GILSHENAN & LUTON
LEGAL PRACTICE



Sex offenders' reporting obligations

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If you are convicted of a sexual offence against a child, in addition to being required to serve your sentence you will also be subject to reporting conditions. Those conditions are prescribed by the *Child Protection (Offender Reporting and Offender Prohibition Order) Act* 2004 ("the Act"). Offenders should familiarise themselves with their obligations under this Act, as failure to meet their obligations may lead to criminal charges, and possibly imprisonment.

What is the purpose of the Act?

The law recognises that any risk to the lives or sexual safety of children is unacceptable.

The purpose of the Act is to:

1. provide for the protection of the lives of children and their sexual safety; and
2. require particular offenders who commit sexual, or particular other serious offences against children to keep police informed of the offender's whereabouts and other personal details for a period of time after the offender's release into the community.

The objective is to reduce the likelihood that an offender will re-offend and to facilitate the investigation and prosecution of any future offences that the offender may commit.

What offences does this Act apply to?

You may be subject to the requirements under this Act if you have been convicted of a ‘reportable offence’. Reportable offences include (but are not limited to) rape, sexual assault, indecent treatment of a child, and child exploitation material offences.

Who is a ‘reportable offender’?

A ‘reportable offender’ is a person who:

1. is sentenced for a reportable offence after 1 January 2005 (including any reportable offence committed in a foreign jurisdiction);
2. is sentenced for an offence which the court has declared to be a reportable offence; or
3. is sentenced for a reportable offence before 1 January 2005, but was still in prison or under a supervision order after 1 January 2005; or
4. is a corresponding reportable offender (i.e. an offender who moves to Queensland from another Australian State or Territory and was subject to reporting requirements in that State or Territory); or
5. is subject to an offender reporting order; or
6. is subject to an offender prohibition order.

What are a reportable offender’s obligations?

A reportable offender will receive a ‘Notice of Reportable Offender’s Reporting Obligation’ (“the notice”) directing them to make their initial report to a police station within 7 days of receiving the paperwork. If a reportable offender does not receive the notice requiring them to make their initial report, they should report online or via telephone (details are below).

A reportable offender will then be required to make periodic reports in each reporting month, starting in the first month following the initial report. Periodic reports include a report that confirms a reportable offender’s personal details since the last report, are correct and have not changed.

A reportable offender will also be required to report other things, such as:

- Contact between the reportable offender and a child must be reported within 24 hours of the contact occurring;
- The reportable offender being in government detention for a period of at least 7 consecutive days, must be reported within 7 days of release from government detention;
- If the reportable offender intends to leave Queensland for 48 or more consecutive hours to travel elsewhere in Australia or intends to leave Queensland to travel out of Australia, they must report this intention at least 7 days prior to leaving Queensland.

Where does a reportable offender make a report?

There will be occasions when a reportable offender will be directed to report in-person to a police station. For the most part, reporting occurs via:

- Online – police.qld.gov.au/online/cpor (anytime); or
- Telephone – Child Protection Offender Registry (CPOR) on 1300 552 931.

If a reportable offender is unable to report online or by telephone, they can report at any local police station.

What happens when a reportable offender makes a report?

The information a reportable offender reports will be recorded in the National Child Offender System (this system is not accessible to the public). Every time a report is made, the reportable offender will be provided with a receipt or receipt number. It is important to retain the receipt or receipt number as proof the report was made.

When will a reportable offender's obligations end?

Generally, the length of a reporting period varies depending on how many reportable offences they have been convicted of and if they are subsequently convicted of further reportable offences. For example:

- if convicted of one reportable offence, the reporting period will be for 5 years after the date of the notice;
- if convicted of one or more reportable offence and is then subsequently convicted of a further reportable offence, the reporting period will be for 10 years after the date of the notice; or
- if convicted of one or more reportable offences and is then subsequently convicted of one or more further reportable offences, the reporting period will be for the remainder of the reportable offender's life from the date of the notice.

Can a reportable offender suspend their obligations to report?

They may suspend their reporting obligations in certain circumstances. These include that if they, or their parent or guardian, believes that:

1. you do not pose a risk to the lives or safety of children and you were a child (under 18 years) when you committed the offence that makes you a reportable offender; and
2. you do not pose a risk to the lives or sexual safety of children and you have a significant cognitive or physical impairment or a significant mental illness.

If a suspension is granted, it can be revoked at any time.

Does the Act give police additional powers?

The Act gives police additional powers regarding reportable offenders. These include the:

1. power to take photographs of a reportable offender or any of the things required to be reported under the Act;
2. power to enter the premises where a reportable offender generally resides to verify personal details reported by them;

3. power to inspect a storage device (computer, mobile phone, hard drives, USBs, email accounts, social media accounts) in the possession of a reportable offender if, in the last three months the reportable offender has been released from government detention or is sentenced to a supervision order, has been convicted of an internet offence, or a Magistrate makes a device inspection order;
4. power to require access information (i.e. passwords) for storage devices if the police officer suspects a reportable offender has committed an indictable offence against the Act. They can then look at the information on the device, copy it or convert it to documentary form.

What is a prohibition order?

If a reportable offender engages in concerning conduct, the Police Commissioner may apply to a court for a prohibition order.

Concerning conduct means an act or omission, or a course of conduct, the nature or pattern of which poses a risk to the lives or sexual safety of one or more children, or of children generally.

A prohibition order made by the court may prohibit a reportable offender from engaging in conduct or activities which would otherwise be considered lawful. This may include, but is not limited to:

- associating with, or otherwise contacting stated persons or a kind of person;
- being in stated locations or a stated kind of location;
- residing at a stated residence, or a kind of stated residence or location;
- engaging in stated behaviour;
- being in a stated employment or stated kind of employment; or
- prohibition from entering or remaining in a stated place even if a reportable offender normally has a right to enter the place.

What happens if a reportable offender does not comply with their obligations?

If a reportable offender fails to comply with their reporting obligations, provides false or misleading information, fails to comply with an offender prohibition order, or does not comply with a requirement by police to provide access information, they could be charged with a criminal offence, punishable by a maximum fine of 300 penalty units (which equates to $39,165.00, as at July 2019) or 5 years imprisonment.

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