medium risk of sexual reoffending. About one in every four reportable offenders had a high or very high risk of sexual reoffending.[71]

The review identified four persons who were made a reportable offender because the court made an Offender Reporting Order for them between 2017 and 2022.[72] The charges in the matter where the Offender Reporting Order was considered were: attempted child stealing; cruelty to children under 16 years; grievous bodily harm; and manslaughter.

Data from QPRIME suggests that 77% of reportable offenders had been detected for at least one criminal offence in the five-year study period.[73] Fifteen percent of reportable offenders had been detected for one offence count only, and 62% had been detected for more than offence count in this five-year period. The analysis suggests reportable offenders were responsible for a total of 28,330 offence counts in this time.[74]

The review explored reportable offenders' five-year offence history for prescribed offences under the Act.[75] Because the reporting start and end dates for this sample could not be obtained, some of these offences will be the offence that resulted in the person being made a reportable offender, and others will be reoffending post-registration. Therefore, these figures cannot be used to comment on the protective impact of the Act.

- Of the total of 28,330 offence counts that reportable offenders were responsible for between 2017 and 2022, 24% of those counts related to prescribed offences.
- 57% of reportable offenders had zero counts of a prescribed offence in the study period. 19% had one count of a prescribed offence, and 24% had two or more counts of a prescribed offence.

The most common prescribed offences detected amongst reportable offenders in the five-year study period were indecent treatment of children, possessing child exploitation material, and rape where the victim was a child. Table 2 outlines other prescribed offences detected in this time.

Excluding prescribed offences, the most common offence detected amongst reportable offenders in the five-year study period was failure to comply with reporting obligations, which is an offence under the Act (18%). Other offences detected in this time are reported in Table 3.

Table 2. Prescribed offences detected amongst reportable offenders in the five-year study period (n=3,634).

Prescribed offence	% of prescribed offences
Indecent treatment of children	40
Possessing child exploitation material	20
Rape (where the victim was a child)	16
Unlawful carnal knowledge	4
Sexual offences (other) child under 18	4
Use internet to procure/expose child to indecent act or matter (under 16)	3
Internet child abuse material (Commonwealth)	3
Making child exploitation material	3
Distributing child exploitation material	3
Other prescribed offence not listed above	5
Total	**100**

Note. Data is presented as number of offences in QPRIME (percentage). There is at least one offence count per offence. The offence labels reported in this table are the same as they appear in QPRIME. Offences in QPRIME were manually coded against as prescribed offences using the list of offences in Schedule 1 of the Act. Victim age data was requested and, when available, was used to code offences that were not child-specific (e.g. rape). Offences listed as "other prescribed offence not listed above" each contributed less than 2%, and were subsequently collapsed into one category.

Table 3. Non-prescribed offences detected amongst reportable offenders in the five-year study period (n=18,494).

Non-prescribed offence	% of non-prescribed offences
Child protection – Fail to comply	18
Bail Act (breach)/fail to appear	12
Traffic infringement notices	10
Drug – Possess and/or use dangerous drugs	5
Domestic violence (contravene *Domestic and Family Violence Protection Act 2012*)	4
Drug – Possess things for use, or used in the administration, consumption, smoking of a dangerous drug	4
Resist arrest, incite, hinder, obstruct police	3
Shop stealing, unlawfully take away goods	2
Wilful damage (not elsewhere classified)	2
Vehicles – Stealing from/enter with intent	2
Other offence not listed above	37
Total	**100**

Note. Data is presented as number of offences in QPRIME (percentage). There is at least one offence count per offence. The offence labels reported in this table are the same as they appear in QPRIME. Offences in QPRIME were manually coded against as non-prescribed offences using the list of offences in Schedule 1 of the Act. Offences listed as "other offence not listed above" each contributed less than 2% and were subsequently collapsed into one category.

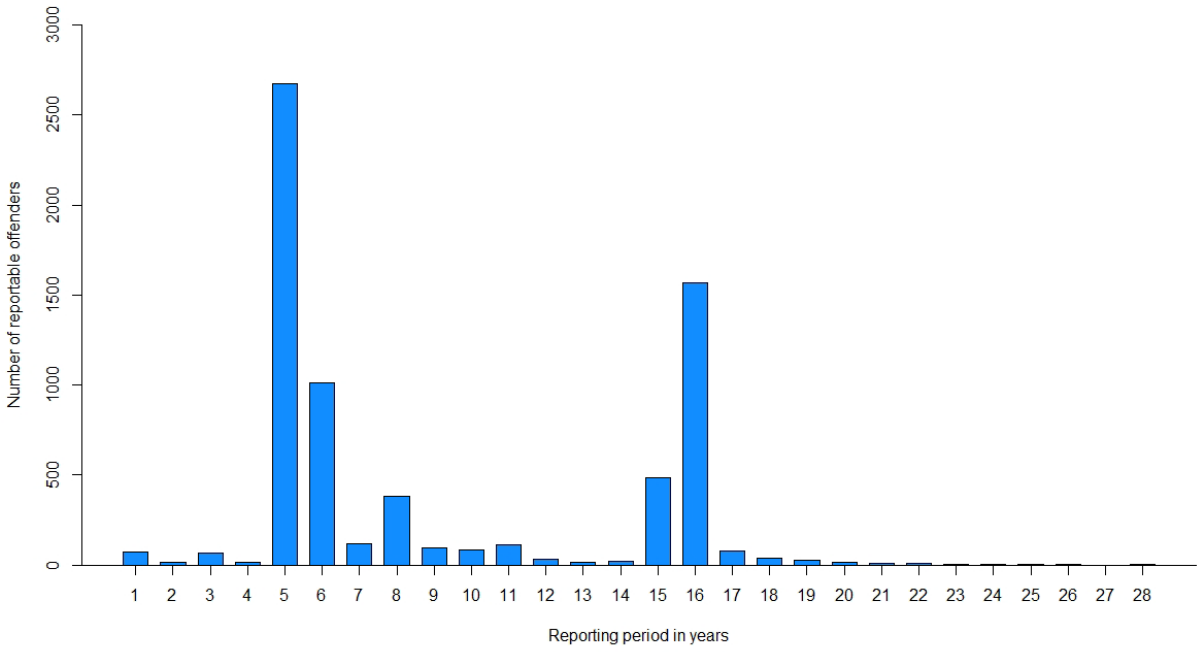
On average, reportable offenders spent the following time in custody or community corrections in the five-year study period:

- The median time spent in custody was 20.7 months (Standard Deviation, SD=18.3 months).
- The median time spent under community corrections supervision was 17.9 months (SD=12.9 months).[76]

Reporting period was available only from the NCOS database. ACIC extracted a database of reportable offenders which contained a Queensland residential address listed on NCOS within the study period. However, amongst other important differences from the data provided by the QPS, the NCOS extract did not contain reportable offenders with lifetime reporting obligations.[77] This limitation relates to how the data is stored on, and extracted from, NCOS (explained in more detail in Appendix 3).

Reporting period amongst the 7,084 reportable offenders ranged from zero to 28 years, with a median score of 5 years (Figure 2).[78] Reflecting on how the reporting period is calculated (refer back to Table 1), this figure illustrates that the most common circumstance is that a reportable offender has been convicted of the reportable offence that put the person on the Child Protection Register, or two or more further reportable offences while on the Child Protection Register.

Figure 2. Variation in reporting period in a data extraction of 7,084 reportable offenders in the NCOS extract.



Police officer comments about administering the Act

The above section describes some of the key features of reportable offenders, based on what can be observed from official quantitative data. Relevant information was also captured from police officer interviews. Specifically, police officers who were interviewed commented on their role in monitoring reportable offenders, and other aspects of administering the Act, listed below:

- This work is very different to that of traditional policing. It requires a combination of building and maintaining rapport, ongoing guidance and education about reporting obligations, linking with support services, and enforcement. Police officers also advised that the awareness and profile of CPOR duties within the QPS has also improved over the last several years.
- Rapport with reportable offenders is central to achieving the purposes of the Act. Police officers believed that by assisting reportable offenders to understand their reporting obligations, they are also assisting reportable offenders to comply with their obligations, and thereby protecting children from those reportable offenders. Police officers were generally aware that open and non-judgemental rapport with reportable offenders fostered an open dialogue about matters that are highly personal.
- Many police officers demonstrated their willingness to learn about reportable offenders' risk and protective factors,[79] and police officers in the Regions reported deeply valuing the specialist knowledge and support that is available to them from the Forensic Behavioural Services Unit.
- Police officers described that proactive visits are critical for two key purposes: to keep reportable offenders aware that police are monitoring them; and to link the reportable offender with support services.
- Police officers were generally satisfied with the quality and volume of information they hold or access about their reportable offenders, except that some police officers in Regions stated that the high volume of reactive work (which originates from incoming information) was unsustainable, and limits the scope for valuable proactive work.
- Police officers demonstrated their awareness that many reportable offenders are socially isolated and have complex health or psychosocial needs, but may have difficulty getting access to professional support services. Comments included:

  > "...I'm the only contact these people have."
  >
  > "We have one [person] who gets off the register [soon] who doesn't want off because he wants support. We are saying we will still support him after, and are committing to go see him, so he doesn't commit another offence."

- Police officers are sensitive to the cultural challenges of First Nations people in complying with this scheme, and it was noted that their management of First Nations reportable offenders showed an understanding of transience (moving between homes); the need to explain NOROs in detail and with examples, often on more than one occasion; use of verbal cautions where possible; and actively seeking suitable support persons for the reportable offender.
- Police officers described a reasonable and justified use of their discretion; showed awareness of the option of adult cautioning in regard to offences under the Act; and were empathetic about the complexity of reporting obligations for reportable offenders who experience significant life instability, have disabilities, or otherwise experience difficulties in understanding their obligations.
- Police officers described the limits of police discretion in administering the scheme, notably around reportable contact with a child. Police officers reported "always charging" when offenders fail to advise police of reportable contact with a child. Police officers are aware of the timeframe (internally set) to investigate reports or intelligence about child contact, which shows a shared and clear connection to the Act's intent.

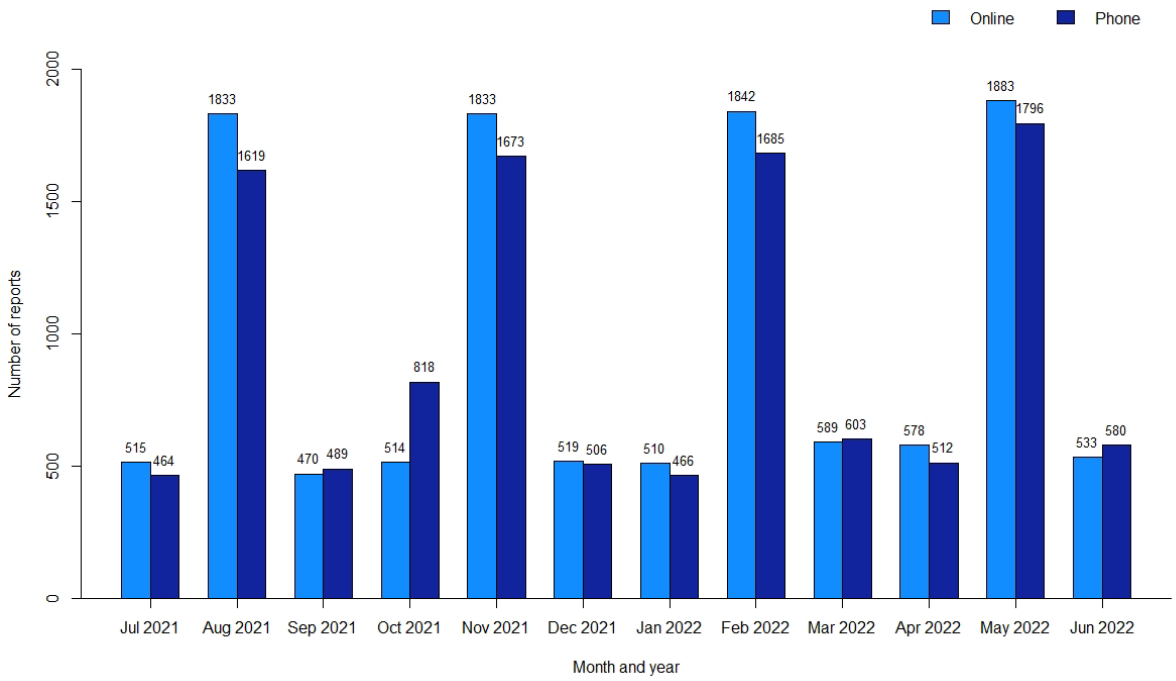
Compliance with the scheme

Until now, Chapter 3 has provided key figures, information about reportable offenders' characteristics, and information from the police perspective about administering the Act. This section brings together different sources of data to describe the extent to which reportable offenders complied with the scheme. It presents the volume of reports made by reportable offenders, police perspectives on reportable offenders' compliance with the scheme, and criminal offences detected by police and court outcomes in the five-year study-period.

Reports made by reportable offenders

Unit record data on the reports made by each reportable offender was not available. However, the review was provided aggregate data on the contact that reportable offenders made with QPS CPOR during quarterly and non-quarterly reporting months. Figure 3 shows that reportable offenders are using both phone and online methods to make their reports, and the quarterly reporting months are clear in their peaks – on this figure, August 2021, November 2021, February 2022, and May 2022.

Figure 3: Volume of reports from 1 July 2021 to 30 June 2022.



Note: February, May, August and November are the mandatory reporting months for reportable offenders; the reports during other months are per reportable change in circumstances.

The volume of interaction between reportable offenders and QPS CPOR, however, does not provide information about the accuracy or completeness of the reports made.

Police officer comments about reportable offenders' compliance with the Act

In interviews, police officers undertaking CPOR duties described four key types of reportable offenders regarding their compliance with their obligations under the Act.

Those who intend to, and do, comply. Police officers interviewed commented that many reportable offenders just "want to do their time" on the Child Protection Register, and come off it as soon as they can. There is a small group of hyper-compliant reportable offenders, who call regularly to check whether they need to report something that has occurred in their life. Police officers report that this

group appears driven by their lack of comprehension with the requirements, or fear of returning to prison.

Those who intend to, but don't, comply. Of those who intend to comply, however, some unintentionally commit an offence under the Act. This occurred by reportable offenders who forgot their reporting requirement; reported it to their QCS probation officer but not QPS CPOR; or, as a police officer stated, "just don't get the obligations". Unintentional non-compliance occurred amongst reportable offenders who had living circumstances which increased the difficulty of reporting – for example, reportable offenders who experienced homelessness, have transient lifestyles, or who have an impairment or disability. The review received submissions on unintentional non-compliance that are broadly consistent with the description from police officers, and the topic of impairment or disability is discussed on pages 27 and 53.

Those who appear to, but don't, comply. Police officers described a small group that, while they appeared fully compliant with their reporting obligations, police officers have concerns that they are hiding non-compliance. That is, they may report information, but it may not be accurate, or the reportable offender may report some information, while intentionally omitting other information (e.g. not reporting a new phone which they are using to contact a child, but reporting their change of address and travel plans as required).

Police officers described this small group as very intelligent, as knowing the Act and its limits well, reporting strictly what is required, and not being open in conversations with police officers. Of course, none of these three characteristics are unlawful; this is simply one dimension about compliance (or non-compliance) that police officers described in interviews.

Those who do not intend to comply. Police officers also told of reportable offenders who committed an offence under the Act, and did so with specific intention, or with disregard for the scheme.

