



Child Protection Offender Register

This information brochure has been provided to inform members of the community of the provisions of the *Child Protection (Offender Reporting) Act 2004*.

Background

Over recent years, police services in Australia and overseas have examined the issue of managing offenders in the community who have been convicted of committing sexual offences or other serious crimes against children. In July 2003, each Australian state and territory resolved to support the development of a National Child Protection Register accompanied by nationally consistent legislation.

The National Child Protection Register is based on the serious nature of the offences committed by these offenders, and the continuing risks posed by sexual offenders towards children. It recognises that certain offenders should continue to be monitored after their release into the community. This is not punitive in nature but is there to protect the community.

On January 1, 2005, the Child Protection Offender Register commenced in Queensland. The supporting legislation is the *Child Protection (Offender Reporting) Act 2004*.

Purpose

The Act requires particular offenders, who have been convicted of committing sexual or other serious offences against children, to keep police informed of their whereabouts and other personal details for a period of time. This is to reduce the likelihood that they will re-offend, to assist the investigation and prosecution of any future offences that they may commit, and for other related purposes.

What constitutes a reportable offence?

A reportable offence is

- a class 1 offence.
- a class 2 offence.
- an offence that results in the making of an offender reporting order.

What constitutes a class 1 or class 2 offence?

Class 1 offences include:

- Murder offences committed against children (not manslaughter).
- Rape, sodomy, incest and carnal knowledge offences committed against children.

- An offence, an element of which, is an intention to commit one of the above offences - or the attempt, conspiracy, or incitement to commit such an offence.
- Any offence of another Australian state or territory, that if done in Queensland, would constitute an offence referred to above.

Class 2 offences include:

- Indecent treatment of a child under 16.
- Prostitution offences involving a child (other than those committed by child prostitutes).
- Child pornography offences.
- An offence, an element of which, is an intention to commit one of the above offences - or the attempt, conspiracy, or incitement to commit such an offence.
- Any offence of another Australian state or territory, that if done in Queensland, would constitute an offence referred to above.

Who will be required to report to police?

The following categories of people will be required to report to police, referred to as a reportable offender.

- A person who is sentenced for a reportable offence on or after January 1, 2005.
- A person who was previously convicted of a reportable offence and as of January 1, 2005:
 - i) is serving a term of imprisonment
 - ii) is subject to a supervision order
- A person who, immediately prior to January 1, 2005 was subject to a reporting order under section 19 of the *Criminal Law Amendment Act 1945*.
- A person who, as of January 1, 2005, is subject to a recognised child protection related reporting order from another Australian state or territory.
- A person who is convicted by a court for an offence that is not a Class 1 or 2 offence under the Act and ordered to comply with the reporting obligations of the Act.
- A person who is made subject to a Forensic Order (*Criminal Code Act 1899 or Mental Health Act 2000*) and ordered to comply with the reporting obligations of the Act.

Length of reporting period

There are a number of factors that determine the length of a reporting period, including the seriousness of the offence committed and the number of reportable offences for which the person has been convicted.

A person may be required to report to police for a period of eight years, 15 years or in certain cases, for life.

A juvenile is required to report for half the reporting period that an adult would have been subject to under the same circumstances.

Reporting obligations

A reportable offender has certain reporting obligations to meet namely:

Initial report - generally, upon being released from custody or being sentenced on a reportable offence, a reportable offender has 28 days to provide certain personal details (see page 5 and 6) to police.

Annual report - a reportable offender must report his or her personal details to police each year for the length of their reporting period.

Change of personal details - a reportable offender must report to police any change to his or her personal details within 14 days of the change occurring.

Intended absence from Queensland - a reportable offender who intends to travel outside of Queensland for a period of 14 or more consecutive days, must report the following to police at least seven days before leaving Queensland.

- each state, territory or country to which the offender intends to go while out of Queensland.
- the approximate dates during which the offender intends to be in each of those states, territories or countries.
- the addresses, locations and approximate dates that the offender intends to reside at particular destination/s outside of Queensland.
- if the offender does not intend to return to Queensland, a statement of that intention.

Failing to comply with the above reporting obligations or to knowingly provide false or misleading information to police is an offence. Both are punishable by a fine of up to \$11,250 or two years imprisonment.

Personal details to be provided

When initially reporting to police, every reportable offender must provide certain personal details including:

- name and date of birth.
- any address/es or locations at which the offender regularly resides.
- employment details.
- names and ages of any children who generally reside in the same household as the offender, or with whom they have regular unsupervised contact.
- details of the offender's affiliation with any club or organisation that has child membership or child participation in its activities.
- details of any motor vehicle owned by, or generally driven by, the offender.
- details of any tattoos or permanent distinguishing marks.
- any criminal history or recognised reporting orders from another Australian state or territory that relate to offences of a type that are recognised as reportable offences in Queensland.
- any periods of government detention served since the offender was sentenced or released from government detention for a reportable offence.
- intended regular travel outside of Queensland.

Confidentiality of information

All information contained on the Child Protection Offender Register will be treated in a strictly confidential manner and will be only used for law enforcement purposes. The register will only be accessed by people authorised by the Commissioner of Police.

Personal details of offenders will not be made available to the public. The Act also provides that personal details of offenders cannot be accessed through Freedom of Information applications.

Further information

For further inquiries on the Child Protection Offender Register contact your local police station, your local Juvenile Aid Bureau or the Child Protection Offender Registry between 8am to 5pm on business days on 1300 552 931 (local call cost).

QPS Vision Statement

We are determined to be a professional police service, dedicated to excellence and committed to working in partnership with the people of Queensland to enhance the safety and security of our community.