Offences under the Act detected by police

The review examines compliance with the scheme through the lens of offences under the Act detected by police in the five-year study period, using police data. The QPS provided a unit record dataset of 3,971 reportable offenders who were on the Child Protection Register at a specific point-in-time (i.e. 31 October 2022), to extract offending histories from QPRIME. Importantly, the information in offence data does not provide the dimensions of compliance that police officers commented on in interviews.

Offences relating to reporting requirements

Analysis of police data indicates that offences relating to reporting requirements were detected amongst 39% of reportable offenders during the five-year study period, which accounted for 4,595 offence counts in total.[80] Therefore, 61 per cent of reportable offenders were not detected for an offence relating to their reporting requirements in the study period.

In examining the specific offences that were detected, the 4,595 counts comprised:

- 4,554 offence counts for failure to comply with reporting obligations pursuant to section 50(1) of the Act; and
- 41 offence counts for providing false or misleading information pursuant to section 51(1).

One-time versus multiple offences. Of those reportable offenders who police detected for an offence under the Act relating to reporting requirements (which is 39% of the sample), reportable offenders who offended more than once were responsible for a considerable majority of offence counts during the five-year period.

Amongst the reportable offenders detected for an offence under the Act relating to reporting requirements (n=1,565):

- 46% were responsible for one offence count only. They were responsible for 16% of the total of 4,595 offence counts.
- The remaining 54% were responsible for more than one offence count each. These reportable offenders were responsible for 84% of the total of 4,595 offence counts.

Police response to offences. The most common police responses to offences relating to reporting requirements were: notices to appear (42%), adult cautions (26%), and arrest (23%).[81] When the review examined police responses according to first-time versus repeat offences, the results suggest police action escalates for repeated offences.[82]

Police officers were more likely to issue a notice to appear or administer an adult caution for first-time offences (42% and 38%, respectively). For repeat offences, police officers were more likely to issue a notice to appear or make an arrest (42% and 31%, respectively).

This suggests adult cautions – an official warning administered by police officers – appeared to be a strategy used by police officers for first-time offences; whereas an arrest – which involves taking the offender into custody to compel their appearance before court – was more likely to occur in repeat offences.

A focus on First Nations reportable offenders. Police data indicates that that police officers respond differently to reporting requirement offences by First Nations, compared to other offenders.[83]

In responding to an offence relating to reporting requirements, the most frequent police response to First Nations and other reportable offenders was to issue a notice to appear (42% of the time). The second-most frequent response for First Nations reportable offenders, however, was arrest (35% of the time), whereas for other reportable offenders, the second-most frequent response was an adult caution (31% of the time). This pattern may suggest that police officers respond more severely to offences by First Nation offenders than those committed by others.

The review explored this further, comparing police responses to first-time versus repeat offences amongst First Nations offenders (see Table 4). Of note:

- An escalation in the police response can be seen from the data – the arrest option increases between the first and repeat offence, while the use of an adult caution decreases.
- For First Nations reportable offenders, police officers most often respond to a first offence with a notice to appear; for other reportable offenders, police officers frequently start with an adult caution and escalate to a notice to appear.

Looking at this data alone, the pattern in results suggests that adult cautions are less utilised for First Nations offenders as a response strategy to first-time offenders.

However, Regional police officers who agreed to be interviewed for this review described that they exercised their discretion and education role more frequently for First Nations reportable offenders than for non-First Nations reportable offenders. Therefore, it is possible that some of those “first offences” as they appear in the official data is not an officer’s first interaction with that reportable offender about their alleged offence under the Act, but instead the first officially recorded interaction.

Table 4. Variation in police responses to offences under the Act.[a]

	Offences by First Nations reportable offenders[b]		Offences by other reportable offenders[c]	
Police action	First	Repeat	First	Repeat
Arrest %	**25**	**38**	11	**27**
Notice to appear %	**51**	**39**	**41**	**44**
Warrant issued %	4	9	2	6
Adult caution %	18	12	**42**	20
Other %	2	2	5	3

Note a. Data is presented as the number of offences detected (percentage). "First-time" was operationalised as the first cleared 0525 or 0526 offence in QPRIME in the five-year study period for that offender. "Repeat" was operationalised as any subsequent cleared 0525 or 0526 offence for that offender. The other category includes situations when the offender is known, and sufficient evidence has been obtained but there is a bar to prosecution or other official process; infringement notices; and juvenile caution actions.

Note b. A significant relationship was detected between police action and reporting requirement offence history amongst offences by individuals who were First Nations, χ^2 (4, N=953) = 29.42, p<.001.

Note c. A significant relationship was detected between police action and reporting requirement offence history amongst offences by individuals who were not First Nations, χ^2 (4, N=2505) = 218.57, p<.001.

When concerning conduct has warranted further restrictions

This section discusses the use of, and then compliance with, Offender Prohibition Orders (s. 13A). As described earlier (see page 24), Offender Prohibition Orders are described as a tool that police can use if the reportable offender engages in "concerning conduct". In a sense, they provide additional obligations on respondents – the behaviours that an Offender Prohibition Order requires or prohibits go beyond the standard reporting obligations, and are specific to that offender's behaviour and risk.

Use of Offender Prohibition Orders and offences detected by police

Offender Prohibition Orders have been made infrequently since introduced in 2008. CPOR advised that there had been a total of 23 Offender Prohibition Orders made in this time, and 12 were current as of January 2023. The most common types of conduct prohibited in these orders were:

- contact with children (featured in 19 orders);
- residing with children (featured in 10 orders); and
- access to certain locations such as shopping centres or schools (featured in 11 orders).

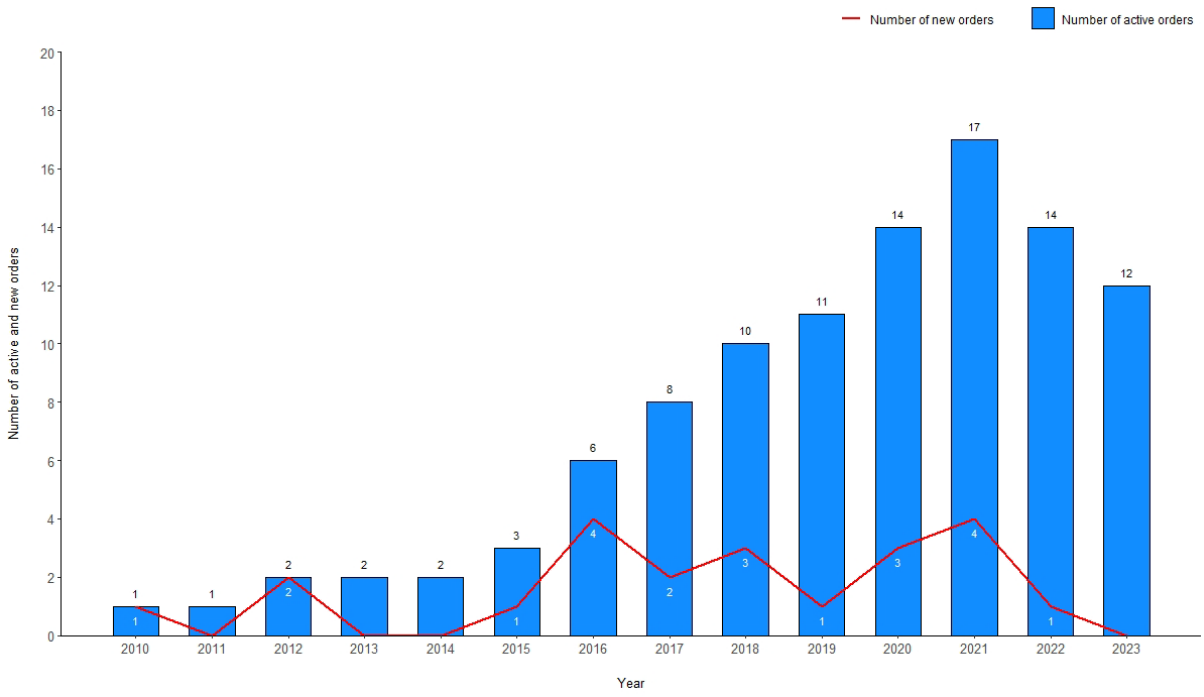
Other types of prohibited conduct included seeking or having employment involving contact with children, recording or photographing children, and contact with other reportable offenders.

The Act also provides that Offender Prohibition Orders can require specified conduct. Required conduct was far less frequent than prohibited conduct. The required conduct on the Offender Prohibition Orders related to:

- disclosing their previous criminal convictions to a child's parent, guardian, or caregiver prior to having supervised contact with a child (featured in two orders); and
- providing police with access to devices for device inspections, including passwords and access codes (featured in two orders).

Figure 4 demonstrates the number of Offender Prohibition Orders per year since 2008.[84]

Figure 4. Number of Offender Prohibition Orders per year in 2010-2023.



Failure to comply with an Offender Prohibition Order is an offence pursuant to section 51A(1) of the Act. In the analysis of police data, this offence was detected in eight out of the 3,971 reportable offenders during the five-year study period, which accounted for 17 offence counts in total.[85]

Police actions in response to this type of offence were 10 arrests, four notices to appear, and one other action. In making conclusions about compliance with Offender Prohibition Orders, it should be noted that in Figure 4 the total number of active orders ranged from eight to 17 in 2017-2022. The offences reported in this section were detected for eight reportable offenders, a considerable proportion of the active orders during this time.

Prosecution of offences under the Act

This section continues to examine compliance through the lens of offences under the Act, by examining offences under the Act prosecuted by the courts in the five-year study period.[86] The results presented in this section provide insight into the charges, convictions, and penalties imposed for offences relating to reporting requirements and Offender Prohibition Orders.

Offences relating to reporting requirements

A total of 2,926 cases in the five-year study period heard at least one charge for an offence relating to reporting requirements.[87] The analysis identified a total of 1,520 unique defendants across these cases and of these, 41% had more than one case during the five-year study period (range 2-14).

Most of these cases heard a charge for failing to comply with reporting obligations pursuant to section 50(1) of the Act (99%). Charges for other offences relating to reporting requirements were less common. The review was provided with the following data:

- 88 cases heard a charge for giving false or misleading information (s. 51(1)).
- Fewer than five cases heard a charge for failing to comply with a requirement to provide access information for a digital device (s. 51B(3)).
- Fewer than five cases heard a charge for a change of name without permission (s. 74A(2)).

In total, there were 5,652 charges heard in the five-year study period that concerned an offence relating to reporting requirements, which resulted in a total of 5,337 convictions (overall 94% conviction rate for offences under the Act).

In 86% of cases failure to comply with reporting obligations (s. 50(1)) was the only type of charge heard in that case. Broadly:

- Monetary orders ($644) or imprisonment (five months) were the most common penalties imposed in cases where failure to comply was the only offence.
- Imprisonment was the most common penalty when the offence under the Act was heard along with a prescribed offence, or another offence (but not a prescribed offence).

Table 5 details the differences in the penalty according to whether the offence related to the reporting obligations only, was heard with another offence, or was heard with a prescribed offence.[88]

Table 5. Variation in penalties imposed for failure to comply with reporting obligations (s.50(1)), by offence characteristics per case.

Principal sentence	**Failure to comply only (n=2,502 cases)**		**Failure to comply and other offence (n=403 cases)**		**Failure to comply and prescribed offence (n=59 cases)**	
	%	Average	%	Average	%	Average
Imprisonment	35	5.0 months (SD=4.2)	72	10.4 months (SD=13.0)	75	26.1 months (SD=23.6)
Custody in the community	<1	-	0	--	0	-
Community service order	2	84.1 hours (SD=43.5)	1	--	0	-
Probation order	5	14.8 months (SD=7.7)	7	13.8 months (SD=6.9)	0	-
Monetary order	51	$644.13 (SD=481.85)	12	$847.98 (SD=647.05)	2	-
Good behaviour order	2	-	>1	--	0	-
Other	5	-	9	--	24	-

Note. Principal sentences were categorised according to ABS methodology with coding provided by the Courts Performance and Reporting Unit, Queensland Courts. Principal sentences that were coded as "other" were sentencing outcomes recorded as admonished and discharged; convicted, not punished; released absolutely; and no penalty imposed. Data in this table is presented as the percentage of total cases in that category and mean (standard deviation) for the average sentence length/amount. Sentence length/amount is reported as N/A if there were less than 10 records for that category or this data was not available in the Queensland Courts core dataset. "Failure to comply only" were cases that heard charges for the offence – failure to comply with reporting obligations pursuant to section 50(1) of the Act. This includes cases with more than one charge count for this offence type. "Failure to comply and other offence" were cases that heard charges for any other offence in addition to the offence, failure to comply with reporting obligations. This may include charges for offences not pursuant to the Act. "Failure to comply and prescribed offence" were cases that heard charges for an offence listed in Schedule 1 of the Act in addition to the offence, failure to comply with reporting obligations.

Failure to comply with an Offender Prohibition Order

A total of 12 cases in the five-year study period heard at least one charge for failing to comply with an Offender Prohibition Order pursuant to section 51A(1) of the Act. These 12 cases related to three unique defendants. Across the 12 cases there was a total of 41 charges heard, which all resulted in convictions. The majority of these cases led to imprisonment (83%).

Protective impact of the Act

Protecting children from known offenders is the key policy objective of the Act, enshrined in both the Act's name and in the purposes of the Act (s. 3). Due to poor data availability, the review was unable to establish or estimate the protective impact of the Act (see Appendix 3). Some of the challenges are described here to assist future work to address this knowledge gap. The review team were unable to examine:

- the time between reporting start date and offences under the Act, or being detected for a prescribed offence;
- the relationship, if any, between committing an offence under the Act and committing a prescribed offence;
- the ability of the RM2000 risk rating to predict one's likelihood of being detected for an offence under the Act, or a prescribed offence; and
- how the frequency or nature of police contact with a reportable offender is related to detection of offences under the Act, or detection of a prescribed offence.

Police officers interviewed expressed a range of views on the protective impact of the Act. Some were sceptical about how registration and reporting prevented people from reoffending, while others believed it was important, and made a difference to reportable offenders' risk of reoffending. Some police officers observed that failure to comply with reporting obligations was not the same as reoffending against or risk to children.

From the data examined, the review notes that:

- Administering and prosecuting non-compliance with the scheme does not mean that the scheme is having the protective impact that Parliament intended.
- The protective impact of the scheme is unknown, as it was not possible to measure the rate of recidivism amongst reportable offenders.

The review explored other data sources for commentary on the protective impact of reporting and registration.

Of the recent reviews of corresponding Australian Acts (published since 2017), none have reported on longitudinal empirical assessments of the impact of these schemes, due to data availability, quality, or scope of review.

In 2018 the Australian Institute of Criminology reviewed the evidence about the impact of sex offender registries on community safety. [89] They referenced two studies[90] that focussed on non-public registration in the United States. While the studies are based on sex offenders generally (not those who offend against children only), they are useful to consider amidst the scarcity of more specific evidence. The AIC paper summarised the studies as follows:

> [Prescott and Rockoff 2011 found that] non-public registration of convicted sex offenders significantly decreased the overall number of sex offences. The reductions were primarily observed for sexual offences against victims who were known to the offender—namely friends, acquaintances, and neighbours—rather than among strangers.[91]

In the second study, as summarised by the AIC:

> [Agan and Prescott 2014] found that, for some types of sexual offences against adults, non-public registration of sex offenders was associated with a decreased risk of sex offence victimisation. This relationship was not apparent for forcible rape or child sexual offences.[92]

A literature review of sex offender registration schemes across the United States, United Kingdom, Canada, and Australia identified 19 peer-reviewed journal articles. These studies presented limited support for a preventive effect associated with registration[93] or a decrease in recidivism risk.[94] The journal articles identified in this review reported that registration did not deter or prevent first time offences for juveniles/young adults.[95] Studies investigating the effects of specific restrictions (such as residence restrictions) suggest that, rather than preventing criminal behaviour, they may harm the offender's rehabilitation prospects.[96] Despite the scarce evidence, the schemes remain in Australia, and continue to expand in their reach.[97]

Why does this matter?

Establishing or estimating the protective impact of the Act is important for many reasons, including:

- The Act is seen as a critical tool in Queensland's child protection framework. If it is not having the protective impact that Parliament intended, then change may be justified.
- The Act places limits on the human rights of a particular group of people, and may interfere in an offenders' rehabilitation. Section 13 of the *Human Rights Act 2019* (Qld) provides that the limits on human rights must be considered against the purpose of the limitation. It is of concern that, although the Act has been in force since 2005, no evidence has been observed to indicate that the purpose of that limitation – the protection of children – has been met.
- A significant amount of resources are being expended on a scheme that has no recorded protective impact.
- The child protection register has been suggested as a conceptual model for a different purpose. The Women's Safety and Justice Taskforce recommended the Queensland Government introduce legislation to create a new register,[98] similar to the Child Protection Register, for domestic and family violence offenders. The Queensland Government supported this recommendation in principle in 2021.[99] Caution is encouraged in translating or adapting a policy option or policing approach where the protective impact has not been established.

This issue is revisited on page 47.

4 Improving the scheme's operation and impact

This chapter will focus on areas for improvement and will set out the basis for the 23 recommendations for changes to the scheme. These recommendations are organised under four areas of impact: improve the targeting and capture of the scheme; demonstrate the protective impact of the scheme; improve safeguards within the scheme; and improve the clarity about risk and response within the scheme. This should not detract from a more general observation that the QPS have operationalised this scheme well. Instead, implementing these recommendations will help in the next stage of improvements to the scheme, including a demonstration of its protective impact.

Improve the targeting and capture of the scheme

This section describes how the targeting and capture of the scheme may be undermining the protective impact of the Act by diluting police efforts. The following findings are discussed:

- the volume of reportable offenders is a challenge for police;
- police officers reported some reportable offenders "shouldn't be" on the Child Protection Register, and this may dilute police efforts;
- there is a knowledge gap about Offender Reporting Orders among CPOR police officers. A process to identify offenders to be considered for such orders is lacking, so it is likely that offenders who "should be" on the Child Protection Register, are not;
- prosecutors have a knowledge gap about "future risk" as it relates to Offender Reporting Orders; and
- the increase to reporting periods (when the recent amendments take effect, refer back to Table 1) risks further diluting police efforts, and may not consider the relevant evidence on recidivism risk.

Each of these findings in described in more detail below, before describing four recommendations to improve the scheme's potential for impact. These recommendations relate to: expanding the scope for judicial discretion; establishing a process to consider candidates for Offender Reporting Orders; building knowledge for prosecutors about Offender Reporting Orders; and improving the connection between reporting periods and the evidence base.

The volume of reportable offenders is a challenge

The number of reportable offenders in the Queensland community is 3,163 as of 31 October 2022, and this figure grows by at least 100 per year.[100] This poses a challenge to police officers tasked with receiving and actioning reportable offender reports and conducting compliance checks (see Chapter 3 for data on volume of police activities).

While some police officers interviewed described managing their reportable offender workload comfortably, most interviewees described challenges in conducting proactive checks on their reportable offenders. Comments included:

- "We spend so much time reacting to [QPRIME] taskings, we can't do the proactive visits. The proactive is where the value is."
- "By the time I get through tasking there's no time to do [proactive] compliance."
- "We generally can't get to low or medium risk [offenders], it can take years [to get to see them]."
- "[Some reportable offenders] probably haven't been checked at all by CPOR."

This challenge is not unique to Queensland; police resourcing to meet the workload has been identified as an area of concern in the recent reviews in Victoria[101] and New South Wales. [102]

People who "shouldn't be" on the Child Protection Register may dilute police efforts

CPOR police officers who were interviewed said that there is a sizeable group of reportable offenders on the Child Protection Register who "shouldn't be". One interviewee estimated this figure was 60% of current reportable offenders. This group of offenders who "shouldn't be" on the Child Protection Register have an associated task load for police officers – device inspections, home visits, and any reactive taskings that come to Regions for actioning – which means that this cohort of offenders may be diluting police efforts in administering this scheme.[103]

In describing people who "shouldn't be" on the Child Protection Register, police officers described how the offence that makes the person a reportable offender does not necessarily relate to having a sexual interest in children, or from a police point of view, this scheme is the wrong approach to address the behaviour.[104] For instance:

- Some individuals with convictions for unlawful carnal knowledge, where the two parties were similar in age, there were no predatory or deviant aspects to the offending, and in some cases, the parties are now married with children and have a stable, conventional home life.
- An offender who meets the definition for a corresponding reportable offender,[105] but their offending would not have met the threshold for inclusion in the Queensland scheme.
- A conviction where the offence (e.g. an offence relating to CEM) was committed not for sexual gratification, but for another reason, such as compulsive collecting by an offender on the autism spectrum.
- A conviction where an offender is an adult, but has a mental age of a child (e.g. an adult with a mental age of 14 is engaging with 14 year old children online, in a way that 14 year old children would ordinarily engage).

A number of submissions received during the review, and separately, in response to the CPOROPO Amendment Bill, addressed the topic of who should be defined as a reportable offender. In general, submissions alluded to a need for greater discrimination among reportable offenders, or potential reportable offenders, noting that it is necessary to have provisions to allow for individuals to not be made reportable offenders. This was seen as important due to the significant effects the Act has on a reportable offender's life.

It is relevant that there are certain circumstances where a reportable offender can have their reporting obligations suspended. As mentioned on page 27, Division 10 of the Act provides for suspending a reportable offender's reporting obligations on the basis that the individual no longer poses a risk to the lives or sexual safety of children and has either a significant cognitive or physical impairment, or have a significant mental illness. The QPS may apply for a suspension of this type on its own initiative under section 67C of the Act, or the reportable offender may make an application under section 67D.

The review found that police officers were reluctant to make an application under section 67C, preferring instead to assist reportable offenders to prepare applications under section 67D. Data provided to the review show that these suspension applications and approvals are rare. Specifically:

- In the last year, the QPS made suspensions under section 67C on two occasions, both on the basis of significant cognitive impairment.
- Between July 2017 and June 2022, reportable offenders made 36 applications for suspension under section 67D; 14 applications were approved, 22 were denied.

Data collected during the review suggested that neither police nor prosecutors wanted to bear the risk of deciding that a person should not be monitored, or not be subject to reporting obligations.

To address this issue, the review recommends increasing the scope for judicial discretion in determining who should be a reportable offender. The sentencing judge already has experience in exercising discretion in a way that involves balancing many competing factors, including risk to the community. This arises in sentencing generally, but also through other schemes such as DPSOA.

This expansion of judicial discretion may be operationalised in several ways, such as via opt-in measures or opt-out measures (see Text box 3).

Text box 3: Two example models with judicial discretion.

The Tasmanian legislation, *Community Protection (Offender Reporting) Act 2005*, defines a reportable offender as a person who has been sentenced for a reportable offence and about whom the court has made an order under section 6 of that Act. Section 6 provides that at the time a person is sentenced for a reportable offence, the court must make an order directing the person to comply with reporting obligations, unless it is satisfied the person poses no risk of committing a reportable offence in the future. Section 10 provides guidance as to what matters the court should consider when making an order under section 6.

In New Zealand, the *Child Protection (Child Sex Offender Government Agency Registration) Act 2016*, gives a court discretion under section 9 to require offenders to comply with the Act's reporting obligations if they have been convicted of a registrable offence but have not received a custodial sentence. The court must:

- be satisfied the offender poses a risk to the lives or sexual safety of one or more children;
- consider a range of matters set out in section 9, including the seriousness of the offence, the difference in age between the victim and the offender, any written assessment of the risk posed by the offender, and any other matter the court considers relevant; and
- make the order at the time of sentencing.

In their 2011 report on a review of Victoria's sex offender registration scheme, the Victorian Law Reform Commission (VLRC) proposed and detailed a new model to improve targeting of the scheme.[106] The VLRC recommended that within the Victorian scheme – which, like in Queensland, uses a mandatory registration model for adults sentenced for specific offences – a person should only be included in the register by order of a court and that the mandatory model in operation be discontinued.

The VLRC described some of the drawbacks of the mandatory model: it does not recognise and respond to risks of recidivism; it may deter people from pleading guilty and thereby increase the burden on court resources; and it creates an unsustainable burden on police resources. The present review considers these issues as being inherent to mandatory models.

While the recommendation in the 2011 Victorian report was not implemented, in 2021 the VLRC repeated their call for the mandatory model to be discontinued, stating that "the current register is inflexible, over-inclusive, ineffective and disproportionate".[107]

Recommendation 1: *That the Act be amended such that:*

- *the scope for judicial discretion about whether a person should be made a reportable offender is expanded; and*
- *a court, in making a decision about whether a person should be made a reportable offender, may order that a psychological or psychiatric report be obtained to assist in the court's decision; and*
- *a person should only be made a reportable offender by an order of the court.*

Offenders who "should be" on the Child Protection Register, but are not

The review identified that it is likely that Offender Reporting Orders (s. 13) are being underused. While it is true that Offender Reporting Orders result in a person being made a reportable offender "by exception" (described on page 17), underuse of Offender Reporting Orders limits the protective impact of the Act. It is relevant to remind readers that candidates for Offender Reporting Orders have been convicted of offences that have endangered the life of a child, or resulted in the death of a child.

The review found that:

- Police routinely confuse Offender Reporting Orders (s. 13) with Offender Prohibition Orders (s. 13A).
- There is no standard or repeatable process to identify candidates for Offender Reporting Orders. Some police officers reported that they consider applying for an Offender Reporting Order only after a matter has gained media attention, or they realised that they missed the opportunity[108] after communication from QCS.[109]
- Prosecutors found it challenging to argue for future risk in a case where an offender killed their only child, because the offender has no other living child.
- In the last five years, four individuals have had a court made an Offender Reporting Order for them (see page 30).

On the topic of future risk, arguing for and establishing future risk is a challenging legal area. However, features of the scheme itself, as well as the peer-reviewed evidence offers some guidance:

- The scheme's reporting order has been amended to provide a reporting period of 10 years in the community. This time period is sufficient to have another biological child, or to commence a relationship with existing children, and experience the same stressors as those that led to the offence.
- A 2007 peer-reviewed journal article, stated that "children are most likely to be killed within the family and usually by a parent or stepparent".[110]

It is recommended that a process(es) be established to identify matters where an Offender Reporting Order should be considered. Some suitable opportunities may include:

- amending the QPRIME "scraping" processes (whether via THReT, daily intelligence report, or the search that identifies mandatory reportable offenders) to also identify candidate matters for consideration;
- routinely considering candidate matters as part of CPOR's weekly engagement with other QPS child safety specialists, to engage on options regarding offenders; and
- improving awareness about Offender Reporting Orders with CPIU officers.

Recommendation 2: *That the Queensland Police Service:*

- *establish a process to routinely identify offenders who should be considered for Offender Reporting Orders under section 13 of the Act; and*
- *take steps to build and maintain knowledge about Offender Reporting Orders for those undertaking Child Protection Offender Registry duties.*

Recommendation 3: *That the Office of the Director of Public Prosecutions build knowledge for its prosecutors about future risk as it relates to section 13 Offender Reporting Orders.*

Improve the connection between reporting periods and the evidence base

The period of time that an offender is subject to the Act's reporting obligations is a way of recognising in policy when the reportable offender poses most risk to children. In the late stage of this review, the Act was amended such that the reporting periods doubled – from 5 years, 10 years, and life, to 10 years, 20 years, and life (refer back to Table 1). The Explanatory Notes for the PPRA Amendment Bill states (p. 10):

> Given the inherent difficulties associated with the rehabilitation of child sex offenders and risk factors resulting from recidivism, lengthening the time an offender is monitored by requiring them to report under a child protection reporting regime, is considered justified.

A search of peer-reviewed evidence that examines "duration of risk" posed by child sex offenders located the following studies that comment on the time to reoffend:

- Dowling et al. (2021) found the likelihood of general and sexual reoffending increases until approximately two to four years after contact with the criminal justice system and stabilises thereafter.[111] However, there was significant variation between samples, with some samples finding an average time to sexual reoffence of 7.9 years. [112]
- Morgan (2022) found that about 53% of Queensland offenders re-offended within five years of their most recent prior incident of child sexual offending.[113] The average time between reoffence across all samples was 4.8 to 6.8 years for child sexual assault offences.
- Harris and Hanson (2004) found that recidivism risk decreased over time. Recidivism risk decreased from 20% at 10 years to 12% at 10 years (after 5 years offence-free) and 9% after 10 years offence-free. Only a small proportion of offenders without a reoffence after 5 or 10 years are at risk of reoffending.

The review also notes that there is literature that presents evidence about the successful rehabilitation of child sex offenders using psychosocial intervention programs.[114] However, access to such programs is limited in Queensland as discussed later in this chapter (see page 55).[115]

Submissions examined as part of this review took a range of perspectives on the reporting period. There was support for:

- Shorter reporting periods, in submissions to this review and to the PPRA Amendment Bill.
- Longer reporting periods, in submissions to this review and to the PPRA Amendment Bill.
- Courts having the discretion to increase reporting periods, on the basis of risk of reoffending, in a submission to this review.

As the QLS observes in their submission in response to the PPRA Amendment Bill, the review notes that the CPOROPO Act already contains mechanisms to increase the reporting period. The scheme has a "base risk" duration of five years (doubling to ten years when recent amendments are in force), with increases for relevant subsequent convictions, and for behaviour that indicates that a reportable offender is preparing to reoffend. Specifically:

- If a reportable offender is convicted of a further reportable offence, their reporting period will increase to the next longest duration, until they are a reportable offender for "life".
- If concerning conduct occurs, and an Offender Prohibition Order is made, a reportable offender's reporting period will persist for the duration of the Offender Prohibition Order. For an adult respondent on a final order, this persists for five years (functionally resetting the reporting period for an initial prescribed offence for that reportable offender).[116]
- If a person's reporting period has ceased, the QPS may choose to retain a QPRIME flag on that former reportable offender's file so that they can maintain intelligence flows on that person. This may identify an offence for consideration under a section 13 Offender Reporting Order.

Finally, police interviewed for this review questioned the basis for the change, and did not see value in it. It is noted that this is not the QPS's organisational position in relation to the Bill.[117] Like the police practitioners, prosecutors who participated in the review asked whether the reporting periods are based on evidence about risk of reoffending.

Recommendation 4: *That the reporting periods be reviewed to reflect the evidence base, and to reflect that the scheme already provides options to respond to ongoing risk.*

Demonstrate the protective impact of the scheme

Earlier in this report the importance of establishing and estimating the protective impact of the scheme was described (see page 40). This section presents seven recommendations that seek to improve the quality of data available and reported, to establish the protective impact of the scheme and trial new approaches, and reviews of data quality and of the Act.

Develop measures and report on protective impact

CPOR police officers were able to describe the volume, risks, and needs of their reportable offender population with ease. They were able to recall and speak to the compliance of reportable offenders in detail. Police were unable, however, to report on how many of their reportable offenders reoffended against children, or what the overall recidivism rate was, despite many commenting that offences under the Act were not the same as reoffending against or risk to children (see page 40). Considering that the key objective of the Act is the protect children from reportable offenders, the review makes two related recommendations to tether the administration of the scheme to the key policy objective of scheme.[118]

Developing a valid and reliable indicator of offender recidivism would allow the QPS to validate and evaluate current metrics and refine practice, and to provide another metric of a reportable offenders' risk. This review observed that the QPS has sufficient data to generate an indicator of recidivism. An elementary recidivism measure may be generated using:

- people who have the reportable offender flag applied in QPRIME
- the reporting period start date or suitable proxy measure (e.g., from the date their NORO was served, or date that the CPOR occurrence on QPRIME was generated); or
- all cleared offences related to that person, with a search using a suitable proxy for prescribed offence (e.g. a list of QPRIME offence labels, based on Schedule 1 of the Act).

While significant challenges in extracting this data were experienced during this review, these barriers may be overcome by working with QPS Analytics, by changes to CPOR data recording practices, or both.

Recommendation 5: *That the Queensland Police Service develop a sound method to measure reportable offender recidivism using data available from QPRIME.*

Recommendation 6: *That the Queensland Police Service, in reporting on its offender management activities (including detection of offences under the Act), adopt a practice of reporting the current rate of recidivism for reportable offenders.*

Establish the protective impact of the scheme, and trial new approaches

The lack of suitable data makes it difficult to establish whether offender registration schemes work. Despite this, such schemes continue across Australia, and continue to expand in their reach[119] and are suggested for use with domestic and family violence offenders.[120] It is time that independent research establish the protective impact of the scheme. It is acknowledged that improvements to the capture or extractability of relevant data is required before this can occur.

Recommendation 7: *That the Queensland Government commit to independent research on the scheme to estimate its overall protective impact, including the circumstances or conditions under which the scheme protects children.*

Noting that Recommendation 7 will take some time to fully implement and execute, the review encourages trials of other approaches to prevent and reduce serious and other sexual offences against children.

The VLRC has similarly recommended trialling several early intervention and prevention approaches.[121] Specifically, they recommended the use of ongoing public education, therapeutic interventions, restorative justice processes, a civil proceedings model, and early intervention/reintegration programs including a trial of the Circles of Support and Accountability program.[122]

The intent of Recommendation 8 is to focus on generating evidence for new approaches to protect children. New approaches would not operate to the exclusion of the current scheme, but supplement it with a more proactive approach to preventing offending and, therefore, preventing harm. It is acknowledged that some recent or current trials have involved Queensland reportable offenders, and these are described in Text box 4.

Text box 4: Recent or current trials involving Queensland reportable offenders.

Stop It Now! The Stop It Now! program aims to engage people seeking help for attraction to children by providing an initial point of counselling and linkage to professional services if needed. Empirical analysis of the service in the UK and the Netherlands found that it was in-demand and succeeded in preventing offending, however this was dependent on the legal protections afforded to therapists and the political and public palatability of advertising such a service in the media – which, in turn, is connected to the social stigma and individual shame attached to the attraction to children that is inherent in society.[123] This program is currently being trialled in Brisbane.

Circles of Support and Accountability. Research into two community-based programs for sex offenders that have served their sentences has shown promising outcomes. The Circles of Support and Accountability in Adelaide, South Australia (involving trained volunteers providing support to offenders to reintegrate into the community) and the Cultural Mentoring Program in Townsville, Queensland (involving the participation of Elders in "retraditionalising" First Nations offenders), have aided offenders in reshaping their thinking to avoid behaviours and thought processes that encourage isolation from the community and avoid accountability and inaction on their rehabilitation. Examples of this are continually encouraging offenders to attend mandatory counselling despite the difficulties they experience in being reminded of their offending, and providing First Nations offenders spiritual and cultural support from community Elders to ready them to engage with measures such as cognitive-behavioural reprogramming.[124]

Recommendation 8: *That the Queensland Government take further steps to identify, assess, and trial other approaches to risk mitigation for those who pose a risk to the lives or sexual safety of children.*

Data quality review and auditing mechanism

The challenges in obtaining data that would allow for commentary on the protective impact of the scheme have been mentioned earlier in this report (see page 40 and Appendix 3). In this section the review makes two recommendations to assess and improve data quality, extractability, and use.

This review faced two system-level challenges in accessing data. First, challenges with the NCOS database search function, which is not the responsibility of the QPS.[125] Queensland is not alone in experiencing challenges with NCOS. A recent Victorian report mentioned the following:[126]

- The structure of the data held in NCOS did not always match the information that Victoria Police need to maintain, resulting in information being added to any available free text field. To change these fields requires negotiation with ACIC, which in turn requires ACIC to negotiate with other jurisdictions to ensure any changes were acceptable on a national level. Coupled with regular amendments to Victoria's *Sex Offenders Registration Act 2004* that changed information requirements, the NCOS database is limited in its ability to be fit-for-purpose across all Australian jurisdictions.
- Victoria Police do not have access to the database administration side of NCOS, as it is owned by ACIC. This creates difficulties in extracting data from NCOS in usable and analysable formats. As of 2019, Victoria Police was developing a third-party tool with ACIC to assist with data extraction, however this was significantly delayed by the need to negotiate with ACIC and other Australian jurisdictions to make the necessary system changes.

Second, some challenges during the review have been observed by other reviews seeking to use criminal justice system data in Queensland:

- Reviews by the Queensland Audit Office in 2017[127] and 2022[128] identified several issues with QPS processes around data management, security, accuracy, and completeness.
- Similar issues with data management practices were identified in the Commission of Inquiry into Queensland Police Service responses to domestic and family violence (2022).[129]

Noting that context, the review observes that:

- There is duplication and inefficiency across systems that CPOR uses; one activity may require adding a filenote in NCOS, an update to QPRIME, an update to the officer's IMAC log, and an update to the reportable offender management spreadsheet.
- There may be inconsistent approaches to data security across systems. While NCOS is highly restricted, the CPOR occurrence in QPRIME (which exists for each reportable offender while they have reporting obligations) does not have Access Control Lists (ACL). Therefore, any person with QPRIME access can view information in the reportable offender's QPRIME occurrence.
- The QPS reported that some data the review requested exists, but that they do not know how to extract data from the systems.
- The challenges of data extractability indicate that use of data for business intelligence is limited.
- The review was furnished with aggregate data where it existed, but individual-level data was not available. This involved significant pre-processing by the QPS. The review notes that pre-processing has also occurred in other work that used data relating to reportable offenders.[130]

While concerns about data management have been identified throughout this review, a closer examination of this issue was outside the scope of the review. However, these observations give rise to sufficient concern and the recommendation that a dedicated examination by an appropriate entity take place.

Recommendation 9: *That Child Protection Offender Registry data holdings and systems undergo a review to:*

- *identify the opportunities for improvement in data and system accuracy, integration, and extractability; and*
- *identify requirements for business intelligence tools and capabilities.*

In the review's comparison of corresponding Australian legislation, it was identified that, in the Victorian Act, the Independent Broad-based Anti-corruption Commission (IBAC) is required to monitor Victoria Police's compliance with Parts 3 (Reporting obligations) and 4 (Sex Offender Register) of the Act (section 70L[131]). It is relevant that the Victorian Law Reform Commission[132]

recommended that IBAC perform that function as a means of improving public confidence, which had been damaged by the findings of the Victorian Ombudsman's *Whistleblowers Protection Act 2001: Investigation into the Failure of Agencies to Manage Registered Sex Offenders*.

In Queensland, the responsibility for a routine audit or review mechanism could fall to the CCC, to an independent auditor (e.g. the Queensland Audit Office), or to an internal auditor (i.e. QPS Internal Audit).

Recommendation 10: *That as part of the review provided for in Recommendation 9, the reviewing entity make a decision about the need for a routine audit or other review mechanism of Queensland's Child Protection Register.*

Schedule another review of the Act

Offender registration and reporting schemes in Australia have evolved substantially since the national child protection scheme commenced in 2005. From 2017 onwards, there have been at least five reviews of equivalent Australian Acts by parliamentary bodies and oversight agencies, resulting in 68 recommendations for corresponding Acts and policy around Australia. There has also been significant change in the criminal environment, and continued focus on this topic within scientific research.

The pace of change and important issues raised in this review justifies another scheduled review of the Act.

Recommendation 11: *That the Queensland Government provide for a further review of the Act in another five years.*

Improve the safeguards within the scheme

Earlier in this report, the review summarised the scheme's current safeguards and protections (see page 26). This section presents five recommendations to improve the scheme's safeguards.

Examine the reach of police powers

In addition to the suite of powers generally available to police, police officers undertaking CPOR duties have been given additional powers to help them to administer the scheme. During the review, the PPRA Amendment Bill and CPOROPO Amendment Bill were introduced into Parliament, providing additional powers. The respective Parliamentary Committees received several submissions raising concerns with the extension of these police powers, but both Committees were satisfied that "sufficient regard" had been given to fundamental legislative principles, and to the rights and liberties of individuals.[133] Table 6 summarises the powers.

This review also raises concerns about the reach of police powers. Previously, surveillance device warrants and controlled operations were actions only available to the police for investigation of specific, serious offences, many of which present a significant risk to children. The amendments to the PPRA would allow surveillance devices and controlled operations to be used to investigate noncompliance with CPOROPO obligations. This seems difficult to justify on several bases.

There is a significant resource implication for surveillance and controlled operations. The purpose of the scheme is to protect children by imposing reporting obligations on offenders and reducing the risk of reoffending. Failure to comply with reporting obligations may not, on its own, cause harm to children and therefore the use of surveillance devices and controlled operations would be disproportionate to the nature of the offending.

In addition, particularly for controlled operations, there is a significant risk the use of these additional powers could be used to create offences that would otherwise not occur. Given that this is a

compliance scheme, rather than substantive offending, the increased scope of police powers seems to be a disproportionate tool.

Table 6. Excerpt of police powers specific to the scheme.

	Current	CPOROPO Amendment Bill	PPRA Amendment Bill
For any reportable offender:			
Enter reportable offender's home to verify the reportable offender's personal details	✓		
Photograph a reportable offender, or something the reportable offender needs to provide details about	✓		
For any reportable offender who has been released from detention/supervision order in the last 3 months:			
Inspect any registered digital device, including access to passwords	✓		
For any reportable offender whom police reasonably suspect has committed an offence under the CPOROPO Act:			
Inspect any registered digital device, including access to passwords	✓		
Obtain surveillance device warrants (s. 50, 51, 51A offences only)			✓
Use controlled activities and controlled operations (s. 50, 51, 51A offences only)			✓
For any reportable offender who has been convicted of a relevant offence			
Inspect any registered digital device, including access to passwords, to a maximum of 4 times per year, if the reportable offender has been convicted of prescribed internet offence	✓		
Inspect any registered digital device, including access to passwords, to a maximum of 4 times per year, if the reportable offender has been convicted of device inspection offence	X	✓	
Enter reportable offender's home to perform a device inspection	X	✓	

An examination of the reach of police powers would necessarily feature in a further review of the Act, mentioned at Recommendation 11. The review identified an opportunity, however, to improve routine Parliamentary oversight of the soon-to-be expanded police powers.

Under the PPRA, the Minister of Police must table an annual report regarding use of police powers to carry out device inspections under section 21B. Section 808A of the PPRA requires the report to

include details such as the number of device inspections carried out for each reportable offender, the date and time it was carried out and the result of the inspection. The review considers that the level of detail required under section 808A for annual reports is sufficient to ensure adequate Parliament oversight of the use of police powers for device inspections.

Given the expansion of police powers relating to surveillance device warrants and controlled operations, and the concerns noted above, similar oversight is recommended. The PPRA already requires these powers to be annually reported on to Parliament in a general sense, under section 269 for controlled operations, and section 358 for surveillance device warrants. The review proposes that there should be a similar requirement for annual reporting for device inspections provided under section 808A of the PPRA, where the level of detail provided distinguishes when and where those powers are used, for offences under the CPOROPO Act.

Recommendation 12: *That the use of surveillance device warrants and controlled operations in relation to offences under the* Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004 *be subject to annual reports to Parliament, similar in detail to the device inspection reports required under section 808A of the* Police Powers and Responsibilities Act 2000*.*

Improve the safeguards for child offenders

There are different models in use across Australia in how corresponding Acts determine who is a child reportable offender. Queensland's model is a mandatory registration model. In this type of model, child offenders who meet the definition of a reportable offender under the Act, and don't fall within any of the exceptions to that definition, are subject to reporting obligations. This type of model is also used in Western Australia, New South Wales, Tasmania, and the Australian Capital Territory.

Victoria, South Australia, and Northern Territory all use a "discretionary" model for child reportable offenders. In this model, child offenders are generally excluded from the definition of reportable offender, but the court has discretion to make an order that brings a child offender within the application of the scheme (SA[134], NT[135], VIC[136]). In New Zealand[137], and several U.S. states[138], child offenders are not recognised under the scheme, nor are they subject to reporting obligations.

The review has identified concerns about the suitability of the mandatory model as it applies generally to reportable offenders (see page 43). In the case of child reportable offenders, there are different considerations, as the child population is more likely to age out of offending;[139] are not fully psychologically developed;[140] have complex needs;[141] and are more amenable to rehabilitation.[142] The Human Rights Watch has also described some of the concerns that exist for young offenders in registration schemes, which include: poor mental health, limited employment outcomes, impacts to education, social isolation and stigma.[143]

The review received submissions that advocated for increasing a court's discretion for child offenders. In their submission, Legal Aid Queensland stated:

> the current automatic [or mandatory] application of the Act does not allow for each child's circumstances to be considered as well as the Youth Justice Principles of reintegration and rehabilitation.

Submissions to PPRA Amendment Bill and CPOROPO Amendment Bill addressed issues facing reportable offenders who are children and recognised the significant impact that the Act has on reportable offenders, and that these would be greater for children. Specific consideration should be made for offenders experiencing disadvantage or of First Nations heritage.[144] In particular, the submissions called for provisions that allowed children who would be reportable offenders to be considered differently to adult reportable offenders.

Recommendation 13 complements Recommendation 1.

Recommendation 13: *That Queensland discontinue the mandatory model for child reportable offenders, in favour of a discretionary model.*

Improve support for reportable offenders with more intensive communication needs

For this scheme to function, reportable offenders need to understand their obligations for them to comply with them. Police told the review that the following three responses are common for reportable offenders with intensive communication needs:

- over-report, which is reporting more than what is required, or more often than required;
- misreport, such as telling their probation and parole officer, and assuming that "the government knows" about the change; or
- under-report, which is failing to retain the knowledge that they are required to report the information to police.

There are three opportunities for improvement to assist the scheme to achieve its intent, while supporting reportable offenders with intensive communication needs. They are: improving reportable offenders' understanding of their reporting obligations, improving the definitions in the Act that relate to disability, and improving access to professional support.

Improve reportable offenders' understanding of NOROs

The QPS is required to give reportable offenders a notice of reporting obligations. This communication is progressively more important the higher or more complex the communication needs the reportable offender has. Most police officers interviewed take this very seriously, and take steps to try to help the reportable offenders with their understanding. However, the needs of some reportable offenders present a significant challenge for police. This challenge is also experienced in other jurisdictions. [145] A range of police officers across Regions and from within Headquarters commented on strategies for addressing this. Some are:

- Creating an audio-visual recording of the reporting obligations that is easy to understand, and creates standardisation in the information, and how it is delivered.
- Creating an audio-visual recording, delivered by a local First Nations elder.[146]
- Paying for a translator so that a reportable offender's reporting obligations are explained in the language in which they are proficient.
- Liaising with the reportable offender's social worker to ensure that they can assist in helping the reportable offender to understand their reporting obligations.
- Conducting prison visits to speak to those in sex offender programs, and educate future reportable offenders about expectations and obligations before they are released.

Different ideas emerged from different Regions, which seemed to relate to the socio-demographic features of the specific Region. The review suggests to the QPS that Regions be encouraged to trial different "value add" approaches and discuss these approaches and thoughts at the CPOR annual conference. [147]

Recommendation 14: *That the Queensland Police Service continue its efforts in developing and trialling initiatives to make reporting obligations easier to understand.*

Responsiveness of the scheme to reportable offenders with disability or other needs

The Act provides for reasonable adjustments to the scheme's process where a person's characteristics are relevant to that engagement. This includes characteristics such as a person's age, sex, or cultural background, and often relates to a person with an impairment. Specifically, the Act

provides for how persons engage with the scheme when they have a physical and/or functional impairment which has the consequence of restricting their capacity to do tasks.

The review received submissions raising concerns about how reportable offenders with disabilities were able to engage with the scheme. Submissions proposed that less severe penalties for reportable offenders be available to police officers dealing with unintentional non-compliance with reporting obligations. However, for the following reasons, the review considers the scheme is currently operating appropriately in this regard:

- the frequency at which police officers are using adult cautions (see page 36);
- interviews with CPOR police officers demonstrated there is appropriate sensitivity to unintentional non-compliance by offenders with disabilities or high needs; and
- the Act currently requires a court to have regard to whether an offender has a disability that affects their ability to understand or comply with their reporting obligations (s. 50(3)).

Police interviewed for this review confirmed that reportable offenders with a disability – or are otherwise unable to retain information in order to comply with their obligations – is a sizeable population. Some interviewees estimated that between 25% and 50% of their reportable offender population are in this group.

This review identified room for improvement with the way the Act defines persons with a disability. The following table sets out the different circumstances in which the Act provides for persons with a disability (see Table 7).

This multitude of definitions and thresholds may:

- reduce the Act's clarity regarding who the safeguards, exceptions, or protections are offered to, in what circumstances, and so may reduce the intended protective impact of those provisions; and
- make police decision-making more complex and time consuming.

In terms of the use of these sections, the review heard that there have been very few applications for suspension of reporting obligations (see the data presented on page 43).

Police told the review that those with successful applications under sections 67C or 67D are those who are in secure facilities (aged care, mental health) and those who experience serious illnesses that result in nil or near-nil risk to children (e.g. dementia, motor neurone disease). The decisions made thus far appear to interpret the meaning of sections 67C and 67D strictly, which may not have been the intention.

With reference to the *Queensland Disability Plan 2022-2027*, the above indicates that there is currently room to improve in line with policy priority 6: "The criminal justice system responds effectively to the complex needs and vulnerabilities of people with disability" (p. 18).

Recommendation 15: *That the Act's provisions that relate to reportable offenders' ability to understand or retain an understanding of their obligations be reviewed, to ensure that they are:*

- *appropriate in their intent and threshold;*
- *suitably consistent throughout the Act; and*
- *align with the priorities in the Queensland Disability Plan.*

Table 7. Provisions in the Act for reportable offenders with disabilities or impairment.

Section	Current terminology
Whether the reportable offender has capacity to understand or meet reporting obligations	
Prescribes how reportable offenders must make reports (s. 26)	• "disability that makes it impracticable for the offender to make a report"
Provides for when a reportable offender may have support to make reports (s. 27)	• "special needs, of a person, means the person's needs by taking into account – any disability the person has"
When a person may have a reasonable excuse for not complying with their reportable offender obligations (s. 50)	• "whether the offender has a disability that affects the offender's ability to understand, or to comply with, the obligations"
When a person may have a reasonable excuse for not complying with their Offender Prohibition Order obligations (s. 77E)	• "a disability that affected the respondent's ability to understand, or to comply with, the Offender Prohibition Order or registered corresponding order"
Whether the reportable offender has an impairment	
Types of reportable offenders that may have their obligations suspended (s. 67A)	• a reportable offender who, "has a cognitive or physical impairment" or "has a mental illness"
Whether the impairment is relevant to a person's risk to children	
The Commissioner of the QPS may suspend reporting obligations on own initiative (s. 67C)	• "the offender has a cognitive or physical impairment – the impairment is a significant impairment" • "the offender has a mental illness – the illness is a significant mental illness"
A reportable offender may apply to the Commissioner of the QPS to have reporting obligations suspended (s. 67D)	• "the offender has a cognitive or physical impairment – the impairment is a significant impairment" • "the offender has a mental illness – the illness is a significant mental illness"
Whether the impairment restricts capacity to give informed consent	
A court may make an Offender Prohibition Order with the reportable offender's consent (s. 13P)	• "intellectual disability or cognitive impairment" • "significant mental illness that requires ongoing treatment by a psychiatrist"

Access to professional support for reportable offenders

Police interviewed for the review expressed frustration that some reportable offenders express that they need, or are amenable to receiving, professional psychological support, but reportable offenders cannot access that support. Police told the review team that:

- referrals are left unanswered;
- reportable offenders are turned away from services due to their status;

- the only available services for sex offenders are in-custody programs;
- there is a lack of skilled psychosocial practitioners for sex offender groups; and
- bulk billed practices are limited and reportable offenders with complex needs have difficulty paying for services outright.

These views have been observed in other literature on the matter and by other states.[148] Only a small number of professionals that work in offender services have the training, skills and experience to work with reportable offenders.[149] Of this limited number, there are even fewer professionals that are qualified and experienced to work with different subsets of reportable offenders such as CEM offenders[150] and youth offenders.[151] Even with adequate availability, it can be practically difficult for reportable offenders to access these services due to living in remote areas.[152] Limited positions in programs[153] and limited resources such as available accommodation,[154] are also barriers to accessing professional services and successfully reintegrating into the community.

Recommendation 16: *That the Queensland Government actively consider how it could better assist reportable offenders who are seeking psychological support.*

Improve the clarity about risk and response within the scheme

Many police officers interviewed for the review describe the Act as confusing. "... I read it and I go, 'what does that mean?'", and "It's hard enough for me to work it out". Some clarity issues were also identified in submissions, and in the review's legal analysis.

In this final section of the chapter, the review makes seven recommendations that seek to improve clarity in the scheme, within three categories: in the Act; in the police framework for offender management; and in police awareness.

Improve clarity in the Act

References to risk to children are used throughout the Act, not only as a purpose or intent of the Act, but also as a factor to be considered in making a police or court decision. Within the different thresholds of risk that the Act contains, there are two references to the degree of risk: an unacceptable risk, which applies to the court making an Offender Prohibition Order[155], and a risk, which applies to the police officers applying for an Offender Prohibition Order,[156] a threshold that applies before certain powers can be exercised or an order made,[157] and a threshold that applies to a court deciding whether to suspend a reportable offender's life-long reporting obligations.[158]

The review received submissions on the issue of risk and unacceptable risk. The submissions generally proposed that a consistent and higher risk threshold ("unacceptable risk") be adopted throughout the Act. Critically, the Act itself speaks to this issue. Section 3(1) of the Act states in "Parliament recognises that **any risk** to the lives or sexual safety of 1 or more children, or of children generally, **is unacceptable**" (emphasis added). This informs how the term "risk" should be understood throughout the Act and negates the need for it to be further described as "unacceptable" as it is in section 13.

The review considers the Act should be reviewed with a view to ensuring consistency of its treatment of "risk". This will improve clarity in the Act's operation and application.

Recommendation 17: *That the Act's references to risk be treated consistently throughout the Act for ease of interpretation.*

Improve clarity in the offender management framework

Improve the information available about risk decisions

Police officers interviewed for the review advised that, in their estimation of a reportable offender's risk, they rely heavily on voluntary disclosures from the reportable offender. This can mean that, sometimes, the QPS miss important information about a reportable offender's offending triggers or vulnerabilities. The examples provided included psychiatric reports, history of psychosis, history of suicide attempts or suicidal ideation, and whether regular medication reduces an offender's level of risk.[159] This information will enable the QPS to better understand the offender's particular risk factors, and therefore more effectively assess risk and efficiently administer the scheme.

However, while the review recognises the argument for the QPS having access to this information, this must be balanced against other considerations (e.g. privacy).

Recommendation 18: *That the Queensland Government consider the appropriateness of the Queensland Police Service having access to reportable offenders' psychological and psychiatric assessments.*

Revise the offender management framework

There appears to be a consistent and detailed understanding within QPS CPOR about how the QPS reactively and proactively monitor reportable offenders. However, there is no current document that details this approach. A document provided to the review, the 2018 *Offender Management Framework* (OMF),[160] that was described as a "legacy document" by Headquarters, is nevertheless used as a current reference guide for CPOR in the Regions. The review observed that some elements of current practice are based on the OMF, such as setting the annual target for proactive home visits based on the reportable offender's RM2000 risk rating. It is clear that some elements of the 2018 OMF document remain in use.

The QPS acknowledged that the OMF requires revision. The review team agrees, and provides some issues raised in this review to assist the QPS in creating a revised OMF:

- The target number of home visits per reportable offender per year should be either (1) uncoupled from the RM2000 risk rating at intake, or (2) built upon to make a more sophisticated approach. That is, police officers consistently stated that some reportable offenders rated as very high risk of sexual reoffending by the RM2000 do not justify their higher frequency of visits, while some reportable offenders rated as low risk of sexual reoffending are of notable concern to police officers.
- Consider appropriate ways to use the results from THReT in guiding police decision making.
- Identifying risk uncertainty should be considered. For instance, where a risk assessment tool is not validated for a particular offender's demographic (e.g. young person, woman) or criminogenic features (e.g. CEM offending), CPOR in the Regions should be aware that there is uncertainty, so that they are aware that they should put additional weight on their unstructured professional judgement when making decisions about that offender's risk.
- List other activities that are current business-as-usual targets. For instance, the deployment targets for the Headquarters-based teams (High Risk Offender Team, FBSU), and current device inspection targets.
- Describe the existence of, and how to use and seek support for, Offender Reporting Orders and Offender Prohibition Orders.

The review uses the terms "target" and "guide" intentionally, and does not recommend that these are targets embedded in policy.

Recommendation 19: *That the Queensland Police Service revise the Offender Management Framework.*

Improve police awareness through training and policy

Improve the consistency of awareness about CEM offender risk

In interviews, police officers have one of two perspectives about reportable offenders who are CEM[161] offenders:

- CEM offenders have a clearly identified sexual orientation to children, and so present a risk to children. They can offend with relative ease because their offending is facilitated by technology.
- CEM offenders are socially inept and do not pose much risk as they are behind a computer, rather than out in society.

CEM offending covers a wide variety of offending subtypes which have unique risk-factors, offending behaviours, and offending patterns. Commonly, CEM offending has been conceptualised as mixed offending[162] or non-contact offending[163]. These definitions are outdated and too broad.[164] Emerging literature describes CEM offender groups including: possessors or consumers of CEM,[165] producers of CEM,[166] distributors of CEM, offenders who solicit or groom children for CEM[167] and self-producers.[168] Offenders may exhibit a number of CEM offences; they may produce, possess and distribute CEM or, possess, distribute or produce.[169] CEM offenders are not a homogenous group, they exhibit differing tactics, motivations and offending histories.

There is significant risk that police officers who manage reportable offenders may reduce "CEM offenders" to one category, and a significant risk if police officers believe that all CEM offenders are "lesser" or "not as harmful" as people convicted of real-time, direct contact offences. A victim's awareness that CEM exists depicting their abuse has shown to exacerbate negative experiences of shame, humiliation, despair and is associated with dissociative disorders and suicidal ideation.[170] Victims are revictimized by the knowledge that CEM of their abuse may be being viewed. Researchers have also found victims fear the perception that they were willing participants or that they will be recognised.[171] Even if this is a small cohort of police officers – the review recommends the QPS take action to enhance police knowledge about the diversity and harms of CEM offending.

Recommendation 20: *That the Queensland Police Service improve consistency of awareness among Child Protection Offender Registry members on the variability in the risk posed by people convicted of child exploitation material offences.*

Improve the clarity of information CPOR officers are permitted to share

In interviews with police officers, there was variability in their understanding of what information they can share with members of the public. The routine circumstance the review team heard was where the QPS has learned that a reportable offender has, or will imminently, reside with a single parent with a child (or children), and the child fits the victim profile of the reportable offender's offending history (e.g. the gender and age of the child, or that the child has a disability). However, the review observes three positions that police officers take in this situation:

- Share the information, noting that they would rather overshare than under share, to ensure that a child was protected.
- Share the information, but do so with great caution, including "speaking in riddles" with the member of the public.
- Err on the side of caution and don't share the information.

Regardless of which position, these three positions conveyed the notion that police officers are not confident in their knowledge of what they are permitted to share. This likely stems from:

- The Commissioner's Guidelines issued under section 69(2) of the Act do not provide sufficient or specific guidance, particularly in the circumstance where the police need to share information with a community member for the protection of a child. They are outdated (referring to Acts that

no longer exist), refer the reader to other Acts, and close with details of the offence for disclosing personal information improperly (s. 70) but do not mention protections from liability (s. 74J, 75).

- The QPS's Operational Procedures Manual (OPM) does not provide sufficient guidance to balance the shortcomings of the Commissioner's Guidelines.

A comparison can be made with similar guidelines on child protection such as the UK's *Information sharing: advice for practitioners providing safeguarding services to children, young people, parents and carers* and the Queensland *Information sharing guidelines: to meet the protection and care needs and promote the wellbeing of children*.[172] Both documents explain the value of information sharing and detail when, how and with whom information can be shared. The Queensland document also contains examples of when to share information in a child safety context,[173] and explains the requirements of the relevant legislative provisions,[174] as well as guidance on sharing with specific entities.[175]

The review also observes that the CMC recommended an update of the Commissioner's Guidelines in its 2014 report, *Review of the Child Protection (Offender Prohibition Order) Act 2008*,[176] which has not been implemented. The age of the Commissioner's Guidelines also indicates that any new guideline will need to consider and have regard to the *Human Rights Act 2019* (Qld).

Recommendation 21: *That the Commissioner of the Queensland Police Service consider preparing a new guideline document, pursuant to section 69(2) of the Act.*

Review Offender Prohibition Order requirements and application

In interviews, police officers told the review team that Offender Prohibition Orders are very difficult to obtain, are only suitable in limited circumstances, and even then, may not be worth the amount of effort required to have them made. However, as described earlier (see page 45), many police officers interviewed for the review confused Offender Prohibition Orders with Offender Reporting Orders (both of which have low volumes), and vice versa.

Police who were familiar with Offender Prohibition Orders described them as being relevant for:

- offenders who are fixated on a particular person; and
- offenders whose offending is closely linked to a particular public place (e.g. public pool, school, shopping centre).

While Offender Prohibition Orders were described to the review team as a niche tool, the following perceptions may be reducing the attractiveness of Offender Prohibition Orders as an option:

- that the application is cumbersome, and that it must go through QPS Legal;
- that Magistrates will not make the order anyway;
- that the order needs to be policed, which carries a resourcing requirement; and
- The (mistaken) belief that the concerning conduct must closely align, or have a "nexus" with, previous offending.[177]

The review notes that police officers have poor awareness of Offender Prohibition Orders, do not have a good understanding of what is required to apply for Offender Prohibition Orders, and the process is perceived to be unwieldy for minimal return. It appears that there is some circularity in these issues: if Offender Prohibition Orders are believed to be of little value and difficult to obtain, this lowers the likelihood that they will be sought, which means that these opinions have limited opportunity to be challenged. The reticence to use Offender Prohibition Orders perpetuates the poor knowledge about them.

Recommendation 22: *That the Queensland Police Service:*

- *develop training for Child Protection Offender Registry members on the current legal framework for Offender Prohibition Order applications and the required considerations; and*
- *review the internal process for making an application for an Offender Prohibition Order, with a view to updating or developing policy, procedures, and forms.*

Other matters relating to clarity

The review identified that understanding was poor or unclear on several other matters. Upon further examination of each of these issues, these are most suitably addressed as a group, as they are all matters that can be clarified in policy. Recommendation 23 relates to the following five matters (although the QPS may identify other opportunities for reviewing the OPM from previous recommendations):

- With reference to the purpose of the Act "to reduce the likelihood that the offender will re-offend" (s. 3(1A)(i), it is made clear whether the Act seeks to prevent only offending against children, or any offending.
- The obligations that relate to reportable offenders who are protectees of Queensland's witness protection program are made clear (in particular, ss. 62 to 67, and s. 72).
- The meaning of the reporting obligations for "motor vehicle", "social media", and the dates relating to "travel" are made clear.
- The use of QPRIME flags for past reportable offenders is determined and communicated in the OPM.
- The circumstances where a police officer may, or may not, use the term "reportable offender" are made clear.

Recommendation 23: *That the Child Protection Offender Registry:*

- *work closely with the Queensland Police Service Legal unit to understand the purpose, intent, and application of the Act; and*
- *update sections of the Operational Procedures Manual that relate to Child Protection Offender Registry duties, to help police to administer the Act with greater certainty.*

Appendix 1: Timeframes for reporting requirements

Reporting requirement	Timeframe to report
Initial report[178]	If the reportable offender has received a NORO, within 7 days of receipt. If a NORO is not given, the timeframe to report varies depending on the type of reportable offender. Generally, reporting is required within 7 days of a relevant event. For example, for an offender sentenced for a reportable offence in Queensland, within 7 days of being sentenced, or if in detention, within 7 days of release from custody, whichever is the latest. An exception to this is where a reportable offender is a post-DPSOA reportable offender. In this case, the reportable offender must report within 24 hours of becoming a post-DPSOA reportable offender.
Periodic reports[179]	Every February, May, August, and November. A reportable offender can be required to report more frequently than every quarter if this "is necessary to protect the lives or sexual safety of children".[180]
Following a change of personal details[181]	Generally within 7 days of the change occurring, but for some changes the timeframe is within 24 hours, e.g. if the change relates to contact with a child or, for a post-DPSOA reportable offender, if the change relates to where they reside. If the change occurs when the reportable offender is outside Queensland, within 48 hours of the reportable offender entering and remaining in Queensland for 48 hours.
Notifying an intended absence from Queensland[182]	At least 7 days before leaving Queensland, but if this is impracticable, within 24 hours. A reportable offender who intends to travel elsewhere in Australia for at least 48 hours, or internationally,[183] must also report their travel plans, including details about locations, dates, accommodation, and any child they intend to travel with or have reportable contact with.[184]
Returning to Queensland after an absence[185]	Within 48 hours of entering and remaining in Queensland for 48 hours.

Appendix 2: Unit record datasets used in this report

The review requested unit record data on individuals who were reportable offenders at any point in time during the five-year study period from several agencies in the criminal justice system – these include QPS, QCS, and Qld Courts. It was not possible to keep this sample criteria consistent across sources because of limitations in the extractability of this data. The review used the following unit record datasets on reportable offenders to compile certain sections of this report, which had the following sample criteria and information:

- 3,971 reportable offenders on QPS CPOR records as of 31 October 2022. This dataset contained single person identifiers and registration statuses. It was used to query data from QPRIME, which is the next dataset.
- 3,043 out of 3,971 reportable offenders on QPS CPOR records as of 31 October 2022, who had at least one cleared offence recorded on QPRIME in the five-year study period. This dataset contained information extracted from QPRIME, which included sociodemographic variables and criminal offending during this period.
- 7,084 individuals extracted from the NCOS database, who were a reportable offender at any point in time during the five-year study period and had a Queensland address recorded in this database. The dataset contained information about risk assessment and registration start and end dates.
- 2,967 individuals with reportable offender flags extracted from the QCS IOMS database, who had at least one correctional episode during the five-year study period. This dataset contained information about custodial and community-based correction episodes in this period.
- 2,931 court cases that heard at least one charge for an offence under the Act during the five-year study period. This data was extracted by the Courts Performance and Reporting Unit using the statute and section reference of the charge. The unit does not attach a “reportable offender flag” to any records.

Appendix 3: Challenges in building a dataset on outcome measures

Measuring the extent to which a program is effective first requires an understanding of the target population during the observation period. The review was unable to obtain valid data on individuals who were reportable offenders under the Act throughout the five-year study period, including the circumstances surrounding their placement on the Child Protection Register – such as the originating reportable offence and the proportion who were subject to five-year, ten-year and lifetime reporting periods. This data was available across several systems, but because of low integration the review team could not produce any linked datasets that were suitable for statistical analysis.

As outlined in Chapter 2, QPS CPOR uses several information systems to record information about reportable offenders and their management – these include NCOS, QPRIME, IMAC, and various spreadsheets on CPOR servers. The review encountered the following challenges in requesting data on individuals who were reportable offenders in the observation period:

- QPS CPOR initially provided the research team with a list of 3,971 individuals who were reportable offenders on record at a point-in-time, 31 October 2022. A sample of individuals with the criteria the CCC requested, which was reportable offenders at any point in time across the five-year study period, was not provided by QPS CPOR at this time because of barriers to extracting this type of data from their data holdings.
- A total of 5,041 individuals in the QPRIME system had reportable offender flags as of 31 October 2022, which conflicted with the list of 3,971 reportable offenders that CPOR had on record at this date. Forty of the offenders in the QPS CPOR list did not have reportable offender flags attached to their QPRIME records and QPS CPOR reported to the review that these identified discrepancies have been rectified. QPRIME is the main database that captures and records police information about criminal offences, which includes offenders and other persons of interest. Reportable offenders are tracked in the QPRIME system using a “reportable offender flag” that is attached to persons’ record. The flag instructs frontline police officers to send an intelligence report to CPOR following contact with a reportable offender, which includes whether that offender was with a child at the time. At the finalisation of reporting obligations under the Act, the QPS Operating Procedures Manual instructs that the flag is to be removed from that person record. It is possible that this number of flags includes past reportable offenders who have not had their flag removed at the end of their reporting periods, but this was not verified as it was beyond the scope of this review.
- QPS CPOR does not have access to the “back end” of the NCOS database, which acted as a barrier to providing the data the review team initially requested – that is, a list of individuals who were a reportable offender at any point in time during the five-year study period. As stated in Chapter 2, the NCOS database is owned and managed by ACIC and has strict access controls. QPS CPOR later facilitated a data extraction with the ACIC to obtain the requested data. The dataset that was provided to the CCC indicated there were 7,084 individuals who were reportable offenders throughout the five-year study period. However, in attempting to merge this dataset with other data sources the review team discovered that reportable offenders who had lifetime reporting obligations were missing from this extraction. QPS CPOR advised the review that lifetime reporting obligations are recorded using a workaround in the NCOS database that involves assigning an end date that is 100 years post-registration start date, which was not evident in the data extraction received. The exact number of reportable offenders who were missing from this data extraction is unknown. This was a significant limitation to the review because this was the only source of data on reporting period dates, which was critical to estimating the rate of recidivism, and risk assessment scores assigned to offenders.

Consequently, the review was unable to draw any valid conclusions about the effectiveness of this scheme using police operational data:

- Compliance was examined in Chapter 3 through the lens of offences under the Act detected by police. The review team analysed QPRIME data on offences detected during the five-year study period in a dataset of reportable offenders who were on CPOR records as of 31 October 2022. Hence, the results should be interpreted with caution as it was not possible to measure compliance against a valid denominator of all reportable offenders in that five-year period. This means, in brief terms, there was no valid "yardstick" to measure compliance with the scheme.
- The review was unable to calculate the rate of recidivism as an outcome measure of this scheme, as intended, because the review encountered limitations in addition to those described above. Although several approaches exist, time is a critical element to any measure of recidivism as it is generally understood as a sequence of criminal events across time. The review could not obtain individual-data on the following types of dates, which could have been used as indexes to measure reoffending – the dates of the "originating" reportable offence which led to placement on the Child Protection Register, the start dates of reporting periods, or the end dates of reporting periods. This means the review was unable to provide an estimate of reoffending, which is an important outcome measure of this scheme.

References

Legislation and associated material cited in this report

Anti-Discrimination Act 1991 (Qld)

Child Protection (Child Sex Offender Government Agency Registration) Act 2016 (NZ)

Child Protection (Offender Prohibition Orders) Act 2000 (NSW)

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

Child Protection (Offenders Registration) Act 2000 (NSW)

Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004 (Qld)

Child Protection (Offender Reporting and Registration) Act 2004 (NT)

Child Sex Offenders Registration Act 2006 (SA)

Community Protection (Offender Reporting) Act 2004 (WA)

Community Protection (Offender Reporting) Act 2005 (Tas)

Crimes (Child Sex Offenders) Act 2005 (ACT)

Dangerous Prisoners (Sexual Offenders) Act 2003 (Qld)

Disability Discrimination Act 1992 (Cth)

Explanatory Notes, Child Protection (Offender Reporting and Offender Prohibition Order) and Other Legislation Amendment Bill 2022 (Qld)

Explanatory Notes, Police Powers and Responsibilities and Other Legislation Amendment Bill 2022 (Qld)

Human Rights Act 2019 (Qld)

Legislative Standards Act 1992 (Qld)

Police Powers and Responsibilities Act 2000 (Qld)

Police Powers and Responsibilities and Other Legislation Amendment Act No. 1 2023 (Qld)

Sex Offenders Registration Act 2004 (Vic)

Witness Protection Act 2000 (Qld)

Working with Children (Risk Management and Screening) Act 2000 (Qld)

Youth Justice Act 1992 (Qld)

Policies

Child Protection Offender Registry 2018, *Offender management framework*, Queensland Police Service, Brisbane.

Family Court of Western Australia, Department of Justice, Department of Communities & Legal Aid Western Australia 2022, *Memorandum of understanding to support the sharing of information between: Family Court of Western Australia, Department of Justice, Department of Communities, Legal Aid Western Australia*, Family Court of Western Australia, Perth, <https://www.familycourt.wa.gov.au/_files/Information_Notes_Practice_Directions/MOU_and_Practice_Guidelines_January_2022.pdf>.

Queensland Police Service 2005, *Commissioner's Guidelines*.

—— 2021, *Use of Social Media Policy*, no. 1.2, QPS, Brisbane, <https://www.qpsdfvinquiry.qld.gov.au/public-hearings/assets/exhibits/august/katarina-carroll-annexure-i.pdf>.

—— 2023, *Operational procedures manual: chapter 7 - child harm*, QPS, Brisbane, <https://www.police.qld.gov.au/sites/default/files/2023-02/OPM-ch.7-Child-Harm_0.pdf>.

Endnotes

[1] Section 74C of the Act, which reads:

(1) The Crime and Corruption Commission must—

(a) review the operation of this Act; and

(b) prepare a report on the review.

(2) The conduct of the review, and the preparation of the report, is a function of the Crime and Corruption Commission for the *Crime and Corruption Act 2001*.

(3) The review must be started as soon as practicable after five years after the commencement.

(4) The Crime and Corruption Commission must give a copy of the report to the Speaker for tabling in the Legislative Assembly.

[2] Crime and Corruption Commission 2022, *Protecting the lives of children and their sexual safety: review of the Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004*, CCC, Brisbane, <https://www.ccc.qld.gov.au/publications/protecting-lives-children-and-their-sexual-safety-review-child-protection-offender>.

[3] This rapid scoping review was guided by the framework by Arskey, H & O'Malley, L 2005, "Scoping studies: towards a methodological framework", *International Journal of Social Research Methodology*, vol. 8, no. 1, pp. 19-32, <https://doi.org/10.1080/1364557032000119616> and Levac, D, Colquhoun, H & O'Brien, KK 2010, "Scoping studies: advancing the methodology", *Implementation Science*, vol. 5, no. 69, <https://doi.org/10.1186/1748-5908-5-69>.

[4] Studies from peer-reviewed journal articles were included if they: 1) were published between January 2012 and August 2022; 2) focused on the Australian, New Zealand, European, Canadian, United Kingdom or United States context; 3) were in the English language; 4) focused on child sexual offending; and 5) provided knowledge on the onset, persistence, desistence or versatility in child sexual offending; and 6) provided knowledge on management strategies for child sexual offenders. There were 113 documents that met these inclusion criteria.

[5] Types of management approach identified were: rehabilitative (treatment, diversion and restorative justice), and criminal justice responses (legislation, incarceration and registration/reporting obligations). This review also identified tools which assist in managing child sex offenders including risk assessment tools, psychometric assessment tools and electronic tools. These studies also investigated child sex offender groups including: intrafamilial offenders, extrafamilial offenders, incest offenders, adult offenders, juvenile offenders, contact offenders, mixed offenders and non-contact offenders.

[6] This is the strength of QPS staff with key responsibility for administering the Act, based on the number of positions. However, not all of these positions are filled at a given point in time. The number of positions is provided in Chapter 2.

[7] Australian Criminal Intelligence Commission 2021, *Protection Services*, Australian Criminal Intelligence Commission, Commonwealth, <https://www.acic.gov.au/protection-services>.

[8] Reportable offenders can change jurisdiction depending on their last recorded residence.

[9] While not included in this list, CPOR Intelligence also reported additional systems specific to their role with regard to reportable offenders, listing the Intelligence Tasking Analysis System, Local Computer Aided Dispatch, and the Australian Criminal Intelligence Database.

[10] There is a third team within CPOR at Headquarters, the Serious Offender Team. Its focus is on offenders who are subject to the *Dangerous Prisoners (Sexual Offenders) Act 2003* (Qld), so are not part of the administering the scheme.

[11] Explanatory Notes, *Child Protection (Offender Reporting and Offender Prohibition Order) and Other Legislation Amendment Bill 2022* (Qld), p. 21.

[12] Defined in section 5 of the Act.

[13] Some prescribed offences do not have an identified victim (e.g. possessing or distributing child exploitation material, ss. 228C and 228D of the *Criminal Code Act 1899* (Qld)).

[14] This element exists because some offences in Schedule 1 may be committed against an adult or child victim.

[15] Section 13 of the Act. Offender Reporting Orders can also be made against a person who is alleged to have committed an offence but who was not convicted because of a court finding about their state of mind, provided they are subject to a forensic order made under the *Mental Health Act 2016* (Qld).

[16] Defined in section 7A of the Act.

[17] The authority for this comes from section 55 of the Act.

[18] Bonta, J & Andrews, DA 2007, "Risk-need-responsivity model for offender assessment and rehabilitation", *Rehabilitation*, vol. 6, no. 1, pp. 1-22, <https://www.securitepublique.gc.ca/cnt/rsrcs/pblctns/rsk-nd-rspnsvty/rsk-nd-rspnsvty-eng.pdf>.

[19] Thornton, D 2007, *Scoring guide for risk matrix 2000.9/SVC*, University of Birmingham, Birmingham, UK, <https://www.birmingham.ac.uk/documents/college-les/psych/rm2000scoringinstructions.pdf>.

[20] Section 54(2).

[21] Division 1 of Act.

[22] Sections 14 and 26(1)(a) of the Act.

[23] Defined in section 9A of the Act.

[24] See sections 36-39 of the Act.

[25] In calculating how many new offences a reportable offender has been found guilty of, the Act says that two or more offences that arise from the same incident and that were all committed within a 24 hour period against the same victim are to be treated as a single offence: sections 36(4) and 11(1).

[26] Section 38A of the Act.

[27] Section 37 of the Act. See also the definition of "child" in schedule 1 of the *Acts Interpretation Act 1954* (Qld).

[28] Section 35 of the Act.

[29] Some other circumstances apply, as per section 34 of the Act.

[30] Section 4 of the Act.

[31] A device inspection is when a police officer inspects the digital device(s), e.g. a mobile phone, computer, in the possession of a reportable offender. Device inspections may be carried out routinely for certain categories of reportable offenders, or if a police officer suspects, on reasonable grounds, that a reportable offender has committed an indictable offence against the Act for all offenders.

[32] When police become aware that a reportable offender is engaging in this type of conduct, they can apply for an Offender Prohibition Order.

[33] Section 21A(1) of the PPRA.

[34] Section 31 of the Act.

[35] Section 21B(1)(a) of the PPRA.

[36] Section 51B of the Act. As soon as reasonably practicable after exercising this power, the officer must apply for a post-search approval order: see section 51B(6) of the Act and section 161 of the PPRA.

[37] Sections 21B(1)(b), (2) and (5) of the PPRA. An example of a prescribed internet offence is the offence under section 218A of the *Criminal Code Act 1899* (Qld) of using the internet to procure a child under 16.

[38] Section 74D of the Act.

[39] Section 74E of the Act.

[40] Section 74I of the Act.

[41] Sections 13A and 13I of the Act.

[42] The Act refers to this conduct as "concerning conduct": see the definition in section 13A(3).

[43] Section 13C of the Act. Prior to 2018, an application could only be brought if an offender had engaged in conduct that posed a risk to the lives or sexual safety of children. Similarly, a court could only make an Offender Prohibition Order if it was satisfied the offender posed an unacceptable risk to the lives or sexual safety of children and the Offender Prohibition Order would reduce that risk. The criteria for bringing an application and for making an Offender Prohibition Order was deliberately broadened by amendments included in the *Police Powers and Responsibilities and Other Legislation Amendment Act 2018* (Qld).

Where an application for a temporary order is unsuccessful, or a hearing for a final order is adjourned and no temporary order is made, a court must consider making a disqualification order (s. 13T). A disqualification order prohibits the offender, for the duration of the order, from holding or applying for a notice issued under the *Working with Children (Risk Management and Screening) Act 2000* (Qld) that authorises them to work with children.

44 Sections 13F and 13FA of the Act.

45 Section 13Y of the Act.

46 Section 13ZB of the Act.

47 Section 50(1) of the Act.

48 Section 51(1) of the Act.

49 Section 51A(1) of the Act.

50 Section 51B(3) of the Act.

51 The SHARP is a dynamic risk assessment tool used to predict recidivism among sex offenders (Masters, KB & Kebbell, MR 2022, "Police officers' perceptions of a dynamic sex offender risk assessment tool (the 'SHARP') and registered sex offenders", *Psychiatry, Psychology and Law*, <https://doi.org/10.1080/13218719.2022.2035841>).

52 Section 7 of the Act.

53 Section 73 of the Act.

54 Section 74 of the Act.

55 Section 67H of the Act.

56 Section 67G and Schedule 4 of the Act. There are three types of decisions this relates to: a decision to increase the frequency with which a reportable offender must report; a decision refusing a reportable offender's application for their reporting obligations to be suspended; and a decision to revoke a previous decision to suspend a reportable offender's reporting obligations. Suspension decisions can be made under sections 67C (QPS initiated) or 67D (on a reportable offender's application) if the reportable offender is a child reportable offender, or they have a cognitive or physical impairment, or a mental illness. A key criterion for making the suspension is that the reportable offender does not pose a risk to the lives or sexual safety of one or more children, or of children generally.

57 Section 67J of the Act.

58 Section 41 of the Act.

59 The definition of "child exploitation material" in section 207A of the *Criminal Code Act 1899* (Qld) includes images that depict a person who is, or appears to be, under 16 years of age in a sexual context. The offences of distributing child exploitation material (s. 228C) and possessing child exploitation material (s. 228D) are wide enough to include instances of "sexting".

60 Section 5(2)(c) of the Act.

61 See section 67D of the Act and note that the Commissioner of the QPS can also initiate suspending a child reportable offender's reporting obligations under section 67C.

62 Section 67J of the Act.

63 An offence under section 50 of the Act.

64 An offence under section 51A of the Act.

65 Section 67C of the Act.

66 Section 13Q of the Act.

67 Based upon dataset of 3971 reportable offenders on CPOR records as of 31 October 2022.

68 Pursuant to section 67 of the Act.

69 Based upon dataset of 3043 reportable offenders on CPOR records as of 31 October 2022, who had at least one cleared offence recorded on QPRIME in the five-year study period.

70 More specifically, 35.3 years old (SD = 12.7) at the time of any offence detected by the QPS, during the study period. Based upon dataset of 3043 reportable offenders on CPOR records as of 31 October 2022, who had at least one cleared offence recorded on QPRIME in the five-year study period. Another dataset of 7084 individuals extracted from the NCOS database, who had a Queensland address and were

reportable offenders in the five-year study period, showed the mean age of reportable offenders to be 43.2 years old (SD = 15.8) at registration start date, but this excludes lifetime reportable offenders.

71 This result is based upon aggregate data provided by QPS CPOR on 3236 reportable offenders who were "registered and in the community" as of 31 October 2022.

72 Based upon a unit record dataset of applications for offender reporting orders in the five-year study period, provided by the Courts Performance and Reporting Unit (Queensland Courts).

73 Based upon a dataset of 3971 reportable offenders on CPOR records as of 31 October 2022. A total of 3043 had at least one cleared offence recorded on QPRIME in the five-year study period, which is the 77% reported in-text.

74 The review used the same "offence count" methodology as QPS. According to this methodology, an "offence" record can have more than one "offence count".

75 Prescribed offences were obtained by manually coding the offences detected by QPS, which were provided to the CCC in the data request. The coding framework was Schedule 1 of the Act. Victim age was requested and when available, was used to code offences that were not child-specific (e.g. rape). Of the total 22839 offences detected by QPS, 2189 were coded as prescribed offences, 19939 were coded as not prescribed offences, 111 were coded as unknown due to insufficient information. Once this coding was complete, "offence count" was calculated for each offence record by applying the same counting methodology as the QPS. According to this methodology, an "offence" record can have more than one "offence count". Based upon dataset of 3043 reportable offenders on CPOR records as of 31 October 2022, who had at least one cleared offence recorded on QPRIME in the five-year study period.

76 Based upon a dataset obtained from QCS on 2967 individuals with reportable offender flags in the IOMS database who had at least one correctional episode during the five-year study period.

77 The NCOS database does not record the lengths of reporting periods that offenders are subject to under state-based legislation as distinct categories – i.e., five-year versus 10-year versus lifetime reporting periods. Instead, reporting period information is stored using registration start and end dates. The exact number of reportable offenders who were missing from this data extraction is unknown. As such, readers are reminded that caution should be exercised when interpreting the following results.

78 The review encountered additional challenges in estimating the proportion of offenders who were subject to five versus 10-year reporting periods under the Act. Durations of reporting periods were calculated using registration start and end dates and identified considerable variation in the scores.

79 Protective factors are those that reduce an offender's likelihood of reoffending. For example, stable housing, employment, support from family.

80 Offences relating to reporting requirements were operationalised as cleared 0525 and 0526 offences in the QPRIME database. The review used the same offence counting methodology as QPS in the analyses.

81 The 4595 offence counts in relation to reporting requirements were recorded within 3458 offences in the QPRIME system. An offence can have more than one offence count according to the counting methodology used by the QPS. Police responses at the offence-level were arrest (23%), notice to appear (42%), warrant (5%), adult cautions (26%), and other actions (3%). Other actions include juvenile cautions, infringements notices, and situations when the offender is known, and sufficient evidence has been obtained but there is a bar to prosecution or other official process.

82 For offences under the Act relating to reporting requirements, first-time offences were operationalised as the first cleared 0525 or 0526 offence in QPRIME in the five-year study period, for that offender. Repeat offences were operationalised as subsequent cleared 0525 or 0526 QPRIME offences for that offender in the study period. A significant relationship was detected between police action and reporting requirement offence history, χ^2 (4, N=3458) = 309.05, p<.001. Police actions in response to first-time offences (n=1565 occurrences) were arrest (13%), notice to appear (42%), warrant issued (2%), adult caution (38%), and other actions (4%). Other actions include juvenile cautions, infringements notices, and situations when the offender is known, and sufficient evidence has been obtained but there is a bar to prosecution or other official process. Police actions in response to repeat offences (n=1893 occurrences) were arrest (31%), notice to appear (42%), warrant issued (8%), adult caution (17%), and other action (2%).

83 A significant relationship was detected between police action and First Nations status amongst reporting requirement offences, χ^2 (6, N=3458) = 185.37, p<.001. Police actions in response to offences involving First Nations offenders (n=953 occurrences) were arrest (35%), notice to appear (42%), warrant issued

(8%), adult caution (14%), and other action (2%). Other actions include juvenile cautions, infringements notices, and situations when the offender is known, and sufficient evidence has been obtained but there is a bar to prosecution or other official process. Police actions in response to offences not involving First Nations offenders (n=2505 occurrences) were arrest (19%), notice to appear (42%), warrant issued (4%), adult caution (31%), and other action (3%).

84 Based on copies of Offender Prohibition Orders provided by QPS CPOR. This graph excludes two Orders that did not include sufficient information to determine the start and/or end date.

85 Failure to comply with an offender prohibition order was operationalised as cleared 0535 offences in the QPRIME database. The review used the same offence counting methodology as QPS in the analyses.

86 Offences under the Act that are outside the scope of compliance, and committed by individuals who are not reportable offenders, include disclosing protected information (s. 51C(1)), disclosing protected information to another person with intention to incite anyone to intimidate or harass (s. 51C(3)), or disclosing personal information in the Child Protection Register (s. 70(1)). No cases were detected in the five-year study period that heard a charge for any of these offences.

87 This was based upon data obtained from the Courts Performance and Reporting Unit which was queried using the statute and section reference of the charge. Hence, it was not limited to cases that matched with a known list of reportable offenders.

88 Principal sentences were categorised according to Australian Bureau of Statistics methodology with coding provided by the Courts Performance and Reporting Unit. A total of 154 (5%) of the cases received "other" principal sentences. Principal sentences that were coded as "other" were sentencing outcomes recorded as admonished and discharged; convicted, not punished; released absolutely; and no penalty imposed. Sentence length/amount is not reported if there were less than 10 records for that category or this data was not available in the Courts Performance and Reporting Unit core dataset.

89 Napier, S, Dowling, C, Morgan, A & Talbot, D 2018, "What impact do public sex offender registries have on community safety?", *Trends and Issues in Crime and Criminal Justice*, no. 550, Australian Institute of Criminology, Canberra, <https://www.aic.gov.au/publications/tandi/tandi550>.

90 Prescott, JJ & Rockoff, JE 2011 "Do sex offender registration and notification laws affect criminal behaviours?", *Journal of Law and Economics,* vol. 54, no. 4, pp. 161-206, <https://repository.law.umich.edu/cgi/viewcontent.cgi?article=1079&context=articles>, and Agan, AY & Prescott, JJ 2014, "Sex offender law and the geography of victimization", *Journal of Empirical Legal Studies*, vol. 11, no. 4, pp. 786-828, <https://doi.org/10.1086/658485>.

91 Napier, S, Dowling, C, Morgan, A & Talbot, D 2018, "What impact do public sex offender registries have on community safety?", *Trends and Issues in Crime and Criminal Justice*, no. 550, Australian Institute of Criminology, Canberra, <https://www.aic.gov.au/publications/tandi/tandi550>, p. 5.

92 Napier, S, Dowling, C, Morgan, A & Talbot, D 2018, "What impact do public sex offender registries have on community safety?", *Trends and Issues in Crime and Criminal Justice*, no. 550, Australian Institute of Criminology, Canberra, <https://www.aic.gov.au/publications/tandi/tandi550>, p. 5.

93 Prysner, R 2020, "Raised by a predator: sex offender parents and an effort to keep them out of the child's home", *Family Court Review*, vol. 58, no. 3, pp. 847-61, <https://doi.org/10.1111/fcre.12515>.

94 Letourneau, EJ, Shields, RT, Nair, R, Kahn, G, Sandler, JC & Vandiver, DM 2019, "Juvenile registration and notification policies fail to prevent first-time sexual offenses: an extension of findings to two new states", *Criminal Justice Policy Review*, vol. 30, no. 7, pp. 1109-23, <https://doi.org/10.1177/0887403418786783>.

95 Letourneau, EJ, Shields, RT, Nair, R, Kahn, G, Sandler, JC & Vandiver, DM 2019, "Juvenile registration and notification policies fail to prevent first-time sexual offenses: an extension of findings to two new states", *Criminal Justice Policy Review*, vol. 30, no. 7, pp. 1109-23, <https://doi.org/10.1177/0887403418786783>.

96 McLeod, AM 2014, "Regulating sexual harm: strangers, intimates, and social institutional reform", *California Law Review*, vol. 102, no. 6, p. 1553, <https://scholarship.law.georgetown.edu/facpub/1413/>.

97 See Bartels, L, Walvisch, J & Richards, K 2019, "More, longer, tougher… or is it finally time for a different approach to the post-sentence management of sex offenders in Australia?", *Criminal Law Journal*, vol. 43, pp. 41-57, <http://dx.doi.org/10.2139/ssrn.3394599>.

98 Women's Safety and Justice Taskforce 2022, *Hear her voice: women and girls' experiences across the criminal justice system*, Hear her voice, vol. 2, no. 1, Women's Safety and Justice Taskforce, Brisbane, <https://www.womenstaskforce.qld.gov.au/__data/assets/pdf_file/0008/723842/Hear-her-voice-Report-2-Volume-1.pdf>, pp. 328-330.

[99] Queensland Government 2021, *Queensland Government response to the report of the Queensland Women's Safety and Justice Taskforce, Hear her voice - Report One*, Queensland Government, <https://www.publications.qld.gov.au/ckan-publications-attachments-prod/resources/84bb739b-4922-4098-8d70-a5a483d2f019/qg-response-wsjtaskforce-report1.pdf?ETag=adb9f2f7ba3ce907ae98eb5b81539100>, pp. 26-27.

[100] In the last three years, the number of reportable offenders has grown by at least 100 per year. QPS CPOR advised that the usual rate of growth is between 100-150 per year.

[101] Victorian Auditor-General's Office 2019, *Managing registered sex offenders: independent assurance report to Parliament*, Victorian Auditor-General's Office, Melbourne, <https://www.audit.vic.gov.au/report/managing-registered-sex-offenders?section=>, p. 34 and 47.

[102] Law Enforcement Conduct Commission 2019, *The New South Wales child protection register: Operation Tusket final report*, Law Enforcement Conduct Commission, Sydney, <https://www.lecc.nsw.gov.au/investigations/past-investigations/2019/operation-tusket>, pp. 111-112.

[103] Similar concerns were raised by the Victoria Law Reform Commission in their "Improving the Justice System Response to Sexual Offences" report in 2021, <https://www.lawreform.vic.gov.au/publication/improving-the-justice-system-response-to-sexual-offences-report/>, pp. 283-284.

[104] While it is noted that a police practitioner's perspective and considerations are different from that of Parliament, it is relevant that these police practitioners are responsible for the daily management of their diverse cohort of (usually) hundreds of diverse reportable offenders.

[105] Section 7 of the Act.

[106] Victorian Law Reform Commission 2011, *Sex offenders registration*, Victorian Law Reform Commission, Melbourne, <https://www.parliament.vic.gov.au/papers/govpub/VPARL2010-14No100.pdf>.

[107] Victorian Law Reform Commission 2021, *Improving the Justice System Responses to Sexual Offences: Report*, Victorian Law Reform Commission, Victoria, <https://www.lawreform.vic.gov.au/publication/improving-the-justice-system-response-to-sexual-offences-report/>, p. 285.

[108] See sections 13(5) and 13(5A) for the timing of making an Offender Reporting Order.

[109] Where an offender will soon exit custody, and the QCS has communicated with the QPS on the assumption that the offender would be subject to reporting obligations based on their offence.

[110] Page 732 of Cavanagh, K, Dobash, RE & Dobash, RP 2007, "The murder of children by fathers in the context of child abuse", *Child Abuse and Neglect*, vol. 31, no. 7, pp. 731-46, <https://www.nationalcac.org/wp-content/uploads/2018/05/The-murder-of-children-by-fathers-in-the-context-of-child-abuse..pdf>.

[111] Dowling, C, Boxall, H, Pooley, K, Long, C & Christie, F 2021, "Patterns and predictors of reoffending among child sexual offenders: a rapid evidence assessment", *Trends and Issues in Crime and Criminal Justice*, Australian Institute of Criminology, Canberra, <https://www.aic.gov.au/publications/tandi/tandi632>.

[112] Goodman-Delahunty, J 2014, *Reoffence risk in intrafamilial child sexual offenders*, Australian Institute of Criminology, Canberra, <https://www.aic.gov.au/sites/default/files/2020-05/44-1011-FinalReport.pdf>, p. 31.

[113] Morgan, A 2022, *Exploring the role of opportunity in recidivist child sexual offending*, Research Report, no. 24, Australian Institute of Criminology, Canberra, <https://www.aic.gov.au/publications/rr/rr24>, pp. 11-12.

[114] See Beech, AR, Mandeville-Norden, R & Goodwill, A 2012, "Comparing recidivism rates of treatment responders/nonresponders in a sample of 413 child molesters who had completed community-based sex offender treatment in the United Kingdom", *International Journal of Offender Therapy and Comparative Criminology,* vol. 56, no. 1, p. 29, <https://doi.org/10.1177/0306624X10387811>; Gillespie, SM, Bailey, A, Squire, T, Carey, ML, Eldridge, HJ & Beech, AR 2018, "An evaluation of a community-based psycho-educational program for users of child sexual exploitation material", *Sexual Abuse*, vol. 30, no. 2, pp. 169-91, <https://doi.org/10.1177/1079063216639591>, and Butler, L, Goodman-Delahunty, J & Lulham, R 2012, "Effectiveness of pretrial community-based diversion in reducing reoffending by adult intrafamilial child sex offenders", *Criminal Justice and Behavior*, vol. 39, no. 4, p. 493, <https://doi.org/10.1177/0093854811433675>.

115 Harden, S, Phillips, M, Stathis, S, Geritz, K, Hasan, T, Spiller, M, Watt, BD & Allen, A 2014, "Responding to the challenge of problem sexual behaviour by young people in Queensland: An opinion", *Sexual Abuse in Australia and New Zealand*, vol. 6, no. 1, pp. 31-7, <https://search.informit.org/doi/abs/10.3316/INFORMIT.775793574475361>.

116 The Queensland Law Society also made a submission about this to the PPRA Amendment Bill.

117 The QPS response to the Bill can be seen in Queensland Police Service 2023, *Correspondence - Response to submissions - 16 January 2023*, Queensland Parliament, <https://documents.parliament.qld.gov.au/com/EGC-A022/PPROLAB202-591C/Police%20Powers%20and%20Responsibilities%20and%20Other%20Legislation%20Amendment%20Bill%202022%20-%20QPS%20response%20to%20public%20submissions.pdf>.

118 This recommendation is based on the theory of change, which provides that a way to improve the impact of an intervention is to identify the intended impacts, develop metrics for them, routinely monitor and report on those metrics; see Rogers, P 2014, *Theory of change*, Methodological Brief, no. 2, United Nations Children's Fund, Florence, Italy, <https://www.betterevaluation.org/sites/default/files/Theory_of_Change_ENG.pdf>.

119 Bartels, L, Walvisch, J & Richards, K 2019, "More, longer, tougher… or is it finally time for a different approach to the post-sentence management of sex offenders in Australia?", *Criminal Law Journal*, vol. 43, pp. 6-8, <https://www.researchgate.net/publication/333232770_More_Longer_Tougher_or_Is_It_Finally_Time_for_a_Different_Approach_to_the_Post-sentence_Management_of_Sex_Offenders_in_Australia>.

120 Women's Safety and Justice Taskforce 2022, *Hear her voice: women and girls' experiences across the criminal justice system*, Hear her voice, vol. 2, no. 1, Women's Safety and Justice Taskforce, Brisbane, <https://www.womenstaskforce.qld.gov.au/__data/assets/pdf_file/0008/723842/Hear-her-voice-Report-2-Volume-1.pdf>, pp. 328-330.

121 Victorian Law Reform Commission 2021*, Improving the justice system responses to sexual offences: report*, Victorian Law Reform Commission, Victoria, <https://www.lawreform.vic.gov.au/publication/improving-the-justice-system-response-to-sexual-offences-report/>.

122 See recommendation 1, 2, 14, 25, 29-36, 41, and 47-48 of Victorian Law Reform Commission 2021, *Improving the justice system responses to sexual offences: report*, Victorian Law Reform Commission, Victoria, <https://www.lawreform.vic.gov.au/publication/improving-the-justice-system-response-to-sexual-offences-report/>.

123 Van Horn, J, Eisenberg, M, Nicholls, CM, Mulder, J, Webster, S, Paskell, C, Brown, A, Stam, J, Kerr, J & Jago, N 2015, "Stop It Now! A pilot study into the limits and benefits of a free helpline preventing child sexual abuse", *Journal of Child Sexual Abuse*, vol. 24, no. 8, pp. 853-72, <https://doi.org/10.1080/10538712.2015.1088914>.

124 See Richards, K, Death, J & McCartan, K 2020, *Community-based approaches to sexual offender reintegration*, Research Report, no. 7, Australia's National Research Organisation for Women's Safety Limited, Sydney, <https://anrowsdev.wpenginepowered.com/wp-content/uploads/2020/03/RICHARDS-et-al_RR_SO-reintegration.pdf>.

125 QPS CPOR experience frustrations in using the system, and told the review that they have, and continue to, raise those challenges with the appropriate national forum – National Police Registrars Group.

126 Victorian Auditor-General's Office 2019, *Managing registered sex offenders: independent assurance report to Parliament*, pp. 54-55, <https://www.audit.vic.gov.au/report/managing-registered-sex-offenders?section=>.

127 Queensland Audit Office 2017, *Criminal justice system—reliability and integration of data*, Queensland Audit Office, Brisbane, <https://www.qao.qld.gov.au/sites/default/files/reports/integration_and_reliability_of_data.pdf>.

128 Queensland Audit Office 2022, *Keeping people safe from domestic and family violence*, Performance audit report, vol. 5, Queensland Audit Office, Brisbane, <https://www.qao.qld.gov.au/sites/default/files/2022-11/Keeping%20people%20safe%20from%20domestic%20and%20family%20violence%20%28Report%205_2022–23%29_0.pdf>, p. 13.

129 Commission of Inquiry into Queensland Police Service responses to domestic and family violence 2022, *A call for change, Commission of Inquiry into Queensland Police Service responses to domestic and family*

violence 2022, Brisbane, <https://www.qpsdfvinquiry.qld.gov.au/about/assets/commission-of-inquiry-dpsdfv-report.pdf>, p. 303.

130 See Masters, KB 2020, "Police officer insights into a sex offender registration scheme and risk assessment: assessing the validity of the SHARP risk assessment tool", Doctor of Philosophy thesis, Griffith University, Brisbane, <https://doi.org/10.25904/1912/4004>, which used a sample of 103 reportable offenders, and Crime and Corruption Commission 2014, *Review of the operation of the Child Protection (Offender Prohibition Order) Act 2008*, CCC, Brisbane, <https://www.ccc.qld.gov.au/sites/default/files/Docs/Legislative-Review/CPOPO/Review-of-the-operation-of-the-Child-Protection-%28Offender-Prohibition-Order%29-Act-2008-%20Report-2014.pdf>, which used a sample of 55 reportable offenders.

131 *Sex Offenders Registration Act 2004* (Vic).

132 Victorian Law Reform Commission 2011. *Sex offenders registration*, <https://www.parliament.vic.gov.au/papers/govpub/VPARL2010-14No100.pdf, p. xxi>.

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134 *Child Sex Offenders Registration Act 2006* (SA)

135 *Child Protection (Offender Reporting and Registration) Act 2004* (NT)

136 *Sex Offenders Registration Act 2004* (Vic).

137 Section 7(3) of the *Child Protection (Child Sex Offender Government Agency Registration) Act 2016* (NZ).

138 Pickett, M, Satifka, E, Shah, RS & Wiener, V 2020, *Labelled for life: a review of youth sex offender registration laws*, Juvenile Law Center, Philadelphia, USA, <https://jlc.org/sites/default/files/attachments/2020-09/Labeled%20for%20Life%202020.pdf>.

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142 Standing Committee on Environment and Public Affairs 2020, *Punitive not protective: when the mandatory registration of young people is not based on risk*, no. 52, Parliament of Western Australia, Perth, <https://www.parliament.wa.gov.au/Parliament/commit.nsf/(ReportsAndEvidence)/88D3E040D9A431C94825856F000EA771?opendocument>.

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145 See p. 122 and p. 206 in Law Enforcement Conduct Commission 2019, *The New South Wales child protection register: Operation Tusket supplementary report*, Law Enforcement Conduct Commission, Sydney, <https://www.lecc.nsw.gov.au/investigations/past-investigations/2019/operation-tusket>, and p.

15 and p. 16 in Legal and Social Issues Committee 2018, *Inquiry into management of child sex offender information*, Parliament of Victoria, Melbourne, <https://new.parliament.vic.gov.au/get-involved/inquiries/inquiry-into-management-of-child-sex-offender-information/reports>.

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147 In a submission to Women's Safety and Justice Taskforce 2022, *Hear her voice: women and girls' experiences across the criminal justice system*, Hear her voice, vol. 2, no. 1, Women's Safety and Justice Taskforce, Brisbane, <https://www.womenstaskforce.qld.gov.au/__data/assets/pdf_file/0008/723842/Hear-her-voice-Report-2-Volume-1.pdf>, "…the Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships suggested drafting orders in easy-read, plain English, including simple explanations and pictures to communicate the impact to respondents in a way they can grasp effortlessly", p. 251.

148 Victorian Law Reform Commission 2021, *Improving the justice system responses to sexual offences: report*, Victorian Law Reform Commission, Victoria, <https://www.lawreform.vic.gov.au/publication/improving-the-justice-system-response-to-sexual-offences-report/>.

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154 Russell, G, Seymour, F & Lambie, I 2013, "Community reintegration of sex offenders of children in New Zealand", *International Journal of Offender Therapy and Comparative Criminology*, vol. 57, no. 1, p. 66, (NLM), <https://doi.org/10.1177/0306624X11426132>.

155 Sections 13C(1), 13J(1) and 13K(2) of the Act.

156 Sections 13A(1) and (3) and 13I(1) of the Act.

157 For example, before a court makes an Offender Reporting Order under section 13; before the Commissioner of the QPS or their delegate suspends a reportable offender's reporting obligations under sections 67C or 67D; and before the Commissioner or their delegate shares information about an Offender Prohibition Order with a parent of a child protected by the order under section 74I.

158 Section 42 of the Act.

159 A similar concern was noted in the recent Queensland Family and Child Commission "Keeping children safe when they remain at home during Child Safety interventions" (2023) report. The QFCC noted issues with sharing relevant information between Child Safety, Queensland Health and QPS on potential harm (including triggers, specifically in relation to substance use) to children. The QFCC recommended revision of the Child Protection Guide to improve understanding of what information may be shared. This recommendation has been implemented.

[160] While there is a 2020 version of the OMF which was not made available to the review, and the QPS note that the observations in this section remain accurate.

[161] The term "CEM" is used as it represents the terminology in the *Criminal Code Act 1899* (Qld). Other terms for CEM include child abuse material (CAM), child sexual abuse material (CSAM), child sexual exploitation material (CSEM), child pornography (CP), and indecent image of children/child (IIOC).

[162] Mixed offenders may also be called dual offenders.

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177 When exploring the "nexus" consideration, police officers with some knowledge of Offender Prohibition Orders referred to the case *Hodges v Lucas [2016] QDC 274* (*Hodges v Lucas*). However, it is not apparent how the principles applied in Hodges v Lucas should in any way limit police ability to apply for Offender Prohibition Orders where they consider a relevant sexual offender has engaged in concerning conduct that presents a risk to one or more children.

178 Section 14 and Schedule 3 of the Act.

179 Sections 18, 19 and the definition of "reporting month" in Schedule 5 (dictionary) of the Act.

180 Section 19(2) of the Act.

181 Section 19A of the Act.

182 Section 20 of the Act.

183 Note that section 271A of the *Criminal Code Act 1995* (Cth) makes it an offence for a reportable offender to leave Australia without approval from "a competent authority".

184 Section 20 of the Act.

185 This obligation applies where the reportable offender was required to report their intended leave from Queensland. See section 22 of the Act.

Crime and Corruption Commission

QUEENSLAND

Contact details

Crime and Corruption Commission
GPO Box 3123, Brisbane QLD 4001

Level 2, North Tower Green Square
515 St Pauls Terrace,
Fortitude Valley QLD 4006

07 3360 6060 or
Toll-free 1800 061 611
(in Queensland outside Brisbane)

07 3360 6333

More information

www.ccc.qld.gov.au

mailbox@ccc.qld.gov.au

@CCC_QLD

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CCC email updates
www.ccc.qld.gov.au/subscribe